

DECEMBER 3 & 4, 1984

The Board of County Commissioners did not meet in regular session. Commissioner Palmer was in San Francisco, California, December 3rd through the 5th, where he attended the NACo Employment Policy Conference and the Human Resource Conference, and Commissioner Evans was out of the office December 3rd and 4th.

DECEMBER 5, 1984

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

AUDIT LIST

Commissioners Evans and Dussault signed the Audit List, dated December 4, 1984, pages 1-32, with a grand total of \$179,404.14. The Audit List was returned to the Accounting Department.

WEEKLY PUBLIC MEETING CANCELED

The Weekly Public Meeting scheduled for this date was canceled as two of the Commissioners were scheduled to be gone.

DECEMBER 6, 1984

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

DAILY ADMINISTRATIVE MEETING

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

✓ AGREEMENT FOR SERVICES

The Board of County Commissioners signed an Agreement for Services between Missoula County and John B. Stone for the purpose of snow plowing services on County roads, specifically a portion of the Sunset Hill Road (Clearwater Junction area) and across the bridge over the Blackfoot River as per the terms set forth in the Agreement, at a rate of \$25.00 per hour, not to exceed a total amount of \$10,000.00, but with a minimum of \$250.00 guaranteed payment as compensation for on-call duty, for the period from December 26, 1984, through March 15, 1985. The Agreement was returned to the Surveyor's Office for further handling.

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 850012, a request from the County Attorney to transfer \$250.00 from the Vehicle Repairs Account to the Gas and Diesel Fuel (\$200.00) and the Dues and Memberships (\$50.00) accounts as minor miscalculations in two categories require a transfer to keep line items from being overexpended and adopted the transfer as part of the FY '85 budget.

RESOLUTION NO. 84-146

The Board of County Commissioners signed Resolution No. 84-146, a budget amendment for FY '85 for the Library, including the following expenditure and revenue, and adopting it as part of the FY '85 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Library: 2220-410-460110-331 (Library Recruitment Costs)	\$3,000.00
<u>Description of Revenue</u>	<u>Revenue</u>
2220-410-337014 PILT	\$3,000.00

RESOLUTION NO. 84-147

The Board of County Commissioners signed Resolution No. 84-147, a budget amendment for FY '85 for the Art Museum, including the following expenditure and revenue and adopting it as part of the FY '85 Budget:

<u>Description of Expenditure</u>	<u>Budget</u>
7020-467-411230-334 Art Museum Building Repair & Maintenance Trust	\$3,600
<u>Description of Revenue</u>	<u>Revenue</u>
7020-467-383024 PILT	\$3,600

✓ AGREEMENT

The Board of County Commissioners signed an Agreement between Missoula County and the State Department of Transportation, National Highway Traffic Safety Administration, for the seat belt grant in the amount of \$25,000.00, as per the provisions set forth in the Agreement, and with a completion date of September 30, 1985. Two copies were sent to Al Goke, of the Montana Highway Traffic Safety Division in Helena, and one copy was returned to the Health Department.

PROCLAMATION

The Board of County Commissioners, joining with others across the Nation, signed a Proclamation designating the week of December 9-15, 1984, as "National Drunk and Drugged Driving Awareness Week," and encourages the community to use responsible alternatives to driving under the influence.

PROCLAMATION

The Board of County Commissioners signed a Proclamation in memory of Sergeant Allen L. Kimery, of the Missoula County Sheriff's department, who was killed in the line of duty on December 6, 1984, resolving that the American flag be displayed at half-staff until his interment.

DECEMBER 6, 1984, CONT.

LEASE/RENTAL AGREEMENT

The Board of County Commissioners signed a Lease/Rental Agreement for Commercial Space, dated November 26, 1984, between R. Elaine Barnett of Hamilton and the WIC Program of Ravalli County (who have an agreement with the Missoula City-County Health Department) for space to be used by the WIC Program for a period of two years from December 1, 1984, as per the terms set forth in the Agreement for a total amount of \$215.00 per month rent. The Agreement was returned to the Health Department for further handling.

Other matters included:

BID AWARD

The following bids were received for one 3/4-ton 4x4 pickup truck for the Surveyor's Office:

<u>BIDDER</u>	<u>BID</u>
DeMarois Olds - GMC	\$12,757.00
T & W Chevrolet	13,189.00
Bitterroot Motors	13,399.00
Grizzly Auto	14,573.00

In accordance with the recommendation of County Surveyor Dick Colvill, the Commissioners voted 3-0 to award the contract to DeMarois Olds-GMC, the contract low bidder, in the amount of \$12,757.00.

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

DECEMBER 7, 1984

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


MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the monthly report of Justice of the Peace Janet Stevens for collections and distributions, month ending November 30, 1984.

ELECTION RECOUNT

In the forenoon, the Board of County Commissioners participated in the recount of votes for Senate District 27 candidates Dick Pinsoneault and Al Meyers, from the General Election which was held November 6, 1984.

  
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 Fern Hart, Clerk & Recorder

  
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 Bob Palmer, Chairman, Board of County Commissioners

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DECEMBER 10, 1984

The Board of County Commissioners met in regular session in the forenoon; all three members were present. Commissioner Palmer left at noon for Portland, Oregon, where he will attend BPA Task Force Meetings.

MONTHLY REPORT

Chairman Palmer examined, approved and ordered filed the monthly report of Justice of the Peace, W.P. Monger, for collections and distributions for month-ending November 30, 1984.

DAILY ADMINISTRATIVE MEETING

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

PLAT

The Board of County Commissioners signed the Plat for the Taylor Addition, resubdividing Orchard Homes Addition No. 4, Lot 25, Section 19, T13N, R19W, the owner of record being Catherine H. Taylor (signed by Libby Sale).

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Loren Laferty-Pinski, an independent contractor, for the purpose of investigating and designing a dataprocessing system for the Health Services Division; scheduling, client tracking, grocery program spread sheet and staff productivity for the WIC Program; information exchange system between WIC and Nursing; and client tracking and a modification of an employee productivity tracking system for records and developing a data base system for the period from November 19, 1984 through June 30, 1985, for a total amount not to exceed \$2,100.00. The Contract was returned to the Health Department for further handling.

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Robinson and O'Neill, Architects, an independent contractor, for the purpose of interior design services for the Missoula City County Health Department located on the second floor of the County Welfare Department located on the second floor of the County Welfare Building at 301 West Alder; the project is to include the design development contract documents and the bidding/negotiation and construction phase of the design submitted previously under the contract dated March 5, 1984. The design is for the interior layout. The purpose is to maximize usage of the 9,384 square feet (gross) on the second floor for use of office space. The contract period will be from October 23, 1984 through June 30, 1985, for a total amount not to exceed \$6,377.00, which is based upon a 10% construction budget of \$91,773.00, less the \$2,800.00 previously paid on the contract dated March 5, 1984. The Contract was returned to the Health Department for further handling.



DECEMBER 10, 1984, CONT.

Other matters included:

BOARD APPOINTMENTS

- ✓ 1. The Board of County Commissioners reappointed Wayne Van Meter to a three-year term on the City-County Health Board. His new term will expire December 31, 1987; and
- ✓ 2. The Board of County Commissioners reappointed Mary Stevenson to a five-year term on the Missoula County Airport Authority. Her new term will expire December 31, 1989.

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

DECEMBER 11, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Portland, Oregon, where he attended BPA Task Force Meetings December 11th through the 13th, 1984.

MONTHLY REPORT

Acting Chairman Evans examined, approved and ordered filed the monthly report of the Clerk of District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for the month ending November 30, 1984.

AUDIT LIST

Commissioners Evans and Dussault signed the Audit List, dated December 10, 1984, pages 1-38, with a grand total of \$291,834.40. The Audit List was returned to the Accounting Department.

INDEMNITY BOND

Acting Chairman Evans examined, approved and ordered filed an Indemnity Bond naming James P. Marks as principal for warrant #34529, dated December 6, 1984, on the Missoula County Payroll Fund, in the amount of \$51.58, now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the Transmittal Sheet for Payroll Period #25 (11-18-84/12-01-84), with a grand total for all funds of \$331,020.16. The Transmittal Sheet was returned to the Auditor's Office.

RESOLUTION NO. 84-148

The Board of County Commissioners signed Resolution No. 84-148, a Budget Amendment for FY '85 for the Art Museum, including the following, and adopting it as part of the FY '85 Budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Due to a budgeting error, donations were budgeted \$3,600 too high. (The confusion revolved around the Building Trust Fund.)	
<u>Description of Revenue</u>	<u>Revenue</u>
2360-461-337014 (increase) PILT	\$3,600.00
2360-461-365000 (decrease) DONATIONS	\$3,600.00

RESOLUTION NO. 84-149

The Board of County Commissioners signed Resolution, a resolution directing the County Treasurer to issue a County Warrant to Karen L. Hansen in the amount of \$3,091.22 as a refund for taxes collected in error in tax years 1974 through 1983, as certain property in the Milltown area was erroneously included on the tax bills for property owned by Margaret H. Longe and Karen L. Hansen, heir and personal representative of Margaret H. Longe.

✓ CONTRACT

The Board of County Commissioners signed a Personal Services Contract regarding local economic development between Missoula County and Daniel Kemmis, Organizer/Lobbyist, as per the terms set forth in the Contract, for a period of seven (7) months, with the County's obligation to pay the amounts stated, contingent upon two other units of local government similarly committed to obligate themselves.

✓ MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement, dated July 1, 1984, between Missoula County and the Missoula County Humane Society, whereby the County will purchase the service of a facility where the large numbers of stray, abandoned and lost cats in the community may be sheltered at the Humane Society, who will provide the service as per the terms set forth in the Agreement, for the period from July 1, 1984 through June 30, 1985, for a total amount of \$10,000.00.

Other matters included:

Kathy Ogren and John Orr met with the Commissioners regarding the Watson Receiving Home and a CBO funding request for FY '86.

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

DECEMBER 12, 1984

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

#### ELECTION CANVASS

In the forenoon, Commissioners Evans and Dussault participated in the Canvass of the Absentee Ballots for the Urban Transportation District from the November 6th Election.

#### 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 Elden L. Inabnit of Eli and Associates, granting a 120-day extension for the plat filing deadline for the Orrsdale No. 1 Subdivision, placing the new deadline at April 19, 1985.

Other matters included:

- ✓ The Board met with Dick Colvill and Fred Crisp of the Surveyor's Office regarding the demolition of the California Street Bridge. The Commissioners gave approval to go ahead with selling the bridge.

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

#### PUBLIC MEETING

Acting Chairman Barbara Evans called the meeting to order at 1:30 p.m. Also present was Commissioner Ann Mary Dussault. Commissioner Bob Palmer was in Portland on Commission business.

#### SIGNING OF BOND RESOLUTION FOR MISSOULA IV IDR BONDS

The signing of the Bond Resolution for the issuance of the Missoula IV IDR Bonds had been listed as an agenda item for this public meeting. Deputy County Attorney Michael W. Sehestedt informed the Commissioners that a one-week continuance had been requested by the applicants in order to complete the bond documents.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that the signing of the bond documents for the issuance of the Missoula IV IDR Bonds be continued one week, to the public evening meeting of December 19, 1984, to be held at 7:30 p.m. in City Council Chambers, City Hall, 201 W. Spruce. The motion passed by a vote of 2-0.

#### SIGNING OF: BOND RESOLUTION AND DOCUMENTS FOR WASHINGTON CORPORATIONS IDR BONDS

Deputy County Attorney Michael W. Sehestedt informed the Board that Ms. Mahogany Hefner, paralegal for the law firm of Dorsey & Whitney, of Minneapolis, was bringing the bond documents for signature on a flight that had been delayed.

The meeting was then recessed until 1:55 p.m., when Ms. Hefner arrived.

Deputy County Attorney Michael Sehestedt explained that the documents to be signed were in regard to the issuance of up to \$3 million in Missoula County Industrial Development Revenue Bonds as part of a financing package to relocate its headquarters from its present location at 500 Taylor Street to a Reserve Street location. The issuance of the bonds had been approved and found to be in the public interest by the Board of County Commissioners on March 30, 1983. Bond market conditions had precluded the closing of the issuance. Ralph Kirscher, attorney with the law firm of Green, MacDonald & Kirscher, had requested preservation of the right to have IDR Bonds issued pursuant to the inducement resolution adopted on March 30, 1983. Acting on this request, a re-hearing had been scheduled in order to comply with the Tax Equity Reform Act, which requires a hearing no more than one year prior to the issuance of the bonds in regard to the question of whether or not such an issuance was in the public interest. This re-hearing had been held at the Board of County Commissioners' public meeting at 1:30 p.m. on November 21, 1984, and the Commissioners had again found the bonds to be in the public interest at that hearing and had authorized their issuance.

Mike Sehestedt then introduced Ms. Hefner to the Board. She informed the Board that the purchaser of the bonds was Manufacturers' Hanover Trust, with the First National Bank (Missoula) serving as trustee and Washington Corporations as the beneficiary.

At this point, the various bond documents were presented for Board signature. Commissioner Ann Mary Dussault moved, and Acting Chairman Barbara Evans seconded the motion, that Acting Chairman Barbara Evans be authorized to sign the appropriate documents. The motion passed by a vote of 2-0.

Commissioner Ann Mary Dussault moved further that Deputy County Clerk and Recorder Wendy Ross Cromwell be authorized to attest to Acting Chairman Evans' signature. The motion passed by a vote of 2-0.

Commissioner Ann Mary Dussault moved, and Barbara Evans seconded the motion that the resolution authorizing the issuance of up to \$3 million in Industrial Development Revenue Bonds as part of a financing package to relocate the headquarters of Washington Corporations from its present location at 500 Taylor Street to a new location on Reserve Street be approved and signed. The motion passed by a vote of 2-0.

#### RESOLUTION 84-150

The Commissioners then signed Resolution 84-150, authorizing the issuance of up to \$3 million in Industrial Development Revenue Bonds as part of a financing package to relocate the headquarters of Washington Corporations from the present location at 500 Taylor Street to a new Reserve Street location. The project includes substantial external and internal renovation of the existing Modern Machinery Company structure at 3601 N. Reserve.

Commissioner Ann Mary Dussault moved, and Acting Chairman Barbara Evans seconded the motion, that Acting Chairman Evans be authorized to execute the Loan Agreement in regard to the issuance of up to \$3 million in Industrial Development Revenue Bonds to Washington Corporations, and that Deputy Clerk and Recorder Wendy Ross Cromwell be authorized to attest to her signature. The motion passed by a vote of 2-0.

PUBLIC MEETING, DECEMBER 12, 1984, CONTINUED

✓ LOAN AGREEMENT

Acting Chairman Barbara Evans then executed the Loan Agreement pursuant to the issuance of up to \$3 million in Industrial Development Revenue Bonds, as set forth above. Deputy Clerk and Recorder Wendy Ross Cromwell attested to her signature.

Commissioner Ann Mary Dussault moved, and Acting Chairman Evans seconded the motion, that Acting Chairman Evans be authorized to execute the Trust Indenture for the issuance of up to \$3 million in Missoula County Industrial Development Revenue Bonds to Washington Corporations, as set forth above, and that Deputy Clerk and Recorder Wendy Ross Cromwell be authorized to attest to her signature. The motion carried, 2-0.

✓ TRUST INDENTURE

Acting Chairman Evans then executed the Trust Indenture, as set forth above, and Wendy Cromwell attested.

Commissioner Ann Mary Dussault moved, and Acting Chairman Barbara Evans seconded the motion, that Acting Chairman Evans be authorized to sign the Mortgage and Security Agreement. The motion passed, 2-0.

✓ MORTGAGE AND SECURITY AGREEMENT

Acting Chairman Evans then signed the Mortgage and Security Agreement, as set forth above.

Commissioner Ann Mary Dussault moved, and Acting Chairman Barbara Evans seconded the motion, that Acting Chairman Evans be authorized to sign the Certificate of Officers for the County of Missoula, Montana, and that Deputy Clerk and Recorder Wendy Ross Cromwell be authorized to attest her signature. The motion passed by a vote of 2-0.

CERTIFICATE OF OFFICERS OF MISSOULA COUNTY, MONTANA

Acting Chairman Evans then signed the Certificate of Officers of Missoula County, Montana, and Wendy Ross Cromwell attested to her signature.

Commissioner Ann Mary Dussault the moved, and Acting Chairman Barbara Evans seconded the motion, that Acting Chairman Barbara Evans and Deputy County Attorney Michael W. Sehestedt be authorized to sign the Request and Authorization to Trustee. The motion passed by a vote of 2-0.

✓ REQUEST AND AUTHORIZATION TO TRUSTEE

Acting Chairman Evans and Deputy County Attorney Michael W. Sehestedt then signed the Request and Authorization to Trustee, pursuant to the issuance of IDR Bonds as set forth above.

Commissioner Ann Mary Dussault moved, and Acting Chairman Evans seconded the motion, that Deputy County Clerk and Recorder Wendy Ross Cromwell be authorized to sign the Notice of Issuance of Bonds and Certificate of Official Action. The motion passed by a vote of 2-0.

✓ NOTICE OF ISSUANCE OF BONDS AND CERTIFICATE OF OFFICIAL ACTION

Deputy Clerk and Recorder Wendy Ross Cromwell then signed the Notice of Issuance of Bonds and Certificate of Official Action, pursuant to the issuance of IDR Bonds as set forth above.

Commissioner Ann Mary Dussault moved, and Acting Chairman Barbara Evans seconded the motion, that Acting Chairman Barbara Evans be authorized to sign the Statement of Election, and that Deputy Clerk and Recorder Wendy Ross Cromwell be authorized to attest to her signature. The motion passed by a vote of 2-0.

✓ STATEMENT OF ELECTION

Acting Chairman Barbara Evans then signed the Statement of Election, pursuant to the issuance of IDR Bonds as set forth above. Deputy Clerk and Recorder Wendy Ross Cromwell attested to her signature.

Commissioner Ann Mary Dussault moved, and Acting Chairman Barbara Evans seconded the motion, that Acting Chairman Barbara Evans be authorized to sign the County of Missoula, Montana Arbitrage Certificate, and that Deputy Clerk and Recorder Wendy Ross Cromwell be authorized to attest to her signature. The motion passed by a vote of 2-0.

✓ COUNTY OF MISSOULA, MONTANA ARBITRAGE CERTIFICATE

Acting Chairman Barbara Evans then executed the County of Missoula, Montana Arbitrage Certificate. Deputy Clerk and Recorder Wendy Ross Cromwell attested to her signature.

Commissioner Ann Mary Dussault moved, and Acting Chairman Barbara Evans seconded her motion, that Acting Chairman Barbara Evans be authorized to sign the Affidavit as to Signatures of County Officers; and that Deputy Clerk and Recorder Wendy Ross Cromwell be authorized to attest to her signature. The motion passed, 2-0.

AFFIDAVIT AS TO SIGNATURES OF COUNTY OFFICERS

Acting Chairman Barbara Evans then executed the Affidavit as to Signatures of County Officers, and Deputy Clerk and Recorder Wendy Ross Cromwell attested to her signature.

Commissioner Ann Mary Dussault then moved, and Acting Chairman Barbara Evans seconded the motion, that Acting Chairman Barbara Evans be authorized to sign IRS Form 80-38. The motion passed, 2-0.

✓ IRS FORM 80-38

Acting Chairman Barbara Evans then signed IRS Form 80-38, pursuant to the issuance of IDR Bonds as set forth above.

Commissioner Ann Mary Dussault then moved, and Acting Chairman Barbara Evans seconded the motion, that Acting Chairman Barbara Evans be authorized to sign the Indexing Agent Agreement. The motion passed, 2-0.

✓ INDEXING AGENT AGREEMENT

Acting Chairman Barbara Evans then signed the Indexing Agent Agreement, pursuant to the issuance of IDR Bonds as set forth above.

PUBLIC MEETING, DECEMBER 12, 1984, CONTINUED

Commissioner Ann Mary Dussault moved, and Acting Chairman Barbara Evans seconded the motion, that Acting Chairman Barbara Evans be authorized to sign the Mortgage Note, pursuant to the issuance of IDR Bonds, as set forth above. The motion passed, 2-0.

✓ MORTGAGE NOTE

Acting Chairman Barbara Evans then signed the Mortgage Note, pursuant to the issuance of up to \$3 million in Missoula County IDR Bonds to Washington Corporations, as set forth above.

Commissioner Ann Mary Dussault then moved, and Acting Chairman Barbara Evans seconded the motion, that Acting Chairman Barbara Evans be authorized to sign Documents R1, R2 and R3, the Notes, pursuant to the issuance of up to \$3 million in IDR Bonds to Washington Corporations, as set forth above, and that Deputy Clerk and Recorder Wendy Ross Cromwell be authorized to attest to her signature. The motion passed, 2-0.

✓ DOCUMENTS R1, R2 AND R3: NOTES

Acting Chairman Barbara Evans then signed the Notes, Documents R1, R2 and R3, pursuant to the issuance of IDR Bonds in the amount of up to \$3 million to Washington Corporations, as set forth above.

Commissioner Ann Mary Dussault moved, and Acting Chairman Barbara Evans seconded the motion, authorizing Acting Chairman Barbara Evans to sign the UCC Forms and Financing Statement, making Missoula County and Manufacturers' Hanover Trust the secured parties in regard to the issuance of up to \$3 million in Missoula County Industrial Development Revenue Bonds, as set forth above. The motion passed by a vote of 2-0.

✓ UCC FORMS AND FINANCING STATEMENT

Acting Chairman Barbara Evans then executed the UCC Forms and Financing Statement, making Missoula County and Manufacturers' Hanover Trust the secured parties in regard to the issuance of up to \$3 million in Missoula County Industrial Development Revenue Bonds to Washington Corporations, as set forth above.

Since there was no further business to come before the Board of County Commissioners, the meeting was recessed at 4:00 p.m.

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DECEMBER 13, 1984

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Evans was out of the office until noon. Commissioner Dussault participated in the Leadership Missoula II program in the forenoon, and Commissioner Evans took part in the afternoon.

✓ ✓ RESOLUTION NO. 84-150A

The Board of County Commissioners signed Resolution No. 84-150A, a Resolution of Intention to Create RSID No. 827, for the purpose of installation of a fire hydrant in Catrina Addition, Missoula County.

✓ ✓ RESOLUTION NO. 84-151

The Board of County Commissioners signed Resolution No. 84-151, a Resolution of Intention to Create RSID No. 828, for the purpose of installation of a fire hydrant in Gustafson Addition, Missoula County.

✓ ✓ RESOLUTION NO. 84-152

The Board of County Commissioners signed Resolution No. 84-152, a Resolution of Intention to Create RSID No. 829, for the purpose of installation of a fire hydrant in Orchard Court Addition, Missoula County.

✓ ✓ RESOLUTION NO. 84-153

The Board of County Commissioners signed Resolution No. 84-153, a Resolution of Intent to Create RSID No. 830, for the purpose of instillation of a fire hydrant in Larkspur Addition, Missoula County.

NOTICES OF PASSAGE

Acting Chair Dussault signed Notices of Passage of the above four (4) Resolutions of Intention to Create RSID's Nos. 827, 828, 829 and 830, setting the hearing date for each at 1:30 p.m. on January 2, 1985.

DECEMBER 14, 1984

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

*Fern Hart*  
Fern Hart, Clerk & Recorder

*Bob Palmer*  
Bob Palmer, Chairman

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DECEMBER 17, 1984

The Board of County Commissioners did not meet in regular session. Commissioner Palmer was in Helena attending a JPTA (Job Partnership Training Act) meeting, and Commissioner Evans was out of the office all day because of illness.

DECEMBER 18, 1984

The Board of County Commissioners met in regular session; all three members were present. Commissioner Palmer attended a Local Government Joint Energy Committee Meeting held in Missoula during the day.

DAILY ADMINISTRATIVE MEETING

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

DECEMBER 18, 1984, CONT.

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 850013, a request from the Health Department to transfer \$3,019.00 from the temporary salaries (\$2,819.00) and postage (\$200.00) accounts to the permanent salaries (\$2,819.00) and books (\$200.00) accounts for the purpose of changing the status of an employee from temporary to permanent part-time and approved it as part of the FY '85 budget.

✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Bob Marsenich -- Metamorphosis, an independent contractor for the purpose of conducting a Performance Appraisal Pilot Project for the Personnel and Commissioners Offices and will include training and consulting services, beginning December 19, 1984, for a total sum not to exceed \$5,400.00, with the funding to come from Financial Administration, Contracted Services.

BOARD APPOINTMENTS

The following Board Appointments were made by the Board of County Commissioners:

- ✓ 1. Norman Taylor was appointed to a three-year term on the Missoula County Tax Appeal Board. His term will expire December 31, 1987; and
- ✓ 2. Terry Sehestedt, Edward Mosier, Julie Cummings-Motl, Patrick Cainan, Carl Magno and Bill Carey were reappointed to a one-year term on the Loan Review Committee. Their terms will expire December 31, 1985.

Other matters included:

- 1. Frank Williams, Ravalli County Commissioner, met with the Board regarding Bitterroot RC&D matters; and
- ✓ 2. The Commissioners voted unanimously to declare the Lorraine South County Water District organized. The petition to create the water district was approved in August, 1984; the eligible voters unanimously approved creation of the district in the November 6, 1984 General Election; and a certificate will be forwarded by the Clerk and Recorder's Office to the Secretary of State, declaring the district organized in order that it could be approved by the end of the year.

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

DECEMBER 19, 1984

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

AUDIT LIST

Commissioners Evans and Palmer signed the Audit List, dated December 17, 1984, pages 8-36, with a grand total of \$209,003.46. The Audit List was returned to the Accounting Department.

INDEMNITY BOND

Chairman Palmer examined, approved and ordered filed an Indemnity Bond naming Snows Store Equipment Company as principal for warrant no. 4275, dated August 21, 1984, on the Missoula County Fair Fund in the amount of \$60.00, now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

✓ / RESOLUTION NO. 84-154

The Board of County Commissioners signed Resolution No. 84-154, a satisfaction of an Improvements Agreement, dated March 19, 1984, between Missoula County and Clifford A. and Opal Mae Frey, the subdividers, who have completed the installation of all required improvements for Clark Fork Estates, Phase I, as per the agreement, and thereby rescinding the restriction in the agreement against the sale of lots.

Other matters considered included:

- 1. The Commissioners voted to approve a reduction of taxes in the amount of \$153.30 in the settlement of the Bradford Case, which was presented by Jean Wilcox, Deputy County Attorney;
- 2. A discussion was held on the Lake/Mineral County District Court costs with John DeVore, Operations Officer;
- 3. Courthouse remodeling was discussed;
- 4. Susan Kohler-Hurd and John Bauer of the Friends of RSVP met with the Board regarding the RSVP Trust Fund; and
- 5. A detailed discussion was held in the RSID refund procedure.

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

PUBLIC MEETING

The monthly evening public meeting of the Board of Commissioners of Missoula County, Montana was held in the Missoula City Council Chambers, located at 201 W. Spruce, Missoula, Montana. Chairman Bob Palmer called the meeting to order at 7:30 p.m.

✓ BID AWARD: CONTRACTOR SNOWPLOWING (SURVEYOR)

Under consideration was the award of a contract for private snow plowing on County roads in the Condon area. The following bids for snow plowing were opened December 17, 1984, with the following bids received:

Richards Construction	Truck	Motor Patrol
Nelcon, Inc.	\$45.00/hr.	\$65.00/hr.
	----	\$39.63/hr.

PUBLIC MEETING, DECEMBER 19, 1984, CONT.

Information provided by County Surveyor Dick Colvill stated that this was for back-up snow plowing on County roads by a private contractor. The contractor would be called out when the snow exceeded the capability of the County crews. An identical contract had been awarded for the past three years. In addition, Dick Colvill said that \$41,000 was available in the current budget for contracted services (sand crushing and snow plowing).

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the bid for back-up snow plowing for the County Surveyor's Office be awarded to the low bidder, Nelcon, Inc., for patrol plowing at the rate of \$39.63/hour, in accordance with the Surveyor's recommendation. The motion passed, 3-0.

✓ SIGNING OF: BOND RESOLUTION FOR MISSOULA IV INDUSTRIAL DEVELOPMENT REVENUE BONDS (POSTPONED FROM THE PREVIOUS WEEK)

Chairman Bob Palmer asked Deputy County Attorney Michael W. Sehestedt to brief the Commissioners on the action requested. Mr. Sehestedt stated that this was the time set to sign the Bond Resolution for the Missoula IV IDR Bonds, a \$35,000 issue for the construction of the Keller Plumbing Wholesale Supply House. He then presented the following documents for Board signature:

Commissioner Ann Mary Dussault moved, and Commissioner Barbara Evans seconded the motion, that the resolution waiving compliance with certain procedures established by Resolution 82-15 be signed in regard to the issuance of these Industrial Development Revenue Bonds. The motion passed by a vote of 3-0.

RESOLUTION 84-156

The Commissioners then signed Resolution 84-156 with respect to the issuance of \$350,000 in Industrial Development Revenue Bonds for the Missoula IV project, waiving compliance with certain procedures established by Resolution No. 82-15 for the review and issuance of Industrial Development Revenue Bonds for Missoula County.

RESOLUTION NO. 84-157

Deputy County Attorney Michael Sehestedt then presented the resolution setting certain terms for the bond issuance to the Commissioners.

Commissioner Barbara Evans moved, and Commissioner Ann Mary Dussault seconded the motion, that the following described resolution be signed:

A resolution of the Board of County Commissioners of Missoula County, Montana, authorizing the making of a loan to Missoula IV, for the purpose of financing the acquisition, construction, installation, and equipment of a project by Missoula IV; authorizing the issuance of the County's \$350,000 principal amount Industrial Development Revenue Bond (Missoula IV Project), to fund said loan to Missoula IV; prescribing the form of loan agreement and authorizing the execution thereof; prescribing the form of a bond purchase contract and authorizing the execution thereof; prescribing the form of assignment and authorizing the execution thereof; prescribing the form of depository agreement and authorizing the execution thereof; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution.

The motion passed, by a vote of 3-0, and the Commissioners signed the resolution.

Deputy County Attorney Michael Sehestedt noted for the record a request that the Board of County Commissioners authorize the Chairman to sign the Application for the State Allocation. He stated that under the Tax Equity and Reform Act, specifically as it relates to IDR Bonds, the State had been given a limited total dollar amount in tax exempt private entity bonds. For these to qualify, or to be allocated part of the State's total allocation, the document would have to be signed and sent to the State of Montana, he said.

Commissioner Barbara Evans moved, and Commissioner Ann Mary Dussault seconded the motion, that the Chairman be authorized to sign the Private Activity Bond Allocation Application and Response. The motion carried by a vote of 3-0.

Chairman Bob Palmer then signed the Private Activity Bond Allocation Application and Response, to be then forwarded to the State of Montana Department of Administration in Helena.

Deputy County Attorney Michael W. Sehestedt then stated that he had no further action items, but stated that he would ask that the record reflect that he had delivered to the Board of County Commissioners the final working copies of the further bond documents in this transaction.

In response to a question from Commissioner Barbara Evans as to whether the documents for the issue would eventually be bound, Mr. Sehestedt responded that they would be, eventually. He stated that at that point they had the final drafts, which were called the "black line" copies, which he believed to be the final drafts. He stated that he simply wanted the record to reflect that copies had been delivered to the Commissioners and that they would propose to execute these further documents in approximately thirty days, which would mean effectively closing the issue on January 21, 1985.

Since there were no further action or information items to come before the Board of County Commissioners in regard to the issuance of these bonds, the Commissioners moved on to the next item of business on their agenda, a hearing on a petition for detraction from the Seeley Lake Fire District.

✓ HEARING: PETITION FOR DETRACTION FROM SEELEY LAKE, <sup>RURAL</sup> FIRE DISTRICT

Chairman Bob Palmer read the Request for Commission Action which had been prepared by Recording Division Manager Kathi J. Doerr Mitchell, which stated that a petition had been received by the Clerk and Recorder's Office in regard to detraction from the Seeley Lake <sup>RURAL</sup> Fire District for the area described on the petition. The petition for detraction from the Seeley Lake <sup>RURAL</sup> Fire District presented to the Clerk and Recorder had been checked and verified. The petition contained signatures of 20% of the owners of the privately owned land in the area to be detracted and 20% of the taxpaying freeholders within the area described, so it met the requirements of 7-33-2122, M.C.A.

The area was posted, as required by M.C.A. 7-33-2122 and the notice of hearing was published in the Missoulian on December 9, 1984, and mailed to all freeholders of record in the Seeley Lake <sup>RURAL</sup> Fire District within 10 days of the hearing date.



## PUBLIC MEETING, DECEMBER 19, 1985, CONTINUED

## HEARING: PETITION FOR DETRACTION FROM SEELEY LAKE FIRE DISTRICT, CONT.

Bob Palmer asked Deputy County Attorney Mike Sehestedt to comment on the legal ramifications of the petition. He said that basically there had been a petition filed seeking detraction of certain areas in Missoula County from the Seeley Lake Rural Fire District. He said that the hearing had been duly noticed, both by publication and by posting in the district. He said that the purpose of the hearing was to determine whether or not there was sufficient protest to prevent that detraction, and if there weren't a protest by 50% of the freeholders of the entire Seeley Lake Rural Fire District, then the Commissioners had no choice but to grant the petition for detraction. If there were a protest by 50% or more of the residents of the Seeley Lake Rural Fire District, then the Commissioners had no choice but to deny the detraction. He said that it was denominated a hearing, but the purpose was to hear the protest, if any, and to determine whether or not protest against the petition had reached the requisite level. He said that with that in mind, he would ask if there were any individuals present wishing to protest.

At this point, Bob Palmer asked if there were anyone in the audience caring to protest the detraction. One hand was raised, and he then asked if anyone in the audience was carrying a suitcase of petitions in protest to represent 50% or more of people within the Rural Fire District of Seeley Lake.

Howard Toole stated that there was a large group of people present who were interested in speaking in favor of the detraction.

Bob Palmer said that it was really a moot point if there were not 50% or more of the people within the Fire District which would oppose the detraction. He said that if that were not the case, the Commissioners had no choice but to automatically award the detraction.

David Whitsitt asked a question from the back of the room as to why 50% were needed to kill the petition, but 50% of the members of the district weren't needed to successfully petition out of the district.

Bob Palmer referred the question to Deputy County Attorney Mike Sehestedt, who stated that that was the way it was set up in the State codes: 20% can request to be detracted, and their request can be defeated by a majority. He then qualified his statement by stating that the 20% would be of the people within the area to be detracted.

Bob Palmer asked if this were the end of the time needed to protest the detraction, and Mike Sehestedt said that it was. Bob Palmer said that the hearing date and time had been legally posted and noticed, and anybody within the Seeley Lake Rural Fire District that did not approve of the action taken by the people who wanted out of the fire district had had time to secure the requisite number of signatures, present them, and if there had been 50% or more, then the Commissioners would have had to deny detraction. He said that that had not occurred, and it looked like the petitioners for detraction had met the legal threshold for detraction, and the Commissioners at that point had no choice but to authorize the detraction.

Barbara Evans added that that was State law, and the Commissioners had no room to negotiate on that.

Bob Palmer said that he didn't want to shut anybody off, but there really did not seem to be a reason to testify on a question on which the Commissioners had no leeway if certain legal requirements had been met.

Howard Toole said that there were several people present who were responsible for the petition and were interested in speaking.

The following people spoke:

1. Harry Northey said that he owned Lot 18 on Lake Inez Shore Sites. He said that he would not object to paying for the Seeley Lake<sup>Rural</sup> Fire District if they and the Commissioners would guarantee them fire protection. He said that they were confident that the District could not provide it. He said that the previous year he had had a minor fire in his cabin. He had called 9-1-1. It was not a cabin, he said, but a couple of trees on fire. He had called 9-1-1, and he was given to understand that the district had not really been set up yet, but just as an example, an hour and a half later a man from the Forest Service had come up with no equipment. The Seeley Lake Volunteer Fire Department never had responded to the fire, and they had a bridge going to their area which affected everyone on the detraction petition that the Seeley Lake Fire truck would not cross. He said that if they were to pay for the fire district, they would be paying for something for which they were not receiving a service, and instead of just brushing the petitioners off, the Commissioners had an obligation to see if there is some way to guarantee fire protection, because if they paid for it, they had a right to expect it.

2. David Whitsitt, Seeley Lake Rural Fire Chief, said that he was not aware of the incident mentioned above, but he said that they usually got to them. Just last month they had saved a building down in 9-Mile Prairie, which was a whole lot further from Seeley Lake than Lake Inez. He said that they had been called to Lake Inez several times, and they had responded to both fires and medical emergencies there. He said that this fire district includes not only fire protection but emergency medical protection. He said that the Fire Board had said that if anyone wanted to secede from the district, they didn't have to fight the fire, but they couldn't refuse emergency medical service, so the people who seceded from the district would be getting something that they weren't paying for that the rest of them were paying for. He said that there were accidents along the highway that the emergency medical service takes care of, and they had been called to the Lake Inez area -- maybe not by the ones that wanted to secede from the district, but that general area -- more than once for heart attacks and that sort of thing. He said that they felt that they were performing the protection that people were paying for. The cost was minimal. It had taken ten years to gather enough signatures to form the district, and he did not know how they could have possibly gotten 50% of the people to sign in time for the hearing. He said that he had not realized that 50% were required, but the law was the law. He said that he felt that the people who seceded were just wanting to not pay for the services that they would still be getting anyway.

3. Jess Pierce stated that he didn't see how David Whitsitt figured the District was going to service Lake Inez since there were five to six months out of the year that the snow is not plowed, and the only way to get through was by snowmobile or snowshoes or walking, so there were five or six months there that there would be no possible way to get in even if they wanted to. He said that it was doubtful that they could even do them some good in the summertime.

Bob Palmer added for the record that Dan Meisner had called him. He was in East Helena that day and could not appear at the hearing, but he owns a cabin on Lake Inez, and had asked Bob Palmer to put into the minutes that he supported the detraction, and his testimony would have been along the lines of Mr. Northey's, and that was simply that he did not think he should have to pay for something he wasn't going to get.

4. Howard Toole stated that he was secretary of an organization that had been formed the past summer -- Lake Inez Property Owners, Inc. He said that it was one of two organizations that people who owned property



## PUBLIC MEETING, DECEMBER 19, 1984, CONTINUED

on Lake Inez can belong to. He said that this one had been formed at the request of the Forest Service to engage in some dealings with respect to the road, and he wanted to give the Commissioners a little background about the location of the cabins. He said that the road is not a public road. A portion, just off Highway 83, is public, he said, but then it goes onto private property. He said that it crosses the outlet of Lake Inez, which is the Clearwater River. He said that at the point where it crosses there is a bridge, a privately owned wooden bridge, which is never in very good condition, although the homeowners had done some work on it that year, but it certainly was not made for heavy traffic. He said that heavy vehicles, such as fire trucks, would, at best, be reluctant to go across it. He said that there really was no other access to any of these cabins, and that the road goes on another mile to a mile-and-a-half further beyond that point. He said that when they had discussed that matter at a meeting of their organization, it was the consensus of the group that changes were that a fire truck would not really be able to put out a fire in any of the cabins until the place was completely engulfed and the property destroyed, and it was for that reason that it was felt that the services probably could not be rendered, just due to the logistics of the problem. He said that some of the members had consulted their insurance agents to find out whether there would be any effect on their insurance rates as a result of having the service, and were told that it would not have any effect. He said that, as Mr. Pierce had mentioned, the properties were inaccessible in the winter, and he had talked to one of the group members the previous week, and she had reported being able to drive in as of last week, but now she is unable to. For about five months of a year, you can't even get into this place except by snowmobile, he said. Basically for all of these reasons, he said, the organization had joined with others on the lake to form a parcel to be detracted. He said that this group was not everybody on the lake, but people on the west side of the lake with the rather severe access problem. He said that there were properties right next to the highway, and these were not included in the area to be detracted, and those people would remain. Some of those people, he said, were year-round residents, and so both for reasons of accessibility and for the fact that they are there all year around, they weren't asked to join in this petition. He said that he hoped that would provide the Commissioners with some background as to where the homeowners were coming from.

Bob Palmer said that, as required by MCA 7-33-2122, notice of the hearing had been posted, and it had been in the Missoulian on December 9, and notices were also mailed to all freeholders of record in the Seeley Lake <sup>Rural</sup> Fire District area, so the public in the affected area had received information about this hearing, and if they wanted to protest the action, then they certainly had ample opportunity to do so.

5. Leonard Brewer said that he was president of a rather general organization of homeowners and summer residents around Lake Inez. He said that they had not taken a formal vote on the petition, but he had talked to a number of people in the organization and had yet to find anyone who, as far as fire service was concerned, felt that there was any benefit to people around Lake Inez. Speaking as a physician, and personally, he said that he was very much in favor of the fire district. He said that the quick response unit and the emergency services were vital and he was happy that that had been accomplished, but as far as fire service was concerned, he felt that since they were eight miles from Seeley Lake, on the west side of Lake Inez, they were not going to get the service in time to any particular good. He said that he was not sure that he understood all that Bob Palmer had said, but, if he understood correctly, the petition was to be granted since there was no formal opposition.

Bob Palmer said that that was correct.

David Whitsitt then asked if he could make a comment. He said that the volunteer fire department had saved cabins. He said that on November 8 they had saved a double-wide trailer house on 9-Mile Prairie. He said that they had gotten there in 20 minutes, and they had saved it. He said that they could get to Lake Inez quicker than that, and even if they didn't save the cabin that was burning, they might be able to save one or two of the neighbors on either side. He said that he thought they would find it a whole lot better to lose one cabin than to lose the whole settlement. He said that the group was still going to be getting emergency medical service, which meant that they were going to be "sponging" and "free-loading" off of the rest of the people.

Harry Northey then asked for a rebuttal. He said that it was inferred that the petitioners were not paying any share of the emergency medical service, but on his tax bill he paid \$16 for the County Health Department and \$23 for the SOS Health Center at Seeley Lake, so he did not feel that he was a freeloader. He said that a year before a cabin at the lower end of the lake right above the bridge caught fire, and he had gotten there at the same time that the volunteer fire department had gotten there, and there was a nice pile of coals by then. He said that he didn't blame them entirely because possibly they weren't notified in time. He said that the lack of telephones in the area was another problem. He said that it was not always possible for them to get there in time to save the buildings.

Barbara Evans then asked Harry Northey to explain what he had meant by being assessed for the Health Department.

Harry Northey said that he got his tax bill, and found he had been assessed a little over \$40 for the fire district. He said that if they were going to have a fire district, he thought it was the responsibility of the Commissioners to see that they got a service for what they paid.

Chairman Bob Palmer then closed the public comment portion of the hearing, since no one else wished to testify on either side.

Barbara Evans moved that, based on MCA 7-33-2122, the Commissioners grant the detraction from the Seeley Lake Rural Fire District of the following parcels: Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 of Streit's Inez Lakeshore Sites, Missoula County, Montana, in accordance with a petition for detraction which had been legally posted, noticed and checked by the Clerk and Recorder's Office. Ann Mary Dussault seconded the motion. The motion passed by a vote of 3-0.

Ann Mary Dussault then made a comment as Chair of the Board of Health. She told Harry Northey that the portion of his tax bill that went to the County Health Department had nothing to do with the Quick Response Unit. She said that that unit, and all of those units throughout the state, was organized under the Rural Fire District. She said that the same would hold true for the SOS taxes -- that was a special levy in the Seeley Lake area, which had nothing to do with the Quick Response Unit. She said that the Health Department does not fund the Quick Response Units.

Since there was no further business to come before the Board of County Commissioners, the meeting was recessed at 8:45 p.m.

\* \* \* \* \*

DECEMBER 20, 1984

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was out of the office all day attending an audiology meeting in Helena.

DAILY ADMINISTRATIVE MEETING

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

✓ RESOLUTION NO. 84-155

The Board of County Commissioners signed Resolution No. 84-155, a resolution authorizing the signing of the lease/purchase agreement with Christopher Capital Corporation for the purchase of the golf carts for Larchmont Golf Course.

✓✓ EXTENSION LETTER

The Board of County Commissioners signed a letter to Nick Kaufman, of Sorenson & Company, granting a one-year extension for the plat filing deadline for Mullan trail Estates Subdivision, placing the new deadline at January 4, 1986.

/ ALCOHOL PLAN UPDATE

The Board of County Commissioners signed Missoula County's FY '86 Alcohol Plan update for the City-County Health Department. The update was forwarded to the State Department of Institutions, Alcohol & Drug Abuse Division, in Helena.

BOARD APPOINTMENTS

The Board of County Commissioners made the following board appointments:

- ✓ 1. Robert Kwapy was reappointed, and James Dopp appointed, as regular members to the Lolo Mosquito Control Board for three-year terms, which will expire December 31, 1987; and
- / 2. Hank Fisher and Thomas Vannoy were reappointed to three-year terms, which will expire December 31, 1987, to the Rodent Control Board; and Marguerite Munsche was appointed to the Rodent Control Board, for a two-year term, which will expire December 31, 1986.

Other matters considered included:

- 1. The Board met with Dusty Deschamps, County Attorney, and discussed the Montana Power (Colstrip) rate case. He will have a recommendation after January 1, 1985 as to how Missoula County should proceed in regard to testimony in the case;
- 2. A policy for the collection of back taxes was discussed with Deputy County Attorney Mike Sehestedt and Jim Fairbanks of the Appraisal Office; and
- 3. The Golf Course Carts Lease was discussed with Operations Officer John DeVore. The Commissioners voted to approve the contract.

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


DECEMBER 21, 1984

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

✓✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract with Hoven, Vervick & Amrine, P.C., Certified Public Accountants, an independent contractor, for the purpose of preparation of a cost report for the MCCHD Home Health; preparation of a financial statement for MCCHD Home Health; and professional assistance, dealing with intermediaries and services needed to clear up prior-year cost reports; for the period from December 20, 1984, through March 20, 1985, for a total amount not to exceed \$1,260.00. The contract was returned to the Health Department for further handling.

  
Fern Hart, Clerk & Recorder

  
Bob Palmer, Chairman  
Board of County Commissioners

\* \* \* \* \*

DECEMBER 24, 1984

The Board of County Commissioners did not meet in regular session; Commissioner Dussault was out of the office all day, and Commissioner Evans was on vacation the week of December 24-28, 1984.

DECEMBER 25, 1984

The Courthouse was closed for the Christmas Day holiday.

DECEMBER 26, 1984

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

✓ WELFARE ADVISORY BOARD

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

DAILY ADMINISTRATIVE MEETING

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

DECEMBER 26, 1984, CONT.

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 850014, a request from the District Court, Department 1, to transfer \$1,305.00 from one permanent salaries account to another permanent salaries account for the purpose of retaining competent personnel by bringing the salary more in line with similar salaries elsewhere in the state, and adopted it as part of the FY '85 budget.

Other matters considered included:

- ✓ 1. The Board discussed the naming of a park in memory of Sgt. Allen Kimery, and it was decided that this matter should be referred to the County Park Board;
- ✓ 2. The letter to be sent to the City regarding the Library Interlocal Agreement was discussed;
- ✓ 3. The Clinton-Bonner School issue was discussed. No further action is necessary by the Commissioners at this time;
4. The Commissioners voted to adopt private carrier Worker's Compensation Insurance, to be effective December 31, 1984, pending approval by the County Attorney and the Personnel Department; and
5. The Commissioners discussed Judge Wheelis' personnel issue. A letter will be sent restating the policy and mentioning the potential of a ripple action from the other judges.

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

PUBLIC MEETING

Chairman Bob Palmer called the Weekly Public Meeting to order at 1:30 p.m. Also present was Commissioner Ann Mary Dussault. Commissioner Barbara Evans was on vacation.

✓ HEARING: REQUEST TO ABANDON COUNTY ROAD - LINDBERGH CATTLE COMPANY

Under consideration was a petition initiated by Lindbergh Cattle Company to vacate County roads located in Sections 25, 26 and 36, Township 14 North, Range 15 West.

Information provided by Recording Division Manager Donna Cote stated that the owners whose property abuts the roads in this particular area would want the roads vacated for the following reasons:

1. The roads are discontinuous and do not intersect any currently-maintained County road;
2. Some of the roads have returned to their natural state, since they have not been maintained for a number of years;
3. For more than twenty years the roads have been blocked by fences without gates and have never been used by the public for that period of time; and
4. They do not serve any public purpose at this time, and their abandonment would return the land to the tax rolls.

Donna Cote also informed the Commissioners that title to the property adjacent to the roads in the area is vested in the following persons:

- |  |  |  |
|--|--|--|
| 1. Harold G. Nelson, Jr.<br>2811 - 22nd Street<br>Lubbock, Texas | 4. Ruby C. Nelson<br>Greenough, MT                           | 8. Tonda Nelson Moon<br>Greenough, MT                                      |
| 2. Gerald E. Nelson<br>328 - 14th Street<br>Casper, Wyoming      | 5. William J. and Ireane K. Nelson<br>Greenough, MT          | 9. Lindbergh Cattle Company<br>Greenough, MT                               |
| 3. R. Wade Nelson<br>1018 Vine St.<br>Missoula, MT               | 6. Donna Zimmerman<br>Greenough, MT                          | 10. Montana Forest Conservation and<br>Experiment Station<br>Greenough, MT |
|  | 7. Elizabeth Nelson Hart and<br>Robert Hart<br>Greenough, MT |  |

In addition, she said that the following people who might have been affected by the vacation of the roads and/or had been notified of the hearing are as follows:

1. Philip O'Connell  
Knight & MacLay, Attorneys-at-Law  
P.O. Box 8957  
Missoula, MT 59807
2. Jean Wilcox, Deputy County Attorney
3. Dick Colvill, County Surveyor
4. Missoula Rural Fire District  
2521 South Avenue West  
Missoula, MT 59801

Chairman Bob Palmer asked Surveyor Dick Colvill to comment on the request. He said that the petitioners had requested that all County roads within the boundaries on the map provided with the petition be vacated. He said that he personally objected to the blanket approach to vacating roads because something might be vacated that might turn out to be a problem later. He suggested that the County abandon specifically those roads we know about. He said that he thought that the petitioners were also concerned about the specific roads -- the old highway that made connections through the area. He said that since we can't abandon those connections, we would give the property owners a quit claim deed to any interest we might have in those pieces. He said that his recommendation would be not to abandon all roads in a given area, but to abandon specific roads, and quit claim the areas that the landowners wanted to have cleared up on deeds. In some cases, he said that the County did not have any right-of-way that could be determined, although they were part of the old highway system, but the land records could be cleared up by the County quit claiming any interest they might have in the various parcels.

PUBLIC MEETING, DECEMBER 26, 1984, CONT.

At this point, Chairman Bob Palmer opened the hearing to public comment, asking that proponents of the petitioned vacations speak first. The following person testified:

1. Land Lindbergh, representing Lindbergh Cattle Company, one of the petitioners, said that they agreed with the County Surveyor as to how he proposed to handle the vacations. He said that the roads identified by the Surveyor were the only roads that they were aware of, but they hadn't been sure if the County records would show roads that they were not aware of, but both sides had searched their records and had come to an agreement as to the ones to abandon. He indicated on the map the only potential problem which he thought at one time had been a County road, but it was on someone else's land.

Dick Colvill said that they would only deal with the specific roads within an area on the map marked in green.

With that cleared up, Land Lindbergh said that the Surveyor's proposal was fine with him.

Dick Colvill asked Deputy County Attorney Jean Wilcox if there would be a problem with quit claiming interest in parcels where it wasn't clear that the County even had an interest.

Jean Wilcox said that there would be no problem in quit claiming whatever interest the County might have -- the County would just divest itself of it.

Land Lindbergh said that they were not aware of any interest that the County might have in the areas indicated by dotted sections on the map, but they did know that at one time parts of those roads were involved with the old highway. He said that they had excluded from the petition Highway 200 and Sunset Hill Road.

There were no other proponents or opponents. Bob Palmer then closed the public comment portion of the hearing.

The Commissioners then asked Don Ebbut, of the Surveyor's Office, to submit appropriate legal descriptions of the roads intended to be quit claimed and vacated to Deputy County Attorney Jean Wilcox, who would then submit the recommendation to the Commissioners' Office. In the meantime, Commissioner Bob Palmer would go out and view the site with Surveyor Dick Colvill, in accordance with State Statute.

Commissioner Ann Mary Dussault moved, and Bob Palmer seconded the motion, that the decision on the vacation of roads as petitioned by the Lindbergh Cattle Company, et al, be postponed to the public meeting of January 9, 1985, pending the site inspection by Bob Palmer and Dick Colvill and the recommendation from Jean Wilcox as to the legal descriptions of the roads to be vacated. The motion passed, 2-0.

Since there was no further business, the meeting was recessed at 1:40 p.m.

\* \* \* \* \*

DECEMBER 27, 1984

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

DAILY ADMINISTRATIVE MEETING

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

✓ RESOLUTION NO. 84-158

The Board of County Commissioners signed Resolution No. 84-158, a resolution detracting the following parcels of land from the Seeley Lake<sup>RURAL</sup> Fire District and are not to be assessed for this fire district:

Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26,  
27, 28, 29 and 30 of Streit's Inez Lakeshore Sites, Missoula County, Montana

(See public meeting minutes of 19, 1985).

✓ MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Missoula Senior Citizens Center Association, Inc., whereby the County will purchase the services of educational programs, blood pressure screening and various classes as specified in the "Scope of Work" attached to the Memorandum of Agreement for the period from July 1, 1984 through June 30, 1985, for a total amount of \$15,000.00. The Agreement was forwarded to the Senior Citizens Center for signature.

✓ AGREEMENT

Chairman Palmer signed an Agreement between Missoula County and the U.S. Department of the Interior, Bureau of Reclamation, for the purpose of allowing the County to build the new Harper's Bridge Road across The Frenchtown Irrigation Canal, which is under the jurisdiction of the Department of the Interior. The Agreement was returned to the Surveyor's Office for forwarding to Boise.

Other matters included:

1. The Clayton DeVore tax matter was discussed. The Commissioners authorized reimbursement, and Mike Sehestedt, Deputy County Attorney, will provide the appropriate paperwork;
2. The Commissioners approved and signed the authorization for payment for dinner for those County employees who worked overtime in the printing department during the Jail Bond issue; and
3. The Dobbins, DeGuire & Tucker audit fee was discussed. It was decided to budget for the unanticipated cost in the next fiscal year.

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

The Board of County Commissioners did not meet in regular session; Commissioner Dussault was out of the office all day, and Commissioner Dussault was on vacation.

DECEMBER 27, 1984, CONT.

Fern Hart  
Fern Hart, Clerk & Recorder

Bob Palmer  
Bob Palmer, Chairman

DECEMBER 31, 1984

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

END OF 1984

JANUARY 1, 1985

The Courthouse was closed for the New Year's Day Holiday.

JANUARY 2, 1985

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

#### AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List, dated December 31, 1984, pages 1-20, with a grand total of \$34,954.34. The Audit List was returned to the Accounting Department.

#### DAILY ADMINISTRATIVE MEETING

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

#### ✓✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Robin Vallie, an independent contractor, for the purpose of designing, coordinating, implementing and evaluating a public health education program in the area of seat belt use promotion, as per the specific duties and tasks listed for the period from December 10, 1984 through December 31, 1985, for a total amount not to exceed \$8,798.40. The contract was returned to the Health Department for further handling.

#### RESOLUTION NO. 85-001

The Board of County Commissioners signed Resolution No. 85-001, a budget amendment for FY '85 for the Health Department, including the following expenditures and revenue, and adopting it as part of the FY '85 budget:

Description of Expenditure	Budget
<u>Seat Belt Program</u> 2270-610-447400	
-328 Contracted Services	\$10,000.00
-311 Printing and Litho	7,000.00
Total	<u>\$17,000.00</u>

Description of Revenue	Revenue
<u>Montana Highway Traffic Safety Division (MHTSD)</u> 2270-612-331328	
	<u>\$17,000.00</u>

#### ✓ RESOLUTION NO. 85-002

The Board of County Commissioners signed Resolution No. 85-002, a resolution accepting real property for a public access easement in the southeast quarter (SE¼) of Section 23, Township 13 North, Range 20 West, Missoula County, from Garden City Broadcasting, Inc.

#### ✓ CHAIR OF THE BOARD

The Board of County Commissioners appointed Ann Mary Dussault as Chair of the Board for one year (1985).

#### BOARD APPOINTMENTS

The Board of County Commissioners made the following board appointments:

- ✓ 1. Tom MacLay was reappointed to the Weed Control Board of Supervisors for a three-year term, which will expire December 31, 1987;
- ✓ 2. Neil Halprin was reappointed to the Zoning Board of Adjustment for a two-year term, which will expire December 31, 1986; and
- ✓ 3. James J. O'Neill, John A. Rimel and Ivan L. Leigland were appointed as regular members of the Zoning Board of Adjustment, for two-year terms, which will expire December 31, 1986.

Other matters considered included:

1. The Board met with Jean Wilcox, Deputy County Attorney, regarding various planning issues, and authorized her to draft a letter to Lois Morton regarding a certificate of survey evasion;
2. Remaining board vacancies and a schedule for future interviews were discussed; and
- ✓ 3. The Commissioners voted unanimously to transfer \$12,000.00 from General Revenue Sharing to the Larchmont Golf Course account, as per the request from the Golf Board.

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

PUBLIC MEETING - JANUARY 2, 1985

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

✓✓✓ HEARING: RSID 827 - FIRE HYDRANT MAINTENANCE, CATRINA ADDITION

Under consideration was a hearing in regard to a petition which had been received by RSID Coordinator John DeVore in regard to the creation of a fire hydrant district, RSID 827, for Catrina Addition. The petition received in John DeVore's office had signatures of 66.67% of the freeholders in the district. In addition, John DeVore explained to the Commissioners that fire hydrants for this and the other three fire hydrant RSID's to be considered at this meeting had been required as part of subdivision approval, and represented the perpetual RSID's for the maintenance of the fire hydrants. He said that the hydrants had already been installed.

Ann Mary Dussault opened the public comment portion of the hearing, asking that proponents speak first. There was no one wishing to testify either for or against the creation of the RSID for Catrina Addition. She then closed the public comment portion of the hearing.

Bob Palmer moved, and Barbara Evans seconded the motion, that RSID 827 for fire hydrant maintenance in Catrina Addition, be approved, and the motion passed by a vote of 3-0.

✓✓✓ HEARING: RSID 828 - FIRE HYDRANT MAINTENANCE, GUSTAFSON ADDITION

The Commissioners then held a hearing in regard to a second petition for the creation of another fire hydrant maintenance district, RSID 828, for Gustafson Addition. The petition received in John DeVore's office had signatures of 100% of the freeholders in the district.

Ann Mary Dussault opened the public comment portion of the hearing, asking that proponents speak first. There was no one wishing to testify either for or against the creation of the RSID. She then closed the public comment portion of the hearing.

Bob Palmer moved, and Barbara Evans seconded the motion, that RSID 828, for fire hydrant maintenance in Gustafson Addition, be approved, and the motion passed by a vote of 3-0.

✓✓✓ HEARING: RSID 829 - FIRE HYDRANT MAINTENANCE, ORCHARD COURT ADDITION

The Commissioners then held a hearing in regard to a third petition for the creation of another fire hydrant maintenance district, RSID 829, for Orchard Court Addition. The petition received in John DeVore's office had signatures of 100% of the freeholders in the district.

Ann Mary Dussault opened the public comment portion of the hearing, asking that proponents speak first. There was no one wishing to testify either for or against the creation of the RSID. She then closed the public comment portion of the hearing.

Bob Palmer moved, and Barbara Evans seconded the motion, that RSID 829, for fire hydrant maintenance in Orchard Court Addition, be approved, and the motion passed by a vote of 3-0.

✓✓✓ HEARING: RSID 830 - FIRE HYDRANT MAINTENANCE, LARKSPUR ADDITION

The Commissioners then held a hearing in regard to a fourth petition for the creation of another fire hydrant maintenance district, RSID 830, for Larkspur Addition. The petition received in John DeVore's office had signatures of 87.5% of the freeholders in the district.

Ann Mary Dussault opened the public comment portion of the hearing, asking that proponents speak first. There was no one wishing to testify either for or against the creation of the RSID. She then closed the public comment portion of the hearing.

Bob Palmer moved, and Barbara Evans seconded the motion, that RSID 830, for fire hydrant maintenance in Larkspur Addition, be approved, and the motion passed by a vote of 3-0.

✓✓✓ HEARING: APPEAL OF NON-COMPLIANCE WITH COMPREHENSIVE PLAN: SINGLE FAMILY DWELLING IN NW¼ of Section 28, T12N, R19W - MIKE DANNENBERG

Information on this hearing was provided by Planner Pat O'Herren, who said that Mr. Dannenberg's request had been denied by the Community Development Office because the land in question is designated for Parks and Open Space on the Missoula Comprehensive Plan. Mr. Dannenberg appealed this determination to the Commissioners under the criteria set forth in Resolution 83-99.

It was also noted that the land in question was divided into parcels by the certificate of survey process in 1979, and that there are other property owners who will face similar determinations and appeals if the land use designation is not changed in the new Comprehensive Plan (scheduled for public hearings in the late late spring of 1985).

Ann Mary Dussault noted that the purpose of this meeting was to conduct a hearing on Mr. Dannenberg's appeal. She asked Pat O'Herren to give a staff report.

Pat O'Herren said that Mr. Dannenberg wished to construct an 1800 square foot single-family dwelling on approximately 1.5 acres. He said that the Comprehensive Plan designation of parks and open space did not permit that sort of development; that it precluded that sort of development. He said that under Resolution No. 83-99, Mr. Dannenberg could appeal that determination or that land use designation, and it was his understanding that he had gone through the Comprehensive Plan and had some information to offer the Commissioners, and that he had encouraged other property owners in the area to come and give their opinions as to that land use designation.

Ann Mary Dussault then opened the hearing to public comment, asking that proponents speak first.

Mike Dannenberg

Mike Dannenberg, the landowner in question, began by giving a history of the sale of the land. He said that the land was originally owned by McAtee and Lake, who subdivided it through the Certificate of Survey method. This procedure requires review by the County Health Department and the County Surveyor. He



## PUBLIC MEETING, JANUARY 2, 1985, CONT.

said that the original developers then went bankrupt before selling any of the lots. He said that by this point in time, 1st Bank Western had repossessed the land and sold it as building lots. He said that the County Surveyor had failed to notice the land designation during the Certificate of Survey procedure, and had issued an address, thus 8100 Springtime. He said that the County had purchased any development rights from the private land involved. He said that the County Health Department had approved the lot for septic systems for the Certificate of Survey system, and issued a permit. He said that he had his sewer permit. He said that the land was advertised as building lots at the time of purchase, and when advertised for sale, the land was protected by a complete set of covenants regulating building types and residential surroundings, which had been recorded by the Missoula County Clerk and Recorder's Office. He said that this lot had already been protected by Missoula Rural Fire District, for which they were being taxed and the last time he had been before the County Commissioners, they had initiated the formation of a water district. This district had been approved and incorporated.

He then went through some points covered in the County's "Policy Guide for Urban Growth," and from the respective maps. He began with the designation of "Parks and Open Space," listed on page 26 of that document. He said that, as defined, this land had been set aside for recreational purposes and environmental preservation and protection of health and safety of citizens. He said that these lands had been allocated thus using the following criteria (taken from the map):

1. The need for recreational facilities. His response was that privately owned pasture land with no trees makes for poor recreational facilities. He said that this criteria would be better suited for State and Forest Service lands, both of which are readily nearby.
2. Land not suitable for other uses because of factors such as slope. He said that this land had passed the County Health Department standards for slope restrictions on septic systems. He said that these slope restrictions on septic systems by the Health Department were the only restrictions that he could find on building in the County. There are no restrictions due to code or anything else, other than the Health Department restrictions. He said that once the applicant had a sewer permit, slope was not a restriction to building.
3. The land lies within hazard areas, such as floodways. His response was that there was not much possibility of a flood at almost 1,000 feet above the valley bottom.
4. The land is ecologically important. He said that this land has been grazed quite heavily and is now in a vegetative habitat class known as "knapweed."
5. Utilization of man-made features to create a system of walkways and bikeways. He said that he doubted that a walkway or a bikeway would be likely to be built on his lot or on any of the others on Springtime Drive.

He then discussed "Open and Resource Land," found on page 27 of the document mentioned above. He said that because the classification "Open and Resource Land" applies to the land adjacent to his land, he felt that some comments were in order. He said that the designation of "Open and Resource Land" is made to protect areas of important natural resource production and extraction, to protect areas of natural hazard, and to preserve land for the future where development during the timeframe of this plan would be premature and costly. He said that this category made a provision for residences, albeit one dwelling every forty acres; thus, his lot was bordered on one side by urban single-family, with possible town houses, duplexes and single-family dwellings, and on the other side by a possible farmhouse.

He then talked about the land use designation "residential." He quoted the following from "Missoula's Policy Guide for Urban Growth," namely the opening sentences under the "Residential Land Use" chapter, page 27:

"Our foremost purpose in comprehensive planning is to serve people. In fulfilling that purpose, land-use designations are made which reflect the needs and desires of Missoulians."

He said that he felt that some of the people present in the room were some of those Missoulians with needs and desires.

He then quoted from page 18:

"There will be increased demand for the ownership of the single-family dwelling on a moderately sized lot, preferably of fairly recent construction, or pre-1925 vintage, although new construction dominates household preference in the structural age category."

He then stated that much of the construction in the residential land use chapter concerned itself with high density housing. He said that several items were relevant to the lots on Springtime Road. He said that the text stated:

"Future development for residential purposes should be located near existing activities. Convenience to shopping, government services, schools and parks not only saves money for the urban dweller, but services can be provided more efficiently and at less cost by the governing body."

He said that his lot was adjacent to existing residential properties (those existing on Lorraine Drive), with services already present. He said that utilities were readily available, and fire protection and schools are present.

He said that the second guideline relating to his appeal states:

"Residential land development should occur in areas presenting the least natural limitations, while remaining consistent with the goals in the community to maintain valuable resource lands."

He said that he could find no natural limitations to construction on this site, and that the only factor constricting construction on this site would be the slope preventing the Health Department approval, and, as he had mentioned earlier, he had already obtained his septic permit. He said that as over-grazed pasture, well infested in knapweed, there must be some question as to its value as resource land.

The third guideline important to the appeal, he said, states:

"Residential development should be restricted to areas contiguous to present urban residential land use, which can be fully served by local government without creating an economic liability for the community."



## PUBLIC MEETING, JANUARY 2, 1985, CONT.

## Continued testimony by Mike Dannenburg:

He said that, as he had stated earlier, nothing is evident where residents or residences in this area would stress public services.

He summarized his position by stating that the above points were consistent with the guideline criteria stated on the land use map. He said that the area on Lorraine is within the urban, single-family classification. The criteria governing the adjacent land is as follows (once again taken from the map):

1. Land suitable; hazards and limitations minimal. He said that he had already discussed this, but he was not aware of any land-caused limitations.
2. Reasonably accessible to community services. He said that this parcel of land is easily accessible to public services and utilities.
3. Consistent with sewer phasing. He said that no mention need be made about that again.

He said that before concluding, there were two quotations he wanted to cite, again from "Urban Policy Guide for Urban Growth," first from page 3:

"There is a danger in drawing lines on a map and designating commercial activity on one side, while on the other, residential use is recommended. It is not recommended that this plan be interpreted in such great detail."

The second section he quoted, as follows, is from page 27:

"Because the map scale of the land capability analysis does not allow detailed evaluation of individual sites, it is recognized that there will be tracts of land within this classification that will be capable of supporting higher intensity development. In those cases where on-site analysis reveals a higher carrying capacity, low-density, single-family housing may be appropriate."

He said that he felt that he had demonstrated many reasons that the lot at 8100 Springtime Road should be granted a variance to the restrictions placed on the lot by the Parks and Open Land classification. In addition to these reasons for granting a variance, he wanted to point out some discrepancies in the use of the Comprehensive Land Use Plan, namely:

1. According to the map, Terrace Drive is also "Park and Open Space" -- all of Terrace Drive. He pointed out the number of homes already present on Terrace.
2. The residential area west of Springtime is a much poorer choice for building sites due to excessive slope and also a commercial gravel pit, he said.
3. He then pointed out on the map that Lorraine Drive is not even drawn in. He pointed out Terrace Drive and Stonehaven. He pointed out his lot on Springtime, and pointed out the residential developments in that area clear down into Miller Creek. He also pointed out a gravel pit in the area, which is commercial activity in a residential area. He said that the whole slope that is already developed would be too steep to be granted the sewer permits by the Health Department. He said that that was a south-east facing slope, much greater than the 15% restrictions stated in the Health Department regulations. He said that all of the land on Springtime Drive had been granted Health Department approval, and that they were much better building sites.
4. He then stated that the land-use plan was completed in 1968 and updated in 1975. He said that the plan was not enforced until September of 1983, approximately six months after his land purchase. He said that because there was no enforcement at that time, realtors were not concerned about land-use designations.

He then repeated his request that the Commissioners grant his lot and all the lots on Springtime Drive variances, and allow all of them to build the homes they had worked for and dreamed about.

Barbara Evans asked how many lots were on Springtime Drive, and Mike Dannenburg replied that there were eleven.

Ann Mary Dussault asked if all of those lots were contained within the water district, and he replied that they were.

Ann Mary Dussault then asked for further proponents to testify. The following people spoke:

2. Mike Hahm stated that he was a director of the Lorraine South Water District, and he asked the Commissioners to include all the lots contained in the Springtime Water District within Mike Dannenburg's variance.

Barbara Evans asked him for his address, and he said that it was 8355 Springtime Road.

Ann Mary Dussault clarified the procedure as follows: She said the Commissioners recognized two separate issues; one being Mr. Dannenburg's request, and the other being the further issue of the entire area. She said that they would be forced by procedure to deal with those separately, but she thought that it was probable that they would deal with both issues. She wanted to make it clear that the Commissioners would have to deal with them under two separate procedures.

3. Zane Sullivan, a Missoula attorney, then testified on a couple of different positions. He said that he had written the covenants for the addition, and he lived on Lorraine Drive, just across from Mr. Dannenburg's lot. He said that he agreed with everything that Mr. Dannenburg had stated, that this property is far better suited to residential than to pasture land, which has been its use for the past number of years. He said that his primary concern was not so much with the specific instances involved as it was for the general problem raised for the County of Missoula and people such as him, as well as the banks and the real estate companies dealing with lots of this type. He said that this property had been created by Certificate of Survey in 1979, as had been noted. He said that at that time, as was required, a sanitation or health approval was issued for this property. He said that it seemed to place the person who sells that property, and subsequent purchasers and subsequent sellers, in a very difficult situation to obtain a health clearance for a piece of property created by certificate of survey allowed to be recorded and conveyed, and yet to now say that it is contrary to the zoning or proposed land use plan. He said that he believed that there was a wealth of similar matters sitting out in the community waiting to be heard about, and this created a real problem. He said that he saw a tremendous potential for numerous law suits and difficulties forthcoming. He said that Mike Dannenburg could verify what he was saying about

PUBLIC MEETING, JANUARY 2, 1985, CONTINUED:

Continued Testimony of Zane Sullivan:

the potential of a number of suits being raised to try to clarify where the County stands in regard to allowing the filing of a Certificate of Survey, the issuance of a sanitation approval form, and yet denying that this property can be used as a building site. What did we think it was going to be used for, he asked. He then said that he did not want to argue the point a whole lot, other than to point out to the County that if people are denied the opportunity to follow through on a Certificate of Survey, where a health permit has been obtained, where covenants have been filed, where the property has been advertised and sold as a building site and then years pass and the lot is suddenly not allowed to be built upon, there was going to be a real problem throughout the course of the County. He said that, as Mr. Dannenburg had very aptly pointed out, this particular property was very well suited for residential use, and certainly was not suited for parks.

4. William Docktor stated that he was the Secretary-Treasurer of the Lorraine South Homeowners Association, and the owner of the lot immediately adjacent to the Dannenburgs'. He said that he was in favor of granting the variance, for obvious reasons, and he was glad to hear that the Commissioners would act on the entire eleven lots today, or whenever, to save them all the time involved in going through the process.

Ann Mary Dussault said that she hadn't said that they would act on all eleven lots today, but she would clarify the reasons later.

5. George Goodrich, a local attorney, representing First Bank Western then testified, stating that First Bank Western was the entity that took the lots in question from the original developers and has sold some of them. He said that he was here because the bank thinks that a great injustice would be done -- and he would say so as well -- if the purchasers of these lots, and future purchasers and owners of these lots, would not be able to rely upon the more than five years of history that we now have with regard to these lots. He said that Mr. Dannenburg had made an excellent presentation of the facts and that Zane Sullivan, likewise, had given the Commissioners the insight that he gets from living right across the street from these lots. He said that however laudable the views of the excellent planning folks might be, he could understand everything they might say: where do we start, when do we start enforcing the plan, etc. He said, "You folks would say, 'Apres moi le déluge.'" He said that that his response would be, "We'll start next time, but not with mine, please." He said that he could understand that, but the fact was that there were 5½ years of these Certificates of Survey having been of record, the sanitary restrictions had been lifted more than 5 years ago by the State, they had the approval of the County Health Department, they had the approval of the County Surveyor, they abut on a thing called Lorraine Drive. He said that we know we're talking about houses within a stone's throw of what we're talking about. He said that if the Commissioners would look at the maps that Mr. Dannenburg had put up behind them, they would see total surrounding by residences of the very property in question.

He said that he hadn't known until today that there was also a water district approved and incorporated, and we know that we've got restrictive on what are just plain building lots. He said that the County should not get itself in the position of inviting litigation, of "speaking with forked tongue," of allowing several County and State agencies to approve various steps towards the building permit and then find out that they're in conflict with the land use plan. He said that the land use plan was all very nice, but the "horses are long since out of the barn in relation to these eleven lots." He added, "Darn it, it is just not right to let the County give approval to an otherwise laudable type of thing, such as this, and come down with the weight of the whole planning and zoning process on these poor folks for just trying to build their houses."

He said that there were at least two Montana Supreme Court decisions that he had noticed in the last few days -- some folks versus Stevensville, and some folks versus Havre -- much similar types of things. He said that in those cases, one at least, the people already had the building permit, and the City of Havre decided that they had made a mistake. The Supreme Court had ruled against the City of Havre.

He asked the Commissioners not to invite -- as Zane Sullivan had pointed out -- just a ton of litigation. He said that it was going to have to happen, probably, he was sorry to say, in this very instance. He said not to invite that, because the County did not have to. He said that it was so simple. He said that this had long since been done; a lot of water has gone under bridges and over dams, and all the Commissioners had to do was to say, "Sorry, Planning folks, that's very nice, and your point's well taken as a point, but it's totally inapplicable to the situation at hand."

There were no other people wishing to speak as proponents, and no one came forward to speak in opposition. Ann Mary Dussault then closed the public comment portion of the hearing, and asked the Commissioners if they had any questions, or Deputy County Attorney Mike Sehestedt if he had any comments, or Pat O'Herren if he had any comments.

Barbara Evans said that the Commissioners recognize that there is a problem here; that one side, this hand is doing something, and on the other side this hand is doing something else. She said that she thought that the Commissioners would take every step necessary to correct that problem. She said that they did not like to get into those kinds of situations. She said that she wanted to state on behalf of the Planning Department that they were not the heavy hands in this instance, but they had done exactly what the rules had said that they should do, and she felt that they had been helpful to their cause. With whatever action that the Commissioners took, she said that it should be pointed out that the Planning Department was not the bad guys.

Deputy County Attorney Mike Sehestedt said that clearly we would have to do something for these people. However, he said that he would also have to rise to the defense of the Comprehensive Plan, stating that he could imagine what Mr. Sullivan would be doing if someone were proposing to put a shopping center on this property in violation of the Comp Plan. He said that, quite frankly, he was just making a wild guess that all of these people would eventually get their building permits.

He said that if next door we fail to defend the Comp Plan and someone puts up an auto race track, perhaps, in violation of the Comp Plan, he had a feeling that everyone who was down here attacking the Comp Plan would be insisting tooth and toenail that it be enforced. He said that his reaction to this whole thing was that this was what we were forced to do to resolve a decision in a Flathead County case. He said that because of this Supreme Court ruling, counties were forced to treat the Comp Plan as a kind of quasi-zoning. He said that, in fact, Flathead County had been very successfully sued by a group of citizens when a shopping center that did not comply with the Comp Plan was approved in the County. He said that this had created a real problem for us, in that the Comp Plan had never been designed for these purposes, and it now had to be treated as a quasi-zoning regulation. He said that most of the Comp Plan designations would be valid zoning regulations, but the "Parks and Open Space" designation here did not seem applicable, so there would have to be some adjustment recognizing the fact that the Comp Plan did not fit here.

PUBLIC MEETING, JANUARY 2, 1985, CONTINUED

Mike Sehestedt's comment, continued:

He then said that the other thing he would note in defense of the County would be that on one hand, when someone brings in a Certificate of Survey for recording, the County was not validating anything. He said that the County was merely recording what the people wanted recorded. He said that the Clerk and Recorder's Office was not responsible for the agreement or for what was in advertisements.

There was a question from a realtor in the audience at this point (Cheryl Baird from Trail Realty): She stated that the County had been in the process of reviewing the Comprehensive Plan for quite some time, and wanted to know if anyone ever physically viewed the property before what Mike Sehestedt had called "quasi-zoning."

Mike Sehestedt replied that when the Comp Plan was developed and adopted, it was just that -- a Comp Plan, or a broad outline. He said that the Montana Supreme Court, in response to a group of neighbors who objected to the construction of a shopping center in an area which the Comp Plan called for as residential, found that the City of Kalispell and Flathead County had erred in issuing building permits for that shopping center because it was not in compliance with the master plan.

Ann Mary Dussault complimented Mike Dannenburg on the job that he had done in making his presentation. She said that she understood that he had been quite upset and angry upon receiving the letter from the Community Development Office, and he had done a very good job of making his presentation.

Barbara Evans moved, and Bob Palmer seconded the motion, that the variance be granted to Mr. Dannenburg from the land-use designation of "Parks and Open Space," so that he will be allowed to build an 1800 square-foot, single-family dwelling on a 1.54 acre parcel located in the NW $\frac{1}{4}$  of Section 28, T12N, R19W, further described as Certificate of Survey 2199, Lot A5B, based on the facts that Mr. Dannenburg's presentation of the situation had been excellent, that the land is surrounded by residential areas, that it does not, in her mind, fit all the criteria that is required for public land and open space, and based also on the fact that we have granted a water district in the area. The motion passed by a vote of 3-0.

Ann Mary Dussault then brought up as a point of discussion the indirect request from the other landowners involved on Springtime Drive for the same consideration. She said that the Commissioners had been advised by staff that the Commissioners could not, by this process, grant a variance to the rest of the landowners in one fell swoop. She gave the following options: 1. to wait until the new Comprehensive Plan is approved, which could be some time; and 2. to move towards amending the current plan. She said that an amendment to the Comp Plan could be proposed for those areas within the Lorraine Water District to be designated for residential development. She said that that process would take some time, but it should be concluded within about six months. She said that what that process requires is some staff development work, a hearing before the Planning Board, and then a hearing before the Board of County Commissioners. She said that those seemed to be the only two legal options they had to solve the larger problem.

Nancy Senechal, who was in the audience, asked if it would be possible for all ten landowners at once to come in for a variance, just like Mike Dannenburg had done.

Ann Mary Dussault replied that she guessed that was possible, but what they were actually asking for was a building permit, and the building permit would be denied, just as Mr. Dannenburg's had been denied, and the hearing would then be held before the Commissioners, but all ten hearings could be held on the same day.

Nancy Senechal said that there were a whole lot of building plans that would be held in limbo otherwise.

Barbara Evans said that Pat O'Herren had said that day that it was possible that the whole process could be completed within 90 days.

Pat O'Herren said that it was possible that this could be done within 90 days. He said that they would have to get a hearing before the Planning Board to present the information as to why the particular land use designation is inappropriate. The question would then come for public hearing before the Commissioners. He said that legal advertising deadlines require the County to schedule that about a month from the application date. He said that they could do that in February, which would mean that it would come before the Commissioners in March.

Mike Dannenburg said that they were at the point of selling the bonds for the water district, and they could not sell the bonds until it was clarified that people would be able to build on their lots. He said that he could do a lot of talking, but he couldn't convince everybody else to put in a \$70,000 water district to supply just his house. He said that if it were possible, he wanted to talk to Pat O'Herren and find the quickest solution to the issue because they were really hoping to get the water district started this spring.

Bob Palmer said that he thought that the people were getting the feeling that the consensus of the Board of County Commissioners was that they were going to do something in terms of alleviating that problem, but the Board is bound by State Law in terms of a specific process for implementing or changing the plan, and the Commissioners had no latitude in terms of those guidelines, because they were set out by State Law, so they were willing to work towards helping those people, the quickest way that that could be done. He said that it seemed that the Commissioners recognized that there was a problem, and they intended to do something about it.

Ann Mary Dussault said that, at this point, she was going to ask the Planning Department to work with the County Attorney's Office and asked Mr. Dannenburg if he would represent the homeowners in order to accomplish the requisite variances. She said that what it pointed out was the necessity of working out some methodology of looking at a unified system for many of the County's permits. She said that on the other hand, she did not want any of the people present to go away with the idea that the Commissioners did not take comprehensive land use planning seriously, and she personally had no intention of assuming responsibility for what any realtor or banking institution does. She said that we had a plan here, and it was a community-developed plan, and the Commissioners recognized that there were legitimate exceptions to that plan, and they would look at them individually, but they would not take on responsibility for an individual's actions.

George Goodrich asked Mike Sehestedt if, unless what Nancy Senechal had proposed was not clearly wrong, could there be some sort of blanket request for variance type of thing to be done by all of the remaining people who were involved.

PUBLIC MEETING, JANUARY 2, 1985, CONTINUEDPUBLIC COMMENT

Mike Dannenburg then made a comment on a different subject than his variance. He quoted the following from "Policy Guide for Urban Growth," in regard to Hellgate Pass:

"Long before the white man trod the trail that led through the pass, the western portal had become known to the Salish, or Flathead Indians, by the descriptive phrase "Im-i-sul-e-tiku," from which in later times the name of the city of "Missoula" was derived. This Indian term in free translation meant, "the place of dread by the water," or, more literally interpreted, "the place of chilly surprise by the water."

He said that if the Planning Department were a little closer to the River, he could understand where this name came from. He said that he used to believe that the constant flood of letters to the editor about the Planning Department were sour grapes by a few. He said that he no longer thought this. He suggested that in order to help others from going through this same pain and worry, the Commissioners instruct the Planning Department to compose a detailed list of items to check when buying land, and steps to be taken when building. He said that this might save someone else from worry during the Holiday Season. He said that he envisioned a brochure which could be handed out at the Planning Department or a realtor's office, etc., and that it could list things to check on, i.e. whether the purchaser had obtained a health permit, whether the proposed use was in compliance with the Comp Plan, whether the proposed use was compatible with zoning.

Bob Palmer asked whose responsibility those sorts of things were; whether they were the responsibility of County government or the individual buying the house, the realtor, the landlord, etc.

Mike Dannenburg said that everyone had the idea that the responsibility falls back on the landowner, but he felt that government has a moral responsibility to help people.

Bob Palmer said that the Comp Plan has been out since 1975, and Nancy Senechal has served on the Planning Board, so she should certainly have known about the Comp Plan. He asked again whose responsibility it is to know what's in the Comp Plan. He said that it was not a plan that is developed in a vacuum or a void, but it's developed through a public hearing process. He said that he wasn't sure that it was up to County staff to develop a checklist so that individual people are taken care of. He said that individual people had responsibilities as well.

Mike Dannenburg said that that was right, the individual did have a responsibility, but he was thinking in terms of helping that landowner and improving the image that had not been very bright in the past six months to a year for the Planning Department, perhaps some effort should be put into public relations. He said that maybe there was a way to help the public understand their guidelines, and that would be a helpful tool for the uninformed, ignorant landowner.

Bob Palmer said that there was always a problem in terms of how much information or exactly what role government should play in this relationship. He said that the Community Development Office over the years has been in the unfortunate position of being the focus of the wrath of people who had been denied certain uses of land. He said that the Commissioners were aware of that, and they were mindful of having the Community Development Office responsive and responsible to the public. But he had a hard time knowing where they should draw the line on that, he said. The realtors and the banking institutions also had a responsibility, as well as the title companies, etc. He said that if the County gets in there and develops a checklist, it would be perceived in some quarters as government intrusion. Many believed that government should stay out of that area, that the "free market system" should be left alone. He said that he wasn't sure that the Commissioners wanted to put staff in a position where if something was left off the list, then it would be a position for a law suit, etc.

Mike Dannenburg said that he understood those points, but if he had had a checklist he would have known better what to look for.

Bob Palmer said that no doubt they could do much more in terms of building a positive public awareness with the community. He said that maybe the suggestion held merit.

Barbara Evans said that she agreed with both points of view. She said that she believed that Community Development had developed some pamphlets, although perhaps not as extensive as Mike wanted. She said she had sympathy for people who were young, had gotten married, maybe had a couple kids, they want to build a house and live their lives and be left alone, so they buy their land and get their plans and go and apply for a building permit and are turned down. She said that the people who take it on the chin for that were the planners, although they weren't the ones who had passed those rules: the County Commissioners passed them, or the City passed them, or the State passed them. She said that the only way the Commissioners were going to help improve their image and not give them the black eye for something they didn't do is if the County does something like develop a pamphlet. She said that maybe the realtors and the title companies and the banks should all help to fund it, and maybe we should have another task force of people to work on one.

Debbie Hahm then made the following comment from the audience. She said that it was all really clear to the County because County staff worked with all the rules and regulations all the time, but to all of the rest of the people who are involved in other sorts of things in their lives, equally as detailed as what the County is doing, but on the opposite end of the spectrum, they did not know all those little details. She said that it might seem clear to the Commissioners, but it did not seem clear to them. She said that it might look easy, but it's not, so she thought some sort of brochure with just a simple outline of steps would be helpful.

Executive Officer Howard Schwartz then said that part of the problem was that one of the groups in this whole process whose interest is most at stake is the realtors, and obviously there's a temptation to minimize the problems that the purchaser has, so it seemed reasonable to him for the realtors and the Community Development Office to get together to develop the checklist as a joint project, and it was available in all the realty offices in town, it would be helpful.

Nancy Senechal said that the realtors are really caught in a Catch-22 here. She said that even when she had served on the Planning Board, the Comp Plan was looked upon as a kind of blueprint for how this community was going to grow. She said that it wasn't until the Supreme Court decision came down and the resolution in Missoula County was passed that the Comp Plan was even an issue in selling a piece of property to a prospective buyer. She said that she could see where people would think that realtors would just mitigate any kind of problem that might come along in the future in order to get a lot sold, but the reality was that realtors spent about half of their time trying to stay out of legal problems. She said that it was not worth it to make a commission by putting anyone into a situation like this. She said that realtors, on good faith, based upon the laws that were written at the time that they sold those lots, were selling those people building lots, and the lots were sold long before the Supreme Court decision and the resolution that followed. She said that her concern was that there had been a lot of properties sold before this regulation

PUBLIC MEETING, JANUARY 2, 1985, CONTINUEDNancy Senechal's comment, continued:

was passed. She said that she could see this process going on and on and on as these people come in to get their building permits.

Ann Mary Dussault said that the frustrating thing for the Commissioners was that it seemed silly to go through this to get to the desired point, and yet there did not seem to be any alternatives. Based on what the Commissioners' authority is, based on what the Courts tell them they have to do and the laws, etc., the best they can do is to develop a process to try and solve problems like this, and that takes time for the individual landowners and time for the Commissioners, and is frustrating. She said that that was why she had appreciated that Mike had done such a good job. She said that a lot of times people come in and their anger takes over.

Mike Dannenburg said that he felt that he had a basic understanding of the land division procedures. He has done some work on fire protection in the rural-urban interface, and he had researched some of this, and he had still fallen into it. He said that people are ignorant of the laws, and, although that is no excuse, we as a community have a moral obligation to help people so that others don't have this concern in the future. He said with the new Comp Plan that is coming out, that would be the ideal time to institute something like this so that it's in the new plan, either when they come in and ask the Planning Office what the procedures are, and it could be in realty offices so people would know what they were getting into.

Bob Palmer asked Nancy Senechal whether she thought that the realtors might be interested in developing a checklist with Community Development.

Nancy Senechal said that they would love to have a checklist. She said that the list of things that you need to build a house, i.e. a building permit and an electrical permit, etc., could just be typed on a piece of paper. It would not have to be expensive, she said, and it would not even have to be a brochure.

Chris Rockey, Director of Community Development, said that the idea of having checklists was a good one, and that a variety of checklists could be developed. He felt that this would be very helpful to people coming in for information on how to proceed with their building plans.

Since there were no further comments and there was no further business to come before the Commissioners, the meeting was recessed at 2:45 p.m.

\* \* \* \* \*

JANUARY 3, 1985

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

DAILY ADMINISTRATIVE MEETING

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

✓ CONTRACTS

The Board of County Commissioners signed Professional Service Contracts between Missoula County and Patrick Fearon, Steve Spaulding and Marti Adrian, independent contractors, for the purpose of providing legislative intern services associated with the 1985 Legislature, commencing January 1, 1985, and to be completed in conjunction with the end of the Legislative session for a total payment not to exceed \$1,500.00 each.

✓ ✓ AMENDMENT TO CONTRACT

The Board of County Commissioners signed an Amendment to the Contract between Missoula County and Robin Vallie, changing the Section 3 Performance Schedule to read that the contractor shall commence performance of this contract on the 1st day of October, 1984, and shall conclude performance by the 28th day of February, 1985, and shall be responsible for specific days or hours of performance hereafter specified. The Amendment was returned to the Health Department.

✓ AGREEMENTS

The Board of County Commissioners signed Agreements between Missoula County and the following subscribing agencies for the MEANS receiver units, as per the terms set forth in the Agreements:

1. KUFM, dated July 2, 1983;
- ✓ 2. Target Range School, dated June 13, 1984; and
- ✓ 3. Hellgate Elementary School, District #4, dated May 24, 1984.

The Agreements were returned to Orin Olsgaard, DES Coordinator, for further handling.

Other matters considered included:

1. Dennis O'Donnell met with the Board regarding his proposal for Phase II of the Transportation Study. No action was taken;
- ✓ 2. The request from Jack Carter to designate Colorado Gulch/as a "24-hour, no parking, tow-away zone" was discussed by the Board. Commissioners Palmer and Evans voted, with Commissioner Dussault opposed, to schedule and advertise for a public hearing and send notification to all residents on Colorado Gulch <sup>ROAD</sup> regarding this issue; and
3. Dale Dahlgren met with the Commissioners regarding the Eko-Kompost floodplain permit. A meeting was scheduled with Community Development personnel for later in the day to discuss the issue.

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

JANUARY 4, 1985

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



JANUARY 4, 1985, CONT.

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming John E. Marks as principal for warrant #204922, dated December 14, 1984, on the Missoula County High Schools' Payroll Fund, in the amount of \$126.00, now unable to be found.

✓ SITE INSPECTION

Commissioner Palmer accompanied County Surveyor Dick Colvill on a site inspection in regard to the request to abandon County roads in the Greenough area. The request had been presented by petition to the Board by the Lindbergh Cattle Company.

*Fern Hart*

Fern Hart, Clerk & Recorder

*Ann Mary Dussault*

Ann Mary Dussault, Chair  
Board of County Commissioners

\* \* \* \* \*

JANUARY 7, 1985

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Seattle, Washington, where he attended a BPA Technical Assistance Task Force Meeting on January 7th and 8th.

MONTHLY REPORT

Chairman Dussault examined, approved and ordered filed the monthly report for Justice of the Peace, Janet Stevens, for collections and distributions for month ending December 31, 1984.

SWEARING-IN CEREMONY

In the forenoon, Chair Dussault conducted the swearing-in ceremony for the three County officials who were elected in the November 6, 1984 General Election, namely Barbara Evans, County Commissioner, reelected for a six-year term, Bonnie Henri, Clerk of District Court, reelected for a four-year term, and Susan Reed, County Auditor, who was elected to fill the unexpired term of Linda Reep (who resigned in August of 1984) through December 31, 1986.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 850015, a request from the County Auditor to transfer \$34,274.00 from one permanent salaries (\$27,929.00) and fringe benefits (\$6,345.00) account (410532) to another permanent salaries (\$27,929.00) and fringe benefits (\$6,345.00) account (410531) as the new payroll system does not differentiate between accounts. The Board adopted the transfer as part of the FY '85 budget.

Other matters considered included:

1. The Board met with Jean Wilcox, Deputy County Attorney, and discussed proposed land-use legislation; and
2. Representatives from MQTV met with the Board and requested an advance from the County on their grant from the coal-tax money, which is administered by the County. The request was denied by consensus of the two Commissioners who were present.

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

JANUARY 8, 1985

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:

✓ RIGHT-OF-WAY AGREEMENT

The Board of County Commissioners signed a Right-of-Way Agreement between Missoula County and Gerald J. and Delores M. Sindelar for one of a series of parcels needed for Harper's Bridge, in accordance with the terms set forth for a total payment of \$1,839.00. The Agreement was returned to the Surveyor's Office for further handling.

QUARTERLY REVIEW OF PLEDGED SECURITIES AND INVESTMENTS

The Board of County Commissioners examined, approved and ordered filed the lists of securities pledged to the County by various financial institutions and a list of the County's investments. Both lists are as of December 31, 1984, and submitted for review by the County Treasurer's Office. The lists were forwarded to the County Clerk and Recorder's Office for filing.

✓ APPROVAL OF TASK FORCE APPOINTMENTS

The Board of County Commissioners signed approval of the appointments made to fill vacancies which have occurred on the Missoula County DUI Task Force. The approval was returned to the Health Department.

Other matters included:

A discussion was held regarding the problem of Courtroom space in the Courthouse. John DeVore, Operations Officer, will look at the options downtown and report to the Commissioners.

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

JANUARY 9, 1985

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Portland, Oregon, where he attended BPA Task Force Meetings January 9th & 10th, returning to Missoula in the forenoon on January 11th.

MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report for Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County, for month ending December 31, 1984.

AUDIT LIST

Commissioners Dussault and Evans signed the Audit List, dated January 8, 1985, pages 1-18, with a grand total of \$63,025.08. The Audit List was returned to the Accounting Department.

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Marjorie Gingras as principal for warrant no. 008348, dated December 20, 1984, on the Missoula Vo-Tech Center Fund, in the amount of \$1,433.31, now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

✓✓ RIGHT-OF-WAY AGREEMENT

The Board of County Commissioners signed a right-of-way agreement between Missoula County and Kenneth B. and Judith Cook for one of a series of parcels needed for Harper's Bridge, in accordance with the terms set forth in the Agreement, for a total amount of \$1,275.00. The Agreement was returned to the Surveyor's Office for handling.

BOARD APPOINTMENT

- ✓ The Board of County Commissioners appointed Chris Rockey, the new Director of the Office of Community Development, to fill the vacancy left by Kristina Ford on the Missoula County Park Board.

Other matters considered included:

- ✓ 1. The request to expand the area north of the Seeley Lake Refuse District into the District was referred to Deputy County Attorney Mike Sehestedt for comment; and
- ✓ 2. The request to approve the board appointments for the Seeley Lake Refuse District was denied by the Commissioners. It was decided that the vacancies should be advertised.

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

PUBLIC MEETING

Chair Ann Mary Dussault called the meeting to order at 1:35 p.m. Commissioner Barbara Evans was also present. Commissioner Bob Palmer was in Portland, Oregon on Commission business.

✓✓ DECISION ON: REQUEST TO ABANDON COUNTY ROAD, IN ACCORDANCE WITH THE PETITION OF THE LINDBERGH CATTLE COMPANY

Commissioner Ann Mary Dussault read the request for commission action which stated that the hearing on this matter was held before the County Commissioners on December 26. At that meeting, discussion was held on which of the roads in question to abandon, since Surveyor Dick Colvill didn't think it was a good idea to abandon all the roads in a given area in a blanket fashion.

Mr. Land Lindbergh appeared on behalf of Lindbergh Cattle Company and was not opposed to Mr. Colvill's suggestion that specific roads be abandoned. Deputy County Attorney Jean Wilcox and Don Ebbut of the Surveyor's Office were going to work up the appropriate legal descriptions for the roads to be abandoned for this Public Meeting.

Commissioner Bob Palmer and Surveyor Dick Colvill inspected the site during the previous week, and Bob Palmer said that he thought that the roads should be abandoned.

Deputy County Attorney Mike Sehestedt was present at the meeting. He pointed out the specific roads to be abandoned on a map which had been prepared by the Surveyor's Office.

Phil O'Connell, from the law firm of Knight & Maclay, also pointed out areas that the County would then Quit Claim to the various landowners involved.

Commissioner Barbara Evans asked how we could quit claim something that we did not have an interest in.

Mike Sehestedt replied that a quit claim is a formal document whereby you can say that we do not have an interest in the property.

Barbara Evans asked if any of the affected property owners had any opposition to the proposed abandonments, and Mr. O'Connell stated that none did, and that all the affected landowners had signed the petition.

Deputy County Attorney Mike Sehestedt suggested a motion approving the vacation as indicated on the map prepared by the Surveyor's Office, subject to appropriate legal descriptions to be prepared by the Attorney's Office for incorporation into the resolution.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the vacation of the roads in question be approved, as indicated on the map prepared by the Surveyor's Office, subject to appropriate legal descriptions being prepared by the Attorney's Office for incorporation into the resolution. The motion carried by a vote of 2-0.

✓✓✓ CONSIDERATION OF AMENDED PLAT - SORREL SPRINGS, LOT 26

Chair Ann Mary Dussault read the request for commission action which had been prepared by Planner Barbara Martens, stating that the subdivision is the re-division of Lot 26 into two five-acre parcels. Access is



PUBLIC MEETING, JANUARY 9, 1985

available to both lots from the existing Sorrel Springs Lane, a paved and County-maintained road. Lot 26-A contains an existing single-family dwelling and a barn. A variance from the requirement for paved driveways has been requested. The reason for requesting this variance is that poor soil conditions will necessitate setting the house on Lot 26-B toward the rear of the lot, resulting in an unusually long driveway. The new lot will have an individual septic system and will connect to the community water system.

Barbara Martens' staff report stated that the Missoula Planning Board had voted to recommend to the Board of County Commissioners the approval of the Amended Plat of Lot 26, Sorrel Springs Addition, subject to the following conditions:

1. The subdivision shall be re-named, subtitled as "The Amended Plat of Sorrel Springs, Lot 26," prior to plat filing; and
2. The dedication statement shall be revised as recommended by the County Surveyor prior to plat filing.

Ms. Martens also stated that the Missoula Planning Board further recommended that a variance from the requirement of paved driveways be granted because the poor soil conditions necessitate setting the house on Lot 26-B, toward the rear of the lot, resulting in an unusually long driveway.

After evaluating the eight criteria, outlined below, the Missoula Planning Board recommended that the subdivision be declared to be in the public interest, subject to the recommended conditions and variance:

1. Need - The Missoula Comprehensive Plan designates the area for residential development at a density of one unit per ten acres. The proposed density for this development is one unit per five acres. While this is greater than the density recommended by the Comprehensive Plan, it is not inappropriate for the area. The subdivision lies adjacent to a designated service area, and is consistent with the pattern of development in the area. The subdivision is unzoned.
2. Expressed Public Opinion - No public hearing is required for a summary plat, and no comment has been received to date regarding this proposal.
3. Effects on Local Services - This subdivision is located adjacent to a designated service area; which is a cluster of different uses serving the needs of people living outside the Missoula Urban Area. Access will be from an existing improved County road, so there will be no increase in road maintenance expenses to the County.
4. Effects on Agriculture - This parcel is not in agricultural use at this time.
5. Effects on Taxation - The anticipated increase in tax receipts has been estimated by the developer to be approximately \$1085, assuming that a house of equal value is constructed on the new lot.
6. Effects on the Natural Environment - This two-lot split in an existing subdivision is consistent with the development pattern in the area and should not substantially alter the environment.
7. Effects on Wildlife and Wildlife Habitat - This subdivision lies in an area which is developed for low density residential use. This development should not have any further impact on wildlife and wildlife habitat.
8. Effects on Public Health and Safety - Individual septic systems are proposed and the new lot will connect to the existing community water system. The homes are in the service area of the Frenchtown Fire District. Health and emergency services are available in Missoula.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the Amended Plat of Sorrel Springs, Lot 26, be approved, subject to the two conditions stated above, in accordance with the recommendation of the Planning Board, based on its findings that this action is in the public interest. The motion passed by a vote of 2-0.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the variance from the requirement of the paved driveway be granted, as set forth above. The motion passed by a vote of 2-0.

✓✓ CONSIDERATION OF: LAKEWOOD ESTATES, PHASE 2B (FINAL PLAT)

Chair Ann Mary Dussault read the request for commission action prepared by Barbara Martens, which stated that Lakewood Estates, Phase 2B is the remaining portion of the total Phase II development. She said that Phase 2A was approved by the Commissioners on May 9, 1984, and is under construction, and Phase 2B consists of the twelve lots on Peninsula Place which are in the floodfringe area of the Bitterroot River. She said that multi-family housing is planned for two of the twelve lots. She stated that the staff recommended approval of the final plat of Lakewood Estates, Phase IIB, subject to the conditions contained in the staff report, and asked Barb Martens to review those conditions.

Barb Martens stated the conditions as follows:

1. The developer shall form, prior to filing the final plat, a rural special improvement district to create monies to cover costs and expenses associated with repairs to the roadway known as Peninsula Place (located in Lakewood Estates, Phase IIB) resulting from flooding caused by the Bitterroot River. Such repairs should exclude normal resurfacing and reconstruction necessary as a result of normal deterioration of the road from the weather and elements. Such normal expenses and costs of repairs necessary for normal resurfacing and reconstruction shall be the responsibility of the County. In addition, the developer shall state this condition on the face of the plat and in the covenants to inform potential buyers of this RSID requirement.
2. Floodplain permits shall be obtained to ensure that all requirements of the Missoula County Floodplain Regulations shall be met concerning installation of utility transmission lines; storing of equipment and materials; domestic water supply; sanitation; floodproofing standards for electrical, plumbing and heating systems; and fill or excavation.
3. A site plan shall be submitted depicting individual building sites, as required by Missoula County Subdivision Regulations, Section III.A.2.

To further explicate condition no. 1, Barbara Martens stated that she had talked to the applicant, represented by Dick Ainsworth, about the second condition as well, and that he had stated that he would apply for the floodplain permits for the specified items prior to plat filing.

PUBLIC MEETING, JANUARY 9, 1985, CONTINUED

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the final plat for Lakewood Estates, Phase IIB, be approved, subject to the conditions recommended above. The motion passed by a vote of 2-0.

Since there was no further business to come before the Board of County Commissioners, the meeting was recessed at 1:45 p.m.

\* \* \* \* \*

JANUARY 10, 1985

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

MONTHLY REPORT

Chairman Dussault examined, approved and ordered filed the monthly report for Justice of the Peace W. P. Monger for collections and distributions for month ending December 31, 1984.

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Kristen Smyka as principal for warrant no. 7514, dated December 31, 1984, on the Missoula County Claims Fund, in the amount of \$38.45, 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 between Missoula County and Nelcon, Inc., the lowest and best bidder for contractor snow plowing in the Condon area, for the period from December 26, 1984 through March 15, 1985, at a rate of \$39.63 per hour as per the bid. The Contract was returned to Centralized Services for further handling.

//AGREEMENT

The Board of County Commissioners signed an Agreement dated January 9, 1985, between Missoula County and School District One for the MEANS receiver unit as per the terms set forth in the Agreement. The Agreement was returned to Orin Olsgaard, DES Coordinator, for further handling.

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 850016, a request from the Sheriff's Department to transfer \$2,000.00 from the permanent salaries account to the temporary salaries account to supplement the appropriation made to Personnel for a part-time secretary in the Sheriff's Department, as the allocated money is insufficient, and the transfer was adopted as part of the FY '85 budget.

RESOLUTION NO. 85-003

The Board of County Commissioners signed Resolution No. 85-003, a budget amendment for FY '85, for the Clerk of Court, including the following expenditure and revenue, and adopting it as part of the FY '85 budget:

Clerk of Court:

<u>Description of Expenditure</u>	<u>Budget</u>
Temporary salaries 2180-040-410331-112	\$774.40
<u>Description of Revenue</u>	<u>Revenue</u>
SRS OJT (On-the-Job Training Agreement) 2180-040-331160	\$774.40

RESOLUTION NO. 85-004

The Board of County Commissioners signed Resolution No. 85-004, a budget amendment for FY '85 for General Services and Centralized Services, relative to the expenditures associated with the Jail Bond issue, including the following expenditures and revenue, and adopting it as part of the FY '85 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
General Services and Centralized Services:	
1000-240-411702-301	\$110,000
Postage	S/B 114,400
1000-241-411704-296	\$ 40,000
Reimb. Supplies	S/B 42,377
1000-190-411230-920	\$159,643
Capital - Bldg. & con.	S/B 165,421
<u>Description of Revenue</u>	<u>Revenue</u>
1000-891-337014 PILT	\$1 12,555

BOARD APPOINTMENTS

The Board of County Commissioners made the following appointments to the Missoula County Zoning Board of

JANUARY 10, 1985, CONT.

Adjustment:

- ✓ 1. H. L. (Whitey) Garnaas was appointed to a two-year term which will expire December 31, 1986;
- ✓ 2. Libby Sale was appointed as the first alternate member, Robert Lovegrove as second alternate, and Sonia Zenk as the third alternate member. These appointments are for two years and will expire December 31, 1986.

Other matters included:

- ✓ A discussion was held on Jack Caster's request to designate Colorado Gulch<sup>Road</sup> as a "No Parking" zone, based on recommendations from the Community Development Office and the County Surveyor. The previous decision to hold a hearing on the matter was rescinded by the Commissioners. A letter will be sent to Mr. Caster suggesting that he proceed by the petition process, if he wishes to pursue his request further.

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

DINNER MEETING

Commissioner Dussault attended a DNRC (Board of Natural Resources) dinner meeting in Helena in the evening.

JANUARY 11, 1985

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Dussault was in Helena all day attending a DNRC (Board of Natural Resources) meeting.

  
Fern Hart, Clerk & Recorder

  
Ann Mary Dussault, Chair  
Board of County Commissioners

JANUARY 14, 1985

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. 85-005

The Board of County Commissioners signed Resolution No. 85-005, a Budget Amendment for FY '85 for the Health Department, including the following expenditure and revenue, and adopting it as part of the FY '85 Budget:

<u>Description of Expenditure</u>		<u>Budget</u>
	Health Dept.	
Contracted Services	2270-610-445910-328	\$600.00
<u>Description of Revenue</u>		<u>Revenue</u>
Lobbying Funds	2270-613-344070	\$600.00

Funds will be received from various sources and other counties to support a lobbying effort for protection of Maternal Child Health Block Grant monies.

RESOLUTION 85-006

The Board of County Commissioners signed Resolution No. 85-006, a Budget Amendment for FY '85, including the following expenditures and revenue, and adopting it as part of the FY '85 Budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Women's Place	
2315-675-450706-749	\$550.00
Rape Prevention	
Psychiatric Exam	
2315-675-450715-385	\$150.00
Education Training	
2315-675-450715-363	\$300.00
<u>Description of Revenue</u>	<u>Revenue</u>
2315-675-355025	
Fines - Rape Prevention - CBO Fund	\$1,000.00

- ✓ APPLICATION FOR ENTRY OF DAN KEMMIS' NAME ON DOCKET  
Chair Dussault signed the Application for Entry of Name of Lobbyist upon Docket and the Statement of Authorization for Daniel Kemmis, lobbyist employed by the Community Economic Development Coalition, for the purpose of promoting legislation regarding enhancing local involvement in economic development programs. The forms were forwarded to the Commission of Political Practices in Helena.

Other matters included:

- 1. The Commissioners approved a request from the Sheriff's Department to call for bids for vehicles for the forthcoming year. The vehicles would be delivered in July and paid for from the FY '86 Budget.
- 2. Health Department personnel briefed the Commissioners on the Household Safety Program; and
- ✓ 3. The Board met with John DeVore, Operations Officer, and Dick Colvill and Bob Holm of the Surveyor's Office regarding the Dust Treatment Policy. They will work on refining the policy for a public hearing in March.

JANUARY 14, 1985, CONT.

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

JANUARY 15, 1985

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:

✓✓✓ PLAT

The Board of County Commissioners signed the Plat for Vyon Addition, a resubdivision of Lot 4, Sal Acreage Tracts Subdivision, located in the SE¼ of Section 8, T13N, R 20W, Missoula County, Montana, the owner of record being Arnold G. and Alice M. Gohl.

Other matters included:

The Board met with Jean Wilcox, Deputy County Attorney, and Tom Hansen of Professional Consultants, regarding Lois Morton's Preliminary Certificates of Survey No. 03520. The decision stands as per the letter dated January 3, 1985 (BCC-85-009).

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

JANUARY 16, 1985

The Board of County Commissioners did not meet in regular session; Commissioners Dussault and Palmer were in Helena all day at the Legislature, and Commissioner Evans was out of the office all day.

WEEKLY PUBLIC EVENING MEETING CANCELED

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

JANUARY 17, 1985

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

AUDIT LIST

Commissioners Evans and Palmer signed the Audit List, dated January 16, 1985, pages 1-38, with a grand total of \$915,033.58. The Audit List was returned to the Accounting Department.

INDEMNITY BOND

Chairman Dussault examined, approved and ordered filed an Indemnity Bond naming Sherry Richardson as principal for warrant # 107476, dated December 13, 1984, on the Missoula County District Court Fund, in the amount of \$592.32, now unable to be found.

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:

1. Payroll Period #26 (12/02/84 - 12/15/84) with a grand total for all funds of \$337,694.79; and
2. Payroll Period #1 (12/16/84-12/29/84) with a grand total for all funds of \$325,857.59.

The transmittal sheets were returned to the Auditor's Office.

✓ RESOLUTION NO. 85-007

The Board of County Commissioners signed Resolution No. 85-007, a Resolution of Intention to Create RSID No. 409, for the purpose of street improvements on Tower Street, Missoula County, in accordance with the terms set forth in the Resolution. Chair Dussault signed the Notice of Passage of Intention to Create RSID No. 409, setting the hearing for February 6, 1985, at 1:30 p.m.

✓✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Judith Carlson, and independent contractor, for the purpose of serving as a lobbyist to work on the issues of maintaining and protecting MCH (Maternal Child Health) block grant funds, promoting the creation of a MCH trust fund and other necessary issues for the period from January 14, 1985 to April 1, 1985, for a total amount not to exceed \$1,600.00. The Contract was returned to the Health Department for further handling.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfer requests from DES and adopted them as part of the FY '85 Budget:

1. No. 850017, a request to transfer \$1,350.00 from the other equipment maintenance account to the radio pager (\$150.00), map preparation (\$500) and phone basic charges (\$700) accounts to cover increased costs in these accounts; and
2. No. 850018, a request to transfer \$800 from the work study account to the temporary salaries account because of an error in account classification.

PROCLAMATION

The Board of County Commissioners signed a Proclamation for the Missoula County Search and Rescue (SAR), proclaiming the last week of April (to culminate with the last Saturday of the month) as Missoula County SAR Week, and urging the citizens to participate in SAR activities. The Proclamation was returned to the Sheriff for further handling.

JANUARY 17, 1985, CONT.

Other matters included:

- ✓ 1. John DeVore, Operations Officer, met with the Board regarding insurance for Quick Response Units. The Commissioners voted unanimously to fund the insurance costs contingent upon finding a carrier which will accept our standards and the insurance fund will cover;
- ✓ 2. A discussion was held regarding the Lincoln Hills Sewer Project. John DeVore, Operations Officer, will notice the selection process for engineers and start drafting an interlocal agreement between the City and County; and Jean Wilcox, Deputy County Attorney, will draft a letter requesting the State Health Department to reimpose sanitary restrictions;
- ✓ 3. The Commissioners voted unanimously to approve the Park Board's recommendation to designate the Fort Missoula Complex as the "Allen Kimery Park at Fort Missoula;" and
- ✓ 4. The Commissioners voted to approve the jail renovation prospects as listed in Operation Officer John DeVore's memo of January 10, 1985.

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

✓ QUARTERLY JAIL INSPECTION

The Board of County Commissioners and Health Department personnel conducted the quarterly inspection of the jail in the afternoon. The Sheriff was urged to make every effort to clean up the jail, as per the inspection report.

JANUARY 18, 1985

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

Fern Hart  
Fern Hart, Clerk & Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair  
Board of County Commissioners

JANUARY 21, 1985

The Board of County Commissioners met in regular session; all three members were present. The Commissioners and Administrative Staff personnel held an all-day meeting at the Village Red Lion Inn regarding staff structure and goals and objectives.

JANUARY 22, 1985

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

AUDIT LIST

The Board of County Commissioners signed the Audit List dated January 21, 1985, pages 1-26, with a grand total of \$80,379.27. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the Transmittal Sheet for Payroll Period #2 (12/30/84 - 1/12/85), with a grand total for all funds of \$333,008.09. The Transmittal Sheet was returned to the Auditor's Office.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY '85 budget:

1. No. 850019, a request from the County Superintendent of Schools to transfer \$200.00 from the common carrier account to the books, resource materials and subscriptions account, because of unanticipated expenses;
2. No. 850020, a request from the Library - Tamarack Foundation - to transfer \$4,000 from the permanent salaries account to the temporary salaries account, as the new director has not been hired, and temporary help is needed to do the Tamarack work.
3. No. 850021, a request from the Surveyor to transfer \$5,000 from the capital-vehicle account to the contracted services account, as there was a cost overrun on the repairs to Van Evans Railroad crossing;
4. No. 850022, a request from Data Processing to transfer \$3,000 from the contracted services (\$2,000), copy costs (\$500), printing (\$100) and long distance phone (\$400) accounts to the computer supplies account, as this account will have an overrun;
5. No. 850023, a request from the Health Department to transfer \$775 from the radio maintenance (\$700) and postage (\$75) accounts to the computer supplies (\$700) and small tools (\$75) accounts, as these funds are overexpended;
6. No. 850024, a request from the Health Department to transfer \$1,600 from the advertising/legal publications account to the consultants (\$300) and common carrier (\$1,300) accounts, as these funds are overexpended.

✓ AGREEMENT

The Board of County Commissioners signed an agreement to sell surplus property between Missoula County and Robert Johnson for surplus pit run gravel located in the O'Brien Creek Road right-of-way at the rate of \$.50 per cubic yard, not to exceed 1,000 yards, for the period from January 15, 1985 through May 1, 1985, in accordance with the terms set forth in the Agreement, which was returned to the Surveyor's Office for further handling.

JANUARY 22, 1985, CONTINUED✓✓ RIGHT-OF-WAY AGREEMENT

The Board of County Commissioners signed a Right-of-Way Agreement between Missoula County and Kim Michael Sol and Betty Sol (personal representatives for John Sol) for one of a series of parcels of land needed for Harper's Bridge, in accordance with the terms set forth in the agreement, for a total payment of \$4,711. The Agreement was returned to the Surveyor's Office for further handling.

✓ RESOLUTION NO. 85-008

The Board of County Commissioners signed Resolution No. 85-008, a resolution to vacate County roads located in Sections 25, 26 and 36, T14N, R15W (Lindbergh Cattle Company), and more particularly described on the exhibits and map attached to the resolution. The Board of County Commissioners also signed deeds returning the vacated property to the landowners, thus returning the land to the Missoula County tax rolls.

## Other items included:

1. A letter will be sent to all Library Board applicants informing them that the appointments are temporarily on hold, pending modification of the Interlocal Agreement with the City; and
- ✓ 2. A lengthy discussion was held on the Colstrip Rate Case intervention, which will likely continue, but a final dollar impact is needed and a check of available resources for the final phase will be made.

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

JANUARY 23, 1985

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 because of illness.

DAILY ADMINISTRATIVE MEETING

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

✓✓ AMENDMENT TO CONTRACT

The Board of County Commissioners signed an Amendment to the Contract between Missoula County and Joan Schweinsberger, an independent contractor, for the period from October 1, 1984 through December 31, 1984, changing the hourly rate, which was miscalculated, in Section #4 of the contract, from \$6.25 to \$7.20 per hour, thus paying her an additional \$456.00 on the contract with Environmental Health.

APPROVAL OF REQUEST

The Board of County Commissioners approved and signed a request from the Sheriff's Office that the Police Memorial flag, which was presented to Jo Kimery in remembrance of Allen Kimery by the American Police Hall of Fame, be flown at the Missoula County Courthouse every May 15th, which is designated as Police Memorial Day.

BOARD APPOINTMENTS

The Board of County Commissioners made the following appointments to the Missoula County Fair Commission:

- ✓ 1. Dale Mahlum and Bill Nooney were reappointed to two-year terms, which will expire December 31, 1986;
- ✓ 2. Betty Jo Johnson was appointed to a two-year term, which will expire December 31, 1986; and
- ✓ 3. Harry Hansen was asked to serve as a member of the Ad Hoc Committee.

## Other matters included:

1. Mary Canty of MQ-TV met with the Board and discussed the MQ-TV project, and the Commissioners' previous decision not to advance money for the project stood.
2. Tom Hanson of PCI met with the Commissioners and discussed proposed land divisions in the Meadows of Baron O'Keefe Certificates of Survey.
3. A proposed land split by Jack Morton of Florence, Montana was discussed with Jean Wilcox, Deputy County Attorney. She will draft a letter to Mr. Morton.

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

PUBLIC MEETING

Chair Ann Mary Dussault called the meeting to order at 1:30 p.m. Also present was Commissioner Bob Palmer. Commissioner Barbara Evans was absent due to illness.

There were no agenda items, and there nothing was brought up under "Other Business" or "Public Comment".

The meeting was recessed at 1:32.

JANUARY 24, 1985

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was out of the office January 24th and 25th because of illness.

✓ WELFARE ADVISORY BOARD

The Board of County Commissioners, serving as the Welfare Advisory Board, met with Jean Johnston, Welfare Director, in the forenoon, for their regular monthly meeting.

DAILY ADMINISTRATIVE MEETING

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

1. Legislative matters were discussed; and

JANUARY 24, 1985, CONT.

2. The Commissioners agreed to endorse Dan Kemmis's proposal for an Economic Development Town Meeting the evening of February 20, 1985.

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

JANUARY 25, 1985

The Board of County Commissioners did not meet in regular session. Commissioners Dussault and Palmer were in Helena, where they attended "Local Government Day at the Legislature."

  
Fern Hart, Clerk & Recorder

  
Ann Mary Dussault, Chair  
Board of County Commissioners

JANUARY 28, 1985

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. 85-009

The Board of County Commissioners signed Resolution No. 85-009, a budget amendment for FY '85 for the Health Department, including the following expenditures and revenue, and adopting it as part of the FY '85 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2270-610-441000-357 Travel, meals, lodging	\$678.92
2270-610-441000-356 Common Carrier	\$520.00
<u>Description of Revenue</u>	<u>Revenue</u>
2270-610-361005 Miscellaneous	\$1,198.92

The revenue was received as a reimbursement from the Montana Association of Women for a trip to Denver taken by Ellen Leahy and Robin Vallie for a Seat Belt Safety Conference.

Other matters included:

- ✓ 1. The Commissioners voted unanimously to transfer \$5,000.00 of General Revenue Sharing Funds to Larchmont Golf Course; and
- ✓ 2. The question of self-fueling of airplanes at the Missoula County Airport was discussed. Mike Sehestedt, Deputy County Attorney, will research the issue and advise the Commissioners if any formal action is necessary.

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

JANUARY 29, 1985

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:

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 850025, a request from the Health Department to transfer \$1,300.00 from one common carrier account to another common carrier Account to correct a mistake on a previous transfer (No. 850024), and adopted it as part of the FY '85 budget.

Other matters included:

1. Health Department personnel met with the Commissioners regarding various pieces of Health Department legislation. Letters of support for Board of County Commission signature will be drafted; and
2. Emergency winter storm procedures were discussed with Orin Olsgaard, DES Coordinator.

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

JANUARY 30, 1985

The Board of County Commissioners met in regular session; all three members were present until noon. Commissioner Palmer left at noon for Tacoma, Washington, where he will attend a BPA Task Force meeting on January 31st and February 1st.

AUDIT LIST

The Board of County Commissioners signed the Audit List, dated January 29, 1985, pages 1-25, with a grand total of \$933,540.76. 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:



JANUARY 30, 1985, CONT.

RIGHT-OF-WAY AGREEMENT

The Board of County Commissioners signed a Right-of-Way Agreement between Missoula County and Gilbert and Elsie B. Nelson for one of a series of parcels needed for Harper's Bridge, as per the terms set forth in the Agreement, for a total payment of \$2,500.00. The Agreement was returned to the Surveyor's Office for further handling.

Other matters included:

1. Bill Otten, Weed Department Supervisor, and representatives of the Weed Board met with the Commissioners regarding proposed legislation and requested their support. It will be submitted for review and a decision;
2. Jean Wilcox, Deputy County Attorney, met with the Board regarding a possible evasion of the Subdivision Act on a Certificate of Survey. She will draft a letter for the Commissioners' signature; and
3. Nick Kaufman met with the Board regarding a land split. He is to proceed with the proposed Certificate of Survey.

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

PUBLIC MEETING

Chair Ann Mary Dussault called the meeting to order at 1:30 p.m. Also present was Commissioner Barbara Evans. Commissioner Bob Palmer was on Commission business in Tacoma, Washington.

There were no scheduled agenda items, and nothing was brought up under "Other Business" or "Public Comment."

The meeting was recessed at 1:30 p.m.

\* \* \* \* \*

JANUARY 31, 1985

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

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 85-010

The Board of County Commissioners signed Resolution No. 85-010, a budget amendment for FY '85 for the Health Department, including additional expenditures and revenue of \$16,750.00, in accordance with the Attachment to the Resolution, because of an additional \$21,097.00 received through the Child Health Block Grant, and adopted it as part of the FY '85 Budget. The remaining amount will be used for a capital item and will be included on another budget amendment.

LETTER REQUESTING APPROVAL OF DESTRUCTION LIST

The Board of County Commissioners signed a letter to Donald L. Dooley, of the Division of Local Government Services, State Department of Administration, requesting approval by the State of Montana of the Destruction List attached to the letter, in accordance with the retention schedule. The letter was returned to the Accounting Department for forwarding.

Other matters included:

1. The Board met with Mike Sehestedt, Deputy County Attorney, regarding the failure to make the annual payment on tax deed property by Kim McCampbell. Mr. McCampbell will be contacted about this;
2. Charles Parker's tax problem was discussed. The figures in Mike Sehestedt's letter will be confirmed and then forwarded to Mr. Parker; and
3. House Bill No. 277 was discussed. Commissioner Evans and Sheriff Froehlich will take care of follow up.

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

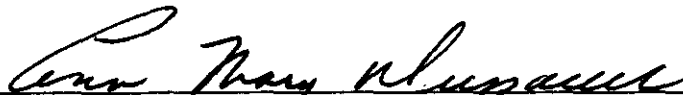
FEBRUARY 1, 1985

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

RIBBON CUTTING CEREMONY

Commissioners Dussault and Evans participated in the ribbon cutting ceremony for the renovation project at the Art Museum in the evening.

  
Fern Hart, Clerk & Recorder

  
Ann Mary Dussault, Chair  
Board of County Commissioners

FEBRUARY 4, 1985

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 for the Health Department and adopted them as part of the FY '85 Budget:

FEBRUARY 4, 1985, CONT.

1. No. 850026, a request to transfer \$300.00 from the printing and litho account to the postage (\$250) and copy costs (\$50) accounts, as they waited for program plan approval from the State to determine what line items were needed;
2. No. 850027, a request to transfer \$1,550.00 from the printing and litho account to the audio-visual materials (\$1,500) and office supplies (\$50) accounts, as program plan approval from the State was necessary before determining what line items were needed;
3. No. 850028, a request to transfer \$400.00 from the printing and litho account to the mileage-county vehicle (\$200) and curriculum materials (\$200) accounts, as program plan approval from the State was necessary before determining what line items were needed; and
4. No. 850029, a request to transfer \$250.00 from the printing and litho accounts to the long distance phone (\$100) and meals, lodging and incidentals (\$150) accounts, as program approval from the State was necessary before determining what line items were needed.

✓✓ RIGHT OF WAY AGREEMENT

The Board of County Commissioners signed a Right-of-Way Agreement between Missoula County and John H. and Mary L. Stiegler for one of a series of parcels needed for Harper's Bridge, as per the terms set forth in the contract, for a total payment of \$5,500.00. The Agreement was returned to the Surveyor's Office for further handling.

RESOLUTION NO. 85-011

The Board of County Commissioners signed Resolution No. 85-011, a Budget Amendment for FY '85 for the Office of Community Development, including the following expenditures and revenue (which are explained in detail on the attachment to the resolution) and adopting it as part of the FY '85 Budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Salaries	\$5,598.45
Operations	401.55
<u>Description of Revenue</u>	<u>Revenue</u>
City of Hamilton Section 8 Mod Rehab	\$6,000.00

## Other items included:

1. Dennis Engelhard, Personnel Officer, met with the Commissioners and presented the budget status report for his department; and
2. Commissioners Dussault and Palmer voted yes, with Commissioner Evans voting no, to contract with Bill Carey in the amount of \$300.00 to prepare a report on the feasibility of public-private cooperative housing ventures in Missoula County.

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

FEBRUARY 5, 1985

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

AUDIT LIST

Commissioners Dussault and Evans signed the Audit List, dated February 5, 1985, pages 1-29, with a grand total of \$861,299.68. The Audit List was returned to the Accounting Department.

MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report for Justice of the Peace Janet Stevens, for collections and distributions for month ending January 31, 1985.

DAILY ADMINISTRATIVE MEETING

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

✓✓ RESOLUTION NO. 85-012

The Board of County Commissioners signed Resolution No. 85-012, a resolution fixing the form and details of up to \$96,000 in RSID No. 406 bonds and directing their execution and delivery, for the purpose of sewer improvements on Larkspur and a portion of 21st Avenue.

✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Bill Carey, an independent contractor, for the purpose of preparation and submission of a feasibility study regarding public-private cooperative housing in Missoula, detailing: 1. examples of co-op housing elsewhere, 2. options for applications of these examples to Missoula, 3. financing strategies for these options. The contract dates were specified as from February 5, 1985 to April 15, 1985, for a total payment not to exceed \$300.00.

## Other items included:

John DeVore, Operations Officer, met with the Board and discussed Courthouse remodeling, and also presented their budget status report for the General Services Department.

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

FEBRUARY 6, 1985

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

FEBRUARY 6, 1985, CONT.

MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report of Justice of the Peace W. P. Monger, for collections and distributions for month ended January 31, 1985.

DAILY ADMINISTRATIVE MEETING

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

✓ AMENDMENT TO CONTRACT

The Board of County Commissioners signed an Amendment to the Building Maintenance Custodial Service Contract, dated January 14, 1985, between the County of Missoula and the City of Missoula, amending the original agreement to allow the City to obtain the services of the County's General Services and Personnel Departments in the area of the General Revenue Sharing Section 504 handicapped compliance regulations, in accordance with the terms set forth in the contract, for a total cost of \$2,850.00, by June 30, 1985.

✓✓ PLAT

The Board of County Commissioners signed the Plat for Orchard Court Addition, a resubdivision of Southside Homes, Lot 32-B, located in the NE¼ of Section 1, T12N, R20W, PMM, the owners/developers being Daniel S. and Janis B. Miller, Walter W. and Frances E. Miller, David B. and Alpha D. Tawney, Leigh R. and Barbara Cornelius, and John C. and Anne M. Remien.

✓✓ PLAT

The Board of County Commissioners signed the Plat for Gleneagle at Grantland, a subdivision located in the SE¼ of Section 32 and the SW¼ of Section 33, T14N, R19W, PMM, the owner/developer being Watson & Associates, Inc.

PROCLAMATION

The Board of County Commissioners signed a Proclamation, requested by the Exchange Club of Missoula, proclaiming the week of February 17-23, 1985 as the County observance of National Crime Prevention Week.

Other items included:

1. Justices of the peace Janet Jensen and W. P. Monger met with the Commissioners and presented their budget status report; and
2. Dusty Deschamps, County Attorney, met with the Board and presented the budget status report for his department.

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

PUBLIC MEETING

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

✓✓ HEARING: CREATION OF RSID 409 - TOWER STREET IMPROVEMENTS

Ann Mary Dussault read the Request for Commission Action prepared by Operations Officer, John DeVore, which stated that he had received a petition in regard to street improvements on portions of Tower Street, and that 60% of the freeholders had signed the petition. The purpose of the petition was paving a portion of Tower Street. The petition had been reviewed by the Surveyor's Office, the County Attorney's Office and the Planning Office and had been approved by all three. He stated that the project would be carried out under the aid-to-construction program. If approved, this would require 30% County financed participation, or \$11,077. He said that his office had received two letters of protest, one regarding the method of spread, and the second protesting the project in general.

The staff recommendation was that the project be approved, contingent on the appropriation of aid-to-construction funds during the FY '86 budget process.

Ann Mary Dussault then opened the public comment portion of the hearing, asking that proponents speak first. The following people testified in favor of granting the petition:

1. Steve Halvorson stated that he and his wife, Mary Dower, were in favor of the paving project because it would raise property values in the area and eliminate the problem of dust from the road. He said that people drive 30-40 m.p.h. down the road in the summer, and respirable size particles were in the air all the time. He said that he did not think that a few landowners (speaking of the people who had protested creation of the RSID) should be able to dictate to the many in the area.
2. He then read a statement from Judy Neal, who was unable to attend because of work. She said that the dust in the area was a significant problem.
3. René Touchette stated that she agreed with Steve Halvorson. She added that there were many families with children along Tower Street, and she was interested in having the environment improved for the sake of the children.
4. Boyd Healey said that he did not live on Tower Street, but he owned property along the street. He said that he was in favor of paving because he felt it would increase the property value. He said that the street by his own house had recently been paved, and it had upgraded the area considerably.
5. Nancy Berkholder said that she was more concerned about the present, not what went on years ago. She said that there were lots of young kids on the road now. Because of the dust, it was impossible to grow anything, she said. All you get is quack grass. She said that it would improve the looks of the place. Her main concerns were health, aesthetics and property values.
6. Claire Trollope said that she was in favor of having the road paved because there was more traffic now than ever before. That meant much more dust than ever.

There were no more proponents. The following people spoke in opposition to the paving project:

FEBRUARY 6, 1985, CONT.

1. Earlene Stevens said that she had lived on Tower for 24 years. She said that when she had raised six kids, she had wanted things like cable t.v., but no one else had been interested. She said that her husband, Russell, is 71 and he wouldn't be around to enjoy the paving. She said that they were one of the large property owners in the area, and they were against the project.

2. Irma Reagan said that she had owned her property since 1948, and she felt that the east side of the street got more dust than the west side. She also felt that the amounts that each lot would have to pay were not distributed adequately. She said that east side lots, which were smaller lots, would pay less than west side lots. She felt that the district lines had not been drawn correctly. Finally, she said that she wanted to petition out the first 411 feet of her property if the RSID did pass.

3. Russell Stevens said that he lived on Tower and had since 1960. At that time, they had had six children, and they had tried to get paving then, but people weren't interested. He said that he had his wife did not owe anybody anything, and they didn't intend to pay for a road that he wouldn't even live long enough to pay for. He said that one property owner in the area was not even included in the district.

Barbara Evans asked him to point out that property on the map, and he did so.

There were no other people wishing to testify in opposition, and Ann Mary Dussault closed the public comment portion of the hearing. She asked Vaughn Anderson, of Stensatter, Druyvestein and Associates (serving as the project engineer) how the boundaries had been determined.

Vaughn Anderson replied that they had been drawn as equitably as possible under the circumstances. He said that all the lots were individual ownerships, so they had gone with a percentage of area basis. The cost per lot owner would have gone considerably higher if it had been straight line sharing. He said that the one property owner mentioned by Mr. Stevens had not been included in the district because his property was beyond the intersection of Tower and Kehrwald Road. He said that at one time the entire area had been proposed for paving, but that attempt had failed. He said that his firm had been approached by the people on Tower, who felt that the project had a chance if it were limited to only Tower Street, and they had gone with that.

Discussion was then held on whether or not the first 400' of Tower could be deleted, as Irma Reagan had requested.

Vaughn Anderson said that the problem with that was that the road could not then be paved to County standards, which meant that the County would not accept it for maintenance.

Ann Mary Dussault then asked Deputy County Attorney Mike Sehestedt about the legal parameters of forming the district versus having it fail.

He replied that it would be necessary to determine whether the written protest was from people who would bear 50% or more of the cost of the project, and, if so, the Commissioners would be without jurisdiction to act, and the R.S.I.D. would die. If there were not enough protest to kill the district, then the Commissioners would have the jurisdiction to create it in accordance with the Resolution of Intent, but they were not legally obligated to do so if they felt it was not in the public interest.

Ann Mary Dussault then stated that it was necessary to make a determination of whether the protests constituted property owners who would bear 50% or more of the cost of the project.

Mike Sehestedt added that in order to get a district started, it was necessary to gather 60% of the signatures of the property owners in question, but when it came to the protest stage, it became more a dollar democracy, and people who would bear 50% or more of the cost of the project could kill it.

There was then a five minute recess while the calculations were made.

After the recess, John DeVore reported that he and Vaughn Anderson had determined that, from the available figures, it looked like the protesting property owners would be able to kill the district. There was a question about the boundaries of one of the certificates of survey which could possibly affect that percentage, however. There was also a question of the timeliness of the filing of the protests. By law, they had to be filed within fifteen days of the date of publication or notice.

Ann Mary Dussault said that assuming the three protests had been submitted according to law, there seemed to be sufficient protest to kill the RSID. The only alternative was to discuss with the Surveyor's Office whether leaving out the first 400' of Tower would be acceptable to his department. Also, there was a question of whether leaving out the first 400' would make the project too costly for the rest of the people involved.

Steve Halverson said that he felt that most of the people who had been in favor of the paving project originally would still be in favor of it.

Ann Mary Dussault then asked Mike Sehestedt if the three protests had been done according to statute.

Mike Sehestedt suggested tabling the decision until the following week's public meeting in order to make an accurate determination.

Bob Palmer moved, and Barbara Evans seconded the motion, that the decision on creation of RSID 409 - Tower Street paving - be postponed to the public meeting of February 13 in order for the Commissioners to consult with the legal staff in regard to whether or not the protests had been filed in accordance with state statute. The motion passed by a vote of 3-0.

Since there was no other business to come before the Commissioners, the meeting was recessed at 2:30 p.m.

\* \* \* \* \*

FEBRUARY 7, 1985

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

#### MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report of the Clerk of District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for the month ending January 31, 1985.

FEBRUARY 7, 1985, CONT.

DAILY ADMINISTRATIVE MEETING

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

1. The next step in the Certificate of Survey review process was discussed. A meeting will be scheduled with Jean Wilcox, Deputy County Attorney; and
2. Fern Hart, Clerk and Recorder, Jane Ellis, Treasury Supervisor and Wendy Cromwell, Elections/Recording Supervisor, met with the Commissioners and presented the budget status reports for their departments.

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

FEBRUARY 8, 1985

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

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an indemnity bond naming Caroline Bird as principal for warrant no. 107271, dated December 7, 1984, on the Missoula County trust fund, in the amount of \$200.00, now unable to be found.

  
Fern Hart, Clerk and Recorder

  
Ann Mary Dussault, Chair  
Board of County Commissioners

\* \* \* \* \*

FEBRUARY 11, 1985

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. 85-013

The Board of County Commissioners signed Resolution No. 85-013, a resolution transferring the balance in the RSVP trust account, currently in the County Treasurer's Office, to the Friends of RSVP, which is an organization created by RSVP and has been duly incorporated as a non-profit organization with appropriate bylaws and procedures.

✓✓ RESOLUTION NO. 85-014

The Board of County Commissioners signed Resolution No. 85-014, a resolution creating RSID No. 827, for the purpose of installation of a fire hydrant in Catrina Addition, Missoula County, Montana.

✓✓ RESOLUTION NO. 85-015

The Board of County Commissioners signed Resolution No. 85-015, a resolution creating RSID No. 828, for the purpose of installation of a fire hydrant in Gustafson Addition, Missoula County, Montana.

✓✓ RESOLUTION NO. 85-016

The Board of County Commissioners signed Resolution No. 85-016, a resolution creating RSID No. 829 for the purpose of installation of a fire hydrant in Orchard Court Addition, Missoula County, Montana.

✓✓ RESOLUTION NO. 85-017

The Board of County Commissioners signed Resolution No. 85-017, a resolution creating RSID No. 830, for the purpose of installation of a fire hydrant in Larkspur Addition, Missoula County, Montana.

✓✓ RIGHT-OF-WAY AGREEMENT

The Board of County Commissioners signed a Right-of-Way Agreement between Missoula County and Margueritte L. Miller, a/k/a Marguerite L. Kreis, for one of a series of parcels of land needed for Harper's Bridge, in accordance with the terms set forth in the agreement, for a total payment of \$16,960.00. The Agreement was returned to the Surveyor's Office for further handling.

✓✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Seeley-Ovando-Swan Health Center, an independent contractor, for the purpose of public health nursing services, consisting of nurse well-child exams, blood pressure screenings, perinatal at-risk visits and prenatal education. The contract dates are July 2, 1984 through June 30, 1985, and the total payment is not to exceed \$4,000.00. The Contract was returned to the Health Department for further handling.

✓✓ AMENDMENTS TO THE INTERLOCAL AGREEMENT RE LIBRARY SERVICES

The Board of County Commissioners signed Amendments to the Interlocal Agreement between the City of Missoula and the County of Missoula, dated January 17, 1983, to cooperate in the provision of Library Services to the residents of Missoula, amending the sections regarding the Board of Trustees and their terms, the budget and finances and the transition of Board membership, in accordance with the terms set forth in the Agreement, effective February 11, 1985, but retroactive to July 1, 1984, for budgeting purposes. The Amendments were forwarded to the City of Missoula for signatures.

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 850030, a request from the Clerk and Recorder/Elections Department to transfer \$500.00 from the printing/litho costs accounts to the other equipment maintenance account in order to pay for the costs of repairing the ballot tabulator, and adopted it as part of the FY '85 budget.

FEBRUARY 11, 1985, CONT.

✓ CONTRACT AMENDMENT

The Board of County Commissioners signed a second Amendment to the Contract, dated October 1, 1984, between Missoula County and Joan Schweinsberger, an independent contractor, for the purpose of adding 80 additional hours, at \$7.20 per hour, which would increase the total amount to \$4,032.00. The Amendment was returned to the Health Department for further handling.

Other items included:

1. The Commissioners voted unanimously to appoint Dan Magone as Missoula County Sheriff, to fill out the unexpired term of Ray Froehlich, who passed away February 6, 1985; and
2. The next step in the Certificate of Survey Review Process and the smoking policy were discussed with Deputy County Attorney Jean Wilcox. She will draft "decision memos" on both subjects.

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

SWEARING-IN CEREMONY

In the afternoon, Chair Dussault conducted the swearing-in ceremony for Dan Magone as Missoula County Sheriff. Sheriff Magone announced his selection of Lt. Greg Hintz to serve as Undersheriff.

FEBRUARY 12, 1985

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

FEBRUARY 13, 1985

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Helena, where he attended at JTPA (Job Training Partnership Act) meeting, and a meeting with representatives of SRS.

DAILY ADMINISTRATIVE MEETING

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

1. Gerry Marks and Gary Hewitt of the Extension Office met with the Board regarding a 4-H Aide proposal. The Commissioners authorized them to proceed with the project, with the understanding that County funds probably will not be available if the Federal funds run out;
2. Jean Wilcox, Deputy County Attorney, met with the Commissioners regarding a possible Certificate of Survey evasion by Bryce Bondurant. She will send a letter to him about this matter; and
3. Casey Reilly met with the Board regarding a shooting ordinance in the Pattee Canyon area. He was advised to discuss the matter with the City to assess their jurisdiction.

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

PUBLIC MEETING

Chair Ann Mary Dussault called the meeting to order at 1:35 p.m. Also present was Commissioner Barbara Evans. Commissioner Bob Palmer was in Helena on Commission business.

✓ BID AWARD - AGGREGATE MATERIAL - SURVEYOR'S DEPARTMENT

Under consideration was a bid award for aggregate material for the Surveyor's Department. Ann Mary Dussault read the request for commission action, which stated that bids for 8,500 cubic yards of aggregate materials were opened February 11, 1985, with the following bids received:

<u>Bidder</u>	<u>Unit Price</u>	<u>Total Cost for 8,500 cu. yds.</u>
American Asphalt	\$11.25/cu. yd.	\$95,625.00
Western Materials	6.33/cu. yd.	53,805.00
Washington Construction	6.24/cu. yd.	53,040.00
Nicholson Paving	5.08/cu. yd.	43,180.00

The bid specifications permit the Surveyor's Office to vary the quantity by 25% without a change in unit price. This material would be delivered to the County yard at the Ninemile/I-90 Interchange for use as sanding material in the Ninemile area.

Surveyor Dick Colvill stated that his department had \$40,000.00 in the current road budget, contracted services for this material. His recommendation was to award a contract to the low bidder, Nicholson Paving, for 7,900 cubic yards of material, for a total cost of \$40,132.00. This is a reduction of the 8,500 cubic yard bid quantity.

Barbara Evans asked if the quantity had been reduced to get under the \$40,000 that they had left in their budget.

Dick Colvill said that that wasn't a problem, since he doubted that that much would be needed in any case.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the bid for aggregate material for the Surveyor's Office, be awarded to Nicholson Paving, in the amount of \$5.08/cu. yd., or \$43,180.00 for 8,500 cu. yds., in accordance with staff recommendation. The motion passed, 2-0.

✓ BID AWARD - ROAD SANDING MATERIAL - SURVEYOR'S DEPARTMENT

Under consideration was the award of a contract for road sanding material for the Surveyor's Department. Ann Mary Dussault read the request for commission action, which stated that bids for 6,500 ton of road sanding materials were opened February 11, 1985, with the following bids received:

<u>Bidder</u>	<u>Unit Price</u>	<u>Total Cost for 6,500 Ton</u>
American Asphalt	\$4.50	\$29,250.00
Washington Construction	4.20	27,300.00
Western Materials	4.16	27,040.00
L.S. Jensen & Sons	3.07	19,955.00



PUBLIC MEETING FEBRUARY 13, 1985

BID AWARD - ROAD SANDING MATERIALS, CONT.

Information provided by County Surveyor Dick Colvill stated that they had budgeted \$20,000 in the current road budget for sanding material, of which \$3,000 had been obligated for spot purchases near Clinton. He said that they would transfer \$3,000 into the sand account from surplus equipment funds to make up the difference.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the contract for 6,500 tons of road sanding materials be awarded to the low bidder, L.S. Jensen & Sons, for a total cost of \$19,955.00, in accordance with the recommendation of Surveyor Dick Colvill. The motion passed by a vote of 2-0.

✓ BID AWARD - DIGITAL COMPUTER EQUIPMENT (COUNTY ATTORNEY)

Information provided by County Attorney Dusty Deschamps stated that the County Attorney's Office has needed an expanded word processing system for some time. Based on last year's R.F.P. process, it appeared that between \$20,000 and \$30,000 would be required for the system that was needed. However, only \$14,000 was budgeted for the system. Bids were solicited, with only one received. That bid was from 3D Systems in Billings. Their bid is for \$19,212.49. This is for an expandable three terminal system with two printers.

Three-D Systems advises that they would be willing to take \$14,000 now and the balance after July 1, 1985.

Commissioner Evans asked Dusty Deschamps if he knew why only one bid was received. He said that he did not know why only one vendor had submitted a bid. He said that of the bidders on the list who had received the specs, only one bid had come back. He said that the main reason they had gone this way was to see if they could come down lower than \$19,000.

Barbara Evans then asked when the equipment would be delivered, and he said within a week or so.

Deputy County Attorney Mike Sehestedt said that if the Commissioners approved the bid award, they would essentially be approving an installment purchase with two installment. He said that the indebtedness that would be incurred would be well below the \$150,000 limit for a single purpose without a vote, so it would be lawful. He said that if the Commissioners approved it, they would be obligated to include in the FY '86 budget an obligation for the balance.

Barbara Evans then asked Dusty Deschamps if he had worked with Data Processing Manager Jim Dolezal on this purchase, and he replied that he had. He said that his office had not been happy with IBM. He said that since that time, he had found out that there were some other people who were having trouble with IBM. He said that they had Digital equipment now, and they would essentially be enhancing their current system, and they would be able to readily transfer information from the old system onto the new one.

Barbara Evans asked if Jan Huntley had used the equipment, and Jan replied that she had used it. She said that for the word processing that they do in the Attorney's Office, that was the equipment that they needed.

Dusty Deschamps said that it seemed to have all the features that they needed.

Barbara Evans wanted to know if leasing the equipment until they knew it did what they wanted would be smarter.

Dusty Deschamps said that he hadn't considered leasing, but it was a possibility.

Dusty Deschamps said that they bought a Digital system in 1976 or 1977, and it was getting to the point where it was a real risk continuing to run it in terms of maintenance.

Jan Huntley said that that the way Digital equipment works is what they need. She said that it was an upgrade of what they had rather than going to a completely different system.

Ann Mary Dussault said that she didn't like the idea of exceeding budget authority and obligating the County beyond the fiscal year. She asked if there were any way that purchase of some portion could be delayed until it was considered for the FY '86 budget.

Dusty Deschamps said that it was possible to cut out one terminal, which would reduce the price about \$14,000, but that would still leave him \$800 over budget. He said that it was not feasible to cut more than that. He said that the reason that budget authority had come out that way is that Jim Dolezal had come up with the figures. He said that he didn't know how Jim had come up with those figures. He said that he did not feel personally responsible for arriving at the \$14,000 figure.

Ann Mary Dussault said that she preferred delaying this matter for a week in order to consult with the Budget Officer. She said that she didn't care what kind of equipment the various offices use, but she was concerned about the budget question here, and wanted to look at some alternatives and try to keep it within budget authority for this year.

Deputy County Attorney Mike Sehestedt suggested that it might be possible to find unexpended capital within the General Fund.

Barbara Evans also suggested that the Attorney's Office also look into a lease.

Mike Sehestedt said that leasing to acquire would seem to be the same idea as Dusty had suggested, i.e. paying in installments, because the intention was to borrow from future budgets for the purpose of immediate gratification.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the award of the contract of the word processing equipment for the Attorney's Office be delayed to the following public meeting so that the Commissioners could consult with staff.

✓ DECISION ON: CREATION OF RSID 409 - TOWER STREET

The hearing on this matter had been held at the public meeting of February 6, 1985. During the hearing it had been determined that the people who would bear 50% or more of the cost of the project opposed it, and, according to law, that would be sufficient protest to kill the RSID. The decision had been postponed a week so that the Commissioners could consult with legal staff to determine whether or not the protests had been filed in accordance with state statute.

PUBLIC MEETING, FEBRUARY 13, 1985, CONT.

Deputy County Attorney Mike Sehestedt stated that state law required that protests be filed within 15 days of the date of publication and mailing of notice. He said that since in this case mailing was on the 18th and publication was on the 20th of the month, the time should be counted from the date of publication, i.e. the 20th of January. He said that there was, therefore, sufficient protest to kill RSID 409.

Barbara Evans asked if anyone who had testified in opposition to the RSID wished to withdraw their opposition.

No one came forward to withdraw.

Barbara Evans then asked what people would have to do to form a different RSID for the same project.

Deputy County Attorney Mike Sehestedt said that if people came in with a significantly different project, they could go ahead as if it were new, but a prohibition in the statutes said that they couldn't just come in with the same project for a period of six months.

Vaughn Anderson, of Stensatter & Druyvestein, said that people had wondered about the possibility of knocking the first 411 feet of paving off the project, and at one point Bob Holm of the Surveyor's Office had been asked if the County would accept for maintenance a road with the first 411 feet unpaved. He said that that was a question that still should be brought up with Dick Colvill.

Barbara Evans said that if we couldn't at this point proceed, she moved that the Commissioners deny creation of RSID 409.

Ann Mary Dussault asked Mike Sehestedt to clarify the point that if the creation of RSID 409 were denied, then this particular proposal could not be modified or amended.

Mike Sehestedt said that they could use the same engineering drawings, but the project would have to be substantially different.

Ann Mary Dussault repeated and seconded Barbara Evans' motion to deny the creation of RSID 409, based on the sufficiency of protests under the statutes.

Vaughn Anderson asked Mike Sehestedt if taking off the first 400 feet would make the project sufficiently different that they could go ahead with it at this time.

Mike Sehestedt replied that he believed that that would be enough of a different project to be permissible under the statute. He said that whether it would be socially desirable or whether the County Surveyor would approve it he could not say, but legally, it would be permissible.

Vaughn Anderson then said that it was his general observation that there was consensus that the people involved in proposing RSID 409 would want to go ahead. He said that it would probably be of interest to those people in the audience that if the first 400 feet were taken off, their cost would not substantially change, but would be basically the same, except for Regans and Bensons, who were the large landowners. He said that what they would end up with would be a street that was essentially 400 feet less of paving, but the same costs would be incurred, and they would end up with 3/4 of a job. He said that this was something that they needed to be aware of before going ahead.

Ann Mary Dussault referred to the motion which had been made and seconded to deny creation of RSID 409. The motion passed by a vote of 2-0.

Ann Mary Dussault said that the work of the Commission was complete on this matter, but asked Dick Colvill if his Department would support dropping the first 400 feet off the project.

Dick Colvill said that he hadn't been involved in it at all, and he would have to look at the project.

✓✓ APPROVAL OF SUMMARY PLAT, SPRINGER'S ORCHARD HOMES

Barbara Martens, of the Planning Department, gave the staff report and recommendations, stating that Springer's Orchard Homes is the re-subdivision of the west one-half of Lot 5, Cobban and Dinsmore's Orchard Homes No. 2. She said that the property is located on the north side of River Road west of Russell. Lot 1 contains an existing single-family dwelling; Lot 2 is proposed for single-family use as well, she said.

A variance from the paving requirements of the Subdivision Regulations was also requested, she said, because the applicant felt that the size of the development does not warrant paving and a thirty-foot easement and one-half a cul-de-sac bulb have been provided to facilitate bringing the private road up to County standards, should further lot divisions occur.

She said that the subdivision lies in Zoning District 16, which permits single-family dwellings and duplexes at no specified density.

The Planning Board's recommendation was that the summary plat be approved, subject to the following conditions:

1. That an easement be filed with the Clerk and Recorder to formalize the existing joint access; and
2. That the following statement be printed on the face of the plat:

The purchaser and/or owner of this lot or parcel understands and agrees that private road construction, maintenance and snow removal shall be the obligation of the owner or homeowners' association and that the County of Missoula is in no way obligated until the roads are brought up to standards and accepted by the County of Missoula.

3. That the location of all utility easements shall be approved by the appropriate utilities; and
4. That the sanitary restrictions shall be lifted by State and local health authorities.

The Missoula Planning Board further recommended that the applicant be granted a variance from the paving, right-of-way width and road width of the subdivision regulations, subject to the conditions that the private road shall be paved for a distance of twenty feet back from its intersection with River Road, as required by Resolution 77-170, and that the balance of the road shall be surfaced with gravel, to be inspected and approved by the Health Department. The reason for recommending approval of this variance is that a standard road is not warranted at this time for the three dwellings it will serve. One-half of the required right-of-way has been provided to facilitate future development, and dust control measures have been required to require air quality and road maintenance concerns. The Board also recommended that this be found in the public interest based on the eight criteria in State law.

PUBLIC MEETING, FEBRUARY 13, 1985, CONT.

At this point, Ann Mary Dussault asked if anyone wished to speak on this matter.

Steve Jackson said he was proposing to buy the newly-created lot and was asking for a paving variance because he didn't feel that the situation warranted paving. He said that the main purpose of County Resolution No. 77-170 was to control dust. He said that if the summary plat were approved, there would be three residences on the property, and no future development was planned. This would preclude a dust problem, he said, and backed that up by saying that the owner of the lot 3 had told him that there was no dust problem, even in the summer heat. Referring again to Resolution 77-170, passed by the County Commissioners in 1977, he said that the main concerns addressed by that memo were drainage, dust and traffic problems. He said that there were no real traffic problems, and he didn't see that there would be any in the future, because there were only three residences on the plat.

Ann Mary Dussault asked Barb Martens to respond to his comments about Resolution 77-170, and she said that the Health Department had asked for 20 feet of paving for air pollution reasons and now agreed to a ten foot paved apron. She also said that it was important to remember that whenever a subdivision is approved, driveways are required to be paved. She said that the Planning Board was recommending a variance for some of the paving requirement because they did think that, given the length the driveway would have to be, to require the whole thing to be paved would be expensive, but the twenty-foot paving requirement was a compromise.

County Surveyor Dick Colvill said that he would have to speak in favor of Resolution 77-170, since he had helped draft it. He said that the main reasons for the driveway paving requirement were to prevent carry-out of gravel from private roads, to prevent breaking down pavement at the road entrance and to provide an apron so that road maintenance equipment can extend off the road easily. He said that the cost for paving was mainly the cost of moving equipment to the site, and once the equipment was moved, it didn't really cost that much more to pave twenty feet over ten feet.

Steve Jackson said that MONROC hadn't paved their portion of the road, and the MONROC trucks come onto the main road from the unpaved one all the time.

Barbara Evans moved that the summary plat be approved and that a waiver be granted from twenty feet of paving down to ten feet of paving. Ann Mary Dussault seconded the motion for the sake of discussion, but said that she wasn't going to vote for it. She then asked Barb Martens if Resolution 77-170 specifically stated that 20' was going to have to be paved. Barb Martens said yes, and showed her a copy of the resolution. Ann Mary Dussault said that given what Dick Colvill had just said about the cost of paving twenty feet not being that much more than the cost of paving ten feet, she didn't see any particularly compelling reason why the twenty-foot paving requirement should not be adhered to.

Barbara Evans said that if one of the major reasons for asking for twenty feet of paving was to prevent a grader blade from hitting the dirt, she couldn't imagine a grader blade over ten feet long. She said that if Dick Colvill could convince her that twenty feet was essential for that purpose, she would reconsider her position, but she didn't see that twenty feet was necessary.

Dick Colvill said that the twenty-foot requirement had been in effect for seven or eight years now, and once exceptions were made, then everyone would want exceptions.

Barbara Evans then withdrew her motion.

Ann Mary Dussault said that the reason why she did not feel like yielding on this point was that, consistently, people who want to do things with their land ask for waivers due to economic circumstances. She said that a compromise had already been made in that he wouldn't have to pave from River Road back to the house, but only twenty feet of that distance, and she felt that was a reasonable compromise already.

Dick Colvill said that he might suggest paving with something less than hot-mix paving. He said that if Steve talked to him, he could come up with something less expensive.

Barbara Evans moved that the summary plat be approved except for the variance question, which could be heard by the full Board when Bob Palmer was present. Ann Mary Dussault said that she could not support the motion, so it died for lack of second.

Deputy County Attorney Mike Sehestedt said that it would be better to go ahead with the twenty foot requirement and then have Steve ask for this to be reconsidered when the full Board was present rather than not doing anything with the variance.

Steve Jackson said that if he didn't have to pave the driveway with hot mix paving, twenty feet of paving would not be a problem.

Barbara Evans then moved, and Ann Mary Dussault seconded the motion, that the Summary Plat of Springer's Orchard Homes be approved, subject to the conditions, variance and findings of fact listed below. The motion carried, 2-0.

1. An easement to formalize the existing joint access shall be filed with the Clerk and Recorder;
2. The following statement shall be printed on the face of the plat:

The purchase and/or owner of this lot or parcel understands and agrees that private road construction, maintenance and snow removal shall be the obligation of the owner or homeowners' association, and that the County of Missoula is in no way obligated until the roads are brought up to standards and accepted by the County of Missoula.

3. The location of all utility easements shall be approved by the utilities concerned; and
4. Sanitary restrictions shall be lifted by state and local health authorities.

In addition, the Commissioners granted the following variance:

1. The applicant is granted a variance from the paving, right-of-way width and road width requirement of the Subdivision Regulations, subject to the conditions that the private road shall be paved for a distance of twenty feet back from its intersection with River Road, as required by Resolution 77-170, and the balance of the road shall be surfaced with a material to be approved by the Surveyor's Office. The road is also to be inspected and approved by the Health Department.

The reason for granting this variance is that a standard road is not warranted at this time for the three dwellings it will serve. One-half of the required right-of-way has been provided to facilitate future development, and dust control measures have been required to satisfy air quality and road maintenance concerns.

PUBLIC MEETING, FEBRUARY 13, 1985, CONT.

The Commissioners found the subdivision to be in the public interest based upon a review of the following criteria:

- 1. Need - The property is zoned for the use proposed. The subdivision also complies with the Missoula Comprehensive Plan designation of urban single-family development at a maximum density of slightly less than one unit per acre. The proposal is consistent with the pattern of single-family land use in the area.
- 2. Expressed Public Opinion - No public hearing is required for a summary plat, although concern was expressed by a potential buyer over the required twenty foot paved approach and also over the possibility that should the neighbor directly east subdivide at some time in the future, she could be required to pave the shared access.
- 3. Effects on Agriculture - The parcel is not in agricultural use at this time. Its location in an urbanized area limits its potential for agricultural development.
- 4. Effects on Local Services - This subdivision is located within the urban fringe; thus, services are readily available. Both lots will access an existing county-maintained road, so additional road maintenance expense will be incurred by the County. Elementary students will attend Emma Dickenson School, approximately one mile away. Secondary students will attend Big Sky High School, approximately four miles away. Fire protection is available through the Missoula Rural Fire District, and law enforcement through the Missoula County Sheriff's Department.
- 5. Effects on Taxation - The developer has estimated that annual tax receipts will increase from \$1,180 to \$1,600 as a result of this subdivision.
- 6. Effects on the Natural Environment - This two-lot split in an existing subdivision is consistent with the pattern of development in the area. No environmental hazards are known to exist. The subdivision lies outside the one-hundred year floodplain.
- 7. Effects on Wildlife and Wildlife Habitat - This subdivision lies in an area which is developed for residential use. The major impact on wildlife habitat has already occurred.
- 8. Effects on Public Health and Safety - This subdivision lies on the fringe of the urban area; thus, health and emergency services are available in Missoula. It is under the protection of the Missoula Rural Fire District and the County Sheriff. City sewer service is available to the subdivision under contract.

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

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FEBRUARY 14, 1985

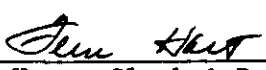
The Board of County Commissioners did not meet in regular session; Commissioners Dussault and Palmer were in Helena where they attended an Urban Coalition Meeting and the MACo Midwinter Meetings February 14th and 15th, 1985. Commissioner Evans was out of the office until noon.

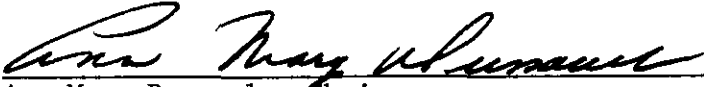
FEBRUARY 15, 1985

The Board of County Commissioners met briefly in the afternoon; a quorum of the Board was present, as Commissioner Palmer returned from Helena late in the afternoon.

AUDIT LIST

Commissioners Evans and Palmer signed the Audit List, dated February 11, 1985, pages 1-32, with a grand total of \$238,321.45. The Audit List was returned to the Accounting Department.

  
Fern Hart, Clerk & Recorder

  
Ann Mary Dussault, Chair  
Board of County Commissioners

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February 18, 1985

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

FEBRUARY 19, 1985

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Helena all day attending an Energy Committee meeting.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 85-018

The Board of County Commissioners signed Resolution No. 85-018, a budget amendment for FY '85 for the Health Department, including the following expenditure and revenue, and adopting it as part of the FY '85 budget:

Description of Expenditure	Budget
2270-610-442000-946 Capital-Tech. Equipment	\$5,180
Description of Revenue	Revenue
2270-611-361005 Miscellaneous Revenue	\$5,180

Approval was obtained from Larry Mitchell, Director, Junk Vehicle Program, to purchase a WTC computer system from the Health Department at fair market value. This will enable the Health Department to buy two more IBM computer systems.

FEBRUARY 19, 1985, CONT.

Other items considered included:

1. The bid for computer equipment in the County Attorney's Office was discussed;
2. Jim Dolezal, Data Processing Supervisor, met with the Board and presented the budget status report for the Information Services Department; and
3. Sheriff Dan Magone and Undersheriff Greg Hintz presented the budget status report for the Sheriff's Department to the Commissioners.

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

FEBRUARY 20, 1985

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

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Colleen C. Williamson as principal for warrant no. 7011, dated May 18, 1984, on the Vo-Tech Center Payroll Fund, in the amount of \$301.94, 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 Watanabe Addition, an amended plat of Lot 26 of Sorrel Springs, a recorded subdivision of Missoula County, located in the S½ of Section 21, R. 15 N., R. 21 W., the owner of record being Jeannie Watanabe.

✓ AGRICULTURAL EXEMPTION COVENANT

The Board of County Commissioners signed a covenant between Missoula County and Otto Wornath of Lolo, Montana, the owner of a parcel of land located in the SE¼ of Section 35, T. 12 N., R. 20 W., in Missoula County, stating that the land will be used for agricultural purposes only unless the covenant is removed by mutual consent, using the agricultural exemption to the Montana Subdivision and Platting Act.

✓✓✓ AGREEMENT

The Board of County Commissioners signed an Agreement between Missoula County and John Sturgis, stating that in the event Missoula County is able to obtain the right-of-way required for the Harper's Bridge Replacement Project (Project Number BR90324) from those persons owning or holding an interest in Certificate of Survey Number 1181, Parcel H-2, Missoula County will convey to the owners of Certificate of Survey No. 1181, Parcel H-2, all of its right, title and interest in that property lying between the easterly boundary of Certificate of Survey No. 1181, Parcel H-2 (as established following the granting of the right-of-way to Missoula County) and the low water mark of the Clark Fork River, for the sum of \$372.00. Missoula County will perform at its expense all surveys required to establish the boundary of Certificate of Survey Number 1181, Parcel H-2, after the conveyance of that property.

Mr. Sturgis requested that this Agreement be signed prior to his signing a right-of-way agreement for one of the parcels needed for Harper's Bridge. The Agreement was returned to the Surveyor's Office for further handling.

APPROVAL OF NEW CORONERS

The Board of County Commissioners signed approval of a request from Undersheriff Greg Hintz to add two new coroners, Deputy Thomas Woods and Deputy Joseph Serval, to the coroner list.

✓ AGRICULTURAL EXEMPTION COVENANT

The Board of County Commissioners signed a Covenant between Missoula County and Eugene Ball of Clinton, Montana, the owner of a parcel of land located in the NE¼ of Section 34, T. 12 N., R. 17 W., in Missoula County, stating that the land will be used for agricultural purposes only, unless the covenant is removed by mutual consent, in accordance with the agricultural exemption to the Montana Subdivision and Platting Act.

Other items included:

1. Legislative matters were discussed; and
2. County Surveyor Dick Colvill and Terry Wahl, also of the Surveyor's Office, met with the Commissioners and presented the budget status report for the Road/Bridge/Surveyor Department.

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

PUBLIC MEETING

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

✓ BID AWARD - WORD PROCESSING EQUIPMENT FOR COUNTY ATTORNEY'S OFFICE

Under consideration was award of a contract for word processing equipment for the County Attorney's Office. This bid award had been taken under advisement at the previous week's public meeting to give the Commissioners time to meet with Budget Officer Dan Cox in regard to various leasing options for the expanded word processing equipment.

Ann Mary Dussault reviewed what had happened on this bid, stating that, on the advice of Data Processing Supervisor Jim Dolezal, County Attorney Deschamps had budgeted \$14,000 for this equipment for this fiscal year. Bids were solicited, and only one was received, from 3-D Systems in Billings, in the amount of \$19,212.49. County Attorney Deschamps had proposed paying for \$14,000 of that amount out of this year's budget and putting the remaining \$5,212.49 in next year's budget. He said that 3-D Systems had expressed willingness to wait until after July 1 to be paid the remaining \$5,212.49.



PUBLIC MEETING, FEBRUARY 20, 1985, CONT.

Barbara Evans moved, and Bob Palmer seconded the motion, that the bid for the Digital Computer Equipment for the County Attorney's Office, be awarded to Three-D Systems of Billings, in the amount of \$19,212.49, with the entire amount to be paid out of this fiscal year's budget. The \$5,212.49 above the \$14,000 budgeted for this purchase by the County Attorney was to be paid from unanticipated federal revenues after the appropriate budget transfers and/or amendments were completed. The motion passed by a vote of 3-0.

✓✓✓ HEARING: REQUEST FROM JAY SAGE TO REZONE FROM C-R2 (RESIDENTIAL) TO C-C2 (COMMERCIAL) - 2145 WEST SUSSEX

Mark Hubbell, from the Office of Community Development, gave the staff report and the recommendations of the Planning Board. He stated that Mr. Sage had contacted the Community Development Office through an agent, Bev Welling, in the summer of 1984 regarding the replacement of a shop at 2145 West Sussex. He said that since the property was zoned C-R2 (Residential), the expansion of this business was disallowed. The welding and repair business would be allowed in a C-11 (Light Industrial) Zone, and application had then been made to change the zoning. He said that the staff recommendation was for denial of this application, since the proposed use was inconsistent with the Comprehensive Plan and the neighboring land uses. He said that the application was modified in the hearing process before the County Regulatory Commission to request C-C2 (General Commercial) zoning rather than the C-11. The staff had continued to oppose the request, for the same reasons given for opposing the C-11 request. He said that strong neighborhood support was shown for the rezoning, and the County Regulatory Commission voted to recommend approval of the request to rezone from C-R2 to C-C2.

Chair Ann Mary Dussault opened the hearing to public comment, asking that proponents speak first. The following people spoke:

1. Tom Beers, from the law firm of Connell & Beers, appeared on behalf of Mr. Sage. He said that the problems with this rezoning request had come into existence through a communication problem. He said that Mr. Sage had been in Alaska on business at the time of the initial hearing. He said that the Sages had gone in to apply for a building permit and were advised that this should be a light industrial situation. The concern at that time was that it was a welding shop. He said that Jay was in Alaska at the time, so wasn't around to respond. He said that the shop has "welding" written across the front of it, and that had been there since about 1945, but for years and years all that shop has primarily been used for is working with hydraulics on heavy equipment. He said that the hydraulics on heavy equipment, as Jay could explain, was having the equipment come in, taking the hydraulics off, repairing it and putting it back on the equipment and letting it go. Some small percentage of his work is the hydraulics that are actually sent in by somebody who is such a long distance away that they cannot bring it in. Firms like Long Machinery and various other companies around Missoula bring the equipment in.

He said that in conjunction with Sorenson and Company, they had tried to find the definition of "automotive," because that was what fit in the commercial zone as opposed to the industrial zone. He said that there was nothing in the rules and regulations as to exactly what automotive is. He said that the regulations talk about "automotive" as being something different from "automobile." The dictionary defines "automobile" as being self-propelled, which might mean a self-propelled mechanism or machine, as opposed to an "automobile." He said that, as with any other heavy equipment, hydraulics are self-propelled, and it was his own feeling, based upon what the Planning Board did, and based upon the discussions at the Planning Board, that it was their belief that "automotive," as used in the zoning regulations, encompassed work on heavy equipment or any self-propelled item, and if that is true, then the business would fit within the criteria of a commercial zone.

There was then a brief discussion about finding 13 in the findings of fact considered by the Planning Board in making its determination. Finding 13 was that hydraulic cylinder repair was an appropriate use in C-C2 zones, as Mr. Beers had explained above.

Barbara Evans asked Mr. Beers if his client wanted finding no. 13 left in. She said that she had thought that it gave them more latitude without it.

Mr. Beers said that he thought that it did also, but his concern was that somebody might have a concern about the definition of "automotive," and, although from a standpoint of advocacy he wanted to see his clients get as much as possible, but he wanted to explain what had happened at the hearing that had resulted in finding no. 13.

Ann Mary Dussault then explained that finding of fact no. 13 was a finding that the Planning Board had added after they had made the decision. She said that they had made their determination at one meeting, and then at their next meeting they had added this finding, which reads: "They find that Mr. Sage's business was primarily the repair of hydraulic cylinders, and that welding was secondary; further, they find that the repair of hydraulic cylinders is an acceptable use within a C-C2 zoning designation."

She said that as she understood it, the concern about that finding was that it is an interpretive decision on the meaning of those uses, and that really falls within the jurisdiction of the Board of Adjustment, and not within the jurisdiction of the Planning Board.

Mark Hubbell then explained why the Planning Board had made the decision in two parts. He said that the first meeting was in December, and the second was in January. The regular meeting night in January had turned out to be New Year's Eve, so they had rescheduled it. The Council Chambers were taken and Room 201 was taken, so ultimately they got the Little Courtroom, which does not have a P.A. System, and the secretary was taking minutes and came up with a good set of minutes, considering the circumstances, but the Board was concerned that the flavor of what they had been trying to do would not come through in those minutes, so they had tried to clarify further, so a month later they had added a 13th finding of fact.

Barbara Evans said that she did not have a problem with no. 13 if the applicants wanted it in.

Bob Palmer said that, in looking at the minutes of the meeting, Deputy County Attorney Jean Wilcox had been asked if they had the authority to do what they had done, and she had said yes. He said that there seemed to be a difference of opinion as to the best course in relation to no. 13. He said that it didn't seem to make much difference whether it was left in or left out. He said that he believed the Board of County Commissioners was going to give Sages the opportunity to expand as they wanted to, but he wanted to make sure that the neighborhood was protected in some fashion. He said that if someone objected to the decision they could sue, and solve it in court. He said that he was going to vote to pass the request.

Barbara Evans asked Deputy County Attorney Mike Sehestedt whether leaving the motion in or leaving it out gave the Sages more latitude. He replied that probably leaving it out did. He said that there were two separate questions involved; one being if the action was attacked, what would make it most sustainable; and the other was a jurisdictional question. He said that, leaving aside the jurisdictional question for a moment, there was an explicit reference in the minutes of the Planning Board, and if the finding were approved by the



PUBLIC MEETING, FEBRUARY 20, 1985, CONT.

Commissioners that this was automotive, that would make the action more sustainable. Assuming the action were not challenged, and he assumed they would not be, this formulation without no. 13 would give the Sages greater flexibility, so it was six of one, half dozen of the other.

Barbara Evans moved, and Bob Palmer seconded the motion, to accept the recommendations of the Planning Board to rezone the property described as Lots 13-16 of Block 28, Carline Addition, from C-R2 (Residential) to C-C2 (General Commercial), and that findings of fact 1 through 12 as set forth by the County Regulatory Commission be adopted, and that four additional conditions be required, as follows:

1. All work and storage shall be conducted within the commercial buildings.
2. All customer parking shall be located off the streets;
3. The business shall not block or restrict traffic on Schilling or West Sussex; and
4. Heavy equipment shall not be parked outside of the commercial buildings or on the public right-of-way.

The motion passed by a vote of 2-1, with the Chair voting no.

Since there was no further business to come before the Board of County Commissioners, the meeting was recessed at 2:50 p.m.

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MEETING

Commissioner Evans attended a meeting of the Gambling Commission held in the County Attorney's Office later in the afternoon.

FEBRUARY 21, 1985

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

AUDIT LIST

The Board of County Commissioners signed the Audit List, dated February 20, 1985, pages 1-24, with a grand total of \$93,756.99. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

✓✓✓ RESOLUTION NO. 85-019

The Board of County Commissioners signed Resolution No. 85-019, a Resolution of Intent to Rezone Lots 13-16, Block 28, Carline Addition, from C-R2, Residential, to C-C2, Commercial. (See public meeting of February 20, 1985: Sage Rezoning Request.)

✓✓✓ RIGHT-OF-WAY AGREEMENT

The Board of County Commissioners signed a Right-of-Way Agreement between Missoula County and Gilbert and Elsie B. Nelson for one of a series of parcels needed for Harper's Bridge, in accordance with the terms set forth in the Agreement, for a total payment of \$2,257.00. The Agreement was returned to the Surveyor's Office for further handling.

RESOLUTION NO. 85-020

The Board of County Commissioners signed Resolution No. 85-020, a budget amendment for FY '85, for the County Attorney, including the following expenditure and revenue, and adopting it as part of the FY '85 Budget:

<u>Description of Expenditure</u>	<u>Budget</u>
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Capital-Tech Equipment - County Attorney 1000-040-41101-946	\$5,212.49
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<u>Description of Revenue</u>	<u>Revenue</u>
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PILT 1000-090-337014	\$5,212.49
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✓✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and John Duffield, an independent contractor, for the purpose of providing direct testimony for Missoula County on the Colstrip Rate Case, Utility Division Docket 84.11.71. This will include all testimony and rebuttal up to, but not including, cross examination before the Public Service Commission, for the period commencing January 15, 1985, and concluding on May 18, 1985, for a total payment not to exceed \$5,000.00.

✓ CONTRACT

The Board of County Commissioners signed a Contract between Missoula County and Energy Options, an independent contractor, for the purpose of entering a complete analysis of energy use in all County and City buildings into a computer program designed to display energy use and costs, in accordance with the terms set forth in the Agreement, for the period from February 18, 1985 to March 1, 1985, for a total amount not to exceed \$450.00.

✓ RESOLUTION NO. 85-021

The Board of County Commissioners signed Resolution No. 85-021, superseding Resolution No. 84-136, a Budget Amendment for FY '85 for the Missoula City/County Energy Office, including the following expenditures and revenue, and adopting it as part of the FY '85 Budget:

FEBRUARY 21, 1985, CONT.

RESOLUTION NO. 85-021, CONT.

Description of Expenditures	Budget
1000-030-480401-111	\$ 1,779.45
-141	250.97
-206	0.00
-307	0.00
-311	0.00
-315	0.00
-321	27.29
-322	0.00
-326	0.00
-328	12,133.73
-361	0.00
	\$14,191.44
1000-030-480400-111	\$ 7,909.00
-141	1,812.00
-206	600.00
-328	2,000.00
-358	300.00
-361	354.00
-366	220.32
	\$13,195.32
TOTAL	\$27,386.76

(Supersedes Budget included in Resolution No. 84-136: \$21,688.44)

Description of Revenue	Revenue
See Resolution No. 84-136 (amount remains the same, and reflects BPA Energy Grant #10816)	\$27,386.76

BOARD APPOINTMENT

The Board of County Commissioners appointed Pat Holt to serve as an Ad Hoc member of the Fair Commission through December 31, 1986.

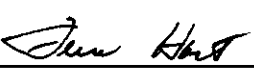
Other matters included:

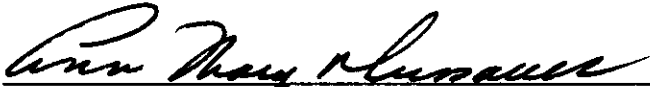
Barbara Rudio, Acting Director of the Library, met with the Commissioners and presented the budget status report for the Library.

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

FEBRUARY 22, 1985

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

  
Fern Hart, Clerk & Recorder

  
Ann Mary Dussault, Chair  
Board of County Commissioners

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FEBRUARY 23, 1985

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Palmer left at noon for Portland, Oregon.

WELFARE ADVISORY BOARD

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

DAILY ADMINISTRATIVE MEETING

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

PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the transmittal Sheet for Payroll Period #4 (1/27/85 - 2/9/85), with the grand total for all funds being \$330,137.54. The transmittal sheet was returned to the Auditor's Office.

CONTRACT

The Board of County Commissioners signed a contract between Missoula County and Nicholson Paving Company, the lowest and best bidder, for delivery of 7,900 cubic yards of aggregate material at the County yard at the Ninemile/I-90 Interchange within 180 days from the date of the contract for a total sum of \$40,132.00. The contract was returned to Centralized Services for further handling.

Other matters included:

1. The Employees' Council will be asked to develop a plan to divide furniture and appliances in the Employees' Lounge in preparation for dividing the lounge into smoking and non-smoking sections; and
2. Representatives of the Office of Community Development met with the Board and presented the budget status report for that Department.

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

FEBRUARY 26, 1985

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Palmer was in Portland, Oregon attending a BPA Consultation Meeting, and Commissioner Evans was out of the office all forenoon.

AUDIT LIST

Commissioners Dussault and Evans signed the Audit List dated February 26, 1985, pages 1-17, with a grand total for all funds of \$61,640.00. The Audit List was returned to the Accounting Department.

MEETING

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

FEBRUARY 27, 1985

The Board of County Commissioners met in regular session; all three members were present. Commissioner Palmer returned from Portland, Oregon in the forenoon.

DAILY ADMINISTRATIVE MEETING

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

✓ CONTRACT

The Board of County Commissioners signed a Contract between Missoula County and L. S. Jensen & Sons, Inc., the lowest and best bidder, for delivery of 6,500 tons of road sanding material at the County Shop on Stockyard Road within 180 days from the date of the Contract, for a total sum of \$19,955.00. The Contract was returned to Centralized Services for further handling.

✓ MUTUAL AID AGREEMENT

The Board of County Commissioners signed a Mutual Aid Agreement, dated February 20, 1985, between the City of Missoula and the County of Missoula, to cooperate in the provision of disaster services, in accordance with the terms set forth in the Agreement. The DES Coordinator of Missoula County will forward the Agreement and disaster plans in accordance with the terms set forth in the Agreement. The DES Coordinator of Missoula County will forward the Agreement and disaster plans to the State Division of Disaster and Emergency Services in Helena.

✓ TAX PAYMENT AGREEMENT

The Board of County Commissioners signed a Tax Payment Agreement regarding the payment of belated taxes for 1979, 1980, 1981, 1982 and 1983 between Missoula County and Charles D. and Jean B. Parker of Lolo, the owners of property taxed under SUID No. 1725703 which, due to error, was not included in the tax bills for 1979 - 1983; therefore, the parties have agreed to the payment scheduled shown on the Agreement for payment of these belated taxes. The Agreement was forwarded to the Parkers for signature and will be returned for filing.

✓✓ STREET VACATION PETITION

The Board of County Commissioners voted to authorize Chair Ann Mary Dussault to sign the petition, as presented by Cliff Iverson, requesting the City to close the east portion of First Street between Blocks Four (4) and Five (5) of Cook's Addition from California Street to the point where First Street dead-ends at the Missoula Irrigation District Ditch, Missoula County being the property owner of Lot 25, Block 4 of Cook's Addition. The petition was forwarded to the City Engineer's Office.

Other matters included:

The Commissioners discussed the dust treatment policy with County Surveyor Dick Colvill, and Operations Officer John DeVore.

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

PUBLIC MEETING

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

✓ BID AWARD: 1985 4-DOOR SEDANS (POLICE PACKAGE) - SHERIFF'S DEPARTMENT

Under consideration was award of a contract for eight patrol units for the Sheriff's Department. Information provided by Undersheriff T. Gregory Hintz stated that bids for eight patrol units were opened February 25, 1985, with the following bids received:

<u>BIDDER</u>	<u>MANUFACTURER</u>	<u>TOTAL COST</u>
Bitterroot Motors	Ford	\$78,100.00
Grizzly Auto Center	Dodge	\$81,012.00
T&W Chevrolet	Chevrolet	\$85,138.96

Barbara Evans moved, and Bob Palmer seconded the motion, that the above-referenced contract be awarded to Bitterroot Motors for eight patrol units for a total cost of \$78,100.00, on condition that they be delivered after July 1, 1985 (FY '86). The motion passed by a vote of 3-0.

✓ BID AWARD: PLANT MIX ASPHALTIC CONCRETE - SURVEYOR'S OFFICE

Under consideration was a bid award for plant mix asphaltic concrete for the Surveyor's Office. Information provided by County Surveyor Dick Colvill stated that bids were opened February 25, 1985 for 800 tons of plant mix asphaltic concrete. Only one bid was received:

American Asphalt	\$22/ton	\$17,600 (TOTAL COST)
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Barbara Evans moved, and Bob Palmer seconded the motion, that the bid be awarded to American Asphalt for plant mix asphaltic concrete for the Surveyor's Office for a unit price of \$22/ton, total cost \$17,600.00, provided that the necessary budget transfers are made to make up the difference between the \$17,600.00 and the \$16,186.00 remaining in the Surveyor's Department budget for purchased asphalt. The motion carried by a vote of 3-0.

Since there was no further business to come before the Commissioners, the meeting was recessed at 1:35 p.m.

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FEBRUARY 27, 1985, CONT.

In the evening, Commissioner Dussault attended a press conference on the Seat Belt Promotion which is being sponsored by the Health Department.

FEBRUARY 28, 1985

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:

✓EMPLOYMENT AGREEMENT

The Board of County Commissioenrs signed an Employment Agreement between the Fourth Judicial District Court of the State of Montana and Richard D. Vandiver, who will serve as the Court Operations Officer of the Fourth Judicial District Court as per the terms set forth in the Employment Agreement.

✓REVISION TO FY '85 ALCOHOL PLAN UPDATE

The Board of County Commissioners signed a revision to the FY '85 Alcohol Plan Update, adjusting allocation formulas to indicate the distribution of alcohol tax monies in Missoula County to 91% for Recovery Foundation, Inc. and 9% for Missoula Indian Alcohol and Drug Services under our FY '85 Chemical Dependency County Plan, which is administered by the Missoula City/County Health Department. The revision was forwarded to the Alcohol and Drug Abuse Division, State Department of Institutions, in Helena.

Other items included:

- 1. Diane Conner of the County Attorney's Office, met with the Board regarding the SRS Lawsuit. The Commissioners authorized her to offer in writing our last offer for settlement;
- 2. The matter of external bank accounts was discussed. Susan Reed, County Auditor, and Dan Cox, Budget Officer, will develop a draft policy to circulate to Department Heads for further discussion; and
- ✓3. A discussion was held regarding the LIGHT organization and the Rent and Utilities Deposit Program, which they were administering. LIGHT decided that administration of those two programs was more of a burden to them than they could administratively handle. Discussions will be held in the future regarding the options on where to locate the Trust Fund.

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

MARCH 1, 1985

The Board of County Commissioners did not meet in regular session; Commissioners Evans and Palmer left for Washington, D. C., to attend the NACo Legislative Conference, and Commissioner Dussault was out of the office all day.

  
Fern Hart, Clerk & Recorder

  
Ann Mary Dussault, Chair  
Board of County Commissioners

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MARCH 4, 1985

The Board of County Commissioners did not meet in regular session. Commissioners Evans and Palmer were in Washington, D. C. attending the NACo Legislative Conference and meeting with the Montana Congressional Delegation March 4-6, 1985.

✓CONFERENCE CALL - BID AWARD: REINFORCED CONCRETE CULVERT PIPE - SURVEYOR

In order to award a bid for reinforced concrete culvert pipe necessary for the Road Department of the Surveyor's Office, a conference call was arranged. The call was made at 1:30 p.m., M.S.T. Present in the Commissioners' Office were Chair Ann Mary Dussault and Deputy County Attorney Mike Sehestedt. Commissioner Bob Palmer was on the phone in Washington, D. C.

Chair Ann Mary Dussault read information provided by Robert L. Holm, Road Project Engineer for the Surveyor's Office. This stated that bids for 87 lineal feet of 48-inch diameter reinforced concrete culvert pipe with cleanout were opened March 4, 1985, with the following bid received:

Bidder	Unit Price	Total Cost
Elk River Concrete Products Co.	\$78.00	\$6,786.00

This culvert is to be delivered to the Missoula County Shop for use on the Clark Fork Bridge Access Road.

Bob Palmer moved, and Ann Mary Dussault seconded the motion, that the contract for 87 lineal feet of 48-inch diameter reinforced concrete pipe with cleanout be awarded to the low and only bidder Elk River Concrete Products Co., for a unit price of \$78.00 and a total price of \$6,786.00, in accordance with the recommendation of Surveyor's Office Road Project Engineer Robert L. Holm. The motion passed by a vote of 2-0.

Further information provided by Bob Holm stated that \$80,000 had been allocated in the Road Budget for installation of the required irrigation ditch crossings for the Clark Fork River Bridge Access.

✓TRANSFER OF \$15,000.00 IN GENERAL REVENUE SHARING TO LARCHMONT GOLF COURSE

Another administrative matter that was taken care of in this conference call was the requested transfer of \$15,000.00 in General Revenue Sharing (Federal) to Larchmont Golf Course.

Bob Palmer moved, and Ann Mary Dussault seconded the motion, that \$15,000.00 be transferred from General Revenue Sharing to Larchmont Golf Course, per the recommendation of the Larchmont Golf Course Board of Directors. The motion passed by a vote of 2-0, and Operations Officer John DeVore was then authorized to take care of the transfer.

Since there was no further administrative business to be handled, the meeting via conference call was recessed at 1:40 p.m.

MARCH 5, 1985

The Board of County Commissioners did not meet in regular session, as a quorum of the Board was not present.

MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report of Justice of the Peace Janet Stevens, for collections and distributions for month ending February 28, 1985.

MARCH 6, 1985

The Board of County Commissioners did not meet in regular session, as a quorum of the Board was not present.

WEEKLY PUBLIC MEETING CANCELLED

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

MARCH 7, 1985

The Board of County Commissioners did not meet in regular session; Commissioners Evans and Palmer were out of the office all day and Commissioner Dussault was in Helena, where she attended an Urban Coalition Meeting during the day and a DNRC (Board of Natural Resources) dinner meeting in the evening.

MARCH 8, 1985

The Board of County Commissioners did not meet in regular session. Commissioner Dussault attended a DNRC (Board of Natural Resources) meeting in Helena. Commissioner Palmer was out of the office all day, and Commissioner Evans was out of the office all afternoon.

AUDIT LIST

Commissioners Dussault (signed 3/6/85) and Evans (signed 3/8/85) signed the Audit List dated March 6, 1985, pages 1-28, with a grand total of \$123,879.31. The Audit List was returned to the Accounting Department.

  
Fern Hart, Clerk and Recorder

  
Ann Mary Dussault, Chair  
Board of County Commissioners

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MARCH 11, 1985

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

MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report for Justice of the Peace W.P. Monger showing collections and distributions for month ending February 28, 1985.

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Albertson's Food Center #226 as principal for Warrant #4140, dated July 24, 1984, on the Missoula County Fair Fund in the amount of \$6.58 now unable to be found.

MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report for Bonnie J. Henri, Clerk of the District Court, showing items of fees and other collections made in Missoula County for month ending February 28, 1985.

DAILY ADMINISTRATIVE MEETINGS

At the daily administrative meetings held in the forenoon 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 Fiscal Year 1985 budget:

1. No. 850031, a request from District Court Dept. #4, to transfer \$800.00 from the Contracted Services account to the Law Books/Supplements Account to correct a shortfall in this account;
2. No. 850032 a request from the Health Dept. to transfer \$1,760.00 from one Contracted Services account to another Contracted Services (\$960.00) account and the Common Carrier (\$800.00) account because of an expected overexpended balance;
3. No. 850033, a request from the Health Dept. to transfer \$1,200.00 from the Contracted Services account to the Meals, Lodging, and Incidentals account because of expected overexpended balance; and
4. No. 850034, a request from General Services to transfer \$600.00 from the Mileage-County Vehicle account to the Meals, Lodging and Incidentals account to correct a shortfall in this account created during the Legislative session.

✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract with Ponderosa Council Camp Fire, an independent contractor, for the purpose of developing a resource guide to all physical and mental services, prevention agencies or networks, and social and educational assistance entities for children served in Well-Child Clinics by the Health Department for the period from March 4, 1985 through June 28, 1985 for a total amount not to exceed \$2,000.00. The contract was returned to the Health Department for further handling.

Resolution No. 85-022

The Board of County Commissioners signed Resolution No. 85-022, a Budget Amendment for Fiscal Year 1985 for the Health Department including the following expenditure and reference and adopting it as part of the Fiscal Year 1985 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Health Dept. 2270-610-445600-946 Capital-Tech. Equip.	\$4,347

<u>Description of Revenue</u>	<u>Revenue</u>
2270-613-331409	\$4,347

Remaining amount to be received for the Maternal Child Health Block Grant. See Resolution No. 85-010, this additional amount is to be spent on one computer workstation and two printers.

✓✓ PLAT, IMPROVEMENTS AGREEMENT AND NOTICE OF GRANTEE'S INTEREST

The Board of County Commissioners signed the plat for Bay Meadows Addition, a subdivision of Missoula Co., Montana, located in the NE $\frac{1}{4}$  Section 21, and NW $\frac{1}{4}$  Section 22 T.14N. R.20W., PMM, the owner being Northwest Development Corporation, Gordon E. Sorenson, President. The Board of County Commissioners also signed the Improvements Agreement whereby the Subdivider and Missoula County enter into an agreement which will guarantee the full and satisfactory completion of all public improvements within the Bay Meadows Addition and to satisfy the public improvement and monumentation guarantee conditions for final plat filing. Performance by the Subdivider is guaranteed by a Deed for Lots 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 19, 20 & 21, Bay Meadows Addition, in favor of Missoula County, and held in escrow by the Missoula County Attorney.

✓ AGREEMENT

The Board of County Commissioners signed an Agreement, dated January 1, 1985, between Missoula County and the Montana Highway Traffic Safety Administrator, for the purpose of funding the Missoula County DUI Task Force Plan, as amended for 1985, with the total estimated costs being \$43,105.00.

Other matters considered included:

1. The Commissioners voted unanimously to ratify Richard Vandiver's Contract as Court Operations Officer; and
2. A general discussion was held on departmental capability, a proposed land system and the criminal justice system.

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

✓ QUIT CLAIM DEED

The Board of County Commissioners signed a Quit Claim Deed of real estate located in Parcels C & E, Government Lot Seven, Section One, Township 11 North, Range 21 West, P.M.M., and more particularly described on the face of the deed, to Lyle Q. Grenager, Lolo Creek Road, Lolo, MT 59847. The deed was forwarded to Jean Wilcox, Deputy County Attorney.

MARCH 12, 1985

The Board of County Commissioners met in regular session; all three members were present in the afternoon. Commissioner Dussault was in Helena all forenoon attending Legislative hearings pertaining to Health Department legislation.

DAILY ADMINISTRATIVE MEETINGS

At the Daily Administrative Meetings held in the forenoon, the following items were considered:

1. The Board met with the Sheriff, Undersheriff and County Auditor regarding external bank accounts; and
2. The budget system was discussed with Budget Officer Dan Cox.

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

MARCH 13, 1985

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 March 13, 1985, pages 1-36, with a grand total of \$884,130.79. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETINGS

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

✓ CONTRACT

The Board of County Commissioners signed a Contract, dated March 7, 1985, between Missoula County and American Asphalt, Inc., the lowest and best bidder, for furnishing 800 tons of plant mix asphaltic concrete to be hauled by Missoula County personnel and trucks, for a total amount of \$17,600. The Contract was returned to Centralized Services for further handling.

APPROVAL OF SALARY RECOMMENDATIONS

The Board of County Commissioners approved and signed a Memorandum in regard to the final recommendations for Deputy County Attorney salaries as submitted by Kathy Crego, Personnel Analyst. The memo was returned to the Personnel Director for signature.



MARCH 13, 1985, CONT.

The Board of County Commissioners made the following board appointments:

- ✓ 1. Vivian Miller and Carolyn Frojen were reappointed to the Missoula Area Agency on Aging Board for three-year terms, which will expire December 31, 1987;
- ✓ 2. Vi Campbell was appointed to the Missoula Area Agency on Aging Board for a three-year term, which will expire December 31, 1987; and
- ✓ 3. Susan Mann was appointed to fill the unexpired term of Mabel Watt, who has resigned, on the Missoula Area Agency on Aging Board, through December 31, 1986.

BOARD APPOINTMENTS

- ✓ The Board of County Commissioners made the following appointments and adjusted the terms of current members to coincide with the end of the calendar year for the Seeley Lake Refuse District:

The make-up of the Board is as follows:

Dan Cainan	Term Expires: 12/31/85
*Jesse Pierce (Summer Resident)	12/31/85
Don Doucett	12/31/86
George Hart	12/31/86
*Kent Brown	12/31/87
*Jerry Ding	12/31/87
Ann Mary Dussault (Board of County Commissioners and Board of Health representative)	

\* indicates new member

Other matters considered included:

1. A discussion was held with Dusty Deschamps, County Attorney, regarding the strategy on Planning Board litigation;
2. The Commissioners adopted the Selection Committee's recommendation for engineering services relative to the extension of City sewer service to Lincoln Hills that negotiations proceed with Sorenson & Company and, if unsuccessful, Stensatter & Druyvestein would be the second choice; and
3. The Lolo Water and Sewer System (RSID 901) Escrow Account was discussed with John DeVore, Operations Officer. He will have further discussions with the County Auditor in regard to this matter.

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

PUBLIC MEETING

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

✓ BID AWARD: IRRIGATION CULVERT PLACEMENT

Under consideration was a contract for irrigation culvert placement for the Surveyor's Office. Information prepared by Road Project Engineer Robert L. Holm stated that bids for the Clark Fork River Bridge Access Road irrigation culvert crossings were opened on March 11, 1985. The following bids were received:

1. Russell & Sons Excavating	\$52,064.47
2. Johnson Brothers Contracting	56,712.82
3. Western Materials, Inc.	50,304.50
4. L. S. Jensen & Sons, Inc.	58,830.43
5. Burtch Trucking & Excavating	59,567.52
6. American Asphalt, Inc.	61,585.84
7. Clark Brothers Contractors, Inc.	58,881.00

Bob Holm said that \$80,000 was allocated in the current road budget for purchase and installation of these required irrigation ditch crossings (with budget transfers), and that the previous contract to purchase the pipe was for \$6,786.00.

Barbara Evans moved, and Bob Palmer seconded the motion, that the bid for placement of the irrigation culvert crossings described above be awarded to the low bidder, Western Materials, Inc., in the amount of \$50,304.50. The motion passed by a vote of 3-0.

✓ CONSIDERATION OF: FOUR-PLEX RENTAL SUBDIVISION (BOB FORD AND JIM BARNETT) LOCATED OFF LIVINGSTON STREET BETWEEN CLARK & EATON

Information provided by Planner Barb Martens stated that the applicants' request to construct a four-plex on Livingston, between Clark and Eaton, was being reviewed for compliance with Subdivision Regulations, pursuant to an opinion of the Attorney General. The proposed four-plex consists of two bedroom units. The property is zoned C-R2. Multi-family dwellings are a conditional use in that zone. The developer will extend City sewer under contract with the City.

Ms. Martens summarized the development history of the area as follows: the Car Line #3 Subdivision was platted in 1910. The land use recommended by the Comprehensive Plan is medium density, multi-family development at a density of up to sixteen units per acre. The C-R2 zoning reflects this density, but specifies that multi-family dwellings are a conditional use which must meet certain standards. The plans have been reviewed for compliance with these standards and only one criterion remains to be satisfied: that a method of retaining drainage on the site must be shown.

Ms. Martens stated that the property fronts on Livingston, which is a dedicated County street. The site plan shows that there are two access points, one off Livingston, to two parking spaces in the front yard, with the remainder of the parking located in the rear yard, accessed from the alley. The applicants plan to apply to the County Board of Adjustment for a variance to reduce the width of a parking space from nine feet so that all the parking may be located off the alley. The parking design, as shown on the site plan, meets zoning requirements and an approach permit has been issued.

The developers own Lots 37 through 46 and plan to eventually construct five four-plexes on the property. Robert Holm, Project Engineer with the County Surveyor's Office, has stated that limited

MARCH 13, 1985 - PUBLIC MEETING, CONT.

rear-yard parking for the four-plexes, to be accessed from the alley, is preferable because it minimizes the potential conflict with motorists along Livingston. He further stated that the parking arrangement approved for this single four-plex should not be construed as a precedent for additional units. As no parking arrangement has been approved for the series of four-plexes, the staff recommended that no master plan for the entire parcel be approved at this time. Once the developer has had the opportunity to seek a variance from the required parking space dimensions, the plans for the entire development can be finalized.

Ms. Martens went on to say that Missoula County Subdivision Regulations require paved access. The alley in Block 40 is unpaved at this time, and the developer does not propose to pave it. She said that Bob Holm, Engineer for the Surveyor's Office, noted in his letter that low vehicular speed will help control dust and limit carry-out into the street. While partial pavement from one end of the alley up to a lot is sometimes an option, Lots 37 and 38 are located in the middle of the block, making it impossible to determine that use of the alley is most likely to be limited to one end or the other. The Planning Staff concurred with the Surveyor that paving the alley should be addressed with further construction when a master plan for the entire parcel is available.

She said that Bob Holm's final comment was that sewer installation in the alley may necessitate replacing gravel and re-grading for proper drainage. The Staff recommendation was that grading, drainage, paving and erosion-control plans be approved by the County Surveyor as a condition of subdivision approval.

She went on to say that there is no curb, gutter or sidewalk along Livingston, but that the developer did plan to install interior sidewalks connecting entrances to the parking and storage areas. She said that the subdivision would have to comply with the parks and open space requirement of the Subdivision Regulations. As a minor subdivision, it must donate cash-in-lieu of the actual dedication of land for parks and playgrounds. The amount of the donation to the County Park Fund is equivalent to the value of one-ninth of the undeveloped land. The Staff recommended this as a condition of plat approval.

She said that the four-plex will connect to the City sewer. City Engineering has verified that the developer has entered into a contract with the City to connect to the system. Mountain Water will provide water service. The site is well suited for multi-family development, as it has ready access to commercial areas, but service, schools, and health and emergency services. She said that the site plan shows a dumpster in the rear, screened from view of the residents. Should the parking area in the rear yard be expanded, the dumpster will be relocated.

She then stated that the staff recommended approval of the request by Bob Ford and Jim Barnett to construct a four-plex on lots 37 and 38, block 40, Carline Addition, subject to the following conditions:

1. The developer shall donate cash-in-lieu of parkland to the County Park Fund in the amount of one-ninth the value of the undeveloped lotted area;
2. Grading, drainage, paving and erosion-control plans shall be approved by the County Surveyor; and
3. A master plan, including a parking design, shall be submitted and approved when the developer makes application to construct additional four-plexes on lots 39 through 46.

Ann Mary Dussault opened the hearing to public comment, asking that proponents speak first. No one came forward to speak for or against the approval. She then closed the public comment portion of the hearing.

Barbara Evans moved, and Bob Palmer seconded the motion, that the request by Bob Ford and Jim Barnett to construct a four-plex on lots 37 and 38, block 40, Carline Addition, be approved, subject to the conditions recommended by the Planning Staff and set forth above. The motion passed by a vote of 3-0.

✓ HEARING: PETITION TO VACATE PORTION OF DAKOTA STREET (RIVERSIDE ADDITION)

This matter was postponed to the public meeting of March 27, 1985 due to an error in the advertised legal description, making it necessary to re-advertise the notice of hearing.

PUBLIC COMMENT

The following two matters were brought up under the Public Comment portion of the meeting:

1. John Bumbeck complained about a stop sign at the intersection of Lolo Street and Missoula Avenue being blocked from view, apparently because it was screened by trees. He stated that this was a dangerous intersection because of this problem.

Bob Holm from the Surveyor's Office, who happened to be in the audience, stated that he would look into the matter and report to the Board.

- ✓ 2. Elizabeth Friesz, from Clinton, informed the Commissioners about the intention of a group of citizens from Clinton to petition the Legislature in regard to the adoption of a Joint Resolution authorizing an election to determine if the Clinton area should withdraw from Missoula County and join Granite County. She gave the Commissioners a copy of the proposed Senate Joint Resolution which they intended to submit to the Legislature.

She then stated that the group that she represented thought that Granite County would be more to their liking than Missoula County. She said that at this point, they were merely informing the Commissioners of their intent.

The Commissioners took the matter under advisement. There was no further business to come before the Board, and the meeting was recessed at 1:45 p.m.

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MARCH 14, 1985 - PUBLIC MEETING

The Board of County Commissioners met in regular session; a quorum of the Board was present. Comm. Palmer was in Helena March 14th and 15th where he attended BPA/Local Government Consultation meetings both days.

INDEMNITY BOARD

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Lee W. Hinze as principal for warrant #8836, dated February 18, 1985 on the Missoula Urban Transportation District Fund in the amount of \$498.72 now unable to be found.

DAILY ADMINISTRATIVE MEETINGS

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

✓ RESOLUTION NO. 85-023

The Board of County Commissioners signed Resolution No. 85-023, a resolution to accept drainage easements, as satisfaction of the conditional item regarding drainage and erosion control for the Bay Meadows subdivision which was approved conditionally on November 7, 1984.

RESOLUTION NO. 85-024

The Board of County Commissioners signed Resolution No. 85-024, a budget amendment for Fiscal Year '85 for the Planning Department, including the following expenditures and revenue as per the attachment to the Resolution, and adapting it as part of the Fiscal Year 85 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Decrease:	
salaries	(5,598.45)
operations	( 401.55)

<u>Description of Revenue</u>	<u>Revenue</u>
Decrease:	
City Jobs Bill	
2250-260-333251	(6,000.00)

RESOLUTION NO. 85-025

The Board of County Commissioners signed Resolution No. 85-025, a budget Amendment for Fiscal Year 1985 for the Planning Department, including the following expenditures and revenue as per the attachment to the resolution and adopting it as part of the Fiscal Year 1985 budget.

<u>Description of Expenditure</u>	<u>Budget</u>
Decrease - City Jobs Bill	(8,000.00)
Increase - Housing Authority	8,000.00

<u>Description of Revenue</u>	<u>Revenue</u>
Decrease - City Jobs Bill	
2250-260-333251	(8,000.00)
Increase - Housing Authority	8,000.00
2250-260-331030	

Other matters considered included:

1. The drainage problem on Dallas Street in Lolo was discussed,
2. The Alternatives presented for the tax bill format were discussed--it was agreed to accept alternative 5, "to leave the tax bill as is currently printed and develop a generalized stuffer," with the final draft stuffer presented by the end of August, and;
- ✓ 3. The development of a formal investment policy for Missoula County was discussed--the Commissioners directed Dan Cox, Budget Officer, to draft a letter for their signature authorizing establishment of the Investment Committee and requesting a preliminary report by April 30th.

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

MARCH 15, 1985

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

*Fern Hart*  
Fern Hart, Clerk & Recorder  
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*Ann Mary Dussault*  
Ann Mary Dussault, Chair  
Board of County Commissioners

MARCH 18, 1985

The Board of County Commissioners met in regular session; a quorum of the Board was present. Comm. Evans was out of the office all day because of illness.

✓ WELFARE ADVISORY BOARD

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

DAILY ADMINISTRATIVE MEETINGS

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

✓ PLAT

The Board of County Commissioners signed the plat for Springer's Orchard Homes a resubdivision of the West 1½ of Lot 5, Cobbon and Dinsmore's Orchard Homes' Addition No. 2, the owners of record being Larry E. and Alisa C. Springer.

PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the transmittal sheet for payroll period #6 (2/24/85 - 3/09/85) with a grand total for all funds of \$326,510.48. The transmittal sheet was returned to the Auditor's Office.

RESOLUTION NO. 85-026

The Board of County Commissioners signed Resolution No. 85-026, resolving that the County Treasurer abate the 1983 tax bills (#83001214, #83015212 and #82020276) for Lots 11, 12 and 13 of Block 21, Knowles Addition No. 2, since the property included is used by Missoula Community Chapel for religious worship.

CONTRACTS

The Board of County Commissioners signed professional services Contracts between Missoula County and the following independent Contractors:

- ✓ 1. The CK Computer Consultants, for the purpose of providing the system analysis, custom programming, and training of two staff members using D Base III Data Base Management System for WIC scheduling in the Health Department for the period from March 11, 1985 to June 1, 1985, for a total payment not to exceed \$1,140.00; and
- ✓ 2. Peter Christian, for the purpose of conducting various promotional activities for the Missoula Seat Belt Program which is sponsored by the Health Department, for the period from February 1, 1985 through December 3, 1985 for a total payment not to exceed \$2,000.00 (a maximum of 100 service hours). The contracts were returned to the Health Department for further handling.

ATTACHMENT TO AGREEMENT

Chair Dussault signed Attachment 1 to the Operating and Financial Plan of October 1983 between Missoula County and the Forest Service for reimbursable services requested by the Forest Service from the Missoula County Sheriff's Department as outlined in the Attachment for the period beginning April 1, 1985 and ending November 30, 1985. The document was returned to the Sheriff for further handling.

OTHER MATTERS INCLUDED:

- a. The proposed transfer of staff responsibilities was discussed; and
- b. An update on legislative issues was presented by Howard Schwartz, Executive Officer.

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

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MARCH 19, 1985

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

AUDIT LIST

Commissioners Dussault and Palmer signed the Audit List dated March 19, 1985, pages 1 - 25, with a grand total of \$69,587.10. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETINGS

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

- 1. Dick Colvill, County Surveyor, gave an update to the Commissioners on the status of the Harper's Bridge project and also discussed the CIP Road and Bridge projects for FY '86.
- 2. A general discussion was held regarding the possible succession of outlying areas;
- 3. The letter regarding the SRS Lawsuit was discussed. Diane Conner of the County Attorney's Office will follow up with a written response to SRS regarding their offer to settle;
- 4. A discussion was held on possible withdrawal from the State assumption of Welfare--a further meeting on this matter will be held next week; and
- 5. The Board met with representatives of the Planning Staff. A discussion was held regarding modification of the Comprehensive Land Use Plan and the perceptions of the rural folks in regard to process and substance.

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

PROCLAMATION

The Board of County Commissioners met with representatives of the Mullan Trail District Montana Council, Boy Scouts of America, in the afternoon, regarding a cleanup project along Highway 93 and other major highways and signed a proclamation designating March 30, 1985, as Environment Day in Missoula County, and encouraged all County residents to also improve the environment of Missoula County with a cleanup project on Environment Day.

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MARCH 20, 1985

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

DAILY ADMINISTRATIVE MEETINGS

At the daily administrative meetings held in the forenoon the following item was signed;

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 850035, a request from District Court, Department 1, to transfer \$100.00 from the Office Supplies Account to the Copy Costs Account because of a line item overrun and adopted it as part of the FY '85 budget.

Other matters included:

- ✓ 1. The Bellevue Walkway matter was discussed. Jean Wilcox, Deputy County Attorney, will draft a letter to

MARCH 20, 1985 (continued)

the residents involved regarding the creation of a maintenance RSID:

- ✓ 2. Information was presented on the Milltown Dam Rehabilitation;
- 3. The Commissioners approved a ground water monitoring proposal for the Weed Department not to be considered as budget authority; and
- 4. The Board met with John DeVore Operations Officer, regarding:
  - ✓ a. Authorization was given to proceed to set up an escrow account for RSID 901.
  - b. The Contract with Court Operations Officer Dick Vandiver will go through the normal process; and
  - c. A letter will be drafted to department heads concerning cost saving in printing costs.

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

PUBLIC MEETING

Chair Ann Mary Dussault called the meeting to order at 1:35 p.m. Also present was Commissioner Barbara Evans. Commissioner Bob Palmer did not attend the meeting because he was taking a day of vacation.

Since there were no specific agenda items to be taken care of at this meeting, Chair Dussault moved to the public comment portion of the meeting. The following people made comments:

- 1. Mary Ann Gasparino made a statement in regard to the Federal Government selling the De Smet School. She was concerned about the fact that Missoula County had been approached about buying the property and had turned down the offer. She was very concerned that the De Smet School be preserved as an historical site. She had been assured that even if it went to a private owner, restrictive covenants forbade its use for anything other than an historic site, and she hoped that that was true.
- ✓ 2. Gracia Schall presented a satirical petition asking that the residents of the 600 block of Edith Street be allowed to secede from Missoula County and join Wibaux County. This was intended as a protest against the petition of some Clinton residents to secede from the County.

There was no further business to come before the Commissioners and there were no further comments. The meeting was recessed at 1:45 p.m.

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MARCH 21, 1985

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Portland Oregon where he attended a BPA Conservation Standards meeting March 21 and 22nd.

DAILY ADMINISTRATIVE MEETINGS

At the daily administrative meetings 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 '85 budget;

- 1. No. 850036, a request from the Health Department to transfer \$180.00 from one Contracted Services Account to another Contracted Services account because of projected overexpenditure;
- 2. No. 850037, a request from the County Attorney to transfer \$1,000.00 from the Common Carrier travel account to the Meals, Lodging and Incidentals Account to correct budgeting miscalculations; and
- 3. No. 850038, a request from the County Attorney to transfer \$160.00 from the Consultants (\$80.00) and Contracted Services (\$80.00) accounts to the Gas & Diesel Fuel account to correct budgeting miscalculations.

✓✓✓ RIGHT-OF-WAY AGREEMENT

The Board of County Commissioners signed a Right-of-Way Agreement between Missoula County and James D. DenBleyker & DeLois M. DenBleyker for one of a series of parcels needed for Harper's Bridge as per the terms set forth for a total payment of \$1,500.00. The Agreement was returned to the Surveyor's Office for further handling.

RESOLUTION NO. 85-027

The Board of County Commissioners signed Resolution No. 85-027, a resolution authorizing the establishment of an external bank account for the Sheriff's Department entitled "Regular Sheriff's Account" which is a state mandated trust account for Sheriff's fees, prisoner property and cash bonds for other counties.

RESOLUTION NO. 85-028

The Board of County Commissioners signed Resolution No. 85-028, a resolution authorizing the establishment of an external bank account for the Sheriff's Department entitled "Sheriff Attachment", which is a trust account for money received and disbursed under Court order.

RESOLUTION NO. 85-029

The Board of County Commissioners signed Resolution No. 85-029, a resolution authorizing the establishment of an external bank account for the Sheriff's Department entitled "Investigative Aids" for the purpose of drug buys.

OTHER MATTERS INCLUDED:

- 1. The Board met with Mike Bowman, County Superintendent of Schools and personnel from his office regarding

how the secession issue would affect the schools, the upcoming school elections and the space situation in the building at 301 West Alder. No action was taken.

2. the RFP for the Financial and Compliance Audit was disclosed. The Commissioners directed the Audit Committee to proceed with the final draft for their signature.

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

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MARCH 22, 1985

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

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*Ann Mary Dussault*  
Ann Mary Dussault, Chair  
Board of County Commissioners

MARCH 25, 1985

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

DAILY ADMINISTRATIVE MEETINGS

At the daily administrative meetings held in the forenoon, the following matters were considered:

1. A discussion was held on SRS matters regarding whether or not to consider the "reassumption of welfare" and if Missoula County could run the program within the 12 mill State levy. Jean Johnston, Welfare Director, recommends that things stay the way they are as we cannot, in her estimation, run the program within the 12-mill limit;
2. The issue of American Dental's taxes was discussed. The Commissioners are inclined to let the existing bill stand, and Mike Sehestedt, Deputy County Attorney, will send a memo;
3. The Board of County Commissioners appointed Mike Barton of the Office of Community Development as the County's representative to the Bitterroot R C & D Council to serve at their pleasure; and
4. A discussion was held regarding the reassignment of staff duties among certain County Administrative personnel.

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

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MARCH 26, 1985

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

DAILY ADMINISTRATIVE MEETINGS

At the daily administrative meetings held in the forenoon, the following items were signed;

✓ RESOLUTION NO. 85-030

The Board of County Commissioners signed Resolution No. 85-030, a resolution to rezone Lots 13-16 of Block 28, Carline Addition from "C-R2" (Residential) to "C-C2" (Commercial), as requested by Jay Sage.

RESOLUTION NO. 85-031

The Board of County Commissioners signed Resolution No. 85-031, a resolution correcting and superseding Resolution No. 85-026 because of an error on one of the tax bill numbers, resolving that the County Treasurer abate the 1983 tax bills (#83001214, #83015212 and #83020278) for Lots 11, 12 and 13 of Block 21, Knowles Addition No. 2, since the property included is used by Missoula Community Chapel for religious worship.

✓ EXTENSION LETTER

The Board of County Commissioners signed a letter dated March 25, 1985, to Elden L. Inabnit of Eli & Associates, granting a 120-day extension for the plat filing deadline for the Orrsdale Addition No. 1 Subdivision from April 19, 1985, which is the expiration date.

HOSPITAL REVENUE REFUNDING BONDS

- ✓ 1. Chair Dussault signed Bond R5 in the amount of \$30,000.00 regarding the County of Missoula, Hospital Revenue Refunding & Improvement Bond issue, Series 1978, 7.125%, due 6/1/07 (Missoula Community Hospital Project), replacing Coupon Bonds #1584, #1585, #1586, #1646, #1647 and #1648 at \$5,000 each. The Bond is registered in the name of Edward D. Jones & Co.
- ✓ 2. Chair Dussault signed Bond #R3 in the amount of \$10,000.00 regarding the County of Missoula, Hospital Revenue Refunding & Improvement Bond issue, Series 1978, 7.125%, due 6/1/07 (Missoula Community Hospital Project) replacing Coupon Bonds #1594 & #1649 @ \$5,000 each. The Bond is registered in the name of Michael L. Anderson and Anna Lee Anderson, JTWROS.

The Bonds were returned to Mike Sehestedt, Deputy County Attorney, for further handling.

✓ BOARD APPOINTMENTS

The Board of County Commissioners appointed Libby Sale as a regular member of the Missoula County Zoning Board of Adjustment to fill the unexpired term of Neil Halprin, who has resigned, through December 31, 1986. Robert Lovegrove and Sonia Zenk were moved up to first and second alternate members, respectively.

OTHER MATTERS INCLUDED:

1. Sheriff Dan Magone met with the Commissioners and discussed jail issues as well as external bank accounts for his department and relocation of the impound lot; and



MARCH 26, 1985 (continued)

2. The Board discussed the current status of the Library Interlocal Agreement.

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

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MARCH 27, 1985

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

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Sherry Richardson as principal for Warrant #109616 dated March 4, 1985, on the Missoula County Trust Fund in the amount of \$687.02, now unable to be found.

DAILY ADMINISTRATIVE MEETINGS

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

/ CONTRACT

The Board of County Commissioners signed a contract dated March 13, 1985 between Missoula County & Western Materials, Inc., the lowest and best bidder for construction installation and completion of the irrigation culvert placement on the Clark Fork River Bridge Access Road, for a total amount of \$50,304.50. The contract was returned to Centralized Services for further handling.

OTHER MATTERS INCLUDED:

1. The Commissioners met with Dick Vandiver, Court Operations Officer, and discussed legislation affecting District Courts;
2. The public defenders' request for reimbursement for collect calls from inmates was discussed. The Commissioners advised no, and the matter will be handled administratively or within their current contracts; and
3. Budget parameters were discussed. Departments will be asked to submit current level requests, and separate requests may be made for "program enhancements," including program goals and associated personnel, operational and capital costs.

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

PUBLIC MEETING

Ann Mary Dussault called the meeting to order at 1:30 p.m. Also present was Commissioner Barbara Evans. Commissioner Bob Palmer came into the meeting late.

/ BID AWARD: NINE-MILE DUST ABATEMENT

Under consideration was a contract for dust abatement for the Nine-Mile area. Information provided by Bob Holm, Project Engineer for the Surveyor's Department, stated that bids for this project were opened on March 25, 1985, and that the following bid was received:

Western Materials, Inc.	\$47,528.00
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Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the contract be awarded to Western Materials, Inc., for the Nine-Mile Dust Abatement project in the amount of \$47,528.00. The motion was passed by a vote of 2-0.

/// HEARING: KONA EAST - PRELIMINARY PLAT

Under consideration was approval of the preliminary plat for Kona East and adoption of a resolution of intent to rezone from C-RR1 to Kona East Residential District.

Ann Mary Dussault read the request for commission action prepared by Planners Barb Martens and Mark Hubbell. It stated that Kona East is a 47-lot, single-family subdivision proposed for a 113.6-acre tract located west of Missoula on Cote Lane just south of El Mar Estates. This subdivision is designed to create a more rural environment in that two-acre lots are proposed and a special zoning district permitting two horses per lot has been requested, on condition that they not be kept for commercial purposes.

The developer plans to phase construction of Kona East over a period of three years.

A combination of both parkland and cash-in-lieu of parkland is proposed to satisfy the park requirement. Actual land dedication of 9.3 acres is proposed, which leaves a cash-in-lieu requirement of the equivalent of approximately one acre. The parks will be dedicated to the County, and a maintenance R.S.I.D. is planned.

Water supply will be provided through individual wells. The sewage will be handled through the El Mar Sewage Treatment system. There have been some problems associated with this system, which will require up-grading or having a new system built prior to approval by the State Department of Health and Environmental Sciences.

The staff recommendation was approval of Kona East Preliminary Plat, subject to the seven conditions, two variances and eight criteria showing the subdivision to be in the public interest. Also, they recommended adoption of the resolution of intent to rezone from C-RR1 to the Kona East Residential District.

She then asked Barb Martens if she wanted to add anything to this request, and she reviewed the following recommended conditions of approval:

1. The following statement shall be printed on the face of the plat and included in the covenants:

As a result of the expansive soils in this subdivision, the building inspector may require that special footings and foundations be designed to ensure structural soundness.

2. A drainage easement across the developer's property to the Clark Fork River shall be filed with the Clerk and Recorder; the location and width of this easement shall be approved by the County Surveyor.
3. Cash-in-lieu of parkland shall be donated to the County park fund for that portion of the parks and open space requirement not fulfilled by actual land dedication.
4. Sanitary restrictions shall be lifted by state and local health authorities.
5. Plans to develop the dedicated walkway and bikeway easement shall be approved by the Parks and Recreation Department and included as an item to be funded by the maintenance R.S.I.D. This will include, if possible, opening the fence to provide access to the El Mar Estates common area. If this cannot be done, Cote Lane shall be widened to 30 feet to allow for bicycle and pedestrian circulation.
6. Road, grading, drainage and erosion-control plans shall be approved by the County Surveyor.
7. A homeowners' association shall be established, and at such time as two-thirds of the lots in the subdivision are sold, control of the homeowners' association shall pass to the lot owners rather than remain with the developer. To further address this concern, Article III, Section 2 of the Kona East covenants, which now reads that the owners of 662/3 of the total land area can change or terminate the covenants, shall be changed to read that the owners of 662/3 of the total lots can change or terminate the covenants. Also, the requirement of the formation of a Kona East homeowners' association shall be included in the covenants.

She stated that the Planning Board had also recommended a variance from the maximum length requirement for a cul-de-sac for Lazy H Trail and Circle Diamond Lane. The reason for granting the variance from Lazy H Trail is that it will become a looped road when the subdivision is fully constructed, making the situation and the variance temporary. The reason for granting the variance for Circle Diamond Lane is that the longer cul-de-sac is more congruent with the topography and only eight dwellings will use the street.

Chair Dussault then opened the public comment portion of the meeting, noting for the record that the Commissioners had received one written objection, from Mr. Lawrence Lyons. This letter, set forth below, is included as part of the testimony for this hearing:

Ann Mary Dussault: I think you would know more about our problems out here than any body else. Listed below are the following reasons that I am against the Kona East subdivision:

1. Traffic Problem: We have too many automobiles on Mullan road right now and I do not think we can handle anymore. Remember, Mullan Road is just that, a road, NOT a highway. I bet if you put a traffic counter on Mullan Road you would find that there are more cars than on 93 South. From seven to nine in the morning and four to seven in the evening traffic is bumper to bumper. Simply pause for a moment and think what yet another subdivisiou would do to the traffic problem. Mullan Road is in great need of repair right now! Let's accomplish one item at a time.
  2. Subdivisions: There are two new subdivisions going in right now. God knows how many more are in the near future. E.R.A. Real Estate has one two miles down the road from El Mar Estates. Lambros has another one at the bottom of Sunset Cemetery.
  3. Game Refuge: Kona East should be kept as a wildlife game refuge. Every morning I count from 15 to 20 deer wandering about in the fields. This area is also a fantastic refuge for ducks and other birds.
  4. Dogs: El Mar Estates, where I live (Honorary Mayor) has a limit on the size of dogs one can care for. Kona East is just across the fence. You know as well as I, where there are horses there are large dogs. These dogs would wander into our area thus causing problems.
  5. Subdivision Two: Two years ago Gaspard Deschamps tried to have a mobile home court for senior citizens. The County Commissioners turned it down because of the traffic on Mullan Road. At the time they said there would be NO more subdivisions until we were granted a new improved Mullan Road, which would be completed in six years. New Meadows subdivision came AFTER they said that.
  6. Water table: There is a low water table in this area. In the summer we barely have enough water to even sprinkle our lawns and gardens. More wells would only make the water table even lower.
  7. River Problems: These lots are getting closer to the Clark Fork River. In time seepage could occur. When a lot of us moved out here we were told that Mrs. Miller would never sell the land for a subdivision.
  8. Larger Lots: If they do decide to sell the land and divide it they should divide into larger five acre lots. Lots like they have east of Cote Lane right now. This would solve some of the above-mentioned problems.
  9. Mountains and Country: If you or any of the other board members want to come out and stand on my deck and look at the beautiful mountains and country. If you would like to watch the deer and birds and ponder the thought of a subdivision under your nose, you are more than welcome!
- P.S. There will be more traffic if we get a new Harper's Bridge this summer, as promised. Please notify of your findings.

Your Consideration Is Appreciated,

Lawrence H. Lyons  
1900 Hummingbird  
549-6672

She then asked for testimony from people in favor of the project. The following people spoke:

1. Nick Kaufman, land use consultant with Sorenson and Company, appearing on behalf of Bonnie Snavelly, the developer of Kona East, made the following presentation. He spoke of the general character of the area in relation to what the developer was proposing to do in developing Kona East. He said that in 1975, the Missoula Area Comprehensive Plan was developed, with the designation for the Kona Ranch property of two dwelling units per acre. He continued by saying that in 1977 the area was zoned by the Commission at one dwelling unit per acre. In between that time, El Mar Estates was developed, and there are approximately 500 single-family homes in El Mar Estates and New Meadows, across Cote Lane from El Mar Estates. These subdivisions are developed at a density of around three dwelling units per acre, 10,000

MARCH 27, 1985 - PUBLIC MEETING (continued):

to 15,000-square foot lots. In 1975 also, a subdivision called "Golden West," right across the street from the proposed Kona East development was approved by the County Commission. Golden West has about 2 to 2½-acre tracts, and there are about 35 lots in that subdivision.

He then referred to the master plan for El Mar Estates, illustrating his points with a map. He said that the master plan had been adopted by the Planning Board and the County Commissioners back in approximately 1975. He said that the map showed the existing phases of El Mar Estates which are developed. He indicated an undeveloped area which had been approved through phase 10, with a P.U.D., for density and development similar to that in El Mar Estates. He said that due to economic recessions and other factors, the developer, Elmer Frame, had not developed according to the master plan during the time-frames allowed, and the zoning had reverted from the P.U.D. back to the C-RR1 Zoning. He said that they were now proposing a 47-lot subdivision right in that area, just south of El Mar Estates and right across the street from Cote Lane.

He said that the design of the subdivision was two-acre tracts and an interior loop-street system, with one interior cul-de-sac, a linear parkway, and then a useable park system central to the lots. He said that they proposed a walkway to connect this development to the walkway system in El Mar Estates so that if people wanted to walk to the neighborhood commercial area on Mullan Road, etc., there would be a walkway so that they wouldn't have to get out onto Cote Lane.

He said that there had been some significant changes to that area since El Mar Estates was originally approved, one of which was that Cote Lane is now paved. He said that there is a stop light at Reserve and Mullan Road, where there formerly was no bridge for Reserve Street. He said that in 1987 or 1988, Mullan Road would be widened to two 12-foot driving lanes and two 8-foot bicycle paths, and of course the Harper's Bridge connection to Big Flat will also go through, and that would be just west of this project.

He then referred to the park system for the development, stating that they were proposing that the major draw areas that lead to the river remain open spaces. He said that if the ranch develops according to their intentions, there would be a riding area and stable area and horse pasture grazing area also in those draws.

He then stated that it was noteworthy at this point to note that the plans were energy efficient, in that the streets run in an east-west direction, which maximizes the southerly or solar access to the lots. Being on the ridges, the cost of snow removal should be reduced, because the natural forces of the wind will work to keep those streets fairly free of snow when we have the dry snows, not the wet snows. That keeps drainage out from under the streets. The covenants have minimum requirements for insulation and air infiltration. They require certain areas for glazing, and he thought it was the first time a subdivision had come through with that feature. He said that the subdivision would be in the service area for Mountain Line.

He said that the developers, of their own free will, and against his own recommendation, were allowing only class-I wood stoves, as approved by the Health Department. He said that the El Mar area is one which has a pollution problem, and that this subdivision will significantly work not to contribute to that particular problem.

In regard to fire and future development, he said that incorporated into the covenants is a 45-setback on the side lot lines. What that allows, then, is 95 feet between residences. He said that if in the future there was a demand for increased development in that area, the residents would have the option to put in a 60-foot right-of-way, with the homes still being 15 feet beyond that right-of-way in order to develop additional lots. He said that that might never happen, but if there is ever a need for that, it was provided for in the covenants. In addition to that, the 90-foot separation would prevent the spread of fire from one dwelling to the next if one should catch fire. He said that they were requiring 100-foot setbacks from the property in El Mar Estates, so that where they would join El Mar Estates to the north, there would be no barns or dwellings closer than 100 feet to that common property line. With regard to wild life, the dogs are required to be kenneled, not chained. He said that for some reason chained dogs seem to break out, and kenneled dogs seem to stay where they're put. He said that dogs should not be a significant problem in the proposed development. He said that the linear park is 100-feet wide, so that wildlife, i.e. deer, that are seen in that area will be able to move through the subdivision to their traditional feeding grounds fairly freely.

He then discussed traffic patterns on Mullan Road, stating that the projection was about 400 vehicle trips would be generated by the subdivision upon complete development--about 105 additional trips in each year of a three-year phased plan. He said that Mullan Road was scheduled to be updated, and there did not appear to be a problem with traffic from this subdivision. He said that in conversations with John Marin, he thought that if they looked at the congestion point on Mullan Road, they would have to say that the congestion point would have to be the stop light. People had to go through the stop light on Reserve and Mullan Road to get anywhere on Mullan Road, and that stop light operated at a level of A or B: free-flowing or moderate congestion. He said that he lived in El Mar Estates, and he didn't feel that there was a traffic congestion problem.

2. Elmer Frame then testified, stating that he was the developer of El Mar Estates, the development which lies directly north of the proposed Kona East. He said that he had received approval, as Nick Kaufman had said, on the master plan, which had 800 acres with 1600 lots planned. He said that one concern that he had was with the horses. He said that he knew that a lot of people were anxious to get out to where they could have a horse, but horses can cause problems. He said that they didn't have to, but they could. He said that Kona East was proposing to allow two horses on each lot, and since there could be a conflict with El Mar Estates because horses like to lean over the fence and eat on the other side and, even more important, horses attract children, who could be visiting with horses across the fence, he wanted to see a bridle path between the two subdivisions because the horses would then be under control and not pastured up against the lots. He said that he believed that this was proposed originally by the developer and changed by the Planning Department. He said that he felt that the original proposal was superior to the present proposal. He said that he felt that the original proposal was superior to the present proposal. He said that El Mar Estates had covenants which restrict the size of a dog that homeowners could keep on their property, and those covenants had been declared enforceable by District Court action. He said that Kona East covenants provided that dogs must be in a kennel, and he agreed with what Nick had said about controlling dogs. He said that dogs had been one of their primary problems in the area. He said that if this and other covenants are administered by a homeowners association, conflicts would be kept to a minimum, but he had found no provision for a homeowners association in the material that he had looked at. Nick had informed him that there was a provision, and he thought that this provision should be part of the covenants that there would be a homeowners association. He said that El Mar Estates is served by a public water and sewer system owned by the homeowners association.

In 1977, the Health Department had approached him and asked that the land that is now New Meadows be added to the El Mar Estates sewer system. He said that he felt strongly that all of that area should be served

by a common sewer system. With that in mind, New Meadows was added to the El Mar Estates sewer system. He said that he was no longer majority owner so the homeowners association is presently negotiating and considering an agreement that would incorporate the two on one sewer system. He said that he thought that this was the most important thing, because in years down the road, people won't be from El Mar Estates or Kona or New Meadows, they would be from a certain area of Missoula, and he thought the integrity of this area needed to be preserved by one system. He said that he had noticed that Article III, Section II of the Kona East covenants provided that owners of 662/3% of the total land area can change or terminate the covenants. He said that if the covenants are extended to a master plan, which they may propose at a later time, or maybe already have, the developer could terminate the covenants after selling all 47 lots because they would still maintain a majority interest in the land area. He said that he thought it would be more acceptable to the future residents of Kona East and the area that the covenants be changed by lot ownership rather than land area. He said that he was in favor of this subdivision, and respectfully requested that the Commissioners approve Kona East, with the provision that it be connected to the El Mar Estates sewer system, and subject to the Health Department approvals.

Barbara Evans then asked him a question as to whether he was in favor of the Kona East proposal about requiring that dogs be kenneled or whether he was opposing the proposal. Mr. Frame replied that dogs have been a constant problem in El Mar Estates, but not nearly the problem that they are in other areas of the County. He said that originally, they had prohibited dogs in El Mar Estates, but they had found that they just couldn't sell the lots unless they allowed some small dogs. He said that they had put the provision in that limited the size. The smaller dogs are running loose, and occasionally a large dog, and it's a constant problem, he said. He said that he tended to agree with Nick that if everyone had a kennel, the dogs would probably be under better control than in El Mar where they just limit the size, because the small dogs were not controlled.

He said that he had brought that out mainly to point out his strong conviction that a homeowners association is the vehicle that should control this, and he thought that conflicts could be kept to a minimum if there was a homeowners association. The two points that he really wanted to stress were the need for a homeowners and the need for a common sewer system.

Ann Mary Dussault asked Barb Martens if there was a requirement that this development be attached to the common sewer system. She had thought that was a requirement.

Barb Martens said that that was how the applicant had proposed the development-- that they would connect to the El Mar sewer system, although they do need to do some upgrading, and if the Health Department does not approve the connection, then they may even have to build their own facility, but the preferred alternative would be to connect if they could get the approval of the Health Department.

Nick Kaufman said that they agreed completely with Elmer Frame. They thought there should be one system and there were a lot of reasons for just one system. He said that if that option was not open to them because the homeowners wouldn't give them permission to connect or the Health Department wouldn't allow that, then they would have to pursue the second option of constructing their own system, so they had to have that second option.

Ann Mary Dussault then asked Mr. Kaufman if he wanted to address the other points raised by Mr. Frame.

Nick Kaufman said that he would be happy to. Addressing the point about the bridle path and horses possibly reaching over the fence onto the adjoining lots, he said that there was a 30-foot common area along the portion of the lots that adjoin Kona East, or else a park area for the whole length of the common ownership. He said that that meant that if a horse did reach over a fence, it would be nibbling the grass on the common area, not someone's posies, or a rose garden or ornamental shrubs. He said that originally they had proposed an additional 20-foot bridle path, and, in talking with the staff, he would have to concur with their recommendation. He said that a common area should be large enough so that it could be used and maintained, and so that the people who live in the area use it, recognize that it's there, and protect it. If you don't do that, he said, two things happen: 1. people don't realize there's a common area, or 2. they do realize it and fence it so that it becomes part of their property. He said that they were proposing to put a rail fence along that common boundary that the homeowners' association for Kona East would be responsible for.

Ann Mary Dussault asked about the length of the utility easement that runs down the common area. Mr. Kaufman replied that he believed it was 30 feet.

Nick Kaufman then responded to Mr. Frame's comments on dogs. He said that if you had a large dog, chained up, the only time there would be a problem would be if it broke out, and dogs broke out, i.e. in the spring and during hunting season, but added that dogs are part of our society, just like cars and kids are, both of which cause a number of problems also. He said that the small dog stays inside the house until the owner comes home at night and opens the door and it goes over into the neighbor's yard. He said that a large dog, kenneled, would not pose a problem for the neighbors. He said that they were trying to address the dog problem through the use of kennels, not by controlling the size of a dog.

He then said that there would be a homeowners association, but that the reason it was not included in the packet was because they had not completed negotiations with the El Mar Estates Homeowners regarding connection to their sewer system. He said that the assessments and the fees and the things that need to be common between those two associations have to be put into that association, so there would be a homeowners association prior to bringing the final plat before the Commissioners for review.

In regard to the covenants, he said that they had no problem in changing Article III, Section II so that it would require 662/3 of the lots instead of the area to change or terminate the covenants. He said that since the lots were all exactly two acres, it would not make a difference, but he could make that change. He had no problem with that, he said.

There were no other proponents. Ann Mary Dussault asked if there were any opponents. No one came forward to testify in opposition.

Barbara Evans moved that the Commissioners grant approval to the preliminary plat of Kona East, including the staff comments, their findings of fact, and that the requested two variances to the cul-de-sac length be granted as well. Bob Palmer seconded the motion, and it passed, 3-0.

Bob Palmer asked Barb Martens if the change in regard to changing Article III, Section II should be included in the motion as a condition of plat approval. She replied that as far as the word change was concerned, it didn't appear that the developer had a problem with that word change.

Barb Martens said that she supposed it could be done either way, but if it were done in the form of a condition, when the final plat came through, there would be a little red flag, and that would be checked on, so it was probably safer to put it as a condition.

MARCH 27, 1985 - PUBLIC MEETING (continued)

Ann Mary suggested that the motion be amended so that Article III, Section II be changed as stated above and that there be a provision for a homeowners association in the covenants before the filing of the final plat. Barbara Evans made this in the form of a motion, Bob Palmer seconded, and the motion carried, 3-0.

REQUEST TO REZONE A PARCEL OF LAND IN SECTION 15, T. 13 N., R. 20 W., FROM C-RR1, LOW DENSITY RESIDENTIAL TO "KONA EAST RESIDENTIAL DISTRICT".

Mark Hubbell did the staff report for this rezoning request, stating that the Planning Office had received an application requesting that a parcel described as 113.6 acres in Section 15, T. 13 N., R. 20 W., be zoned as a special district to allow agriculture on tracts two acres and larger. The remaining criteria were to remain unchanged.

Barbara Evans moved, and Bob Palmer seconded the motion to adopt a Resolution of Intent to Rezone a parcel of land in Section 15, T. 13 N., R. 20 W., from "C-RR1" (Low Density Residential) to "Kona East Residential District." The motion passed, 3-0.

✓✓✓ RESOLUTION NO. 85-037

The Commissioners then signed Resolution No. 85-037, a Resolution of Intent to Rezone a parcel of land in Section 15, T. 13 N., R. 20 W., from C-RR1, Low Density Residential, to "Kona East Residential District" The Resolution was forwarded to the Clerk and Recorder's Office for recording, with a copy sent to The Missoulia in accordance with legal publication requirements.

✓ PROPOSED REVISIONS TO THE COMPREHENSIVE PLAN IN SECTION 18, T. 12 N., R. 19 W., UPPER MILLER CREEK AREA

Ann Mary Dussault read the request for commission action, which stated that this was the culmination of the Mike Dannenburg variance request, which was heard and approved at the January 2 public meeting.

She said that at that meeting, the Dannenburgs were granted a variance from the Comprehensive Plan designation of "public land and open space" after Mike's excellent presentation because the parcel is surrounded by residential areas and does not fit the criteria required for the designation "public land and open space" and based also on the fact that the Board of County Commissioners has created a water district for the area.

Several other property owners in the newly-created water district (Springtime Drive) found themselves in the same position and were given two options to proceed. They have chosen to ask the Commissioners to amend the Comprehensive Plan to permit the construction of single-family dwellings in portions of Section 18 (Miller Creek).

Pat O'Herren gave the Planning Staff report. He made the following comments, the first dealing with the difference between zoning and the Comprehensive Plan. He said that the staff had not proposed a zoning district in the area, but rather some guidelines that fall within the purview of the Comprehensive Plan. He said that the guidelines recommended a density within the area, as well as some parks and open space land. He said that there was also a provision in the staff report that if, in fact, a property owner had a parcel of land that did not meet the 1.5 acre recommendation of the Comprehensive Plan, but the Health Department had judged that there was a site suitable for a drain field and a site suitable for a well, then, in fact, the permit should be approved as requested by the applicant. He said that what they had not done was come up with new rules and regulations, but rather with guidelines that tell future landowners that they may have some problems with water in the area, some problems with soils, that the transportation network could be a problem, as well as some problems in regard to enrollment in the school district in that area. He said that those were some problems that the governing body should look into, but that the governing body has not said that those are regulations that the landowner must meet. He then introduced Amy Eaton, who gave a brief staff presentation on the area and some of the concerns that the staff found when they reviewed the Comprehensive Plan in regard to Section 18, T. 12 N. R. 19 W., Upper Miller Creek. He said that at the Planning Board hearing there had been one comment from a property owner who owns property in the upper right hand corner (referring to the map on the wall behind the Commissioners) in the C-RR1 area. He said that the staff and the Planning Board recommended that the Comprehensive Plan designate that particular portion for one dwelling unit per 40 acres. The landowner pointed out to them that there was a distinct break in slope in that area, and perhaps that the break in slope should be the dividing line for the one per 40 acres versus the one per five acres found in the subdivisions to the left. He said that the staff had no problems with making that particular alteration. He then turned the presentation over to Amy Eaton.

Amy Eaton said that not only was the Springtime Road development analyzed, but that the entire section had been reevaluated to see if the 1975 land-use plan met the future growth patterns. She said that the report the Commissioners had received contained two parts, the staff report and a proposed Comprehensive Plan amendment. She said that the staff report discussed the section in detail, including such items as why Section 18 is being reviewed, a parcel description, land use in Section 18, land capability analysis, and a summary of existing zoning.

She said that a Comprehensive Plan amendment involves a recommended motion that the staff has made after analyzing the land inventory data. She said that it was apparent that the 1975 land-use plan was no longer applicable to the area, and that an amendment that addresses the land's capability to support different types of development was offered. She said that the 1985 amendment was designed after evaluating the physical components of the area and the services available to the section, to see what types of limitations might occur. She said that density levels, soil restrictions, water sources, topographical features and transportation networks and school district capacities were all reviewed. She said that the staff recommended a 1985 land-use plan which advises considerably lower densities for Section 18.

She then presented a slide show, featuring Springtime Road and Lorraine Drive, as well as the surrounding area.

Amy Eaton then went over some of the main points covered in the report, referring first to the section on wildlife habitat. She said that whitetail deer do frequent this area and use the grassland as winter range. Under the land capability analysis, she said that there were five categories that a developer should be concerned with and aware of. Referring to soils, she said that soils in this area are part of the Big Arm Gravelly loam and the Big Arm variance. These soils are variable, with each soil having its own unique characteristic. She said that some of the problems that might occur relate to permeability rates and the water capacity of the soils. Clay lenses are common in these types of soils, and could cause seeps, slumps and structural problems. She said that it was recommended that the developer have a soil-site analysis done prior to any development. Referring to water, she said that this might be a constraint in Section 18, mainly because there is no readily available water. Water logs which have been filed in this area show well depths between 152 to 650 feet. The type of water source being tapped is a bedrock aquifer. She said that the quality and quantity of this resource is unknown, with a possibility of contamination. She said that South Meadow Tracts and neighboring subdivisions have had problems with their water systems. She said that problems relate to seeps, slumps and dry private wells. She said that it was recommended that potential



landowners consult a hydrologist before any development, and that they should be familiar with the costs related to ground-water construction. Referring to topography, she said that the natural drainage ways in Section 18 should be kept free of development due to the delicate systems. She said that the northern drainage is experiencing slumping conditions, and any development will alter the natural state, increasing the potential for future problems. Also, these drainages may experience flooding during periods of rapid snow-melt and seasonal rain storms. Potential land owners should be aware of these problems if their property abuts a natural drainage. The slope of the land may also cause problems in regard to construction of dwellings, septic tanks and local access.

In regard to the transportation network to serve this area, she said that the only road that is paved and maintained by the County is Terrace Drive. At the present time, Springtime Road will not be accepted for County maintenance due to its poor location and poor construction. She said that potential landowners should be aware of possible access problems. In addition, she said that School District I has verified that its elementary schools in this area have almost reached full capacities. She said that if Section 18 were to develop at its present densities, there would be an impact on the School District, creating a need for more facilities.

Her conclusion was that the staff recommendation was that the land-use plan for Section 18, T. 12 N., R. 19 W., be modified as shown in Figure 7 of the staff report, and described in pages 11 through 18 of the staff report (on file in the Community Development Office as well as in the Commissioners' Office).

Barbara Evans asked if she meant that the Commissioners should take pages 11 through 18 of the staff report and add it to the Comprehensive Plan for this area.

Pat O'Herren replied yes. He said that they felt that the map with its recommended land use densities was not sufficient, since what they were trying to do was to provide the public with information on what they should look further for, so it would be similar to the situation on Reserve Street, where the map is not the only thing that a person gets when they come into the office.

Barbara Evans said that if she were the average citizen thinking of buying up there and she was given this chunk of material, specifically pages like p. 13, with its technical information on soil, it wouldn't mean anything to her.

Pat O'Herren said that their hope was that the buyer would then consult a soil scientist about what that meant.

Ann Mary Dussault then opened the public hearing portion of the meeting, asking that proponents of the adoption of the proposed amendments to the Comprehensive Plan speak first. The following person spoke:

1. Mike Dannenberg, appearing on behalf of the Lorraine South Homeowners Association, speaking in his capacity as President of that organization, as well as appearing as a representative of the Lorraine South Water District, stated that he was present to speak in favor of the staff's recommendation, with the understanding that there be a higher density allowed in areas where approved by the Health Department, or whatever other guidelines the Planning Office has set up, which at this point were vague to him. He said that the homeowners realized that much of what Amy Eaton had mentioned were intended as guidelines; that they were for informative purposes. He said that he could certify that the landowners that had purchased on Springtime had investigated these things, and felt that those were constraints that they could live with, and that they were quite happy to live within those constraints. For those reasons, the Lorraine South Homeowners Association was in favor of the passage of these amendments, he said.

No one else came forward to speak in support of the proposed amendments. Ann Mary Dussault then asked if anyone cared to speak in opposition. The following person spoke:

2. Dick Hayden said that he and his family own about 100 acres in the northeast corner of the section. He said that he had no connection with Glacier General. He said that he really had no interest in Springtime Drive at all, pro or con, but since this was affecting some of the properties that they own up there, he wanted to talk about it. Referring to the plan of Mountain Water (referred to in the staff report) to "... maybe build a 2,000 gallon reservoir ..." to help alleviate the water situation. He said that the staff report had stated that the tank could help alleviate water shortages in the area. He asked if that project were going forward.

Pat O'Herren said that they had told him that they had no funding to go forth with that at the present time, but it was something they were looking at as a long-range plan.

Dick Hayden said that a 2,000-gallon tank, if his slide rule was right, would be about 8 gallons to a cubic foot. He said that that would be a tank of 6'4" x 6'4" x 6'4". He said that you could drain it with a hose in five hours, and asked if that was going to solve the water problem up there.

Pat O'Herren replied that he would have to direct that question to Mountain Water.

Dick Hayden said that it was in the Planning Staff report.

Pat O'Herren replied that that was the information Mountain Water had given them. He said that they would not build a 6' x 6' x 6' water tank. He then brought up the question of the deer population. He quoted the following from the staff report: "Developments and heavily travelled roads have caused a decrease in the number of deer that frequent the area." He asked how that had been determined.

Amy Eaton replied that she had written to Fish, Wildlife and Parks to inquire about significant wildlife in that area, and staff member John Firebaugh had sent a letter stating that area was part of the western edge of the whitetail deer winter range habitat, and so the information in the report is from John Firebaugh.

Dick Hayden said that he knew that there were a lot of deer up there, but the problem was that the deer population was going up drastically up there, and it was going up all over the front face of Dean Stone Mountain. He said that people as far down as Crestline Drive are having deer in their yards. He said that the deer population was not dropping; it was increasing, and that it certainly was white tail country.

Amy Eaton stated that the information that they had gotten was from Fish, Wildlife and Parks.

Dick Hayden said that those points were minor, but the real problem he had was that the plan suddenly takes property that was previously parks and open space, and the lower parts of it, exactly up to their property line, had suddenly become low density residential, and above that, his property had become open and resource lands, exactly on the property line, with no physical difference, except that there has been development down below, although they had not developed. He said that he was not a developer, and he did not want to develop, but he did not think his option for development should be precluded, whereas people right across



MARCH 27, 1985 - PUBLIC MEETING (continued)

the property line were given an option for development. He said that he realized that this was not zoning, but things like that lead to zoning, and he did not like to see it that way.

Ann Mary Dussault asked him to indicate on the map which area he was concerned about, and he pointed out his acreage, split into a 60-acre and a 40-acre hunks.

Ann Mary Dussault then asked Pat O'Herren what the designation for this property had been previously, and he replied that it had been parks and open space. Pat O'Herren replied that when they had gone through and evaluated it, they had determined that parks and open space was probably not appropriate, but open and resource land--one unit per 40 acres--was probably more appropriate than as a recreation area. He said that what Mr. Hayden was suggesting was that perhaps the line that they had drawn between his property and that immediately to the west, which was designated for rural medium density, should follow the slope rather than the property ownership, and they had no real problem with that.

Barbara Evans said that that was not what she had heard them say. She said that what she had heard them say was that Mr. Hayden did not want a line that gives the people on Springtime Drive the option of developing their land, and does not give Mr. Hayden the option of developing the land. She said that she had heard him say that he wanted the right to develop his property too. He replied that that was what he was saying.

Mr. Hayden said that they had no plans for development. He said that they had owned that land for fifteen years and had never sold an acre, but, nevertheless, someday down the line, he did not want to see a situation where there was a lot of development down below him, and have to be told that that was all the development the land could support and he would have to be only open space.

Barbara Evans asked what Mr. Hayden wanted them to do.

Mr. Hayden replied that he wanted whatever zoning they got down below.

Barbara Evans asked how much of his property he wanted to include in the changed Comprehensive Plan designation. He replied that he did not necessarily need all of it included, but the part that was relatively flat. He said that there were some spots that were relatively flat up above, and it would have to be gone through in detail, but, basically speaking, it was two-thirds of the 60 acres (indicating the area on the map).

Bob Palmer asked if he had talked to Mr. O'Herren about this, and he said that he had.

Bob Palmer asked if he would concur with going to the slope line with this change. Dick Hayden said that they would have to reach agreement as to exactly what the slope line meant, and also there were flat spots on top that could be developed.

Ann Mary Dussault asked if his concern about the slope was that septic systems were not permitted on a certain grade, so there would be no opportunity to develop there anyway.

Pat O'Herren replied that that was correct. He said that even with the one unit per forty acre designation if the Health Department finds ten sites that will support septic systems, then there are ten building permits that can be issued.

Barbara Evans asked what could be done to make the changes in the proposal.

Dick Hayden suggested that he get together with Pat O'Herren and Amy Eaton and try to agree on what the slope line represents and something about the other spots. He said that he would like to have the decision put off until this was done.

Ann Mary Dussault suggested that they complete the hearing, and then said that the Commissioners might very well send it back to Planning for review.

Bob Palmer added that then he could meet with Pat O'Herren and Amy Eaton and work out whatever agreements needed to be worked out and come back for the next public meeting.

Ann Mary Dussault asked if anyone else wished to speak in opposition to the proposal.

Dick Ainsworth, from Professional Consultants, Inc., said that he was not an opponent, but he did want to speak. He said that he was there on behalf of McCullough Brothers, who own the SE $\frac{1}{4}$  of Section 18, which is part of Rodeo Ranchettes. He said that he wanted to clarify a couple of things on their behalf, if nothing else. He said that the map on the wall and in the Commissioners' packets indicated the existing zoning on that property as C-A1, with a PUD overlay. He said that there was a comment in the staff report that he thought was misleading, if not inaccurate. He said that where it talks about existing zoning, on page 9 of the staff report, at the end of the paragraph, it says that the C-A1 zoning in the SE $\frac{1}{4}$  allows one dwelling unit per 40 acres. He said that the statement that the PUD that is proposed is part of the Rodeo Ranchettes development and that the corner of Section 18 is to remain undeveloped and used as open space for this PUD is really not an accurate statement. He said that it was a part of the PUD, and when the PUD was approved by the Board of County Commissioners in 1981, there had been several areas where there were specific lots designed and laid out, and those were approved and laid out as such. He said that there were about 4,800 acres that were classified as "agricultural and recreational reserve," on which there were 237 single-family lots, to be placed somewhere on the 4800 acres, to be determined at some point in the future. This 160-acre quarter section is part of that 4800 acres, and is also part of the area that the developer at some point in time proposes to do potentially some cluster-type of development with some of those other 287 single-family lots that are part of their PUD. That quarter section has areas similar to what Mr. Hayden talked about--some flat areas here and there, and some of it is steep, there's no question about it, and it could not be developed at a very high density, but the statement in the staff report said that it was part of the PUD and is intended to remain undeveloped and remain as open space for the PUD is not accurate. That was not in the proposal, nor in what the County Commissioners approved for their PUD, and he thought that to say that that area should not be developed at any more than 1 to 40 acres, which means 4 dwelling sites in that 160 acres, is maybe an inappropriate designation. He said that he agreed that the 1975 plan is not any good the way it is, and he was a little bit like Mr. Hayden, he was afraid that--and he knew that this wasn't zoning--but when there were things like the Little Case in Kalispell where they say that the Comprehensive Plan is the same as zoning, that made him nervous. He said that on behalf of the McCullough Brother, he wanted to go on record to point out the fact that that is part of their PUD, and that it is not intended to remain as undeveloped open space. Any development that would have to be done there would have to go through the subdivision review process, and would have to meet Health requirements, etc., and probably wouldn't be developed until City Sewer were available, but that might happen at some point in the future--ten or fifteen or twenty years down the road, you never know. He said that they were not in opposition to the request, but he wanted to make sure that their concerns were on the record.

Barbara Evans asked if that would be corrected in the Planning records.

Pat O'Herren said yes, that they would add that in the first phases of development it was intended to remain as open space, with the proviso that it could be developed at some time, which is what their recommendation recognized.

Ann Mary Dussault asked if there were any other people who wished to testify. No one else came forward. She then closed the public comment portion of the hearing.

Chair Dussault then said that she sensed that the Commissioners wanted to send this matter back to the Planning Staff for further review, in order to work out two things: 1. any language change to reflect Mr. Ainsworth's concern, assuming that the Planning Staff concurred with what he had said; and 2. to work something out with Mr. Hayden, again, assuming that the Staff concurred with that. She said that she thought that what the Commissioners would want would be for the Planning Staff to work out the language that could be used if the Commissioners chose to amend the staff document. She said that if the Planning Staff did not agree with that, they should let their opinions be known to the Commissioners. She said that they would at least like to have the language before them in order to make a change, should they decide that that was the way to go.

Mike Dannenburg asked if that meant that no building permits would be issued for Springtime Drive. He said that there was a person present who was waiting for a building permit.

Ann Mary Dussault asked what kind of burden it would place on that person to wait one more week.

Mr. Dannenburg said that he couldn't speak for that person, but he guessed if he had waited for this long, he could wait for another week.

Bob Palmer asked if there were no alternative mechanism to allow that individual to move ahead with his building permit. Pat O'Herren said that the Commissioners could adopt the Planning Staff recommendations for the western half of the section, and send the eastern half recommendations back to Planning for further review.

Planning Director Chris Rockey stated that it was quite clear in the statutes that a Comprehensive Plan could be revised in whole or part.

Barbara Evans moved, and Bob Palmer seconded the motion, that the proposed revisions to the Comprehensive Plan in the western half of Section 18, T12N, R19W, Upper Miller Creek Area, be approved as presented by the Planning Staff, and to send the proposed revisions in the eastern half of section 18 back to the Planning Staff for the changes specified above. The motion passed by a vote of 3-0.

✓ ✓ ✓ PETITION TO VACATE PORTION OF DAKOTA STREET (RIVERSIDE ADDITION) - POSTPONED FROM 3/13/85

Under consideration was a petition to vacate Dakota Street, located in Section 20, Township 13N, Range 19W, from Johnson Street on the west to Grant Street on the east, and more particularly described as lying south of Block 20 north of Block 29 all in Riverside Addition.

Ann Mary Dussault opened the hearing to public comment, asking that proponents speak first. The following people spoke:

1. Fred Pulliam stated that when he had bought the property on the north side of the street, he had asked to have the street vacated. He said that he was requesting the vacation because no street exists, nor has it ever existed, on the site; because other portions of Dakota Street have already been vacated, thus precluding the possibility of installing a street; and because the property would be added to the Missoula County tax rolls.

There were no other proponents. Ann Mary Dussault opened the hearing to opponents. The following people testified:

1. Susan Friedrichs stated that she owned warehouses on Grant Street, with Dakota Street being located to the east of her property. She read the following objection to the vacation request:

Dakota Street to the East is adjoined by residential and pasture land in Block 21: Lots 1 - 10 houses, Lots 11 - 20 are pasture. Dakota Street to the West is residential and duplexes in Block 19; Blocks 16, 17 and 18 are residential and pasture land.

However, Block 20 is commercial and there is definite need to consider the accessibility of emergency medical, fire, and patrol.

Commercial use has different needs than residential.

Dakota Street has been used as a street by both cars and trucks--not often, but it was used by Salt semi's and other freight trucks. However, it is almost impassable now because of the equipment in the road--junked cars, trucks, parts or whatever accumulated over the last two to three years. There is somewhat of a path winding through this area that is used at present.

There are children of all ages in the immediate area. Daily, semi's are serving the businesses in Block 20 and daily the semi's have been seen backing off of or onto Wyoming Street to serve these businesses. The safety of these kids has to be considered. There is not much room to turn those rigs around. It should be noted that B and M Transfer (Atlas Van Lines) owns no semi, nor does Ozzies Seamless Rain Gutters, nor McGowan Water Cond. However, again we have different drivers stopping to load or unload. These drivers are not always familiar with the area, nor are they always considerate in their driving and parking procedures. Enclosed are signatures of drivers who have served McGowan, Ozzies or B and M on Grant Street in the past week.

With Block 20 being commercial, we have a right to adequate protection and service from the authorities. Police and sheriff patrol at night is a must and would be easiest through Dakota Street to do a thorough and efficient job, not only between the warehouses, but also the Dakota Street end. This area does have a history of theft and vandalism.

Fire protection has to be considered. If Grant Street is congested by semi's there could be problems getting hoses to the Dakota Street end of the commercial warehouses. Three semi's have been witnessed at the same time down Grant Street -- 2 Atlas Vans and a Cebulski Salt semi -- serving McGowan Water Cond., and B and M Transfer. Should a fire occur, the nearest fire hydrant is at Catlin and Wyoming. Hoses would be brought down Wyoming West to Grant Street. However, if Grant Street is congested, they could not enter by way of Johnson and Dakota Street. There would be no alternate route to the commercial buildings that border Dakota Street.

Even emergency medical is to be considered. The summer of 1984 a young lady was pinned by a car against an overhead door. 911 was called and rural fire volunteers showed up; fire chief, county sheriff, and ambulance. Fortunately, all went well. However, there could have been an access problem.

Again truckers will enter Grant Street to unload, park their truck in the street, enter the office to see where to load or unload, and tie up or congest traffic. An alternate route for emergencies is necessary.

We should be allowed to have an alternate route to our shops or the adjoining shops--for safety's sake.

Once Dakota Street is vacated, it may be difficult to establish or open a street to serve us as we have the right to be served. Dakota Street does have a purpose, and it should be utilized and not thrown away. Again, we have a right to adequate fire and police and emergency protection.

Missoula already has too many dead end streets that do nothing but obstruct and slow emergency services. In an emergency, speed and time are of the most importance.

She then presented a petition signed by several people in opposition to the vacation request for the reasons that they felt that the area would be safer for all if trucks of all sizes entering Grant Street for deliveries to businesses located there were able to continue onto Dakota Street to Johnson Street. It said that at present, Grant Street dead-ends, and all trucks must turn around or back out of Grant Street. It also said that once Dakota Street is vacated, it may be difficult to establish or open a street to better serve all concerned.

2. W.C. Davis, from Ozzie's Raingutters, said that he opposed the vacation request for the reasons stated previously. He added that there was also a safety factor involved. He felt that with Dakota open, emergency vehicles would have better access in terms of responding to fires and medical emergencies.

Bob Palmer asked who was going to pay for putting in the street, since it was not an improved street.

Mr. Davis replied that the businesses were willing to kick in.

There were no other proponents or opponents. The public comment portion of the hearing was closed.

Chair Dussault stated that the Commissioners could not make a final decision on this matter at this point because Montana State Law requires one Commissioner and the County Surveyor to make a site inspection. She stated that that would be accomplished during the next week, and a final decision as to the vacation would be made at the next public meeting.

Barbara Evans stated that the Commissioners could either leave things as they are, asking that people remove the encroachments that are on the site or vacate the property. She said that, given the budget restraints that the County is operating under, there is not much chance that the County would be able to put a street through there in the near future.

The decision on this request was postponed to the public meeting of April 3, 1985.

Since there was no further business to come before the Commissioners, the meeting was recessed at 2:55 p.m.

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#### MEETING

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

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#### MARCH 28, 1985

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

#### AUDIT LIST

Commissioners Dussault and Palmer signed the Audit List, dated March 27, 1985, pages 1 - 28, with a grand total of \$883,050.77. The Audit List was returned to the Accounting Department.

#### DAILY ADMINISTRATIVE MEETINGS

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

#### ✓ RESOLUTION NO. 85-032

The Board of County Commissioners signed Resolution No. 85-032, a Resolution of Intent to Create RSID No. 409 for the purpose of development of wells, pumphouse with controls, water line, and water storage tank in the Gleneagle at Grantland Addition, Lots 1-94.

#### ✓ RESOLUTION NO. 85-033

The Board of County Commissioners signed Resolution No. 85-033, a Resolution of Intent to Create RSID No. 410 for the purpose of paved streets and paved pedestrian trail in the Gleneagle at Grantland Addition, Lots 1-94.

#### ✓ RESOLUTION NO. 85-034

The Board of County Commissioners signed Resolution No. 85-034, a resolution of Intent to Create RSID No. 411 for the purpose of construction of paved roadway, drainage culverts, guardrail, pedestrian trail, and parking area in the Gleneagle at Grantland Addition, Lots 1-94.

#### ✓ RESOLUTION NO. 85-035

The Board of County Commissioners signed Resolution No. 85-035, a Resolution of Intent to Create RSID No. 412 for the purpose of construction of waterline, installation of underground telephone and electrical service for the Gleneagle at Grantland Addition, Lots 1-94.

#### ✓ RESOLUTION NO. 85-036

The Board of County Commissioners signed Resolution No. 85-036, a Resolution of Intent to Create RSID No. 413 for the purpose of constructing a central sewer system to serve 19 lots of the Gleneagle/Grantland Addition.

NOTICES OF PASSAGE

Chair Dussault signed Notices of Passage of all the above resolutions (Nos. 85-032 to 85-036) setting the hearing date for April 17, 1985, at 1:30 p.m.

OTHER MATTERS INCLUDED:

1. The Commissioners met with Health Department personnel and discussed space and renovation needs in that department. The Board approved proceeding with the design and development stage, including space on the second floor and basement;
2. The County Litter Ordinance was discussed. A report on the status of the proposed ordinance will be presented at the next departmental meeting with the Health Department; and
3. Jim Van Fossen, Director of Parks and Recreation, presented a budget update for the Parks Department and an update on the Washington Construction land swap proposal.

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

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MARCH 29, 1985

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

Fern Hart  
Fern Hart, Clerk & Recorder

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Ann Mary Dussault  
Ann Mary Dussault, Chair  
Board of County Commissioners

APRIL 1, 1985

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

DAILY ADMINISTRATIVE MEETINGS

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

✓ ENCROACHMENT PERMIT

The Board of County Commissioners signed an Encroachment Permit whereby Missoula County agrees to permit John L. Reinhard to encroach upon a portion of a County road located at the southeast corner of Dearborn and Schilling Streets, adjacent to Lots 14, 15 and 16, Block 36, Carline Addition No. 3, Missoula County, Montana. The encroachment shall be limited to the installation of a chain-link fence no closer than five feet from the back of the existing curb and shall be effective for a period not to exceed ten (10) years, renewable at the option of Missoula County.

OTHER MATTERS INCLUDED:

- ✓ 1. The Board discussed the memo from the Fair Commission regarding changes in concession fees for 1985. Calls received will be referred to them;
2. The Commissioners voted unanimously to transfer \$15,000.00 of General Revenue Sharing Funds to Larchmont Golf Course; and
3. The Volunteer Week President/Chairmen's breakfast sponsored by United Way was dicussed. Commissioners Palmer and Dussault voted that the County pay for breakfast for all County Board Chairmen in recognition of their services. Commissioner Evans voted no; motion passed.

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

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APRIL 2, 1985

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

DAILY ADMINISTRATIVE MEETINGS

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

✓ RESOLUTION NO. 85-038

The Board of County Commissioners signed Resolution No. 85-038, a resolution authorizing the establishment of an external bank account for the Fair entitled "Livestock Account" for paying certain expenditures as noted on the Resolution and subject to the conditions set forth.

OTHER MATTERS INCLUDED:

1. Re-naming the former Harper's Bridge Road was discussed with Dick Colvill, County Surveyor, who will draft a letter formalizing the new name. Mike Sehestedt, Deputy County Attorney will send a letter to the hold-out landowners along the new bridge because if acquisition is not completed by July, the project could be delayed.
2. The making of a decision on the transfer of maintenance RSID's to the Surveyor's Department was discussed. This will be coordinated by John DeVore, Operations Officer.
3. The Urban Coalition budget request was discussed. The Commissioners voted to select option #1 as presented given that the others support that one; and
4. The refund requested by Garden City Broadcasting for irrigation assessments was discussed. A letter will be sent to the Missoula Irrigation District asking them to verify that a "mistake was made" and request a timely response.

APRIL 2, 1985 (CONTINUED)

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

SITE INSPECTION

Commissioner Dussault and Dick Colvill, County Surveyor, conducted a site inspection on the request to vacate a portion of Dakota Street in the Riverside Addition.

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APRIL 3, 1985

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

DAILY ADMINISTRATIVE MEETINGS

At the daily administrative meetings held in the forenoon, the following item was signed;

RESOLUTION NO. 85-039

The Board of County Commissioners signed Resolution No. 85-039, a budget amendment for FY '85 for the Health Department, including the following expenditure and revenue as per the attachment to the Resolution and adopted it as part of the FY '85 budget:

<u>DESCRIPTION OF EXPENDITURE</u>	<u>BUDGET</u>
447601 - Prev. Drunk Drive IV	\$21,530

<u>DESCRIPTION OF REVENUE</u>	<u>BUDGET</u>
33124 - MHTSD	\$21,530

OTHER MATTERS INCLUDED:

- 1) The Commissioners met with Jean Wilcox, Deputy County Attorney, and discussed the status of the Kona East zoning and the El Mar septic system;
- 2) Commissioners Evans and Palmer voted to authorize John DeVore to proceed with splitting the lunchroom in regard to the smoking policy; Commissioner Dussault voted NO, motion carried.

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

PUBLIC MEETING

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

✓ DECISION ON PETITION TO VACATE PORTION OF DAKOTA STREET - RIVERSIDE ADDITION

Ann Mary Dussault reported that she and Dick Colvill had viewed the property in question and presented photos of same. She stated that the problem was that there was not a street there and never had been. She also reported the street on either side of the other block had been vacated. It was her recommendation to vacate.

Bob Palmer moved to vacate that portion of Dakota Street in question, based on Ann Mary's recommendation and Barbara Evans seconded. The motion carried, 3-0.

✓ DECISION ON PROPOSED REVISIONS TO THE COMPREHENSIVE PLAN IN E $\frac{1}{2}$  OF SECTION 18, T.12 N., R. 19 W. (UPPER MILLER CREEK AREA)

Chair Dussault introduced Amy Eaton, Office of Community Development, who gave the report on the Upper Miller Creek Area. She said that she had contacted Mr. Hayden, Dick Ainsworth and Reserve Water about the proposed water tank (refer to minutes on 3/27/85). Upon checking, the capacity of the tank first given was not correct, although the correct capacity was not stated. Pat O'Herren, also of the Office of Community Development, and Mr. Hayden made alterations to the Comprehensive Plan of 1985. In Figure 7 of the staff report, Ms. Eaton pointed out that they were following the slope of topography. Ms. Eaton reported that she had talked to Dick Ainsworth and had then corrected the statement on P. 9 of the staff report concerning land use in the Rodeo Ranchettes Development. Now the PUD that is proposed to the Rodeo Ranchettes development, SE corner of Section 18, agricultural/recreational reserve is sited on the Development's Master Plan. The area is approximately 4,840 acres and would include the remaining 287 lots although it is designated in the PUD for agricultural/recreational uses at this time. Since the siting of the remaining 287 lots is not definite at this time, any proposal for development of those lots would require that a PUD plan change be submitted and reviewed and approved by Missoula County. Mr. Ainsworth feels comfortable with this, too. The last revision is on page 14, correcting the size of the reserve tank.

Bob Palmer moved that the County adopt the revisions of the Comprehensive Plan on the E $\frac{1}{2}$  of Section 18, T. 12 N., R. 19 W., Upper Miller Creek area and Barbara Evans seconded. The motion carried 3-0.

There was no other business and the meeting was adjourned at 2 p.m.

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APRIL 4, 1985

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

AUDIT LIST

The Board of County Commissioners signed the Audit List dated April 3, 1985, pages 1 - 32, with a grand total of \$119,005.56. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETINGS

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

RESOLUTION NO. 85-040

The Board of County Commissioners signed Resolution No. 85-040, a budget Amendment for FY '85 for the Sheriff's Department including the following expenditures and revenue and adopting it as part of the FY '85 budget:

DESCRIPTION OF EXPENDITURE	BUDGET
Firearm Range Restrooms 1000-300-420110-920	\$4,800.00
In exchange for using the range the Forest Service contributed for restrooms	

DESCRIPTION OF REVENUE	REVENUE
US Forest Service 1000-300-361005	\$4,800.00

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfer for the Superintendent of Schools Office and adopted them as part of the FY '85 budget:

- 1. No. 850039, a request to transfer \$250 from the Testing Account to the Printing and Litho Account because of unexpected expenses; and
- 2. No. 850040, a request to transfer \$300 from the Mileage-County Vehicle Account to the Mileage-Private Vehicle Account because of unanticipated expenses.

OTHER ITEMS CONSIDERED INCLUDED:

- 1. The Board met with Susan Reed, County Auditor. She will present a new list of high-cost areas as an addendum to the travel policy, and the Commissioners authorized her to use her judgement on travel claims for taxi charges; and
- 2. Dennis Engelhard, Personnel Director, met with the Commissioners and discussed the following: the hiring freeze option, labor negotiations, judicial decisions, possible grant funding, risk management, transferring Worker's Compensation to a private carrier, and staff training issues.

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

APRIL 5, 1985

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

MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report of Justice of the Peace Janet Stevens.. for collections and distributions for month ending March 31, 1985.

*Fern Hart*  
Fern Hart, Clerk & Recorder  
APRIL 8, 1985

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*Ann Mary Dussault*  
Ann Mary Dussault, Chair  
Board of County Commissioners

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was on vacation the week of April 8 - 12, 1985.

MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report for Clerk of the District Court Bonnie Henri, showing items of fees and other collections made for month ending March 31, 1985.

DAILY ADMINISTRATIVE MEETINGS

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

RESOLUTION NO. 85-041

The Board of County Commissioners signed Resolution No. 85-041 authorizing the establishment of an external bank account for the Fair entitled Gate Receipts subject to the conditions set forth in the resolution.

RESOLUTION NO. 85-042

The Board of County Commissioners signed Resolution No. 85-042 authorizing the establishment of an external bank account for the Fair entitled Parimutuel Account, subject to the conditions set forth in the resolution.

RESOLUTION NO. 85-043

The Board of County Commissioners signed Resolution No. 85-043 authorizing the establishment of an external bank account for the Fair entitled Premium Account, subject to the conditions set forth in the resolution.

RESOLUTION NO. 85-044

The Board of County Commissioners signed Resolution No. 85-044, resolving that the new road being constructed in Sections 8 and 9, Township 13 North, Range 20 West, between the Big Flat Road and Mullan Road is hereby named KONA RANCH ROAD and the new bridge across the Clark Fork River serving this road is hereby named KONA RANCH BRIDGE.

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Peter Nielsen, an independent contractor, for the purpose of working with the Energy Coordinator to analyze data, trends and policies now being considered by the Energy Office, for the period from April 5, 1985, to April 15, 1985 (a total of 30 - 40 hours) for a total payment not to exceed \$280.00



APRIL 8, 1985 (CONTINUED)

ADDENDUM TO CONTRACT

- ✓ The Board of County Commissioners signed an addendum to Missoula County Professional Services Contract with Energy Options, an independent contractor, amending the contract, dated February 20, 1985, to include performance of the following: entering additional two year's worth of data for six City buildings, plus a print-out of the same two year's worth of data, including graphs, for a total payment of \$120.00.

✓ CONTRACT

The Board of County Commissioners signed a professional services contract between Missoula County and the University of Montana for the purpose of conducting a survey of Missoula County voters regarding the jail bond issue as per the proposal submitted for the period commencing April 1, 1985 and concluding July 1, 1985, for a total payment not to exceed \$3,000.00. The contract was returned to Dick Vandiver for further handling.

✓ AGREEMENT

Chair Dussault signed a Cooperative Agreement, Financial and Operating Plan between Missoula County Sheriff's Department and the U.S. Forest Service for the purpose of cooperating in the protection of persons and their property as per the terms set forth in the Agreement through September 30, 1985. The Agreement was returned to Sheriff Dan Magone for further handling.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers for the Office of Community Development and adopted them as part of the FY '85 budget:

1. No. 850041, a request to transfer \$2,200.00 from the Copy Costs (\$200.00), Contracted Services (\$1,000) and Books (\$1,000) accounts to the Interest on Registered Warrants account as interest was underbudgeted.
2. No. 850042, a request to transfer \$800.00 from the Contracted Services (\$300.00) and Legal Ads (\$500.00) accounts to Interest on Registered Warrants accounts as interest was underbudgeted;
3. No. 850043, a request to transfer \$1,000 from the Postage (\$500.00) and copy costs (\$500.00) accounts to the Interest on Registered Warrants Account, as interest was underbudgeted;
4. No. 850044, a request to transfer \$978.00 from Interest on Registered Warrants accounts (414100 - \$588 and 470500 - \$390) to the Meals, Lodging and Incidentals (\$588) and Legal Ads (\$390) accounts as Federal accounts may not be billed for interest; and
5. No. 850045, a request to transfer \$460 from Interest on Registered Warrants accounts (470600 - \$350 and 471200 - \$110) to the Legal Ads (\$350) and Mileage - County Vehicle (\$110) accounts as Federal grants may not be billed for interest.

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APRIL 9, 1985

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

MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report of Justice of the Peace, W.P. Monger, for collections and distributions for month ending March 31, 1985.

DAILY ADMINISTRATIVE MEETINGS

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

✓ CONTRACT ADDENDUM

The Board of County Commissioners signed a Contract Addendum, dated April 3, 1985, increasing the school nurse hours at Frenchtown School by two hours per week for ten weeks for a total increase of \$246.40. The addendum was returned to the Health Department for further handling.

✓ RESOLUTION NO. 85-045

The Board of County Commissioners signed Resolution No. 85-045 authorizing the establishment of an external bank account for the Community Development Department of Missoula County entitled 1981 Missoula Community Development - East Missoula Revenue subject to the conditions set forth in the resolution:

OTHER ITEMS INCLUDED:

1. Sheriff Dan Magone and Ray Worring met with the Board and presented Worring's proposal for the months of July, August and September; and
2. The Commissioners authorized settlement with SRS as per Dal Smilie's letter dated April 4, 1985, (Missoula County V. SRS, Cause No. 56378) for \$31,000.00

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

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APRIL 10, 1985

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

AUDIT LIST

Commissioners Dussault and Palmer signed the Audit List dated April 10, 1985, pages 7-32, with a grand total of \$489,452.51. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETINGS

At the daily administrative meetings held in the forenoons, the following item was signed;

✓✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Joan Schweinsberger, an independent contractor, for the purpose of data entry, editing and modifying computer programs, providing research assistance for Water Quality Advisory Council, and asbestos analysis as required for the Environmental Health Division and provide research assistance for the outpatient clinic, data analysis and data entry for the Health Services Division for the period from April 8, 1985 through June 30, 1985, for a total payment of \$2,000.00 from the Health Services Division and \$2,000.00 from Environmental Health. The contract was returned to the Health Department for further handling.

OTHER ITEMS INCLUDED:

1. Personnel from the Clerk & Recorder's Department met with the Board and discussed issues and problems related to tax deed properties;
- ✓ 2. The Commissioners voted unanimously to transfer \$10,000.00 of General Revenue sharing funds to Larchmont Golf Course for the drip irrigation system installation;
- ✓ 3. The Commissioners voted to reject the offer from the Federal Government to sell Building 312 (6.8 acres) at Fort Missoula to the County for their asking price of \$400,000.00;
4. The offer from Lambros regarding the Missoulia Building was discussed. It was decided that there is probably no interest at this time; and
- ✓ 5. The request from First Valley Bank in Seeley Lake for an alarm hook-up to 9-1-1 was approved temporarily by the Commissioners.

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

PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Chair Dussault. Bob Palmer was also present, Commissioner Evans was on vacation.

✓ BID AWARD: TRAFFIC LINE PAINT

Chair Dussault read the request for Commission action. On April 8, 1985 traffic line paint bids were opened with the following results.

Redland Prismo	no bid
Tropical Industrial Coating, Inc.	no bid
Diamond Vogel Paints	\$21,288.00
Columbia Paint Co.	\$15,992.00
Norris Paint Co.	\$16,429.00

It was the recommendation of Terry Wahl, Surveyor's Office, to award the bid to the low bidder, Columbia Paint Company, in the amount of \$15,992.00

Bob Palmer moved that the low bid be accepted as per the recommendation of the Surveyor's Office, and Ann Mary Dussault seconded. The motion passed 2-0.

✓✓ CONSIDERATION OF RUSS GATES MEMORIAL PARK

Barb Martens stated that the Russ Gates Memorial Park is a five space primitive camping and fishing site. It is located just off Highway 200 on the Blackfoot River adjacent to the Powell County line. It has been a fishing access for several years. In addition to the five camping spaces, parking for approximately 30 vehicles will be developed and the existing latrine will be replaced.

The Planning Board heard the plat April 2, 1985 and recommended unanimous approval of the summary plat as submitted in the staff report. The Board further recommended that variances be granted from the maximum length of a cul-de-sac, paving and minimum road width requirements. Subject to these variances, the Board recommended that the Russ Gates Memorial Park be declared to be in the public interest as outlined in the Findings of Fact contained in the staff report.

FINDINGS OF FACT:

Criterion 1: Need - This proposal is to improve what is currently used as a fishing access site. Statewide, conflicts have arisen between recreationists desiring river access and private landowners. Providing controlled access to a river such as the Blackfoot that is in high demand for recreational use helps to reduce the potential for conflicts between landowners and sports enthusiasts.

Criterion 2: Expressed Public Opinion - No public hearing is required for a summary plat and no comments have been received to date. The Blackfoot Recreation Corridor, of which Russ Gates Park is a part, has received a high degree of support in the past.

Criterion 3: Effects on Agriculture - The site is not in agricultural use at this time and has no potential for productive agricultural use. Champion is donating the parcel to the state because its logging potential is limited by its location between the Blackfoot and Highway 200.

Criterion 4: Effects on Local Services - No impact is anticipated on county services as this park is now and will continue to be maintained by a state agency. It will contribute to the recreational facilities available in the county but will not become an added county responsibility for development and maintenance. No gas, telephone, electricity or water will be available.

Criterion 5: Effects on Taxation - The land will be taken off the county tax rolls when Champion deeds it to the state. A representative of the County Appraiser's Office stated that 41 acres, classified as agricultural/timber land would generate minimal tax revenue--approximately \$25 was his estimate.

APRIL 10, 1985 - PUBLIC MEETING (CONTINUED)

Criterion 6: Effects on the Natural Environment - The site is currently used as a fishing access; installation of these improvements should result in better planned use of the site. The road is designed to properly handle drainage. John Hamill, State Floodplain Administrator, found the proposed use to be compatible with floodplain management objectives and an appropriate use of a flood-prone area. The signification archaeological remains below the surface will be undisturbed by avoiding deep cuts during construction.

Criterion 7: Effects on Wildlife and Wildlife Habitat - As people become aware of the park, its use is likely to increase and some impact on wildlife will occur through its use and as a result of planned improvements. However, improving use of the existing site will mitigate the impact on wildlife and wildlife habitat.

Criterion 8: Effects on Public Health and Safety - Police and fire protection are located in Seeley Lake, approximately 35 miles distant over paved roads. The interior road has been designed so that firefighting equipment can be maneuvered within the park. A Fish, Wildlife and Parks enforcement officer will visit the park daily during the recreation season and a caretaker will also visit the site routinely to perform maintenance. Sanitation plans have been approved by local health authorities.

Jeff Larsen, of Fish, Wildlife and Parks designed this project. Tom Greenwood, also of Fish, Wildlife and Parks, stated that the Russ Gates Park was donated by Champion International, owner of the parcel. One of the Timber Managers, residing in Seeley, was killed in a logging accident. Champion approached Fish, Wildlife and Parks to develop this park in his memory.

Bob Palmer moved to accept the staff recommendation and approve the summary plat with variances and findings of fact, and Ann Mary Dussault seconded. The motion carried, 2-0.

Since there was no further business to come before the Commissioners, the meeting was recessed at 2:00 p.m.

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APRIL 11, 1985

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

DAILY ADMINISTRATIVE MEETINGS

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

REPLACEMENT BONDS

Chair Dussault signed Replacement Bonds #6 and #7 for Community Hospital Revenue funding and Improvement Bonds, Series 1978. The Bonds were returned to Mike Sehestedt, Deputy County Attorney, for further handling.

OTHER MATTERS INCLUDED:

- ✓ 1. Tax deed options for subdivisions with large City SID delinquencies were discussed. The Commissioners voted unanimously to proceed with Option #3 as per the memo from the Clerk and Recorder of April 10, 1985 as follows:

The County could take deed and seal the property to the City for the amount of the delinquent taxes.

Benefit: The delinquent taxes are paid.

Problem: Again, the property would go off the tax roles for awhile; also this requires an agreement with the City that they will buy the property from the County; and

2. the addition to the Financial Management System for Contracts and Accounts Receivable was discussed.

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

RURAL MEETING

Commissioner Dussault met with rural residents of the Clearwater/Blackfoot area in the evening.

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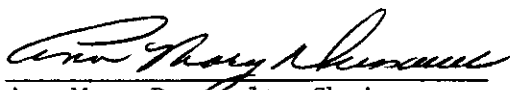
APRIL 12, 1985

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

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Thomas Bolinger as principal for Warrant #37936, dated March 22, 1977, on the District Court Trust Fund in the amount of \$100.00 now unable to be found.

  
Fern Hart, Clerk & Recorder

  
Ann Mary Dussault, Chair  
Board of County Commissioners

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APRIL 15, 1985

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was on vacation April 15th and 16th.

DAILY ADMINISTRATIVE MEETINGS

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

✓ CONTRACT

The Board of County Commissioners signed a contract between Missoula County and Western Materials, Inc. the lowest and best bidder for construction, installation and completion of Nine-Mile Area Dust Abatement at the

Nine-Mile area at Huson, Montana, which includes furnishing and applying chloride dust palliative treatment to 18.9 miles of Missoula County roadway for a total payment of \$47,528.00. The contract was returned to Centralized Services for further handling.

RESOLUTION NO. 85-046:

The Board of County Commissioners signed Resolution No. 85-046, a budget amendment for FY '85 for the Superintendent of Schools, including the following expenditure and revenue and adopting it as part of the FY '85 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Contracted Services 1000-270-411601-328	\$2,530.00
<u>Description of Revenue</u>	<u>Revenue</u>
P/LT 1000-270-337014	\$2,530.00

✓ AGREEMENT

The Board of County Commissioners signed an Agreement to Purchase Right-of-Way between Missoula County and Clayton and Jean Spurlock for right-of-way along the south boundary of the Spurlock's property as described in the Agreement and as per the terms set forth for a total payment of \$28,900.00.

APPLICATION FOR FUNDING

Chair Dussault signed an Application for Preventive Health Block Grant Funding for Emergency Medical Services training for the purpose of providing the Montana Basic Trauma Life Support Program for the emergency medical technicians in the Missoula County Fire Protection Association, including E.M.S. providers in Seeley Lake, Florence, Frenchtown and Missoula areas and the training would be held in September 1985. The Application was returned to Orin Olsgaard, DES Coordinator, for further handling.

SETTLEMENT AGREEMENT

Chair Dussault signed the Settlement Agreement between Missoula County and the Montana Department of Social and Rehabilitation Services for the purpose of settling all claims arising out of the lawsuit captioned Missoula County Board of County Commissioners v. Department of Social and Rehabilitation Services et al., Cause No. 56278 (Fourth District of Montana, filed 1982), for the sum of \$31,000.00 as per the terms and conditions set forth in the Agreement. The Agreement was forwarded to David Lewis in Helena for his signature and will be returned for filing with the Clerk & Recorder.

CORONER APPROVAL

The Board of County Commissioners approved and signed a request from the Sheriff to add one new Coroner, Sgt. Ed Brannin, to the coroner list, replacing the position which had been held by Sgt. Allen Kimery.

OTHER MATTERS INCLUDED:

The Board of County Commissioners approved the personnel request from the Clerk & Recorder for a 1/2 FTE reduction.

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

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APRIL 16, 1985

The Board of County Commissioners did not meet in regular session; Commissioner Palmer left for Portland, Oregon where he will attend a BPA Task Force meeting April 17th and 18th, returning to Missoula on April 19.

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APRIL 17, 1985

The Board of County Commissioners met in regular session; a quorum of the Board was present in the afternoon. Commissioner Evans was on vacation in the forenoon.

AUDIT LIST

Commissioners Dussault and Evans signed the Audit List dated April 17, 1985, pages 3-22, with a grand total of \$109,732.28. The Audit List was returned to the Accounting Department.

PUBLIC MEETING

Chair Dussault called the meeting to order at 1:30 p.m. Also present was Commissioner Barbara Evans. Commissioner Palmer was in Portland.

✓ BID AWARD - HEALTH SUPPLIES (SALE OF)

Since the Home Health Care Division of the Health Department has medical supplies that it no longer needs, the Health Department asked for bids from institutions which might be interested in buying the supplies, for which it had originally paid \$1,598.38. The following quotes were received:

- |                                 |            |
|---------------------------------|------------|
| 1. Bitterroot Home Health, Inc. | \$1,094.20 |
| 2. Mountain West Home Health    | 425.00     |

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the offer of \$1,094.20 from Bitterroot Home Health be accepted, in accordance with the recommendation of Health Department Staff, and in return for payment in that amount. The motion passed, 2-0.

BID AWARD- WEED CONTROL CHEMICALS

Ann Mary Dussault stated that award of the bid for weed control chemicals had been postponed.

## PUBLIC MEETING, APRIL 17, 1985

## ✓✓✓✓✓ RSID'S 409, 410, 411, 412 &amp; 413

The action requested was creation of RSID's 409, 410, 411, 412 & 413, all located in the subdivision known as Gleneagle at Grantland. RSID 409 was intended to provide for wells, a pumphouse, waterlines and tank; 410 for construction of paved streets and pedestrian trails; 411, construction of paved roadway, culverts and guardrail; 412, for waterlines and underground telephone and electric lines; 413, to provide a central sewer system for 19 lots. These RSID's were approved by 100% of the freeholders, and staff recommended the approval of the RSID's contingent upon the following:

1. That the clause in the letter of credit be changed from "This letter of credit shall expire on the 730th day, two years after the date on which the first assessment of the RSID is mailed and
2. That further discussions be held between the appropriate County staff and representatives of the developers regarding long-term management plans for the central sewer system for the 19 lots; and
3. That pursuant to County policy, a marketing strategy be requested from the developer to ensure that the developed lots are saleable.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that RSID's 409, 410, 411, 412 & 413 be created as recommended, subject to the three conditions listed above. The motion carried by a vote of 2-0.

## ✓✓✓ HEARING (PLANNING AND ZONING COMMISSION) - HOMESITE DEVELOPMENT - CHARLES EISEMAN - ZONING DISTRICT #4

The Board of County Commissioners recessed and the Planning and Zoning Commission, consisting of the Commissioners and Clerk and Recorder Fern Hart and Surveyor Dick Colvill, convened for the purpose of hearing this matter.

Mark Hubbell, from the Community Development Office, gave the staff report. He stated that Charles Eiseman, Zoning District 4, had requested approval for the construction of a single-family dwelling on a 9.12-acre parcel in the SW $\frac{1}{4}$  of Section 2, Township 12 North, Range 19 West. The house is to be built in Zoning District 4, if approved, and the zoning requirements of that District are that the proposal be approved by the Planning and Zoning Commission.

Mr. Hubbell said that the request had been heard by the County Regulatory Commission on April 2, and it had sent the following recommendation to the Planning and Zoning Commission: After reviewing all testimony and documentation, the actual request to construct a single-family dwelling and driveway, COS No. 2830, should be approved, based on the findings of fact and subject to the two conditions listed in the staff report. The conditions suggested were that an easement be granted through Tract A of Certificate of Survey No. 2830 for the proposed driveway and that all service lines for t.v. cables and telephone and power service be placed underground.

Chair Dussault opened the hearing to public comment, asking that proponents speak first. The following person spoke:

1. Nick Kaufman stated that he was representing Charles Eiseman and that he would be happy to answer any questions.

There were no questions of Mr. Kaufman, and no one came forward to speak in opposition. Chair Dussault closed the public comment portion of the hearing.

Dick Colvill moved, and Fern Hart seconded the motion, that the Planning and Zoning Commission accept the recommendation of the County Regulatory Commission as set forth above, approving the request regarding COS #2830, based on the findings of fact and subject to the two conditions listed above. The motion carried, 4-0.

The recording secretary was asked to note for the record that in this particular zoning district the recommendation of the Planning and Zoning Commission is final and does not have to be forwarded to the County Commissioners for approval.

Mike Sehestedt commented that this would be true for building plan approval, but said that if the Commission were to change the zoning in Zoning District 4, the recommendation would have to go before the Commissioners.

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

## ✓✓✓ HEARING - ABANDONMENT OF NUTHATCH DRIVE (EL MAR ESTATES, PHASE II)

Chair Dussault read the request for commission action, which stated that the Clerk and Recorder's Office had received a petition for abandonment of Nuthatch Drive, located in Section 15, Township 13 North, Range 20 West, El Mar Estates, Phase II. She referred to the map attached to the petition. She stated that the owners whose property abuts Nuthatch Drive wanted the drive abandoned for the following reasons:

1. Access is no longer needed into land south of El Mar Estates, as development plans have changed;
2. Abandonment would return the land to the tax rolls and allow private use of the street portion, which has been improved and maintained by the neighboring landowners (Bigart and Duddy) for seven years.

She continued by saying that title to the property adjacent to the street in this area is vested in the following persons:

1. Robert Bigart  
1860 Nuthatch Drive  
Missoula, MT 59802
2. Mr. and Mrs. Neil Duddy  
1865 Nuthatch Drive  
Missoula, MT 59802
3. Marguerite Miller  
Kona Ranch, Rt. 2, Grass Valley  
Missoula, MT

## PUBLIC MEETING, APRIL 17, 1985, CONTINUED

## HEARING - ABANDONMENT OF NUTHATCH DRIVE (EL MAR ESTATES, PHASE II), CONT.

Chair Dussault then asked Surveyor Dick Colvill if he had a comment or recommendation on this.

He said that he had no objections to the proposed abandonment of Nuthatch Drive if a 20-foot wide utility easement is retained across the abandoned road. He said that this easement might be needed in the future in order to connect to easements on the adjacent Kona East Subdivision.

Chair Dussault then opened the public comment portion of the hearing, asking that proponents speak first. The following people spoke:

1. Neil Duddy spoke in favor of the abandonment, saying he had no objection to the requested easement.

2. Nick Kaufman, representing Margueritte Miller, stated that his client was not opposing the street vacation per se, but she did have concerns in regard to Kona East, in the process of being developed by his client. He explained that they had had the preliminary plat for Kona East approved, and, at this point, did not propose access to El Mar Estates, but they were in the process of negotiating with the El Mar Homeowners' Association for connection to its sewer system. If they were not able to connect to this system, it would mean a rethinking of the development plan for Kona East, which could mean a higher density. She said that as developers, they did not recommend using Nuthatch; however, the emergency services (fire department, sheriff's department, etc.,) might need Nuthatch as a connector if Kona East had been developed at a higher density than now planned. He proposed that the abandonment of Nuthatch Drive be taken under advisement until the final plat for Kona East is filed, and if at that time there is no question that there would ever be a need for Nuthatch to go through, it be vacated then.

Nick Kaufman then said that his second concern was that the end of Nuthatch was a dropped inlet with a culvert raised to the south. He said that if this were the case, it might be necessary to also have a range easement across the property.

Barbara Evans asked how long it would be before the final plat were filed.

Nick Kaufman said that they would probably be filing it some time during the summer. He said that it would be premature to close Nuthatch until the developers of Kona East were sure of being able to be hooked up to the El Mar sewer system.

Neil Duddy said that he had talked to Elmer Frame and he had stated that he had no further plans to develop towards Kona. He said that they had waited seven years and didn't think that they should have to wait any longer.

Nick Kaufman stated that the Millers had not been notified of the request to abandon Nuthatch. He then illustrated, using a map, the reasons that, from a planning standpoint, it would not be wise to abandon Nuthatch until the development plans in the area were finalized. He pointed out that Nuthatch is one of the few connector streets to the developments in this area. He said that if Kona East doesn't go according to the current plans, it might be necessary to re-think the proposal. He said that if everything went according to plan, they would not have a problem with vacating Nuthatch.

Ann Mary Dussault clarified what Nick Kaufman had just said by explaining that if a connection could not be made to the El Mar septic system, the developers of Kona East might have to plan a denser subdivision in order to put in their own community septic system. A denser subdivision would make this financially feasible.

Nick Kaufman agreed that this was the main reason, and added that if they had to go with a denser development, Nuthatch would be needed as a connector for emergency vehicle access.

Barbara Evans asked Mr. Duddy what the homeowners planned to do with the property if the street were vacated at this time.

Mr. Duddy replied that it was already developed. He said that it has been levelled and planted in grass, watered and mowed. In addition, he has a strawberry patch planted on it.

Barbara Evans suggested that the Commissioners approve the vacation request, contingent on submission of the final plat for Kona East. That way, if the road is needed sometime in the future, the County would still have that option. She asked Deputy County Attorney Mike Sehestedt for legal advice on vacating a road with that contingency.

Mike Sehestedt replied that the street could be vacated by resolution to take effect contingent upon the filing of the final plat of Kona East.

Barbara Evans then stated that the law requires the site to be inspected by one Commissioner with the Surveyor, so it would not be possible to grant the vacation that day in any case. She said that her inclination would be to recognize Nick's point about vacating Nuthatch contingent upon the filing of the final plat for Kona East as a good one. She said that if Kona East doesn't fly according to current plan, the County would still have the option of opening Nuthatch Drive. She added that she didn't expect that that would happen.

Ann Mary Dussault said that the final plat for Kona East was due to come up in August or September.

Nick Kaufman added that when the final plat was approved and recorded, Nuthatch would then be permanently vacated.

Ann Mary Dussault said that if something happened, primarily relative to the septic system, then they would have to change their plans for Kona East and the final plat would then not be submitted. She also said that one of the Commissioners and Dick Colvill would make a site inspection the following week, and the Board would make a decision about the vacation request at the next public meeting.

Since there was no further business to come before the Commissioners, the meeting was recessed at 2:00 p.m.

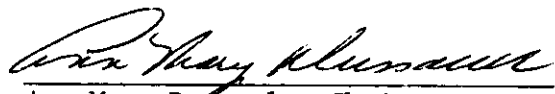
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APRIL 18 & 19, 1985

The Board of County Commissioners did not meet in regular session; Commissioner Evans was on vacation April 18th and 19th.

  
Fern Hart, Clerk & Recorder

  
Ann Mary Dussault, Chair  
Board of County Commissioners

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APRIL 22, 1985

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

DAILY ADMINISTRATIVE MEETINGS

At the daily administrative meetings 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. #7 (3/10/85 - 3/23/85) - with a grand total for all funds of \$325,288.50; and
2. #8 (3/24/85 - 4/06/85) - with a grand total for all funds of \$311,942.10.

The transmittal sheets were returned to the Auditor's Office.

RESOLUTION NO. 85-047

The Board of County Commissioners signed Resolution No. 85-047, a budget amendment for the Health Department for FY '85 including the following expenditure and revenue as per the attachment to the Resolution and adopting it as part of the FY '85 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
447600 Prev Drunk Drive III	\$21,656.89

<u>Description of Revenue</u>	<u>Revenue</u>
331323 MHTSD (Prev Drunk Drive III)	\$21,656.89

✓ RESOLUTION NO. 85-048

The Board of County Commissioners signed Resolution No. 85-048, a resolution to amend the Comprehensive Plan in Section 18, Township 12 North, Range 19 West as noted in the report attached to the Resolution.

✓ RESOLUTION NO. 85-049

The Board of County Commissioners signed Resolution No. 85-049, a resolution fixing the form and detail of up to \$57,000.00 bonds and directing their execution and delivery for RSID No. 407 on Frey Lane.

✓ RESOLUTION NO. 85-050

The Board of County Commissioners signed Resolution No. 85-050, a resolution accepting real property for a public road and all other public purposes in Lot 25, Cobban & Dinsmore's Orchard Homes #3, a platted subdivision of Missoula County, from the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, a Utah Corporation Sole, as per the property description on the easement attached to the resolution and the strip of right-of-way is needed for the proposed walkway along South Avenue.

✓ RESOLUTION NO. 85-051 and QUIT CLAIM DEEDS

The Board of County Commissioners signed Resolution No. 85-051, a resolution to vacate Dakota Street, located in Section 20, Township 13N, Range 19W from Johnson Street on the west to Grant Street on the east and more particularly described as lying south of Block 20 and north of Block 29, all in Riverside Addition. The Board of County Commissioners also signed three Quit Claim Deeds conveying to the following people the real estate described on the Deeds:

- ✓ 1. to Fred L. and Charlene L. Pulliam of Stevensville, Montana;
- ✓ 2. to Duane J. & Susan D. Friedrichs, of East Missoula, Montana; and
- ✓ 3. to Floyd E. VanDeHey of Missoula, Montana.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers for the Health Department and adopted them as part of the FY '85 budget:

1. No. 850046, a request to transfer \$275.00 from the Small Tools account to the Film Purchase and Developing (\$25.00) and the Dues and Memberships (\$250.00) accounts because of fund overexpenditures;
2. No. 850047, a request to transfer \$700.00 from the Insurance/Fidelity Bonds account to the Office Equipment Maintenance (\$200.00) and Computer Supplies (\$500.00) accounts because of fund overexpenditures;
3. No. 850048, a request to transfer \$3,200.00 from the Rodeo Maintenance (\$2,200.00) and Contracted Services (\$1,000.00) accounts to the Common Carrier travel account because of fund overexpenditure;
4. No. 850049, a request to transfer \$150.00 from the Microfilm Service account to the copy costs account because of unexpected expenses;
5. No. 850050, a request to transfer \$1,850.00 from the Contracted Services (\$1,800.00) and Copy Costs (\$50)

account to the Data Gathering/Analysis (\$1,800.00) and Office Supplies (\$50.00) accounts because of fund overexpenditures;

- 6. No. 850051, a request to transfer \$685.00 from the Mileage-County Vehicle account to the Books (\$385.00) and Mileage-Private Vehicle (\$300.00) accounts because of fund overexpenditures; and
- 7. No. 850052, a request to transfer \$2,650.00 from two Contracted Services account (445100 - \$2,000.00 and 442000 - \$650.00) to Contracted Services (445300 - \$2,000.00) and Lab Supplies (\$650.00) accounts because of expected fund overexpenditures.

OTHER MATTERS INCLUDED:

- 1. The merit raises for the Museum Directors were discussed and referred for further research; and
- 2. Lois Jost, Energy Coordinator, reported to the Commissioners on energy related matters.

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

APRIL 23, 1985

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The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer left for Reno, Nevada where he attended the NACo WIR (Western Interstate Region meeting April 24th and 25th).

✓ SITE INSPECTION

Commissioner Evans accompanied County Surveyor, Dick Colvill, for a site inspection on the request to abandon Nuthatch Drive in El Mar Estates Phase II.

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APRIL 24, 1985

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

DAILY ADMINISTRATIVE MEETINGS

At the daily administrative meetings held in the forenoon, the following matters were considered:

- 1. the letter from the Department of Revenue regarding S.B. 99 was discussed. The matter will be handled administratively by Motor Vehicles according to a phone call by Jim Fairbanks, Assessor/Appraisal Supervisor;
- 2. the bid for High Bond Conversion was discussed with John DeVore, Operations Officer. The Commissioners gave authorization to proceed with the bid and the decision to award will be made during the next fiscal year; and
- 3. 9-1-1 Consoles and Conversion for Rural Fire was discussed. The Commissioners approved proceeding to a budget amendment as follows: \$8,000.00 from PILT to General Services and \$8,000.00 from Rural Fire to Financial Administration.

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

PUBLIC MEETING

Chair Ann Mary Dussault called the meeting to order at 1:30 p.m. Also present was Commissioner Barbara Evans. Commissioner Bob Palmer was absent as he was attending the NACo WIR conference in Reno.

✓ BID AWARD: WEED CONTROL CHEMICALS (WEED DEPARTMENT)

Under consideration was approval of a bid for weed control herbicides for the 1985 spray season.

Information provided by Bill Otten, Missoula Weed District Supervisor, stated that bids were received, as follows:

Custom Air Flying Service	100 gallons Tordon 22K	@72.45 gal.	=	\$ 7,245.00
	2000 pounds Tordon 22K	@ 1.14 lb.	=	2,308.50
	250 gallons MCP Amine	@ 8.89 gal.	=	2,222.50
	TOTAL BID			\$11,776.00
Mountain Valley Farms	100 gallons Tordon 22K	@72.25 gal.	=	\$ 7,225.00
	2000 pounds Tordon 2K	@ 1.136 lb.	=	2,249.28
	250 gallons MCP Amine	@ 8.86 gal.	=	2,215.00
	TOTAL BID			\$11,689.28
Cenex LTD.	100 gallons Tordon 22D	@77.00 gal.	=	\$ 7,700.00
	2000 pounds Tordon 2K	@ 1.12 lb.	=	2,240.00
	250 gallons MCP Amine	@10.74 gal.	=	2,685.00
	TOTAL BID			\$12,625.00

The Recommendation - The Missoula County Weed Board recommended that the Board of County Commissioners accept the bid of Mountain Valley Farms as it was the lowest bid.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the bid for weed control chemicals be awarded to Mountain Valley Farms, in the amount of \$11,776.00, in accordance with the recommendation. The motion passed by a vote of 2-0.

The Commissioners then proclaimed the second week of May as National Dispatchers Week in Missoula County.

✓ CONSIDERATION OF: REQUEST TO AMEND PLAT FOR HIDDEN HEIGHTS (DR. AND MRS. WOOLEY)

This matter was postponed to a future public or morning administrative meeting.

APRIL 24, 1985 - PUBLIC MEETING (CONTINUED)

✓ DECISION: REQUEST TO ABANDON NUTHATCH DRIVE (EL MAR ESTATES, PHASE II)

The hearing on this request was held April 17. Robert Bigart and Neil Duddy, two of the landowners who own property adjacent to Nuthatch Drive, appeared to testify in favor of the vacation. A question was raised in regard to a utility easement to take care of the utility lines which run along the back portion of Nuthatch Drive. Both Mr. Bigart and Mr. Duddy said they would have no problem giving a utility easement to accommodate the utility lines if Nuthatch were vacated.

Nick Kaufman, of Sorenson & Company, appeared on behalf of Marguerite Miller, another landowner adjacent to Nuthatch Drive. He said that she was in favor of vacating Nuthatch, but requested that the Commissioners take the vacation under advisement until after the filing of the final plat for Kona East, the neighboring subdivision. The reason for that request was that if, due to some unforeseen difficulty, Kona East can't hook up to the El Mar sewer system, then Kona East would have to develop its own community sewer system, which would mean developing it at a higher density than planned. If that happens, Nuthatch Drive would possibly be needed as a street.

Commissioner Barbara Evans and Surveyor Dick Colvill made a site inspection Tuesday, 4/23.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that Nuthatch Drive be abandoned, contingent on (1) a utility easement being granted and (2) the filing of the final plat for Kona East. The motion passed by a vote of 2-0.

There was no further business. The meeting was adjourned at 2:00 p.m.

MEETING

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

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APRIL 25, 1985

The Board of County Commissioners met in regular session; a quorum of the Board was present, and Commissioner Palmer returned from Reno late in the afternoon.

AUDIT LIST

Commissioners Dussault and Evans signed the Audit List dated April 24, 1985 pages 4 - 39 with a grand total of \$523,314.82. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETINGS

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

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers for the Historical Museum and adopted them as part of the FY '85 budget:

1. No. 850053, a request to transfer \$100.00 from the Security Account to the Postage (\$50.00) and Exhibit Materials (\$50.00) accounts because of a savings in Security and the surplus being redistributed;
2. No. 850054, a request to transfer \$542.00 from the Heat, Light and Water account to the Dues and Memberships (\$200.00) and Garbage (\$342.00) accounts because of underbudgeting in Dues and an increase in Garbage due to switching to a dumpster;
3. No. 850055, a request to transfer \$220.00 from the Travel-Common Carrier (\$100.00) and Heat, Light and Water (\$120.00) accounts to the Consultants (\$100) and Buildings and Grounds Maintenance (\$120.00) accounts as the Montana Power rates were overestimated due to a projected rate increase last year and redistributing the surplus;
4. No. 850056, a request to transfer \$898.00 from the Heat, Lights and Water (\$703.00) and Special Storage Containers (\$195.00) accounts to the Office Equipment Maintenance account to cover new copier lease payments, maintenance agreement and set-up charges;
5. No. 850057, a request to transfer \$200.00 from Special Storage Containers (\$100.00) and Meals, Lodging and Incidentals (\$100.00) accounts to the Printing & Litho (\$100.00) and Film (\$100.00) accounts due to underbudgeting.
6. No. 850058, a request to transfer \$460.82 from the Capital-Remodeling Account to the Capital-Building Maintenance (\$402.07) and Capital-Office Equipment (\$58.75) accounts because these accounts were originally underbudgeted;
7. No. 850059, a request to transfer \$300.00 from the Security Account to the Office Supplies Account because savings in Security will be used to replace a calculator and other supplies.
8. No. 850061, a request to transfer \$100.00 from the Mileage-Private Vehicle (\$50.00) and books (\$50.00) accounts to the Postage Account as it was underbudgeted;
9. No. 850062, a request to transfer \$400.00 from the Heat, Lights and Water Account to the Copy Paper/Toner (\$200.00) and Printing/Litho (\$200.00) accounts, as these were underbudgeted;
10. No. 850063, a request to transfer \$200.00 from the Phone-Long Distance Account to the Janitorial (\$100.00) and Tools and Materials (\$100.00) accounts, as these were originally underbudgeted; and
11. No. 850064, a request to transfer \$701.00 from the Insurance (\$109.00) and Heat, Lights and Water (\$592.00) accounts to the Film (\$109.00) and Office Supplies (\$592.00) Accounts, as Film was underbudgeted and office costs increased due to changing the Museum's name.

BUDGET TRANSFER NO. 850060

The Board of County Commissioners approved and signed budget transfer #850060, a request from Central Services to transfer \$298.00 from the Books, Resource Materials and Subscriptions Account to the Office Supplies Account to replace two calculators, and adopted the transfer as part of the FY '85 budget.

APRIL 25, 1985, CONT.

Other matters considered included:


- 1. Health Department personnel met with the Commissioners and reported on the status of the County litter problem;
- 2. The Commissioners voted to authorize Chair Dussault to sign the Amendments to the proposed settlement with SRS regarding the Missoula County v. SRS lawsuit; and
- 3. The Commissioners voted unanimously to retain the positions on the County Park Board for the Office of Community Development and the Surveyor's Office, asking Chris Rockey and Bob Holm to continue as the representatives of the respective offices.

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

APRIL 26, 1985

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

  
Fern Hart, Clerk & Recorder

  
Ann Mary Dussault, Chair  
Board of County Commissioners

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APRIL 29, 1985

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

✓ WELFARE ADVISORY BOARD

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

DAILY ADMINISTRATIVE MEETINGS

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

✓ RESOLUTION NO. 85-052

The Board of County Commissioners signed Resolution No. 85-052, a budget amendment for FY '85 for the General Services Department, including the following expenditure and revenue, and adapting it as part of the FY '85 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
1000-190-411320-946 9-1-1 Console Project	\$8,000.00
<u>Description of Revenue</u>	<u>Revenue</u>
PILT	\$8,000.00

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 850065, a request from the Poor Fund to transfer \$1,000.00 from the Rest Home Care Account to the Physician Services Account because of un-anticipated expenses.

PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the transmittal sheet for Payroll Period #9 (4/07/85 - 4/20/85), with a grand total for all funds of \$326,898.74. The transmittal sheet was returned to the Auditor's Office.

✓✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Don Evans, an independent contractor, for the purpose of assisting Jon Shannon in the investigation of garbage, nuisance, and junk vehicle complaints, conducting field investigations, case building, and performing research into property ownership, commencing April 15, 1985 and concluding June 30, 1985, (up to four hours a day) for a total amount not to exceed \$525.00. The contract was returned to the Health Department for further handling.

✓✓✓ RIGHT-OF-WAY-AGREEMENT

The Board of County Commissioners signed a Right-of-Way Agreement between Missoula County and E. Willis and Gloria S. Curdy, for one of a series of parcels needed for the Kona Ranch Bridge as per the terms set forth for a total payment of \$1,572.00. The agreement was returned to the Surveyor's Office for further handling.

✓ CONSENT TO AMENDMENTS

The Board of County Commissioners signed the form consenting to the adoption of the proposed amendments to the bylaws of the Missoula Community Physicians Center, dated May 2, 1978, as set forth in the document.

OTHER MATTERS INCLUDED:

- ✓ 1. The Commissioners voted unanimously to transfer \$11,000.00 of General Revenue Sharing Funds in Larchmont Golf course; and
- ✓ 2. The Larchmont Golf Course Board was discussed. Susan Reed will replace Dan Cox on the Board and it was

APRIL 29, 1985 (Continued)

decided to advertise for applicants for two citizen members to expand the Board.

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

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APRIL 30, 1985

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

AUDIT LIST

Commissioners Dussault and Palmer signed the Audit List, dated April 30, 1985, pages 4-32, with a grand total of \$129,456.50. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETINGS

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

AUDIT LETTER

The Board of County Commissioners signed a letter to Susan Reed, County Auditor, acknowledging receipt and review of the audit of the records of the Missoula County Weed and Rodent Departments for the period from July 1, 1983 through December 10, 1984. The Audit was forwarded to the Clerk and Recorder's Office.

✓✓ RESOLUTION NO. 85-053

The Board of County Commissioners signed Resolution No. 85-053, a resolution to rezone a parcel of land in Section 15, Township 13 North, Range 20 West, from "C-RR1" (Residential) to "Kona East Residential District", described in "Attachment 1" to the Resolution.

RESOLUTION NO. 85-054

The Board of County Commissioners signed Resolution No. 85-054, resolving that the remaining balance in the following RSID accounts be transferred to and become part of the Rural Special Improvement District Revolving Fund:

<u>RSID #</u>	<u>REMAINING BALANCE AFTER PAYMENT OF ALL BONDS AND WARRANTS</u>
254	\$ 516.53
392	<u>966.01</u>
Total	\$1,482.54

RESOLUTION NO. 85-055

The Board of County Commissioners signed Resolution No. 85-055, resolving that the following sums appropriated to the CBO Trust Fund and the Park Fund be transferred to RSID 333 on behalf of the Hellgate Lions Club:

CBO Trust	\$5,012.73
2315-675-450711-749	
Park Fund	\$1,000.00
2210-450-460464-328	

RESOLUTION NO. 85-056

The Board of County Commissioners signed Resolution No. 85-056, resolving that the remaining balances in the following RSID accounts be provided a loan from the Rural Special Improvement District Revolving Fund:

<u>RSID #</u>	<u>AMOUNT TO BE LOANED</u>
232	\$ 743.12
233	1,351.33
236	373.78
238	526.56
240	557.89
247	32.31
328	1,770.07
385	272.20
386	217.20
387	<u>143.80</u>
Total to be Loaned	\$5,988.26

RESOLUTION NO. 85-057

The Board of County Commissioners signed Resolution No. 85-057, resolving that the funds authorized for transfer to the RSID Revolving Fund by Board of County Commissioners Resolution Number 85-054 shall first be used to retire the following loans, with the balance of the funds to be transferred to the Rural Special Improvement District Revolving Fund:

<u>RSID #</u>	<u>AMOUNT OF LOAN TO BE REPAYED</u>
215	<u>\$234.78</u>
Total to be Repaid	\$234.78

✓ AGREEMENT

The Board of County Commissioners signed the annual agreement for control of noxious weeds between the Montana Department of Highways and Missoula County as per the terms set forth. The Agreement was returned

to Bill Otten, Weed Department Supervisor, for further handling.

✓ TRAINING POLICY

The Board of County Commissioners reviewed and approved the County Training Policy for General Fund Departments as presented by the Office of Personnel and Labor Relations. The Policy was returned to the Personnel Department for further handling.

OTHER MATTERS INCLUDED:

- ✓ 1. The Double Arrow Tax matter was discussed. The Commissioners voted unanimously to instruct the Clerk and Recorder to delay the time period for taking tax deed for 45 days from May 8, 1985 and to exercise authority under Section 15-16-501 MCA to adjust taxes as per Jim Fairbanks' memo dated April 19, 1985, for taxable years beginning with 1980. Mike Sehestedt, Deputy County Attorney, will draw up a resolution for Commissioners' signatures.

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

✓ RURAL MEETING

In the evening, the Board of County Commissioners and staff met with the rural residents of the 9-Mile Area at the Community Center.

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MAY 1, 1985

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left at noon for Eugene, Oregon, where she will participate in a Wood Energy Seminar on May 2, 1985.

✓ DISTRICT X, XI, AND XII COUNTIES MEETING

The Board of County Commissioners attended a meeting of the District X, XI and XII Counties which was held in Missoula during the day.

WEEKLY PUBLIC MEETING CANCELED

The Weekly Public Meeting scheduled for this date was canceled due to the District X, XI, and XII Counties Meeting.

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MAY 2, 1985

The Board of County Commissioners did not meet in regular session. Commissioner Palmer was in Livingston where he attended a JTPA (Job Training Partnership Act) meeting May 2nd and 3rd; and Commissioner Evans was out of the office until noon.

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MAY 3, 1985

The Board of County Commissioners did not meet in regular session; Commissioner Evans was out of the office all day.

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Capital Business Systems, Inc. as principle for Warrant #2542, dated January 10, 1985 on the Bonner School District #14 fund, now unable to be found.

  
\_\_\_\_\_  
Fern Hart, Clerk & Recorder

  
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Ann Mary Dussault, Chair  
Board of County Commissioners

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MAY 6, 1985

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

MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report of Justice of the Peace Janet Stevens for collections and distributions for month ended April 30, 1985.

DAILY ADMINISTRATIVE MEETINGS

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

✓ RIGHT-OF-WAY AGREEMENT

The Board of County Commissioners signed a Right-of-Way Agreement between Missoula County and Wayne and Peggy Haaglund for one of a series of parcels needed for the Kona Ranch Bridge as per the terms set forth for a total payment of \$3,917.00. The Agreement was returned to the Surveyor's Office for further handling.

✓ EXTENSION LETTER

The Board of County Commissioners signed a letter dated May 2, 1985, to Dick Ainsworth of Professional Consultants, Inc. granting a 120-day extension for the plat filing deadline for the Lakewood Estates Phase 2b Subdivision from May 9, 1985, placing the new deadline on September 6, 1985.



MAY 6, 1985 (CONTINUED)

MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement dated July 1, 1984, between Missoula County and Missoula Youth Homes, whereby it has been determined that there is a need to renovate the Attention Home, a facility operated by Missoula Youth Homes and located at 501 West Alder in Missoula, in order to bring the facility into compliance with the building codes and to improve the environment in the home, and Missoula County will purchase these services from the Missoula Youth Homes as per the terms set forth for a total payment of \$20,000.00, terminating on June 30, 1985.

OTHER MATTERS INCLUDED:

1. The change in the City-County Energy Office organization, as per the draft work proposal presented by Lois Jost, Energy Coordinator, was discussed; and
2. The Commissioners authorized the hiring of two interns through August or September.

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

RSVP BANQUET

In the evening, Commissioner Palmer attended the RSVP Banquet held at the Sheraton.

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MAY 7, 1985

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer was in Helena, where he attended a meeting at the Department of Natural Resources regarding energy matters.

AUDIT LIST

Commissioners Evans and Dussault signed the Audit List, dated May 7, 1985, pages 3-20, with a grand total of \$88,886.65. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETINGS

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

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers for the Weed Department and adopted them as part of the FY '85 budget:

1. No. 850066, a request to transfer \$4,075.00 from the County Participation (\$4,000.00) and Chemicals (\$75.00) Accounts to the Lab Services Account needed in conjunction with the U/M Consultant looking at pesticides in wells around the Weed Control shop; and
2. No. 850067, a request to transfer \$2,931.00 from the Chemicals Account to the Contracted Services Account needed to cover the cost of the U/M Consultant looking into the pesticide contamination of wells in the area of the Weed Control shop.

ENGINEERING AGREEMENTS

The Board of County Commissioners signed Agreements for Professional Engineering Services between Missoula County and Stensatter, Druyvestein and Associates for the five RSID's for the Gleneagle at Grantland Sub-division as per the terms set forth. The Agreements were returned to John DeVore, Operations Officer, for further handling.

OTHER MATTERS INCLUDED:

1. The Surveyor's Office was authorized to proceed with negotiations with the Missoula Irrigation District to renew the contract, including the capital expenditure of a ditch liner along the railroad tracks in exchange for a 5-year contract. Deputy Co. Attorney Mike Sehestedt was to develop legal action as a back-up;
2. It was agreed to continue negotiations between the Forest Service and Missoula County regarding the road and bridge project near the Rattlesnake Wilderness as to the obligations and liabilities; and
3. The Commissioners approved the budget amendments submitted by the Seeley Lake Refuse Disposal District dated May 3, 1985.

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

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MAY 8, 1985

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

MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report of Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for month ending April 30, 1985.

MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report for Justice of the Peace, W.P. Monger, for collections and distributions for month ending April 30, 1985.

DAILY ADMINISTRATIVE MEETINGS

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

RESOLUTION NO. 85-059

The Board of County Commissioners signed Resolution No. 85-059, a resolution fixing the rate of interest on registered warrants, resolving that the rate of interest a Missoula County Warrant shall bear from the date of this resolution until amended or revised be set as follows:

The registered warrant interest rate will be set at 80% of the 91-day treasury bill with a high of 9% and a low of 6%. The rate will be fixed upon the last day the treasury bills are auctioned before the quarter begins.

UCC-FINANCING STATEMENT

Chair Dussault signed the UCC-Financing Statement for the Extension Service's phone system as described. The Statement was returned to John DeVore, Operations Officer, for further handling.

OTHER MATTERS INCLUDED:

1. The Commissioners met with personnel from the Clerk and Recorder's Department. City SID's and tax deeds were discussed and the AIS Optical Scanner was discussed regarding the bidding process and how much PILT money is available;
- ✓ 2. An agreement with Elmer Frame regarding the El Mar Estates Sewer System will be worked out on the relative value of ownership and with KOA on the maintenance agreement; and
3. Municipal leases were discussed. Susan Reed, County Auditor, will monitor them on a monthly basis and Dan Cox, Budget Officer, will handle any new leases.

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

PUBLIC MEETING

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

✓ HEARING: FLOODPLAIN REGULATION BOARD OF APPEALS: Request for Variance from Floodplain Regulations - Kim and William Birck.

Under consideration was approval of a request for a variance from the Floodplain Regulations to construct a garage below the 100-year flood elevation on Lot 55, Grantland Seven.

Paula Jacques gave the Planning Staff Report. She said that the applicants, William and Kim Birck, had requested approval of a request for a variance from the Floodplain Regulations to construct a garage below the 100-year flood elevation on Lot 55, Grantland Seven. She said that the applicants had obtained a floodplain permit to construct a single-family residence on Lot 55, Grantland Seven, just off Keegan Trail. The house meets the requirements of the Floodplain Regulations. The variance has been requested in order to construct the attached garage at a lower elevation than the 100-year flood.

She said that the applicants have obtained a floodplain development permit to construct a single-family residence on Lot 55, Grantland Seven, located in the Floodplain of Dark Horse Creek. With the exception of the attached garage, the dwelling will meet standards of the Floodplain Regulations which require that the structure be constructed on suitable fill and that the lowest floor be at least two feet higher than the elevation of the 100-year flood. A permit was subsequently issued April 30, 1985, subject to the condition that a variance be obtained for the garage, the lowest floor of which is below the elevation of the 100-year flood, or that the garage be redesigned to comply with the Floodplain Regulations.

As no base flood elevations were specified by FEMA for Dark Horse Creek, the State Floodplain Administrator reviewed the parcel and determined that the elevation of the 100-year flood was 104' (the reference is to the attached site plan). The lowest floor of a residential garage need not be two feet above the 100-year flood elevation, but it must be at least at that elevation. The site on which the garage is to be constructed is 103'. The applicants state that they prefer to request the variance rather than elevate the site with fill because the lower garage elevation preserves the natural topography, minimizes impact on natural drainage flow, and enables them to preserve the maximum number of trees.

She said that the staff recommendation was that the applicants be granted a variance to construct the garage so that the lowest floor elevation is below 104' as shown on the attached site plan, provided that the electrical system complies with the following floodproofing requirements:

1. All incoming power service equipment including all metering equipment, control centers, transformers, distribution and lighting panels and all other stationary equipment must be located at least two feet above the elevation of the 100 year flood frequency, provided that the equipment can be disconnected by a single plug-and-socket assembly of the submersible type;
2. Portable or movable electrical equipment may be placed below the elevation of the flood of the 100-year frequency, provided that the equipment can be disconnected by a single plug-and-socket assembly of the submersible type;
3. The main power service line shall have automatically operated electrical disconnect equipment or manually operated electrical disconnect equipment located at an accessible remote location outside the floodplain of 100-year frequency and above the elevation of the flood of 100-year frequency; and
4. All electrical wiring systems installed at or below the elevation of the flood of 100-year frequency shall be suitable for continuous submergence and may not contain fibrous components.

At this point, Chair Dussault opened the public comment portion of the hearing, asking that proponents speak first. The following person spoke:

1. Kim Birck testified on her own behalf, stating that they hadn't closed on the lot yet, and weren't sure about the exact elevation in reference to the garage. She hoped the Commissioners would grant the variance.

MAY 8, 1985 - PUBLIC MEETING MINUTES (CONTINUED)

Bob Palmer moved, and Barbara Evans seconded the motion, that Kim and William Birck's request for a variance from the floodplain regulations to construct a garage below the 100-year flood elevation on Lot 55, Grant-land Seven, be granted, subject to the four conditions in regard to floodproofing requirements listed above. The motion passed by a vote of 3-0.

HEARING: REZONING REQUEST - STIEGLER/MILLER (MULLAN ROAD)

Planner Mark Hubbell gave the staff report, stating that this request had been precipitated by efforts on the part of the County to secure a new bridge and right-of-way connecting Grass Valley and the Big Flat Area.

In exchange for right-of-way, the County agreed to initiate a rezoning request for two parcels, rezoning them from C-A3 to C-RR1 (residential) to C-C1 (Neighborhood Commercial).

On February 25, 1985, the Commissioners had sent him a letter directing him to initiate the rezoning process. On April 2, 1985, the County Regulatory Commission and Planning Board held a hearing on the request and recommended approval of the proposed rezoning. He said that after reviewing all testimony and documentation, the Commission had recommended that the property described in "Attachment 2" be rezoned from C-A3 (residential) and C-RR1 (residential) to C-C1 (neighborhood commercial), based on the findings of fact set forth in the staff report.

At this point, Chair Ann Mary Dussault opened the hearing to public comment, asking that proponents speak first. The following person spoke:

1. Nick Kaufman, of Sorenson and Company, testified on behalf of Margueritte Miller, who was present in the audience. He said that he and his client agreed with the staff report and had nothing to add.

There were no other proponents or opponents. Ann Mary Dussault closed the public comment portion of the hearing.

Barbara Evans moved, and Bob Palmer seconded the motion, that property described in the legal description below be rezoned from C-A3 (residential) and C-RR1 (residential) to C-C1 (neighborhood commercial) based on the findings of fact listed below. The motion passed by a vote of 3-0.

LEGAL DESCRIPTION:

Tract "A"

A tract of land located in the northwest one quarter (NW 1/4) of Section 9, Township 13 North, Range 20 West, Principal Meridian, Montana, Missoula County, Montana, more particularly described as follows:

Beginning at the Center one quarter (C 1/4) corner of Section 9, Township 13 North, Range 20 West; thence westerly along the east-west mid-section line to the easterly right-of-way of the Clark Fork Bridge Road; thence northeasterly along said right-of-way to the intersection with the north-south mid-section line of Section 9; thence southerly along the north-south mid-section line to the Center one quarter (C 1/4) corner; being the point of beginning. (Contains 1.38 acres, more or less.)

Tract "B"

A tract of land located in the northeast one quarter (NE 1/4) of Section 9, Township 13 North, Range 20 West, Principal Meridian, Montana, Missoula County, Montana, more particularly described as follows:

Beginning at the Center one quarter (C 1/4) of Section 9, Township 13 North, Range 20 West; thence northerly along the north-south mid-section line to the southeasterly right-of-way of the Clark Fork Bridge Road; thence northeasterly along said right-of-way to the southwesterly boundary of Mullan Road; thence southeasterly along Mullan Road to the intersection with the east-west mid-section line of Section 9; thence westerly along said mid-section line to the Center one quarter (C 1/4) corner of Section 9, being the point of beginning. Containing 2.19 acres more or less.

FINDINGS OF FACT:

The findings of fact upon which this decision is based are as follows:

1. Whether the zoning is compatible with the Comprehensive Plan

The adopted Missoula County Comprehensive Plan (Hellgate Planning Area) encourages small local convenience commercial developments in locations near population concentrations. The Land Use Map accompanying this Plan states local or neighborhood commercial areas should provide for everyday shopping needs for local residents. It is necessary for these areas to be located within the activity centers to reinforce their role as communities. They range from three to ten acres in size, depending on the size of the area and population served.

The Plan designates these activity centers on the Land Use Map as circled, allowing flexibility in establishing local commercial centers in areas that were not developed sufficiently to indicate actual locations when the plan was adopted.

The proposed "C-C1" zoning designation provides for convenience shopping for a limited neighborhood market which involves retail enterprises dispensing commodities and providing personal services to the individual. These developments should be clustered to provide centers of commercial activity which will effectively serve adjacent neighborhoods.

Thus, the intent of the "C-C1" zoning designation coincides with the Objectives and the Land Use Map of the Missoula County Comprehensive Plan. The proposed zone conforms to the three-to-ten acre size specification, having an area of approximately 3.57 acres. It is expected that this neighborhood commercial site would primarily serve both the Big Flat Area, and the population living west of the intersection of the Clark Fork Bridge Road and Mullan Road. While the County Comprehensive Plan does not specify specific sites for neighborhood commercial sites, it does recognize the need for such services in the area, and includes the Miller and Steigler properties as potential sites. It is the position of the Community Development Staff that the intersection of the Clark Fork Bridge and Mullan Roads is a logical site to locate such a land use, since it is easily accessible to the populations it will serve.

2. Whether the new zoning will lessen congestion in the streets

In a letter to the Community Development Staff regarding this proposal, the County Surveyor has stated that "safe access can be achieved from the new road to both parcels, and to the Miller Parcel from Mullan Road." Consequently, the Community Development Staff does not anticipate that the proposed rezoning will create congestion in the streets.

While the existence of neighborhood commercial uses on the subject property will cause some increase in traffic to this site, it is not expected to generate many new trips. Most new traffic will be in the form of Big Flat residents using the new bridge to travel to Missoula. The commercial site can be expected to capture a portion of the business from those trips.

3. Whether the new zoning will secure safety from fire and other dangers.

No adverse comments have been received from the Fire or Health Departments. The Community Development Staff concludes that this rezoning will not compromise public safety.

4. Whether the zoning promotes the health and general welfare.

The proposed rezoning and the opening of the Clark Fork bridge represents a significant change to the immediate area. While the bridge is not being considered in this rezoning request, it does directly impact the applicants' property and the surrounding area.

The location of a commercial site serving the Grass Valley and Big Flat populations will benefit these residents by providing readily accessible convenience shopping and services. Thus, long trips into Missoula, or even to other neighborhood commercial centers east of the subject property, for groceries and other services, will be reduced. Consequently, fuel consumption and wear on Mullan Road will be reduced through the provision of these services.

As previously mentioned, the Missoula County Comprehensive Plan also calls for neighborhood commercial sites in the area of the applicants' property. The Staff concludes that the proposed zoning will promote the health and general welfare of not only the immediate neighborhood, but of the entire Missoula Community.

5. Whether the zoning provides adequate light and air; and

6. Whether the zoning will prevent the overcrowding of the land

Both of these criteria are generally applicable to residential rezoning requests. Nevertheless, the intent of the C-C1 (Neighborhood Commercial) zoning designation is to provide for convenience shopping . . . "at both the same intensity level and on the architectural scale of the neighborhood which they serve." The front-, rear-, and side-yard setback requirements, as well as the maximum building height of 30 feet serve to prevent any development in this zone from denying light and air to surrounding properties, or from overcrowding the land.

7. Whether the zoning will avoid undue concentration of population.

See Items 5 and 6 above.

8. Whether the zoning facilitates the adequate provision of public services.

The proposed rezoning is not expected to have an impact on the provision of public services.

9. Whether the zoning gives reasonable consideration to the character of the district

The area surrounding the subject property is characterized by a mixture of agricultural and rural residential land uses. Larger residential developments such as Sol Acreage Tracts, El Mar Estates, New Meadows Subdivision, and Golden West Subdivision are also located within approximately one mile of the proposed rezoning.

A commercial site can be an asset or a detriment to any neighborhood, depending on the effort put forth by the developer of the site in making it both useful and aesthetically pleasing to the neighborhood it serves. The development standards set forth in Sections 3 and 4 of the Missoula County Zoning Resolution are intended to promote public health and safety, and to ensure orderly community development. Of course, these standards are the minimum requirements for development. Any developer may go beyond these standards to provide a more pleasant shopping area.

It was the Planning Staff's position that the proposed rezoning will give reasonable consideration to the character of the district by addressing a need identified in the Missoula County Comprehensive Plan and by providing standards which reduce the impact of any development on the surrounding properties.

10. Whether the zoning gives reasonable consideration to the peculiar suitability of the property for the particular uses.

As previously mentioned, this rezoning request has been precipitated by the process by securing right-of-way for the Clark Fork Bridge Road. The site is located at the intersection of two arterials. One of the two parcels within this request, Parcel A, has been isolated from the remainder of the Steigler Ranch, making it difficult to farm. The other parcel, Parcel B, is well-suited for commercial uses.

11. Whether the zoning was adopted with a view toward conserving the value of buildings.

The proposed rezoning is expected to enhance the value of buildings in the area by providing services to the surrounding neighborhood.

12. Whether the zoning will encourage the most appropriate use of land throughout the municipality.

The proposed rezoning complies with the Missoula County Comprehensive Plan, assures orderly development, provides for energy savings, and provides for the location of limited commercial development at a site accessible to both Big Flat and Grass Valley residents. It is therefore the Staff's recommendation that this rezoning will encourage the most appropriate use of land throughout the municipality.

✓ RESOLUTION NO. 85-058:

The Commissioners then signed Resolution No. 85-058, a resolution of intent to rezone a parcel of land in Section 9, T. 13N., R. 20W., from C-RR1 (residential) and C-A3 (residential) to C-C1 (neighborhood commercial). The property is more particularly described in the legal description set forth above. The document was forwarded to the Clerk and Recorder's Office for recording, with a copy to be sent to the Missoulian for legal publication.

MAY 8, 1985 - PUBLIC MEETING (CONTINUED)

HEARING: VACATION OF CEDAR CREEK ROAD (9-MILE AREA)

Under consideration was a petition for the abandonment of Cedar Creek Road, located in Sections 34 and 35, T. 16 N., R. 23 W., P.M.M., and more particularly described as the section of road from Nine Mile Road to the cattle guard at the entrance to Lachman Ranch and on through to the Lachman Ranch.

Information supplied by Recording Division Manager (Clerk & Recorder's Office) Donna Cote stated that the reasons for the above-referenced vacation request are as follows:

1. Because the owners of the property crossed or abutted by this road do not acknowledge that Missoula County has any rights, reserved or otherwise, to abandon Cedar Creek Road;
2. Because this request for vacation was made for the purpose of formally clearing up the land records in this regard;
3. Because Missoula County has rarely maintained this road in the past, and the abandonment would eliminate the necessity or obligation for Missoula County to do so in the future; and
4. Because this action would enhance the privacy of the various landowners.

Chair Ann Mary Dussault opened the public comment portion of the hearing, asking that proponents speak first. The following people spoke:

1. Jerry Marble, of Deschamps Realty, representing Lorraine Lachman, said that research has revealed a 1966 agreement between the Forest Service and Missoula County giving the County the right to maintain the road. This agreement was updated in 1969. However, a letter dated 11/16/84 to him from Gary Johnson, Supervisory Forester of the Lolo National Forest stated that a review of the Lolo Forest's Transportation Plan and Rights-of-Way Records indicate that the Forest has neither reserved nor acquired rights on the Cedar Creek Road in Section 34, T. 16 N., R. 23 W., P.M.M.

There were no other proponents or opponents, so Chair Dussault closed the public comment portion of the hearing.

Ann Mary Dussault also mentioned a memo on the proposed abandonment from County Surveyor Dick Colvill which stated that he had no objections to or problems with the petition to abandon Cedar Creek Road.

Barbara Evans asked how many members of the public used the road. A gentleman in the audience, who didn't identify himself, said that the main users are fishermen and hunters, and not too many of them. In response to Barbara Evans' statement that the County wouldn't be inconveniencing a large segment of the public by abandoning the road, then, the gentleman replied no.

Ann Mary Dussault explained that State Statute requires one Commissioner and the County Surveyor to make a site inspection after the hearing and before a decision is made. By consensus, the decision on this matter was postponed to the next week's public meeting.

OTHER BUSINESS

A. BID AWARD: LOLO SEWAGE TREATMENT PLANT MODIFICATIONS

Information provided by Operations Officer John DeVore stated that the following two bids were received:

Bitterroot Plumbing, Heating & Elec.	\$714,046
4 G Plumbing & Heating, Inc.	\$715,000

His recommendation stated that his staff, along with the project engineers, recommended that all bids be rejected and the project advertised again; the rationale for this recommendation was that the low bid is \$119,046 above budget parameters. He suggested that the bid specifications be reviewed to determine a modification which would result in a bid within budget parameters.

Barbara Evans moved, and Bob Palmer seconded the motion, that the bid be rejected and the project readvertised on the basis of staff recommendation. The motion passed by a vote of 3-0.

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

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MAY 9, 1985

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

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Fort Carson - Finance and Accounting (U.S. Army Support) as principal for warrant #125912, dated January 16, 1985, on the Missoula County Museum fund in the amount of \$114.24, now unable to be found.

DAILY ADMINISTRATIVE MEETINGS

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

SUBORDINATION AGREEMENT

The Board of County Commissioners signed a Subordination Agreement between Missoula County and Beneficial Mortgage Co., whereby the County subordinates its security position and loan obligation to be subordinate and secondary to the loan of Beneficial to David and Irma Barbe as per the terms set forth, for the property described as Lots 8 and 9 in Block 53 of Daly's Addition, in the City of Missoula, Missoula County, Montana.

GRANT APPLICATION

Chair Dussault signed the application for Federal funding under the Labor Management Cooperation Act of 1978 for the purpose of the development of a viable Labor Management Committee structure and process within the organizational structure of Missoula County. The application was returned to the Personnel Department for further handling.

OTHER MATTERS INCLUDED:

- 1. The Board of County Commissioners met with J.P. William P. Monger. The amount of money left in contracted services for "fill-in" JP's was discussed. Budget transfers will be needed to cover the shortage. The legislation concerning the surtax on fines to fund the County Attorney's Office was also discussed; and
- 2. The Commissioners voted unanimously to authorize the Clerk & Recorder to purchase the AIS Optical Scanner, with additional ballot boxes and a computer printer, in accordance with the recommendation, for an amount not to exceed \$104,000.00 and to be invoiced after July 1, 1985, using PILT unanticipated revenue.

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

DINNER MEETING

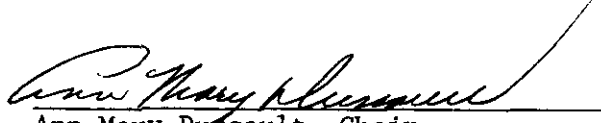
Commissioner Dussault attended a DNRC (Board of Natural Resources) dinner meeting in Helena in the evening.

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MAY 10, 1985

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. Commissioner Dussault attended a DNRC (Board of Natural Resources) meeting in Helena during the day, and Commissioner Evans was out of the office all afternoon.

  
Fern Hart, Clerk & Recorder

  
Ann Mary Dussault, Chair  
Board of County Commissioners

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MAY 13, 1985

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

DAILY ADMINISTRATIVE MEETINGS

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 '85 budget:

- 1. No. 850068 a request from Centralized Services to transfer \$410.00 from the Copy Paper/Toner Account to the Office Supplies Account to replace the punch-bind machine; and
- 2. No. 850069, a request from the Justice of the Peace Department #1, to transfer \$525.00 from the Mileage-County Vehicle (\$200.00), Law Books (\$125.00), and Jury/Witness Fees (\$200.00) Accounts to the Phone - Long Distance Account because of a line item overrun.

PROCLAMATION

The Board of County Commissioners signed a Proclamation proclaiming May 15, 1985, as "Law Enforcement Memorial Day" in Missoula County.

OTHER MATTERS INCLUDED:

- 1. The variance request from Hazel Brown was referred to the Appraiser for reappraisal; and
- 2. The Commissioners voted unanimously to grant the request from Dr. Wooley for an approach permit subject to the terms and conditions of the permit and to any other terms and conditions by the Surveyor's Office.

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

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MAY 14, 1985

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 met with the Sheriff and Undersheriff. The Jail Coordinator Proposal and Jail Improvements were discussed; they will be submitted in the FY '86 budget;
- 2. The Board advised the Sheriff that the Washington Construction Land Swap was off, but that options needed to be considered regarding moving the abandoned vehicle lot from Toole Street to another site; and
- 3. One final extension was granted until September 1, 1985 for the Bellevue Walkway SID.

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

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MAY 15, 1985

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



MAY 15, 1985 (CONTINUED)

AUDIT LIST

Commissioners Dussault and Palmer signed the Audit List dated May 14, 1985, pages 3-25 with a grand total of \$94,976.93. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETINGS

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

RESOLUTION NO. 85-060:

The Board of County Commissioners signed Resolution No. 85-060, a budget amendment for FY'85 for Elections, including the following expenditure and revenue, and adopting it as part of the FY'85 budget:

<u>DESCRIPTION OF EXPENDITURE</u>	<u>BUDGET</u>
Ballot Counting System 1000-144-410610-946	\$97,000.00

<u>DESCRIPTION OF REVENUE</u>	<u>REVENUE</u>
PILT 1000-144-337014	\$97,000.00

GRANT APPLICATION

Chair Dussault signed the application for funding under the Bonneville Power Administration Financial Assistance to Local Governments solicitation No. DE-PS79-85BP22084, for the development of creative approaches to the control and/or reduction of peak load periods.

OTHER ITEMS CONSIDERED WERE:

1. The C.O.S. (Certificate of Survey) review process was discussed with personnel from the County Attorney's Office; and
2. A letter will be drafted to John DeVore, Operations Officer, regarding payment to him as "Receiver" for the Lincoln Hills Sewer project.

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

PUBLIC MEETING

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

BID AWARD: MISSOULA COUNTY FUEL FACILITY

The bid award for the Missoula County Fuel Facility had been postponed.

DECISION ON: VACATION OF CEDAR CREEK ROAD (9-MILE AREA)

The public hearing on the petition to abandon a portion of Cedar Creek Road, located in Sections 34 and 35, Township 16N, Range 23W, from the cattle guard at the entrance to Lachman Ranch, and on through the Lachman Ranch. Ann Mary Dussault and Dick Colvill made a site inspection on May 14. Ann Mary Dussault said that it seemed to be clearly in the public interest to vacate the road. She said that the only concern was an older gentleman who lives at the top of the road, who is concerned that if the County doesn't plow him out, he is going to be stranded up there in the winter.

Bob Demin, one of the petitioners for the road abandonment, was present. He said that he would see that the road is plowed so that the man would not be stranded.

Bob Palmer moved, and Barbara Evans seconded the motion, that a portion of Cedar Creek Road, located in Sections 34 and 35, from the Nine-Mile Road to the cattle guard at the entrance to Lachman Ranch, and on through the Lachman Ranch, be abandoned for the reasons listed below. The motion passed by a vote of 3-0.

The reasons for finding this road abandonment to be in the public interest are as follow:

1. Because the owners of the property crossed by by or adjacent to this road do not acknowledge that Missoula County has any rights, reserved or otherwise, to abandon Cedar Creek Road;
2. Because this request for vacation was made for the purpose of formally clearing up the land records in this regard;
3. Because Missoula County has rarely maintained this road in the past, and the abandonment would eliminate the necessity or obligation for Missoula County to do so in the future; and
4. Because this action would enhance the privacy of the various landowners.

CONSIDERATION OF: OVERLOOK ADDITION (SUMMARY PLAT)

Under consideration was the summary plat for Overlook Addition. Planner Barb Martens said that Overlook Addition is a five-lot subdivision located on the hill in Lolo above the Westview Addition. The lots will connect to water and sewer service provided by R.S.I.D. 901. The lots have access onto Ridgeway, an existing road which is maintained by the County. The developer plans several improvements to Ridgeway. The subdivision is unzoned. A variance from the requirement that sidewalks be constructed on at least one side of the street has been requested.

She said that the staff recommendation was that the summary plat for Overlook Addition be approved, subject to the three conditions listed below. The staff further recommended that a variance from the sidewalk requirement be conditional on placing the R.S.I.D. waiver statement on the face of the plat.

The recommended conditions follow:

1. That the County Surveyor approve road, drainage, grading and erosion control plans;
2. That the developer donate cash-in-lieu of parkland to the County park fund; and
3. That before the plat is filed, a certificate of survey relocating the boundary between Tracts A and B, as shown on C.O.S. #2969, be filed and the new Tract B (that portion not within Overlook Addition be under different ownership.

The Missoula Planning Board recommended a variance from the requirement that sidewalks be constructed on at least one side of the street, subject to the condition that the following statement be printed on the face of the plat:

"Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future R.S.I.D. for sidewalk construction and may be used in lieu of their signatures on a R.S.I.D. petition."

The Missoula Planning Board also recommended that the summary plat for Overlook Addition be declared to be in the public interest based on a review of the eight criteria below:

1. Need -- The Comprehensive Plan designates this area for residential development at a density of up to six units per acre. Overlook Addition consists of single-family dwellings at a density of three units per acre.
2. Expressed Public Opinion -- No public hearing is required for a summary plat and, to date, no comments have been received.
3. Effects on Agriculture -- The land is not in agricultural use at this time and has no potential for agricultural development.
4. Effects on Local Services -- As Overlook Addition is in an existing residential area; many services are currently available. Lolo Sewer and Water (RSID #901) will furnish water and sewer service; the water main is already installed but the sewer line will have to be extended. Telephone, electricity and natural gas will be extended at the developer's expense. Missoula County High Schools stated that the district can handle the additional students. No response was received from the Lolo Elementary School. The developer will upgrade Ridgeway, the dedicated County access road. Cash-in-lieu of parkland will be donated to the county park fund.
5. Effects on Taxation -- The developer estimates that the lots will generate \$10,200 in property tax revenue at completion of construction, compared to \$65 for the currently-undeveloped property.
6. Effects on the Natural Environment -- The major vegetation on the site is small trees. The County Surveyor has expressed concern about how storm drainage will be handled. The developer plans to install a 12-inch storm sewer and provide drainage easements, but the final plans must be approved by the County Surveyor. In addition, lots will have to be graded to divert natural drainage around the structures, a factor which the County Surveyor will consider before giving final approval for the plat to be filed.
7. Effects on Wildlife and Wildlife Habitat -- Overlook Addition is adjacent to Westview Addition, a similar housing development; thus, much of the impact on wildlife and habitat has already occurred in the area.
8. Effects on Public Health and Safety -- The Missoula Rural Fire District will provide fire protection for the subdivision from the Lolo station, located 1.5 miles away: The Western Montana Clinic has a new facility in the Lolo Shopping Center; hospital and ambulance services are available through Missoula. The lots will connect to an existing public water and sewer system. Sanitary restrictions must be lifted by the State Health Department prior to recording the plat. BFI Waste Systems will provide service to Overlook Addition.

Responding to questions from Barbara Evans as to the reason for recommending condition No. 3, Barb Martens said that a year or two ago, another request for summary plat was considered. She said that at that time, it had consisted of five lots, plus a remainder and Tract B. It was denied on the basis that it was going through the minor subdivision process, but was actually seven lots, or a major subdivision. She said that one of the reasons for denial last time was that, if the developers wanted to bring in a minor subdivision for review, as they have now, that they would need to relocate the boundary line on the certificate of survey to include Portion A with Portion B, and that the certificate of survey would have to be filed and sold to a different landowner. She said that at that point the certificate of survey had not been filed, but it was in the works, and the developer had said that he would sell it prior to filing the summary plat, so that was the reason for the third condition.

Barbara Evans asked Barb Martens to explain to her why we have the right or responsibility to demand that these people sell their property.

Deputy County Attorney Mike Sehestedt said that this had come in about a year ago, and, at that time, Gordon Sorenson had owned it. Mr. Sorenson had split it and had a buy-sell agreement for half of it, and had decided that he could put in a five-lot minor subdivision. He said that the sale had not been consummated and the Commissioners had taken the view that, in fact, what was going to be up there was seven lots, rather than five. He said that right now, there were five lots and a remainder, which falls into the summary plat category, but if you count Tract B as well, the other half of the C.O.S., you would have seven lots, and hence it would be a major subdivision, notwithstanding the existing buy-sell agreement on Tract B. He said that it was a straight occasional sale split into about twenty acres apiece. He said that apparently, Drake Lemm now owns portion A, where they proposed the subdivision, and his understanding was that somebody else owns B.

Barbara Evans said that she had a problem with making sale of land a condition of summary plat approval, and asked if there were some other way that it could be worded.

Mike Sehestedt pointed out that Gordon Sorenson had had an option and had gone through with the sale of the first half and had sold the other two pieces to Drake Lemm. He said that it was a pretty attractive subdivision to the developer because it would not require a lot of up-front money. He said that was assuming that the lines remain in the same place.

Barbara Evans asked where we get the power to say that people would have to divest themselves of property in order to get summary plat approval.

MAY 15, 1985 - PUBLIC MEETING (CONTINUED)

Mike Sehestedt said that they had to qualify the land to come in as a summary plat.

Ann Mary Dussault added that summary plat criteria were outlined in the statutes.

Bob Palmer said that was why they either had to sell parcel B or come in as a major subdivision.

Barb Martens said that another option would be to provide an overall development plan for the entire piece of land, so they had had three options, and had chosen the summary plat now before the Commissioners for approval.

Mike Sehestedt said that what the Commissioners were saying with this condition was that since the developers had chosen to go the summary review route, in order to qualify the plat for filing, they would have to fit within the requirements for summary review.

Barbara Evans said that if this were legal, that was all she needed to know.

Bob Palmer moved, and Barbara Evans seconded the motion, to approve the summary plat for Overlook Addition, subject to the conditions contained in the staff report and listed above, and granting the variance from the sidewalk requirement (as stated above) as long as the R.S.I.D. waiver statement appears on the face of the plat. In addition, the summary plat for Overlook Addition was found to be in the public interest based on the eight review criteria listed above. The motion passed by a vote of 3-0.

Since there was no further business to come before the Board, the meeting was recessed at 2:25 p.m.

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MAY 16, 1985

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

DAILY ADMINISTRATIVE MEETINGS

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

BUDGET TRANSFER

The Board of County Commissioners approved and signed a budget transfer request, No. 850070, from the Accounting Department to transfer \$2,550.00 from the Accounting Department Permanent Salaries and Fringe Accounts to the Recording Department Permanent Salaries and Fringe Accounts to cover one FTE transferred from Accounting to Recording for Pay periods 10-13, and adopted it as part of the FY '85 budget.

RESOLUTION NO. 85-061

The Board of County Commissioners signed Resolution No. 85-061, a Resolution of Intent to create RSID No. 904 for the purpose of maintaining Canyon View Park, a park located in Canyon View #4 addition, including irrigation system, playground, mowing, and winterizing.

Chair Dussault also signed the Notice of Passage of above Resolution of Intent, setting the hearing date for June 5, 1985, at 1:30 p.m.

RESOLUTION NO. 85-062

The Board of County Commissioners signed Resolution No. 85-062, a resolution to redefine the boundaries of election precincts affected by city annexations and by a school district boundary change; resolving that all precinct boundaries affected by city annexation ordinance numbers 2417, 2354, 2355, 2404, 2346, 2347, 2403, 2430, 2429, 2406 and 2360, and by the 1984 boundary change between Missoula County School District #14 and Missoula County School District #32 be redefined as illustrated on the maps labeled "Missoula Urban Area Precincts, Wards & Legislative Districts, Amended May, 1985" on file in the Elections Office, Missoula County Courthouse, Missoula, Montana and in the Office of Community Development, City Hall, Missoula, Montana. Precincts being redefined include 5A, 13, 22, 44A, 53A and 57A, all labeled on the maps referred to above.

CONTRACTS

The Board of County Commissioners signed Professional Services Contracts between the Seeley Lake Refuse Disposal District and the following independent Contractors:

1. Michele Potter, for the purpose of secretarial services, including preparation of Seeley Lake Refuse Disposal District Board minutes of regular meetings, correspondence, and such other written materials as requested commencing May 1, 1985, through June 30, 1985 for a total amount not to exceed \$200.00; and
2. Maye Huszti, for the purpose of verifying and correcting listings of refuse fee assessments for the period from May 1, 1985 through August 31, 1985, for a total amount not to exceed \$1,000.00

GRANT APPLICATION

Chair Dussault signed the application for consideration of funding under solicitation No. DE-PS79-85 BP22084, Bonneville Power Administration's Financial Assistance to Local Governments for the purpose of assisting local governments to address energy problems affecting their low-income constituents.

OTHER MATTERS INCLUDED

1. Personnel from the County Superintendent of Schools Office met with the Commissioners. H.B. 454 - Financial Recognition for Superintendent of Schools, was discussed and it was noted that it is possible that school mill levies could be down next year by 2 or 3 mills; and
2. Commissioner Palmer will work with the Personnel Department or reviewing training needs for General Funds departments.

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

PRESENTATION OF AWARDS

Commissioner Palmer participated in the presentation of awards at the Royal Manor Nursing Home in the afternoon.

MAY 17, 1985

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

Fern Hart  
Fern Hart, Clerk & Recorder

\*\*\*\*\*

Ann Mary Dussault  
Ann Mary Dussault, Chair  
BOARD OF COUNTY COMMISSIONERS

MAY 20, 1985

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

WELFARE ADVISORY BOARD

The Board of County Commissioners, serving as the Welfare Advisory Board, met with Jean Johnston, Welfare Director and Jim Morton of Human Resources. The effects of recent legislative action regarding welfare recipients were discussed.

DAILY ADMINISTRATIVE MEETINGS

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

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 850071, a request from the Health Department to transfer \$1,240.00 from the Contracted Services (444900 - \$1,140.00) and Curriculum Materials (\$100.00) Accounts to the Contracted Services (445300 - \$1,140.00) and Tuition (\$100.00) Accounts to correct a previous transfer which mixes state and local funds and violates the contract.

RESOLUTION NO. 85-063:

The Board of County Commissioners signed Resolution No. 85-063, a budget amendment for FY '85 for the Health Department, including the following expenditure and revenue, and adopting it as part of the FY '85 budget:

DESCRIPTION OF EXPENDITURE	BUDGET
2270-610-444205-251 Vaccines	\$6,816.00
DESCRIPTION OF REVENUE	REVENUE
2270-613-361035	\$6,816.00

We will be giving Hepatitis shots to Southeast Asians, to be reimbursed by Medicaid.

RESOLUTION NO. 85-064:

The Board of County Commissioners signed Resolution No. 85-064, a resolution authorizing the establishment of an external bank account entitled "Fee Account," for the Clerk of Court's Office. The purpose of the account is to enable the Clerk of Court to return fees to the County Treasurer on a monthly basis.

OTHER MATTERS INCLUDED:

1. The Commissioners directed John DeVore, Operations Officer, to advise the Deputy Sheriff's Association to vacate the Blue Star Tipi Building because of violation of the original intent of the space allocation;
2. Bruce Suenrum, Missoula Rural Fire District Chief, reported to the Board on the previous week's fire; and
3. The Commissioners approved the destruction of cancelled voter registration cards which have been micro-filmed, in accordance with a memo, dated May 16, 1985, from Elections Manager Wendy Cromwell.

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

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MAY 21, 1985

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

DAILY ADMINISTRATIVE MEETINGS

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

RESOLUTION NO. 85-065

The Board of County Commissioners signed Resolution No. 85-065, a resolution supporting the Missoula City-County Health Department's application to renew its Southeast Asian Health Grant.

OTHER MATTERS INCLUDED

1. The Trail's End Road problem in Rodeo Ranchettes was discussed with Dick Colvill, County Surveyor. A letter will be sent outlining procedures; and
2. The proposed County smoking policy was discussed.

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

MAY 22, 1985

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioners Evans and Dussault were out of the office until noon, and Commissioner Palmer was in Portland, Oregon where he attended a BPA Task Force meeting May 22nd through May 24th.

AUDIT LIST

Commissioners Dussault and Evans signed the Audit List, dated May 21, 1985, pages 2-34, with a grand total of \$563,900.34. The Audit List was returned to the Accounting Department.

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and the Missoula County Sheriff's Office for the purpose of participation in the Driving Under the Influence (DUI) Enforcement Team by Missoula County Sheriff's Deputies, as per the terms set forth, for the period commencing July 1, 1985 and concluding June 30, 1985, and the Contract was returned to the Health Department for further handling.

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Clint Kammerer, an independent contractor, for the purpose of being available (with a twenty-four hour notice) to serve as Justice of the Peace, assuming all duties associated with the Justice Court #1 during the absence of the duly elected Justice of the Peace, the Honorable Janet Stevens, for the period from May 22, 1985, through July 22, 1985, at the rate of \$12.50 per hour.

CONTRACT AMENDMENT

The Board of County Commissioners signed an Amendment to the Contract with Don Evans for personal services in the Health Department, amending the Contract as outlined regarding required work or product and compensation for services for the period from April 15, 1985 to June 30, 1985. The Contract was returned to the Health Department for further handling.

PUBLIC MEETING

Chair Ann Mary Dussault called the public meeting to order at 1:30 p.m. Also present was Commissioner Barbara Evans. Commissioner Bob Palmer was away on Commission business in Portland.

BID AWARD: MISSOULA COUNTY FUEL FACILITY (POSTPONED FROM MAY 15, 1985) -- (SURVEYOR'S OFFICE)

Under consideration was the award of a bid for the Missoula County Fuel Facility. The bid had been postponed from the last public meeting. Information provided by Surveyor Richard H. Colvill stated that the bid award was for an automatic fuel facility. He said that the bids for this project were opened May 13, 1985, with one bid received, as follows:

O & M Equipment Co.	\$47,905.30
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The recommendation was that the Commissioners award a contract for the automated fuel facility to O & M Equipment Co. in the amount of \$47,905.30. Mr. Colvill stated that the bid had some minor deviations from the bid specifications, but that the Surveyor's Office could accept them. He said that they had \$60,000 in the current budget for this facility. He said that there would be some additional expenses for support items and software, but the total cost would still be below \$60,000.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the bid for an automated fuel facility for the Surveyor's Office be awarded to O & M Equipment Co. in the amount of \$47,905.30, in accordance with the recommendation of County Surveyor Dick Colvill. The motion passed by a vote of 2-0.

BID AWARD: GAS & DIESEL FUEL (SURVEYOR'S OFFICE)

Under consideration was the award of a contract for gas and diesel fuel. Information provided by Terry Wahl, Operations Analyst for the Surveyor's Office, and Billie Blundell, Manager of Central Services, stated that bids for gas and diesel fuel were opened May 20, 1985. Two bidders, Tremper Distributing and Cenex, bid on identical items, except for no. 14, propane, in which Cenex was the only bidder. Hi Noon Petroleum and J.G.L. Distributing bid on 11 of the 14 items. The specific 14 items are listed below:

LEADED GAS

	<u>STORAGE</u>		
1. Shop Area 3095 Stockyard Road	10,000	47,000	gal.
2. County Fairgrounds	1,000	3,500	gal.
3. Road Department Seeley Lake	4,000	9,500	gal.
	TOTAL OF LEADED GAS		-----

UNLEADED GAS

4. County Road Department 3095 Stockyard Road	10,000	6,600	gal.
5. Sheriff's Department Seeley Lake, Holland Lake, Condon	500	3,000	gal.
	TOTAL OF UNLEADED GAS		-----

DIESEL #1

6. County Road Department Seeley Lake	3,000	5,000	gal.
7. County Fairgrounds	500	2,500	gal.
	TOTAL OF DIESEL #1		-----

DIESEL #2

STORAGE

8. County Road Department 3095 Stockyard Road	10,000	47,000	gal.
9. County Road Department Asphalt Plant	500	500	gal.
10. County Road Department Seeley Lake	3,000) )		
11. County Road Department Swan Lake	1,000) )	5,000	gal.
12. Union Peak 9-1-1 System	2,500	2,500	gal.
13. Civil Defense Courthouse	4,000	4,000	gal.
TOTAL OF DIESEL #2		-----	

PROPANE

14. Shop Area 3095 Stockyard Road		2,500	gal.
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The recommendation of the Surveyor's Office and Centralized Services was that the contract be awarded as follows: That bid items 1, 2, 3, 4, 5, & 14 be awarded to Cenex for \$68,138.10 (the low bid for the total of these items), and that bid items 6, 7, 8, 9, 10, 11, 12 & 13 be awarded to Tremper Distributing for \$55,827.50 (the low bid for the total of these items).

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the bid for gas and diesel fuel be awarded according to the recommendations of the Surveyor's Office and Centralized Services set forth above. The motion was passed by a vote of 2-0.

BID AWARD: REMOVAL OF ABANDONED VEHICLES (SHERIFF'S DEPARTMENT)

Information provided by Undersheriff Greg Hintz stated that two bids for the removal of abandoned vehicles were received and opened May 20, 1985 as follows:

1. Sparr's, Inc.	\$18.00 flat rate, local area \$18.00 flat rate, outside local area \$ 1.00 rate per load mile
2. Fred's Towing	\$11.50 flat rate, local area \$11.50 flat rate, outside local area \$ .75 rate per load mile

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the bid be awarded to Fred's Towing, in accordance with the recommendation of Greg Hintz. The motion passed by a vote of 2-0.

BID AWARD: REMOVAL OF JUNK VEHICLES (HEALTH DEPARTMENT) -- POSTPONED

The bid award for removal of junk vehicles was postponed.

HEARING (PLANNING AND ZONING COMMISSION): DEVELOPMENT REQUEST -- DAVE SWANSON (ZONING DISTRICT 4)

Since this matter was to be heard by the Planning and Zoning Commission, consisting of the Commissioners and Clerk and Recorder, Fern Hart and County Surveyor, Dick Colvill, the Board of County Commissioners' meeting was recessed and the meeting of the Planning and Zoning Commission was convened. Both Dick Colvill and Fern Hart were present, in addition to Commissioners Ann Mary Dussault and Barbara Evans.

The Planning Staff report prepared by Mark Hubbell stated that Zoning District 4 (Pattee Canyon) was created on June 17, 1957 and requires all development to be reviewed and approved by the Missoula County Regulatory Commission and the Missoula County Planning and Zoning Commission.

The report stated that the applicant was seeking approval of a single-family residence and driveway on Lot 3B of Certificate of Survey No. 1690. It stated further that on May 7, 1985, the Missoula County Regulatory Commission conducted a public hearing on this request and recommended that this proposal be approved by the Planning and Zoning Commission. The Missoula County Regulatory Commission recommended that the applicant's request to construct a single-family dwelling and driveway on Lot 3B of Certificate of Survey No. 1690 be approved, subject to the findings of fact set forth in the staff report.

Barb Martens was present in place of Mark Hubbell, who was on vacation, and gave the following verbal report: The subject property is located in the south half of Township 3, Township 12 North, Range 19 West. The property is south of the Pattee Canyon Road and approximately one mile east of the intersection of South-west Higgins and Pattee Canyon Road. It is located within Planing and Zoning District No. 4.

She said that Zoning District No. 4 was established on June 17, 1957 and required that the County Regulatory Commission and the Missoula County Planning and Zoning Commission review and approve all improvements and development of lots within the zoning district.

She said that the general regulations for Planning and Zoning District No. 4 require that no lots be developed in conflict with the natural physiography. The County Regulatory Commission's recommendations were as stated above.

In terms of the findings of fact, she stated that the request meets the minimum lot size for Zoning District 4, since it is three acres. She said that sewage disposal plans will require the approval of the Missoula City-County Health Department prior to issuance of a building permit.

She said that the applicant has indicated that all lines for power, telephone and other services will be placed underground, as required in the District 4 general regulations. She said that the land use element of the Missoula Comprehensive Plan designates the applicant's property as "Open and Resource Land." This



MAY 22, 1985 - PUBLIC MEETING (CONTINUED)

classification is characterized by lands, which, because of physical limitations or resource values, were not considered suitable for development when the Comprehensive Plan was adopted. The plan calls for development at a density of one dwelling unit per forty acres within this designation. She said that while the applicant's lot is significantly smaller than the forty acres recommended by the Comprehensive Plan, it is fully compatible with the Zoning District No. 4 development standards. She said that the five-acre minimum lot size requirement of District No. 4 was adopted prior to the adoption of the Comprehensive Plan. Consequently, the staff would note that the plan designation of property within Planning and Zoning District No. 4 as "Open and Resource Land" is inappropriate.

She said that the applicant had stated that the proposed homesite has a slope of approximately seventeen percent. In order to avoid significant cuts and fills at the site, the home will be situated on foundation walls. The home will have one and one-half stories, with a fully useful attic. She said that the applicant had also stated that no mature trees will be removed during the building process. Smaller trees are to be transplanted to an area of this parcel which was burned in the Pattee Canyon Fire of 1977. The proposed driveway will connect the single-family dwelling with an existing road. The driveway is to be between twelve and fifteen feet in width. She said that negligible road cuts would be required, and that no trees would be removed in order to construct the driveway.

She said that the general appearance of the home would be that it would be painted a natural "buff" or "taupe" color, with the intention of making it blend in with the surroundings. In terms of fire protection, she said that the Missoula Rural Fire Department had advised the staff that the applicant's property is not within the Rural Fire District. The Fire District also pointed out that the road serving this parcel would not be considered an "all-weather" road, and would not accommodate fire apparatus, making response to emergency situations difficult. While not a basis for approval or denial of this development request, it is a concern. The staff, therefore, wanted to stress to the applicant that a fire danger existed in the area.

Comments were solicited from the Health Department, the Surveyor's Office, and the Rural Fire Department. The Health Department said that the sewage disposal system located as shown on the sketch that they had received met their siting criteria, and that as long as the system is located as shown, and designed and installed in compliance with County regulations, the Health Department would have no reservations about the project. There were no comments from the Surveyor's Office.

Chair Dussault opened the hearing to public comment, asking that proponents speak first. The following person spoke:

1. Dave Swanson testified on his own behalf, mainly offering to answer any questions that the Planning and Zoning Commission might have.

Barbara Evans said that she was concerned on his behalf about the fact that there wouldn't be any fire protection for the property.

Mr. Swanson replied that his property was on the border of the 1977 fire area, so there wasn't a lot of ground fuel at this time. He said that he had filed a plan for re-forestation with the County Assessor's Office, and that he had done as much as possible to reduce the fire danger, for example planning an asphalt roof with spark resisters.

Barbara Evans told him that he could petition for annexation into the Missoula Rural Fire District.

Dave Swanson said that he would look into that.

Fern Hart made a comment. She said that what Mr. Swanson was proposing to do was within the law, but she was still concerned about the possibility of him splitting his land by the C.O.S. process and thus ending up with five or so separate dwelling sites. She said that the Pattee Canyon Zoning District and Homeowner's Association is very strict, and probably her concern was irrelevant, but eventually, if the property were split into five separate ownerships, and those people came to the County for services and roads, etc., then we were all going to pay.

Barbara Evans said that one of the things that the Commissioners were considering right now was requiring a statement on every C.O.S. that said something to the effect that it was not reviewed by Missoula County as to services or access or suitability as a building site, etc., and that Missoula County would not at that time or in the future be responsible for the installation of electricity, water, roads, etc.

Deputy County Attorney Mike Sehestedt commented that the C.O.S. had been filed in 1978.

Dick Colvill then asked what exactly the Planning and Zoning Commission was supposed to rule on.

Barb Martens said that in order for Mr. Swanson to build a home and driveway in Zoning District 4, he had to have the approval of the Planning and Zoning Commission.

Dave Swanson said that people avoid the subdivision process in Zoning District 4. He said that it was hard enough to get a building permit up there.

Dick Colvill said that he is always concerned about development in Pattee Canyon because the road is so steep that it can't be upgraded, in addition to the fire.

Dick Colvill moved, and Fern Hart seconded the motion, that the applicant's request to construct a single-family dwelling and driveway on Lot 3B of Certificate of Survey No. 1690 be approved, subject to the findings of fact set forth by Barbara Martens in her staff report (above). The motion passed by a vote of 4-0.

Since there was no further business to come before the Planning and Zoning Commission, the meeting was recessed.

The meeting of the Board of County Commissioners was then reconvened. Since there was no public comment or further business to come before the Board, the meeting was recessed.

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MAY 23, 1985

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

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Arlene Christman as principal for Warrant #108153, dated May 10, 1985 on the Missoula County Payroll Fund in the amount of \$130.39 now unable to be found.

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MAY 24, 1985

The Board of County Commissioners did not meet in regular session; Commissioner Dussault was out of the office all day.

Fern Hart  
Fern Hart, Clerk & Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair  
Board of County Commissioners

\* \* \* \* \*

MAY 27, 1985

The Courthouse was closed for the Memorial Day observed holiday.

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MAY 28, 1985

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

DAILY ADMINISTRATIVE MEETINGS

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

RESOLUTION NO. 85-066

The Board of County Commissioners signed Resolution No. 85-066, a resolution to vacate Cedar Creek Road, located in Sections 34 and 35, Township 16 N., Range 23 W, P.M.M., from Nine-Mile Road to the cattle guard at the entrance to Lachman Ranch, and on through the Lachman Ranch.

QUIT CLAIM DEEDS

The Board of County Commissioners signed Quit Claim Deeds for the above road vacation from Missoula County, as grantor, to the following grantees for the described real estate:

1. Lorraine C. Lachman of Missoula, Montana for that portion of Cedar Creek Road lying within and adjacent to the property owned by the Grantee in Sec. 34, T. 16 N., R. 23 W., P.M.M., as described in Vol. 191, pg 518 and Vol. 171 pg 1299 Ex. A. (4), records of Missoula County, said portion being vacated by order of the Missoula County Board of County Commissioners on May 15, 1985; and
2. John and Victor L. Demin and Joan L. Robinson of Huson, Montana for that portion of Cedar Creek Road lying adjacent to property owned by the Grantees in Sec. 35, T. 16 N., R. 23 W., P.M.M., as described in Vol. 148, pg 1244 records of Missoula County, said portion being vacated by Order of the Missoula County Board of County Commissioners on May 15, 1985.

RESOLUTION NO. 85-067

The Board of County Commissioners signed Resolution No. 85-067, a resolution fixing the form and details of up to \$48,000.00 RSID No. 408 bonds and directing their execution and delivery.

BUDGET TRANSFER

The Board of County Commissioners approved and signed budget transfer No. 850072, a request from DES to transfer \$300.00 from the Other Equipment Maintenance Account to the Phone - Long Distance (\$100.00) and Phone - Basic changes (\$200.00) accounts to cover increased phone costs.

MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Montana Department of Justice, Highway Patrol Division, whereby the Highway Patrol will purchase Centralized Dispatching Services through the Missoula County 9-1-1 Center, as per the terms set forth for the period from July 1, 1985 through June 30, 1986, for a total payment of \$16,721.00.

CONTRACTS

The Board of County Commissioners signed Professional Services contracts between Missoula County and the following independent contractors:

1. Betty Wing, Deputy County Attorney: for the purpose of performing duties of Special Prosecutor for Driving Under the Influence (DUI) cases as specified entitled "Special DUI Prosecutor Duties," for the period from October 1, 1984, through June 30, 1985, as per the terms set forth for a total payment not to exceed \$8,200.00; and
2. Betty Wing, Deputy County Attorney: for the purpose of performing duties of Special Prosecutor for Driving Under the Influence (DUI) cases as specified entitled "Special DUI Prosecutor Duties," for the period from July 1, 1985, through June 30, 1986, as per the terms set forth, for a total payment not to exceed \$11,000.00; and
3. The Missoula County Sheriff's Office for the purpose of participation in the Driving Under the Influence (DUI) Enforcement Team by Missoula County Sheriff's Deputies, as per the terms set forth for the period from October 1, 1984 through June 30, 1985, for a total payment not to exceed \$3,000.00.

The contracts were returned to the Health Department for further handling.

MAY 28, 1985 (CONTINUED)

AGREEMENT

The Board of County Commissioners signed an Easement and License Agreement between Paul A. and Natalie L. Hanson and Missoula County, whereby the Hansons are donating land for right-of-way for improvements on Butler Creek Road as requested by the DeSmet School District for increased school bus safety.

RESOLUTION NO. 85-068

The Board of County Commissioners signed Resolution No. 85-068, a resolution to accept real property for public road and all other public purposes, in a portion of SW $\frac{1}{4}$  of Section 24, Township 14 North, Range 20 West, Principal Meridian, Montana and further described on the Butler Creek S-curve design plans, Station 15+00 to 30+47 attached to the resolution, conveyed to Missoula County by Paul A. and Natalie L. Hanson.

OTHER MATTERS INCLUDED:

1. The Commissioners voted unanimously to approve the filing of Richard Lewis' Certificate of Survey, subject to the conditions that the deed transfers from the first C.O.S. be filed and transactions completed; and
2. The Commissioners voted unanimously to accept the recommendation of the Audit Committee to award the contract for the FY '85 County Audit to Dobbins, DeGuire & Tucker for a total amount of \$40,250.00, with the agreement that the County would hire a University student intern for 400 hours of assistance. The contract was the culmination of the process of a published notice of intent on March 31, 1985; distribution of a request for proposals on April 1, 1985; a responder's conference on April 19, 1985; and receipt of the proposal from Dobbins, DeGuire & Tucker by Billie Blundell, Manager of Central Services, on May 13, 1985.

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

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MAY 29, 1985

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Palmer left for Vancouver, Washington where he will attend a JTPA (Job Training Partnership Act - Department of Labor) meeting May 30th and 31st.

AUDIT LIST

Commissioners Dussault and Evans signed the Audit List, dated May 29, 1985, pages 4-30, with a grand total of \$491,415.74. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETINGS

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

RESOLUTION NO. 85-069:

The Board of County Commissioners signed Resolution No. 85-069, a resolution superseding a resolution dated May 23, 1973, resolving that all unauthorized motor vehicles be prohibited from all dedicated County parks and County property unless otherwise specified.

OTHER MATTERS INCLUDED:

1. The Commissioners voted unanimously to add Missoula County to the list of those other counties who support the Low Income Coalition Lawsuit;
2. The Commissioners approved the request from Air Systems Sheet Metal and Service to waive penalty and interest as per their request, which was referred to Mike Sehestedt, Deputy County Attorney, on May 14, 1985.

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

PUBLIC MEETING

Chair Ann Mary Dussault called the meeting to order at 1:30 p.m. Also present was Commissioner Barbara Evans. Commissioner Bob Palmer was away on Commission business.

BID AWARD: REMOVAL OF JUNK VEHICLES (POSTPONED FROM 5/22/85) -- (HEALTH DEPARTMENT)

Under consideration was a bid for removal of junk vehicles. Information provided by Environmental Health Specialist Jon Shannon and Manager of Centralized Services Billie Blundell stated that the following bids were received and opened on May 20, 1985.

1. Sparr's - \$34.00 flat rate, local area  
\$30.00 flat rate, outside local area  
\$ 1.00 per load mile
2. Brown's Towing - \$30.00 flat rate, local area  
\$30.00 flat rate, outside local area  
\$ 0.90 per load mile
3. Fred's Towing - \$30.00 flat rate, local area  
\$30.00 flat rate, outside local area  
\$ 0.85 per load mile

The Recommendation from staff was to award the bid to Brown's Towing, a firm that had handled this last year, even though the bid was higher than Fred's. Jon Shannon explained that the fiscal impact of the difference in bids was negligible, and, given that Brown's had been trained to perform this service, it would not take staff time to train new people. He said that his department preferred the bid award to go to Brown's towing for those reasons.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the bid be awarded to Brown's towing for the amounts listed above, in accordance with staff recommendations. The motion passed by a vote of 2-0.

BID AWARD: REMOVAL OF OTHER THAN ABANDONED OR JUNK VEHICLES (SHERIFF'S DEPARTMENT)

Under consideration was a bid award for other than abandoned or junk vehicles, which is administered by the Sheriff's Department. Information provided by Sheriff Dan Magone stated that the following bid was received

and opened May 28, 1985:

Fred's Towing - \$11.50 local area, flat rate  
 \$11.50 outside local area, flat rate  
 \$ 0.70 per load mile rate

Dan Magone's recommendation was that Fred's Towing be awarded the bid.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the bid be awarded to Fred's Towing, in the amounts listed above, in accordance with Sheriff Magone's recommendation. The motion passed by a vote of 2-0.

✓ BID AWARD: TYPEWRITER MAINTENANCE -- (CENTRALIZED SERVICES)

Under consideration was the bid award for typewriter maintenance, which is handled by Centralized Services. Information provided by Centralized Services Manager Billie Blundell stated that one bid was received from Professional Office Equipment Services in the amount of \$6,325.00. In view of the fact that last year's bid was \$3,920.00 from Business Machines, she thought that this bid was too high. She said that Business Machines had intended to submit a bid, but misunderstood the bid opening time, thinking that it was scheduled for 2:00 p.m. rather than 10:00 a.m. Therefore, it was Ms. Blundell's recommendation that the bid for typewriter maintenance be rejected, and the project re-bid.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the bid received for typewriter maintenance listed above be rejected and the project re-bid, in accordance with the recommendation of Centralized Services Manager Billie Blundell. The motion passed by a vote of 2-0.

✓ HEARING: REQUEST TO ENDORSE MEDC AS THE SPONSORING ORGANIZATION IN THE ALL-MONTANA CERTIFIED CITY PROGRAM

Ann Mary Dussault read the proposed resolution for the County Commissioners to endorse the County's participation in the Montana Certified Cities Program and authorizing the Missoula Economic Development Corporation to act on the County's behalf in achieving certification from the Montana Department of Commerce. She then opened the hearing to public comment, asking that proponents speak first. The following people spoke in favor of this action:

1. Bill Coffee, President of the Missoula Economic Development Corporation and a member of the Montana Ambassadors, told the Commissioners about the Montana Certified Cities Program. One of the main objectives of the program is for all the communities in the State who are working on economic development to develop common standards, a common nomenclature and a data base. He said that in a State like Montana, there are too few people and too little time and money for everyone to be developing their own resources. He said that this program would further economic development in Missoula and in Montana as a whole.
2. Bob Wuttke, Vice Chair of the Ambassadors, said that the intent was to try to establish guidelines for an area rather than just an individual city. He said that he felt that the Missoula Economic Development Corporation had made significant progress over the past year.

There was no other testimony.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the Board of County Commissioners approve and endorse the County's participation in the Montana Certified Cities Program and authorize the Missoula Economic Development Corporation to act on the County's behalf in achieving certification from the Montana Department of Commerce. The motion passed by a vote of 2-0.

✓ RESOLUTION NO. 85-070:

Ann Mary Dussault and Barbara Evans then signed Resolution No. 85-070 endorsing the Missoula Economic Development Corporation as the sponsoring organization for Missoula's participation in the All-Montana Certified City Program, and authorizing it to enter the program on behalf of the community. The resolution also endorsed the goal of having the City of Missoula become an All-Montana Certified City and pledged its full support of the Missoula Economic Development Corporation in working towards this goal. Bob Palmer was not available for signature, but had informed the other two Commissioners before he left that he concurred with them in this action.

✓✓✓ HEARING: REQUEST FOR VACATION OF ALLEY (LOTS 1-24, BLOCK 10, EDDY ADDITION) -- ERNEST AND INGA ANN IBEY

Under consideration was a petition from ten landowners to vacate the alley in Eddy Addition, Section 21, Township 13 North, Range 19 West. Information provided by Recording Division Manager Donna Cote stated that Ernest and Inga Ann Ibeys, whose property is adjacent to the alley in question, wished to have the alley vacated for the following reasons:

1. The alley has never been used as an alley or throughway;
2. In the past the property has been fenced down the center and used by the adjacent landowner;
3. The County doesn't indicate that they are going to build an alley through the area; and
4. The Ibeys wish to build a warehouse on their property for use as mini-storage units, and if the alley were vacated, they could maintain that strip of property rather than leaving it as a weed patch and a fire hazard.

Further information provided by Donna Cote stated that title to the property is vested in the following persons:

- |  |  |
|--|--|
| 1. Ernest T. Ibeys<br>2505 Glen Dr.<br>Missoula, MT 59801  | 3. Ora M. Dawson<br>c/o 2826 Managua Place<br>Hacienda Heights, California 91745 |
| 2. Inga Ann Ibeys<br>2505 Glen Drive<br>Missoula, MT 59801 |  |

She added that the contract buyer from Ora M. Dawson is Sandy Mitchell, 219 E. Main, Missoula, MT, 59802, and said that neither Ora M. Dawson nor Sandy Mitchell had signed the petition. She said that the notice of hearing had been published in the Missoulian, in accordance with state statute.

MAY 29, 1985 - PUBLIC MEETING (CONTINUED)

Chair Dussault opened the hearing to public comment, asking that proponents speak first. The following person testified:

1. Ernest Ibey went over the reasons that he wanted the alley vacated (listed on previous page) and added that there was an irrigation ditch along the alley which he did not intend to use. He said that he was interested in getting that vacated as well, since most of the time it was dry and it was not an irrigation company ditch. He said that he felt that the alley in question was a weed patch as it was. He said that he had talked to the County Surveyor, who had told him that it would be a number of years, if ever, that the alley would be brought up to County standards as an alley.

There were no other proponents. The following person testified in opposition.

1. Sandy Mitchell, who is buying property adjacent to the alleyway in question from Ora M. Dawson, requested that the alley not be vacated because, although she did not have firm plans for developing her property, she felt that its greatest potential was in the area of residential development. She said that in order to comply with City/County regulations requiring that drain fields be placed 100 feet from the flood plain, the drain fields for any residence would have to be located in the front portion of the property. Since further regulations state that it is not permissible to drive over a drain field, access to the property would have to be accomplished through an alley.

She added that she felt it was premature to abandon the alley in view of the gasoline contamination in the area, and said that it might be that the only solution to the problem would be to tie into the City water system. She said that this would surely best be accomplished by running the water lines down the alley.

She said that the abandonment would place a financial burden on her and her tenants in the form of higher property taxes and by having to re-do the irrigation system should the mini warehouses be built up to the property line where the irrigation ditch is located. She said that she felt that any fire hazard due to weeds could be managed by mowing the weeds.

There was no further testimony. Chair Dussault closed the public comment portion of the hearing.

Ann Mary Dussault said that she was curious about the status of the ditch.

Deputy County Attorney Mike Sehestedt said that if the ditch is private, and if it were subordinate to the use of the property as an alley, the County could order that the ditch be removed from the alley.

Inga Ann Ibey commented that she would either like to see the alleyway vacated or opened up and used as an alley. She said that if the property owners did not have use of the alley property, then at least they wanted the use of it as an alley. At Ann Mary Dussault's request, she pointed out the location of the ditch in relation to their property.

Sandy Mitchell commented that all of the Ibey property is in the 100-year floodplain, whereas her property is not in the floodplain.

Ann Mary Dussault asked the Ibeyes when they were planning to develop their property, and Charles Ibey replied that they planned to begin within the month.

Ann Mary Dussault then asked what purpose putting the alley in would serve. Charles Ibey replied that it wouldn't serve them quite as well as having the alley vacated, but at least they could then use the alley as an access to their mini-warehouses. He added that he had talked to the County Surveyor, who had told him that there was not a good chance that the alley would be put in. He had told him that the project was not a priority project.

Sandy Mitchell repeated her concern that if she put in residential units, the drainfields would have to be in front of her property, and since you can't drive over a drainfield, access to the property would have to be from the rear; hence, the need for the alley.

Ann Mary Dussault explained that Montana State codes require a site inspection by one Commissioner and the County Surveyor before a decision on a vacation can be made. The decision on this matter was postponed to the following public meeting, pending a site inspection by a Commissioner and Surveyor Dick Colvill.

Since there was no further business to come before the Commissioners, the meeting was recessed at 2:00 p.m.

\* \* \* \* \*

MAY 30, 1985

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

#### DAILY ADMINISTRATIVE MEETINGS

At the daily administrative meetings 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 '85 budget.

1. No. 850073, a request from the Auditor to transfer \$60.00 from Phone - Basic Charge (410545) to Phone Basic Charge (410531) as it was coded to the wrong fund;
2. No. 850074, a request from the County Attorney to transfer \$1,320.00 from the Common Carrier Travel (\$700.00), Copy Costs (\$250.00), and Office Supplies (\$370.00) Accounts to the Meals, Lodging and Incidentals (\$1,250.00 and Mileage - Private Vehicle (\$70.00) Accounts due to a coding correction by accounting to settle Russ Plath's travel advance from August, 1984, caused an overage in these accounts; and
3. No. 850075, a request from the Clerk of District Court to transfer \$774.40 from the Temporary Salaries Account to the Permanent Salaries Account to correct a previous coding error.

✓/RESOLUTION NO. 85-071

The Board of County Commissioners signed Resolution No. 85-071, a resolution of the Missoula County Commissioners authorizing sale of a County owned parcel known as Lots 26 and 27 in Block 32 of East Missoula Addition, and that the income from this land sale be regarded as "program income" under Community Development Block Grant Number B-82-DC-30-0001, as required by OMB Circular A-102.

✓/CONTRACT FOR DEED

The Board of County Commissioners signed a Contract for Deed between Missoula County and Richard and Lisa Larsen of East Missoula for the property described as Lots 26 and 27 in Block 32 of East Missoula, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof, as per the terms and conditions of the contract for a total purchase price of \$12,000.00. The contract was returned to John Kellogg in the Community Development Office for further handling.

✓/AGREEMENT

The Board of County Commissioners signed an Agreement between Missoula County and the Missoula Ranger District, Lolo National Forest, whereby the County agrees to give and the District agrees to accept and receive, equipment and services as specified in Attachment 1 to the Agreement, and such equipment and services shall be applied to the development of a mobile Emergency Operations Center (EOC) for the joint use of the County and the district as per the terms and conditions set forth. The Agreement was forwarded to Orin Olsgaard, DES Coordinator, for further handling. Chair Dussault also signed the grant application for the EOC Mobile Unit to be sent to the Federal Emergency Management Agency in Denver along with the above agreement.

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

\* \* \* \* \*

MAY 31, 1985

The Board of County Commissioners did not meet in regular session. Commissioner Evans was out of the office all day.

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Lori A. Andrews as principal for Warrant #111650, dated May 13, 1985, on the Missoula County Trust Fund in the amount of \$150.00, now unable to be found.

Fern Hart  
Fern Hart, Clerk & Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair  
Board of County Commissioners

\* \* \* \* \*

JUNE 3, 1985

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

DAILY ADMINISTRATIVE MEETINGS

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

✓/BUDGET TRANSFER

The Board of County Commissioners approved and signed budget transfer No. 850076, a request from the Health Department to transfer \$4,812.39 from one Permanent Salaries and Fringe Benefits Activity Code to another as the Health Department is now contracting with Mountain West Home Health nursing services, and adopted the transfer as part of the FY '85 budget.

✓/AGREEMENT

The Board of County Commissioners signed an Agreement for provision of Professional Security Services between the University of Montana and the Reserve Deputy Unit of the Missoula County Sheriff's Department for the purpose of the University obtaining the expert services required to provide law enforcement, crowd control, and general security at University events or events conducted in University facilities, as per the terms set forth, and becomes effective June 30, 1985. The Agreement was returned to the Sheriff for further handling.

✓/OTHER MATTERS INCLUDED

The request from LIGHT, Inc. to have a tent city on the Courthouse Lawn on June 7th was discussed. Commissioners Dussault and Palmer voted to approve the request, with Commissioner Evans voting no, with the condition that John DeVore, Operations Officer supervise and set whatever restrictions are necessary.

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

✓/SITE INSPECTION

Commissioner Evans accompanied Dick Colvill, County Surveyor for a site inspection on the request for vacation of an alley (Lots 1-24, Block 10) in Eddy Addition.

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JUNE 4, 1985

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

DAILY ADMINISTRATIVE MEETING

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



JUNE 4, 1985 (CONTINUED)

AGREEMENT

Chair Dussault signed an Agreement between the Department of Health and Environmental Sciences State of Montana and Missoula County for the funding received under the Preventive Health Block Grant funding for Emergency Medical Services training as per the terms set forth. The Agreement was returned to the PHES in Helena for further handling.

OTHER MATTERS INCLUDED:

1. The Commissioners voted unanimously to contact the Weed Board regarding the insurance situation and request alternative strategies to be presented at the budget meeting June 17th; and
2. The Commissioners voted to accept the recommendation regarding the District Court funding with the State and to proceed with the lawsuit with Lake and Mineral Counties regarding reimbursement for District Court Costs.

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

\* \* \* \* \*

JUNE 5, 1985

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

AUDIT LIST

Commissioners Evans and Palmer signed the Audit List dated June 5, 1985, pages 6-29, with a grand total of \$109,029.08. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

ADDENDUM TO INTERLOCAL AGREEMENT

The Board of County Commissioners signed an addendum to the interlocal agreement between the City of Missoula and Missoula County to cooperate in the provision of planning, building inspection, zoning service, and floodplain administration to the residents of Missoula, amending the Agreement as follows:

Section 2(4) Staff Office. The staff of the Missoula Planning Board shall maintain an office to be known as the "Office of Community Development." The term "Office of Community Development" is synonymous with and identical in meaning for purposes of this agreement with the term "Planning Director." This addendum is intended to supplement the provisions of the original interlocal agreement and those provisions remain in effect.

The addendum was forwarded to the City for signatures.

AGREEMENT TO SELL SURPLUS PROPERTY

The Board of County Commissioners signed an Agreement between Missoula County and Doug Woolley, whereby the County will sell surplus pit run gravel located in the O'Brien Creek Road right-of-way to Doug Woolley as per the terms set forth for the period from June 5, 1985, through July 10, 1985. The Agreement was returned to the Surveyor's Office for further handling.

AGREEMENT

Chair Dussault signed an agreement to provide funding between the Montana Arts Council and Missoula County as sponsor of the Watershed Foundation project, whereby the Council agrees to provide funding not to exceed \$25,000 as appropriated by the 49th Legislature for use solely for the purposes outlined in the grant application submitted as per the terms set forth in the Agreement. The Agreement was forwarded to the Arts Council for further handling.

AUDIT CONTRACT

Chair Dussault signed the standard Audit contract between Dobbins, DeGuire and Tucker, P.C. and the State Department of Administration, Division of Local Government Services, with the consent of Missoula County as per the terms set forth in the contract, for the audit covering the period from 7/1/84 to 6/30/85, for payment not to exceed \$40,250.00. The contract was forwarded to the State for signature.

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

PUBLIC MEETING

Chair Dussault called the meeting to order at 1:30 p.m. Also present was Commissioner Bob Palmer. Commissioner Barbara Evans arrived at the meeting late.

BID AWARD: LEGAL ADVERTISING (CENTRALIZED SERVICES)

Under consideration was the award of the legal advertising bid for FY '86. Information provided by Billie Blundell, Manager of Centralized Services, stated that the single bid from The Missoulian, was opened June 3, 1985:

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 were offered.

Bob Palmer moved, and Ann Mary Dussault seconded the motion, that the bid for legal advertising be awarded to the Missoulian as set forth above, in accordance with the recommendation of Billie Blundell, Centralized Services Manager.

✓ BID AWARD: CONTINUOUS COMPUTER PAPER AND LABELS (DP)

Under consideration was the award of a bid for continuous paper and labels. Information provided by Data Processing Manager Jim Dolezal stated that there were two very close bids, from Moore and Paperwork Management System (PMS). He said that with the 3% local vendor preference, PMS came in as low bidder, and that they would also store the paper in a local warehouse, and do a monthly inventory and deliver the paper supply for the following month, thus reducing storage requirements for the County and lowering the risk of losing paper through impromptu "floods" (a reference to recent plumbing problems in the Annex). He added that PMS would bill the County on a quarterly basis, which would ameliorate cash-flow problems.

<u>Bidder's Name</u>		<u>Bid Total</u>
Globe Ticket Company	(#3)	\$ 273.40
Paperwork Management System	(#1)	9,008.00
	(#2)	889.80
	(#3)	190.00
Data Documents	(#1)	9,226.00
	(#2)	1,138.70
	(#3)	182.00
NCR Corporation	(#1)	10,296.50
	(#2)	1,420.00
	(#3)	407.00
Top Quality Forms	(#1)	11,019.43
	(#2)	1,219.88
	(#3)	326.40
Pacific Data Products	(#1)	10,575.85
	(#2)	1,117.26
	(#3)	232.55
Moore Business Forms	(#1)	8,473.10
	(#2)	922.30
	(#3)	437.00
Ellerbach Paper Co.	(#1)	9,489.30
	(#2)	1,091.50
	(#3)	186.40

Bob Palmer moved, and Ann Mary Dussault seconded the motion, that the bid for continuous paper and labels be awarded to Paperwork Management Systems (PMS) in the amount of \$10,087.80 (total price), as listed above, and in accordance with the recommendation of Data Processing Manager Jim Dolezal. The motion passed by a vote of 2-0.

The decision on the vacation of the alley in Lots 1-24, Block 10, Eddy Addition, was postponed to later in the meeting because Barbara Evans had not yet arrived.

✓✓ HEARING: CREATION OF RSID NO. 904 -- CANYON VIEW PARK (IRRIGATION, MOWING, PLAYGROUND AND WINTERIZING)

Information provided by Operations Officer John DeVore stated that a petition signed by 67% of the freeholders in the affected area had been presented to his office. He said that the petition had requested that Canyon View Park be maintained and mowed, that irrigation equipment be repaired and replaced and that playground equipment be repaired and replaced; also that additional playground equipment be purchased.

Chair Ann Mary Dussault asked Mike Barton from the Office of Community Development to give the staff report. He said that the Office of Community Development was in part responsible for instigating this special improvement district idea. He said that the County had had approximately \$900,000 in HUD funds to do neighborhood revitalization in East Missoula, and, as a result of the activities out there, that \$900,000 had generated a little in excess of \$100,000 in program income. He said that according to state and federal regulations, as long as they were still under contract to do revitalization in East Missoula, they could spend that program income for any approved activity. He said that some of it was going into housing rehabilitation, but they also had funds in their original budget for the acquisition and development of the park adjacent to Mount Jumbo School. He said that they had corresponded with the state and had found that the state would respond favorably to using some of that program income for additional park development. He said that residents in the Canyon View area were interested in developing a park on a piece of property in that neighborhood that had been dedicated as parkland as part of that subdivision. He said that in discussions with those residents, they had explained that they could budget approximately \$15,000 to \$20,000 to put improvements on that site, but in order for them to do so, since the County doesn't maintain parks, they would have to have an R.S.I.D. to provide for maintenance, so people in the Canyon. His View area circulated petitions. His understanding was that they had gotten the requisite number of signatures of property owners in that area, agreeing to provide on-going maintenance for the park. If that is approved, the Community Development Staff intends to approach the Board in the next month or so with a park plan and a bid package to actually install improvements.

At this point, Chair Dussault opened the hearing to public comment. The following person spoke in favor of the creation of the R.S.I.D.:

1. Anita Jones, who lives in the Canyon View area, said that the neighbors were desperate for someplace for the children to play. She said that when the Community Development people had suggested putting in the park, they had worked hard to get it rolling. She said that they had tried to keep the grass mowed on their own, but it was hard without a mechanism like an R.S.I.D. She said that the park was a nice little area, off the main street, and that there was a horse pasture adjacent to the park. She said that she thought that it would be a real boon to have a place to get the children off the street. She had brought six children with her, all of whom testified that they would use the playground.

There was no opposition. Ann Mary Dussault then closed the public comment portion of the hearing, and stated that, according to information received by the Board, sufficient numbers of freeholder signatures had been obtained, and, as they understood it, the park would be improved through the funds that Mike Barton had discussed, and the R.S.I.D. was intended for the maintenance of the park once the improvements had been installed.

JUNE 5, 1985 - PUBLIC MEETING (CONTINUED)

Bob Palmer moved, and Ann Mary Dussault seconded the motion, that R.S.I.D. 904, for the maintenance of Canyon View Park, be approved in accordance with staff recommendation. The motion passed by a vote of 2-0.

HEARING: RECONSIDERATION OF COMMISSIONERS' ACTION (4/25/84) TO DENY REQUEST TO VACATE BELLEVUE WALKWAY, SUBJECT TO CERTAIN CONDITIONS

Ann Mary Dussault informed the people present that this item was postponed due to an error in the legal ad, which meant that the hearing had to be readvertised. She announced that the hearing would be held at the Commissioners' Public Meeting on Wednesday, June 19, 1985, in Room 201 of the Courthouse Annex.

Ann Mary Dussault then declared a five-minute recess as Barbara Evans had not yet arrived, and she was the Commissioner who had made the site inspection on the request for the vacation of the alley in the Eddy Addition.

As soon as Barbara Evans arrived, the meeting was re-convened.

DECISION ON: REQUEST FOR VACATION OF ALLEY (LOTS 1-24, BLOCK 10, EDDY ADDITION) -- ERNEST AND INGA ANN IBEY

Ann Mary Dussault asked Barbara Evans for her assessment of the request to vacate, since she had made the site inspection. Barbara Evans said that if there was a creek or ditch there, which she had understood from what had been said at the previous meeting, it was well hidden in the weeds. She said that it was impossible to tell that it was there. She said that the parcel did absolutely no good as an alley, and would probably never be opened as an alley. She said that her feeling was that it wouldn't make any difference to the County if it were vacated. She said that she wanted to somehow address the concerns that the other adjacent property owner, Sandy Mitchell, had expressed. She summarized Ms. Mitchell's concerns as that although she had no firm plans for developing her property, if she ever did wish to develop it, Health Department Regulations specify that drainfields must be placed 100 feet from the floodplain. The drainfields for any residence on the Mitchell property would have to be located in the front of the property. She added that since Health Department Regulations further state that it's not permissible to drive over a drainfield, access to the property would have to be accomplished through an alley. She said that she was not sure that that would be true, because generally you can set a house to one side so that you can still get through, but Ms. Mitchell also felt that it might be a solution to have an easement allowing people to tie into the City water and sewer system--a utility easement of some sort--down that alley. She said that she thought it would be possible to go ahead and vacate it, with the stipulation that there had to be utility easements granted. She said that her recommendation was that the Commissioners grant the vacation with the stipulation of requiring utility easements.

Inga Ibey suggested that another way to look at it would be that if the alley were vacated, Sandy Mitchell would be gaining ten feet of the alley.

Barbara Evans also mentioned that Ms. Mitchell had felt that adding the strip to her property would be a financial burden in terms of taxes and also because the irrigation system would have to be re-done, but she said that she didn't think those considerations should enter into the picture.

Deputy County Attorney Mike Sehestedt said the higher taxes resulting from adding ten feet would be negligible. In terms of the utility easement, he said that they could vacate the alley, subject to the reservation of the utility easement. He said that in terms of development plans, if Ms. Mitchell ended up putting in a drainfield, there would only be two potential building sites on that property. He also said that there was access on three sides of the property, so it didn't look like that was going to be a problem. He thought that she would gain more than she would lose by having the alley vacated.

Ann Mary Dussault asked him if, when they reserved a utility easement, part of that easement would be the stipulation that it could not be constructed upon. She wanted to know if that were part of the implication of an easement. Mike Sehestedt answered that if someone had an easement across property for a certain purpose, the landowner could use the property for any purpose not inconsistent with the easement, but the easement holder would have the right to come in and move a fence or whatever was there to lay wires or pipe.

Ann Mary Dussault asked the Ibeys if part of their development plans included construction on the alleyway. Mrs. Ibey answered that the warehouses that they intended to build would not extend onto the alley property, but that they would use it for an access, so there would be vehicles driving over it.

Ann Mary Dussault said that ultimately the area--although it might be twenty years from now--would be on City water and sewer. She said that it was inevitable that this was going to occur.

Mrs. Ibey said that she had no objection to a utility easement.

Barbara Evans said that it could be that no one would ever use it, so it might end up to be merely a paper notation.

Mrs. Ibey said that since they were only intending to use this strip of property as an access rather than for construction, she couldn't see why granting a utility easement would be a problem for them.

Mrs. Ibey said that if the alley were divided, that would give Ms. Mitchell ten extra feet as well.

Barbara Evans said that the utility easement would go right down the middle.

Responding to a question as to how wide a typical utility easement would be, Mike Sehestedt said that twenty feet would be typical for a newer subdivision. He said that in this case, the utility easement would be the width of the alley, or ten feet on each side, for a total of twenty feet.

Barbara Evans moved, and Bob Palmer seconded the motion, that the alley located in Block 10, Eddy Addition, Lots 1 through 24, inclusive, between California and Inez Streets, and more particularly described as being located in Section 21, Township 13 North, Range 19 West, be vacated, with the stipulation that a utility easement is retained for the same legal description. The motion passed by a vote of 3-0.

Mr. Ibey asked whether, if there were a utility easement and someone came in and wanted to move a fence, they would have to put the fence back. Mike Sehestedt said that he believed so, but he would have to look at it and see. He said that that was the position he would take, off the cuff.

Since there was no further business to come before the Commissioners, the meeting was recessed at 2:00 p.m.

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JUNE 6, 1985

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

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Pamela A. Rough as principal for Warrant #78778, dated November 20, 1981, on the Missoula County Trust Fund in the amount of \$50.00 now unable to be found.

DAILY ADMINISTRATIVE MEETINGS

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

✓ INTERLOCAL AGREEMENT

The Board of County Commissioners signed an interlocal agreement between the City of Missoula and the County of Missoula to cooperate in the establishment and funding of the Energy Conservation Coordinator for FY '86 as per the terms set forth for the period terminating on June 30, 1986. The Agreement was forwarded to the City for signatures.

✓ LINCOLN HILLS RECEIVERSHIP

The Board of County Commissioners signed approval of an \$80.00 monthly stipend over and above his County salary for John DeVore, County Operations Officer, for the responsibilities involved in his being designated receiver of the Lincoln Hills Sewer System.

OTHER MATTERS INCLUDED:

1. There was a consensus of the Board on the expenditure of Area Agency on Aging funds to cover the deficit for HRDC nutrition program;
2. The Commissioners agreed to extend the contract with the Humane Society through October 1st. One third of remaining amount can be spent and the rest will be determined when the budget is set; and
3. A letter will be sent to Linda Hedstrom in the Health Department requesting advice on the possibility of integrating the County's portion of the dog program into the Health Department.

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

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JUNE 7, 1985

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

MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report of Justice of the Peace, W.P. Monger, for collections and distributions for month ending May 31, 1985.

DAILY ADMINISTRATIVE MEETINGS

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

CONTRACTS

The Board of County Commissioners signed contracts between Missoula County and the following contractors, as per the terms set forth in the contracts, covering the period through June 30, 1986:

- ✓ 1. Brown's Towing, for the purpose of the collection of junk vehicles in Missoula County, Montana;
- ✓ 2. Fred's Towing Service, for the purpose of the removal of sheriff's vehicles, vehicles impounded as evidence, stolen vehicles when the owner cannot be contacted, and vehicles creating a traffic hazard in Missoula County, Montana, and
- ✓ 3. Fred's Towing and Crane, for the purpose of the collection of abandoned vehicles in Missoula County, Montana.

The contracts were returned to Centralized Services for further handling.

✓ RESOLUTION NO. 85-072

The Board of County Commissioners signed Resolution No. 85-072, a resolution of specific regulations concerning the operation of fireworks stands in the County of Missoula as enumerated on the Resolution and shall remain in effect until legislative or Federal changes are made.

✓ DECLARATION OF COVENANT

The Board of County Commissioners signed the Declaration of Covenant by Elmer and Alta West, the owners of certain property described as Tract 'A-b-2-a' shown on the Certificate of Survey as a parcel containing less than twenty acres, and declaring that the property shall be used exclusively for agricultural purposes, and that no building or structure requiring water or sewage facilities will be erected or utilized. The Declaration was returned to Sorenson and Company for filing with the Clerk and Recorder.

OTHER MATTERS INCLUDED:

- ✓ 1. The Commissioners voted unanimously to approve the Certificate of Survey filing for Elmer and Alta West contingent upon the conditions in the letter to them; and
2. Commissioners Dussault and Palmer voted to deny, with Commissioner Evans opposing, Bryce Bondurant's Certificate of Survey on the grounds that it constitutes evasion.

JUNE 7, 1985 - CONTINUED

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

Fern Hart  
Fern Hart, Clerk and Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair  
BOARD OF COUNTY COMMISSIONERS

\* \* \* \* \*

JUNE 10 and 11, 1985

The Board of County Commissioners did not meet in regular session. Commissioners Dussault and Palmer were in Lewistown, Montana attending the MACo Annual Conference; and Commissioner Evans was out of the office.

JUNE 12, 1985

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

AUDIT LIST

Commissioners Palmer and Dussault signed the Audit List, dated June 10, 1985, pages 4-30, with a grant total of \$194,714.57. The Audit List was returned to the Accounting Department.

MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report of Justice of the Peace, Janet Stevens for Collections and distributions for month ending May 31, 1985.

MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report of the Clerk of District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for month ending May 31, 1985.

CERTIFICATION OF REGISTERED ELECTORS

Chair Dussault signed the Certification of the list containing the names of the registered qualified electors of Missoula County as of June 10, 1985, and also certifying that the list was prepared in accordance with Sections 3-15-301, 3-15-401 and 3-15-402, M.C.A., and contains 38,973 names. The Certification was returned to the Elections Office for further handling.

WEEKLY PUBLIC MEETING CANCELLED

The Weekly Public Meeting scheduled for this date was cancelled because of the MACo Annual Conference in Lewistown.

JUNE 13, 1985

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

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming R. Kevin Hammond as principal for warrant #209865 on the Missoula County High School Payroll Fund dated June 7, 1985, in the amount of \$4,373.10, 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 '85 budget:

1. No. 850077, a request from the Superintendent of Schools to transfer \$600.00 from the Common Carrier Account to the Office Supplies (\$400.00) and Mileage - County Vehicle (\$200.00) Accounts because of unanticipated expenses;
2. No. 850078, a request from the Superintendent of Schools to transfer \$120.00 from the Office Equipment Maintenance Account to the Dues and Memberships Account because of unanticipated expenses; and
3. No. 850079, a request from the Clerk of District Court to transfer \$603.77 from the Office Supplies Account to the Printing and Litho (\$528.29) and Record Books (\$75.48) Accounts because of overexpenditures in these line items.

PERMIT

The Board of County Commissioners signed a Permit to Graze Livestock on County Right-of-Way, granting to Don and Doris C. Rakow, adjoining property owners, the right to pasture livestock on the currently unused right-of-way described on the Permit, as per the terms set forth. The Permit was returned to General Services for further handling.

CONTRACTS

The Board of County Commissioners signed Professional Services contracts between Missoula County and the following independent contractors:

1. Cynthia B. Klette, for the purpose of assisting Administrative Aide, Leslie McClintock, and Executive Officer, Howard Schwartz, with administrative and research projects for the period from June 7, 1985 through October 7, 1985 for a total payment not to exceed \$2,000.00; and

- 2. George Soyemi, for the purpose of assisting Budget Officer, Dan Cox, with budget figures for the period from June 7, 1985, through September 7, 1985, for a total payment not to exceed \$2,000.00.

✓ UPDATE OF AGREEMENT

The Board of County Commissioners signed the annual update of the Road Maintenance Agreement between Missoula County and the Lolo National Forest. The Agreement has been in existence since 1967. The changes this year are administrative and no roads have been added to the County's Maintenance jurisdiction. The update was returned to the Surveyor's Office for further handling.

✓ CERTIFICATE OF SURVEY - AGRICULTURAL EXEMPTION

The Board of County Commissioners signed the Covenant for Agricultural Exemption by Nicolas and Donna Commers, who wish to create a 2.36 acre parcel by agricultural exemption on their Certificate of Survey for land located in the SE¼ of Section 28, T. 15N., R. 22W. The Covenant was returned to Professional Consultants, Inc. for further handling.

OTHER MATTERS INCLUDED:

✓ BID AWARD

Three bids were received on a centralized optic scanning system for Missoula County:

American Information Systems	\$102,198.50
Governmental Data Systems	61,900.00
Data Information Management Systems	51,260.00

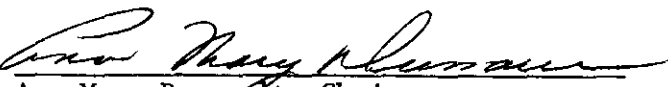
As per the recommendation of the Appointed Elections Advisory Committee, the Commissioners voted unanimously to award the bid to American Information Systems for a total amount of \$99,240.00, which is a reduction of \$2,958.50 from the initial bid due to the fact that ballot boxes or pencils do not need to be purchased from AIS.

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

JUNE 14, 1985

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

  
Fern Hart, Clerk & Recorder

  
Ann Mary Dussault, Chair  
BOARD OF COUNTY COMMISSIONERS

\*\*\*\*\*

JUNE 17, 1985

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:

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 850080, a request from the Superintendent of Schools to transfer \$50.00 from the Microfilm Service Account to the Map Preparation Account because of unanticipated expenses.

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

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JUNE 18, 1985

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

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Greg Beach as principal for warrant #131357, dated May 22, 1985, on the Missoula County Redemption Fund, now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

✓ RESOLUTION NO. 85-073

The Board of County Commissioners signed Resolution No. 85-073, a resolution to rezone a parcel of land in Section 9, Township 13 North, Range 20 West, from "C-RR1" (Residential) to "C-C1" (Neighborhood Commercial), as per the property description attached to the Resolution.

✓ RESOLUTION NO. 85-074

The Board of County Commissioners signed Resolution No. 85-074, a resolution to vacate the alley in Eddy Addition, Section 21, Township 13 N., Range 19 W., on the condition that the property owners on either side grant a utility easement the width of the alley as per the map attached to the Resolution.

QUIT CLAIM DEEDS

The Board of County Commissioners signed Quit Claim Deeds for the above alley vacation (Resolution No. 85-074), whereby Missoula County does remise, release and quit claim to Sandy Sue Mitchell of Missoula, Montana and Ora M. Dawson of Hacienda Heights, California for the following described real estate in Missoula County, Montana, that portion of the alley through Block 10, Eddy Addition, lying adjacent to Lots 13 through 24, Eddy Addition up to the centerline thereof; said alley being vacated upon order of the Missoula County Commissioners dated June 5, 1985, reserving and excepting therefrom a perpetual easement for public utilities and private sewer systems;



JUNE 18, 1985 (CONTINUED)

and to Ernest T. and Inga Ann Ibbey of Missoula, Montana for that portion of the alley through Block 10, Eddy Addition lying adjacent to Lots 1 through 12, Eddy Addition, up to the centerline thereof; said alley being vacated upon order of the Missoula County Commissioners dated June 5, 1985, reserving and excepting therefrom a perpetual easement for public utilities and private sewer systems.

APPROVAL OF APPOINTMENT

The Board of County Commissioners signed approval of the appointment of Fred Nelson to fill a vacancy on the 9-1-1 Advisory Board.

CONTRACTS

The Board of County Commissioners signed Professional Services Contracts with the Missoula City Police Department, an independent contractor, for the following purposes:

- ✓ 1. Participation in the Driving Under the Influence (DUI) Enforcement Team by Missoula City Police Officers, as per the terms set forth, for the period from October 1, 1984 through June 30, 1985 for a total amount not to exceed \$3,000.00; and
- ✓ 2. Participation in the Driving Under the Influence (DUI) Enforcement Team by Missoula City Police Officers, as per the terms set forth, for the period from July 1, 1985, through June 30, 1986, for a total amount not to exceed \$4,000.00.

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

✓ CERTIFICATE OF SURVEY MEETING (DOBBINS)

Those present were Commissioners Dussault, Palmer and Evans. Also present were: Deputy County Attorney Jean Wilcox; Jerry Marble, Deschamps Realty; Jack Dobbins; Ron Doucette, Sorrel Springs Homeowners Association; and one other member of the Homeowners Association.

Re: proposed division of Tracts 24A, 24C, and 24D, C.O.S. 1922 by Jack Dobbins.

Mr. Dobbins was asked by Chair Dussault to explain reasons for the proposed divisions. Mr. Dobbins said that these divisions (occasional sales of each of three tracts) for two of his children who live in Portland, Oregon and Arizona and that it was cheaper to divide them simultaneously. He is a native Montanan, born and raised here and wanted his children to have a little piece of Montana.

Jean Wilcox reviewed the criteria which brings the divisions before the Board of County Commissioners for review. The proposed divisions were attempted about one year ago when Mr. Dobbins was sent a letter dated May 14, 1984 (BCC-84-265) in which the Board of County Commissioners advised Mr. Dobbins that his surveys would be refused for filing unless more information were provided. No information was provided by Mr. Dobbins. The proposed divisions are subsequent divisions of a tract created after July 1, 1974. Tract 24 was created on COS 1608 in 1978; Mr. Dobbins previously divided Tract 24 on COS 1922 using a combination of family transfer, occasional sale, and remainder exemptions. The arrangement of the lots suggests an intention to create lots. The development density proposed at one dwelling in 2.5 acres is not in substantial compliance with the Comprehensive Plan which recommends development at densities ranging from one dwelling per 40 acres to one dwelling per 10 acres. The simultaneous filing of these surveys by related parties but handled by one person suggests a lack of substantiality in the transaction.

Commissioner Evans then stated it looks too much like a subdivision and that she would vote to deny use of the exemptions, giving her apologies for having to leave early. Chair Dussault explained that there is a problem in using exemptions when you get to the second layer of divisions. There is clearly a pattern that looks like a subdivision. Gifts were already made in the first layer of splits. Because of some fairly significant impact issues in the area, especially groundwater quality and availability, it would be irresponsible not to encourage a greater review that the subdivision process affords. Commissioner Palmer agreed. Whereupon the motion to deny the exemptions claimed was unanimously approved. Jean Wilcox was instructed to draft a letter stating the finding of the Board.

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JUNE 19, 1985

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

AUDIT LIST

Commissioners Evans and Dussault signed the Audit List dated June 19, 1985, pages 4-38 with a grand total of \$145,975.55. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

✓ PURCHASE AGREEMENT

Chair Dussault signed the Purchase Agreement with American Information Systems, Inc. for the AIS equipment listed on the agreement, as per the terms set forth, for a net amount of \$100,000.00. The Agreement was returned to Wendy Cromwell, Elections Supervisor, for further handling.

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

✓ RESIGNATION

Commissioner Palmer submitted his resignation as Missoula County Commissioner, effective June 28, 1985.

PUBLIC MEETING

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

BID RECOMMENDATION:

The following bids were received in response to the advertisements for the Lolo Sewage Treatment Plant modifications:

Bitterroot Plumbing, Heating & Electric, Inc.	\$744,040.
Holm Sutherland Co., Inc.	699,650.
4G Plumbing & Heating	692,900

Under the grant conditions, the Commissioners are to advise the State Department of Health and Environmental Sciences as to their recommendation on award of bid. The actual award is pending authorization from that department.

Commissioner Palmer moved and Barbara Evans seconded the motion to endorse the staff and Advisory Board recommendation of 4G Plumbing & Heating as the best and most responsive bidder. Motion carried unanimously.

✓✓✓ SUMMARY PLAT: GREEN ACRES

Paula Jacques of the Office of Community Development gave the background for this Summary Plat: Green Acres Condominiums is a two-unit development proposed for the northeast corner of South Avenue and 36th Avenue. It is the resubdivision of Lot 50, U.S. Government Subdivision #1. The applicants had obtained approval for a two-family dwelling from the County Board of Adjustment as well as a variance from the maximum density standard of the C-RR2 zone (the parcel is slightly less than one acre in size while the maximum density permitted is two units per acre). The applicants had requested a variance from the requirement that off-site access roads less than 500 feet in length be paved.

The Missoula Planning Board had recommended approval of the Summary Plat subject to the following conditions:

1. Sanitary restrictions shall be lifted by state and local health departments.
2. Access to the subdivision shall be provided off 36th Avenue.
3. The applicants shall initiate an RSID to pave the now-unpaved portion of 36th Avenue. Should the RSID fail, the applicants shall pave 36th Avenue from South Avenue to their driveway, and sign an agreement with the County to be filed with the Clerk & Recorder, waiving the right to protest a future RSID to pave the remaining portion of 36th Avenue.
4. The County Surveyor shall approve all road grading, drainage and erosion control plans.

The Missoula Planning Board further recommended the denial of the applicants' request for a variance from the requirement that off-site access roads less than five hundred feet be paved because paving reduces dust, which contributes to attainment of air quality levels. Thirty-sixth Street is a through street serving several residences, with the potential to serve even more through further subdivisions. The density of development and public health and safety concerns warrant its paving, at least to the access point for this subdivision. No hardship resulting from the land has been demonstrated.

Subject to the above conditions, the Missoula Planning Board recommended that the Summary Plat for Green Acres be declared to be in the public interest according to the criteria outlined in state law.

Bob Palmer asked if the applicants had agreed to the conditions.

Paula Jacques said that they had at the meeting of the Planning Board.

The Commissioners agreed that, although this was not a public hearing, they would be willing to hear comments from the audience.

Mike Reid, a property owner at 2219 36th Avenue, said that several questions that came up at the Board of Adjustment meeting had not yet been answered: 1. The Board of Health requires that percolation tests be conducted in the actual proposed drainfield, but in this case an aerial photo shows that the test was conducted approximately 200 feet from either the main field or the alternate field, and was conducted before water was in the irrigation ditch that traverses the property; 2. the lot is smaller in size than the one acre required under C-RR2 zoning. A special exception variance request was presented to the Board of Adjustment, using the argument that a precedent existed because other duplexes were already in the area, but Mr. Reid disputed that their presence constitutes a precedent because they were built prior to October 8, 1976 when the C-RR2 zoning went into effect. He said that the zoning was requested to prevent uncontrolled growth in the area, and a precedent would now be set if the variance were allowed.

Barbara Evans asked Mr. Reid what he meant by "uncontrolled growth."

Mr. Reid said that building is concentrated in certain parts of the area and that viewing that as a precedent would result in overbuilding in areas that can still conform to the C-RR2 zoning.

Edward E. Braach, resident of 3616 West Central, one-half block north of the lot in question, said that there are eight duplexes in a limited area where the zoning calls for only two single-family dwellings per acre, and he thinks the zoning regulations should stand and not be violated by variance.

Bud Miller, 3416 South Avenue, said that he shared the sentiments of the previous speakers, and that after the Board of Adjustment hearing he had talked to two members of the Health Department who said that the project had been called duplexes, not condos, when it was presented to them. They also said that stricter state and local regulations come into play when a condo is proposed, and he felt that the project was not presented properly at the public hearing.

Paula Jacques clarified the action of the Board of Adjustment: 2-family dwellings are a special exception in C-RR2 and must go to the Board of Adjustment for approval, plus meet the standards of the zoning resolution for screening, parking and landscaping. The developers were given approval for the special exception and granted the variance from the maximum density of 2 units per acre (they have approximately 42,000 square feet). When it was brought to light that the project was actually condominiums with individual ownership of the units, review was triggered under the sanitation and subdivision act, and sanitary restrictions must be lifted.

Barbara Evans assured Mr. Reid that condominiums undergo a more stringent review and that the Health Department would comply with all State health regulations before lifting sanitary restrictions.

Mr. Reid said that would satisfy one of his concerns, but that he still worried that allowing this exception to the lot size requirement would set a precedent.

Ann Mary Dussault asked Deputy County Attorney Mike Sehestedt what would be the course of appeal of an action by the Board of Adjustment.

JUNE 19, 1985 - PUBLIC MEETING (CONTINUED)

Mr. Sehestedt replied that an appeal would go to the State District Court. The Board of County Commissioners has the authority to adopt regulations; questions of how the regulations are applied (variances, special exceptions, etc.) are addressed exclusively by the Board of Adjustment; and appeals from that Board's decisions are referred to District Court.

Barbara Evans asked Paula Jacques if this application followed the rules as presently written, so that if it were denied it could not be on the basis of non-compliance.

Paula replied in the affirmative. She also pointed out that, with the special exception for the two family-dwelling, they could construct simple duplex units and avoid subdivision review.

Barbara Evans moved, and Bob Palmer seconded, the motion to grant approval of the Summary Plat for Green Acres Condominiums, subject to the above stated conditions and in accordance with the findings of fact, and to deny the request for variance from road paving. Motion carried unanimously.

The Commissioners found the summary plat to be in the public interest based on the following findings of fact:

Criterion 1: The developers are constructing these condominium units as their own homes. Construction of a condominium as opposed to duplex units enables both of them to have some personal equity in their place of residence. The Missoula Comprehensive Plan recommends construction of detached single family homes, duplexes and townhouses at a density of up to six units per acre. The density proposed for Green Acres Condominiums is just slightly more than two units per acre, less than that recommended by the Comprehensive Plan.

Criterion 2: No public hearing or notification of adjacent landowners is required for a summary subdivision. Individuals owning land within 300 feet of this subdivision were notified by the Zoning Staff of the request for a special exception for a two family dwelling. Three letters (attached) were received in opposition to construction of what was believed to be a duplex and to increased density. At that public hearing on May 22, 1985, approximately twelve area residents appeared to voice opposition to the proposal. The Board of Adjustment unanimously approved the special exception for the two family dwelling and the variance from the maximum density standard.

Criterion 3: These condominium units are being constructed on a lot in an existing subdivision in the urban area; thus the impact on agriculture has already occurred. The ditch which crosses the rear portion of the lot is being preserved.

Criterion 4: The impact of this two unit condominium on local services should be minimal. Its location in an existing subdivision within the urban area means that services such as schools, solid waste disposal, and other amenities are readily available.

Criterion 5: The applicants have estimated that the subdivision will generate approximately \$1200 annually in tax revenue after construction. The County Appraiser's estimate was slightly higher at \$1400. Tax-supported services are readily available in this area already developed for residential use.

Criterion 6: There are no unusual natural topographical conditions which will limit development of this lot. There is a ditch crossing the rear portion of the lot; the drainfield is located in the front of the lot.

Criterion 7: The major impact on wildlife and habitat occurred with the initial platting of the U.S. Government Subdivision #1.

Criterion 8: This subdivision is served by the Missoula Rural Fire District and is located in close proximity to community health services. The location of the septic tank, drainfield, and well have been approved by the Health Department. Sanitary restrictions must be lifted by the state and local health authorities because the individual units will be under different ownership. Paving of 36th Avenue will also help reduce particulate pollution.

Barbara Evans explained to the opponents of the development that she has a great aversion to changing rules in the middle of the game, and the developers followed the rules. She suggested that the neighborhood undertake to change the zoning for the area in order to control or prevent future building.

Ann Mary Dussault said that she would take the residents' concerns to the Board of Health and make sure all required procedures are being followed.

HEARING: REQUEST FROM FARVIEWS DEVELOPMENT COMPANY TO REZONE A PORTION OF SE¼ OF SECTION 4, T12N, R19W FROM PLANNING AND ZONING DISTRICT #4 to C-A2

Commissioner Dussault read the background notes for this request:

The applicant's property is currently within Planning and Zoning District No. 4. This district requires all improvements to be reviewed by the County Regulatory Commission and the Planning and Zoning Commission.

In June, 1983, the Planning and Zoning Commission approved a plan by Michael and Jan Sousa to construct a house, barn, and driveway on Lots 2 and 6. However, the Sousas have been unable to proceed with their plans, due to problems accessing the subject property. Approval of any access must currently be approved by the City Engineer, County Surveyor, and the Planning and Zoning Commission, since three jurisdictions are crossed in this proposal.

In order to reduce the number of jurisdictions involved in the review process, the applicants are requesting that the subject property be rezoned.

The applicants met with the Pattee Canyon Homeowners Association in early May, 1985 and reached the agreement reflected in the Planning Board's recommendation.

Mark Hubbell of the Office of Community Development said that after the meeting with the Planning Board, the applicants met with the Pattee Canyon Homeowners Association and worked out a compromise to take care of some of the concerns discussed at the meeting. Consequently, the current request is slightly different from the original, and the recommendation of the Missoula County Regulatory Commission is as follows:

After reviewing all testimony and documentation, the Commission recommends that the property described as Lots 2, 5, 6 and 7 be rezoned from Planning and Zoning District No. 4 to "C-A2", provided that a development

density of one dwelling per 10 acres be maintained, and that Lots 3, 4 and 8 remain in Zoning District #4 with a density of one dwelling per 20 acres. Further, no P.U.D.s or mobile homes shall be permitted.

Chair Dussault opened the hearing to public comment, asking that proponents speak first.

Dick Ainsworth, Professional Consultants, Inc., representing Farviews Development Company, said that the property "hangs over" into the Pattee Canyon drainage on one side and into Farviews on the other, and the request would leave the Pattee Canyon alone and change the Farviews section to C-A2.

Bill Farr, representing the Pattee Canyon Homeowners Association, said that one detail that came out of the meeting between applicants and Homeowners had not been included in the recommendation: the Homeowners want a deed restriction or some kind of written agreement that the aforementioned zoning arrangement would remain even if the property were conveyed in the future. They are unsure of the form such an agreement would take, but they want it to be some kind of written agreement between the County and the landowners, for the public record.

No one else wished to speak either for or against the request so Chair Dussault closed the public comments portion of the hearing.

Chair Dussault asked Mark Hubbell how a written agreement would be accomplished and he replied that Farviews Development Company had been charged with checking out the means. Dick Ainsworth said that the applicants had no problem with the request for a written agreement.

Mike Sehestedt, Deputy County Attorney, said that in addition to having difficulty figuring out exactly what the Planning and Zoning Commission's recommendation was, he was concerned about the likelihood of the solution being viewed as spot zoning, which is unenforceable.

Mark Hubbell gave some further information, saying that Zoning District #4 allows one dwelling per five acres and is the most restrictive of the citizen-initiated districts. The residents of Pattee Canyon have been concerned about developers chipping away pieces of the area and destroying its integrity. Under the compromise solution, the lots that face the Canyon (numbers 3, 4 and 8) would not be rezoned but the developers agreed to limit the density to one per 20, and in return the Homeowners agreed to allow the one per 10 density of C-A2 on the remaining lots (numbers 2, 5, 6 and 7) with the condition of approval on those lots that no P.U.D.'s or mobile homes would be allowed.

Mike Sehestedt said that the compromise would probably work as long as the conditions were written as deed restrictions and not tacked on to the zoning laws, thus creating unenforceable spot zoning.

Chair Dussault suggested that action on this item be postponed until next week's public meeting and that during the ensuing week the Commissioners will meet with Deputy County Attorneys Jean Wilcox and Mike Sehestedt to work out the options for the deed restrictions. The public hearing will not be reopened at that time. The interested parties agreed to the postponement.

The Chair called a 5-minute recess, after which Commissioner Bob Palmer reconvened the meeting.

✓✓ HEARING: APPEAL OF DETERMINATION OF NON-COMPLIANCE WITH COMPREHENSIVE PLAN (W.D. PERRY)

Amy Eaton of the Office of Community Development gave the background information for this hearing: W.D. Perry requested a permit to install a 24' x 60' commercial-type building on 1.06 acres adjacent to Highway 93 South. Resolution 83-99 requires requests for building permits in unzoned areas within 4.5 miles of the City limits to be reviewed for compliance with Missoula's Comprehensive Plan. The 1975 Plan designates this area for Suburban Residential, which encourages residential development at a density of two dwelling units per acre. A commercial-type warehouse is not recommended in this designation, and consequently the Director of the Office of Community Development found Mr. Perry's proposal to be not in compliance with the Comprehensive Plan. The request was denied and Mr. Perry is appealing the decision. A public hearing by the Commissioners is required by Resolution 83-99.

Commissioner Palmer opened the public hearing, asking that supporters speak first.

W.D. Perry said that he bought the property in 1983, knowing that it was unzoned, because he wanted to be outside the City Limits and free of City restrictions. He originally planned to put boxcars there to use for storage, and a County building inspector told him that since the property was unzoned he could do whatever he wanted except that the boxcars should be tied down. Instead, he said, he bought a building which he had moved to the property. When he hired a foundation company to put in a foundation this year they said he needed a foundation permit. When he went into the Office of Community Development, "it was just like walking into a hornet's nest," and he found that he needed "all kinds of permits." His property is surrounded by the highway and Burlington Northern property and the whole area (approximately 20 acres), except for his one acre, is zoned Light Industrial. He'd like to get his acre zoned Light Industrial, too.

Chair Dussault, who had returned to the meeting, pointed out that this was not a rezoning request.

Mr. Perry asked what it was and what he was doing here.

Ms. Dussault explained that a Supreme Court decision requires the County to review all building permit requests for unzoned areas for compliance to the Comprehensive Land Use Plan. This appeal of non-compliance means that Mr. Perry is asking the Board to make an exception for him to the Comprehensive Plan. The Board is in a difficult position because the 1975 Comprehensive Plan was intended for reference and the Supreme Court decision forces it to be taken literally. Since Mr. Perry's land is unzoned, one of the options he has is to go through a zoning request.

There was no one who wished to speak in opposition, so Commissioner Dussault closed the public comments portion of the hearing.

Barbara Evans asked if there had been a hearing before the original determination.

Amy Eaton said that it had been a departmental decision, but that prior to this hearing all required legal posting and advertising requirements had been met, and posting was in full view of residences across the street from the property. No public comment was received.

Ann Mary Dussault asked if there were any requirements in the Light Industrial designation for minimizing impact on adjacent residential areas.

The Community Development staff was unable to answer the question.

Mr. Perry said that the area south of the property contained duplexes, a trailer court, a warehouse complex, a second-hand store and some other stores.

JUNE 19, 1985 - PUBLIC MEETING (CONTINUED)

Barbara Evans asked if the existing homes were built before or after the commercial development and if a variance would stay with the land or with Mr. Perry.

Mr. Perry didn't know when the homes were built. Mike Sehestedt said that if the variance were given, Mr. Perry would put structure(s) on the land and consequently the variance would stay with the land.

Commissioner Evans then asked if the property would be wide open to any light industrial use if the variance were granted.

Mr. Sehestedt responded that it would be unless a building permit were requested, which would trigger a review.

Ann Mary Dussault said that when the Commissioners have granted an exception in the past they have tried to look at the Comprehensive Plan to find an interpretation that applied to that particular circumstance, as when a veterinary clinic was allowed in an area which the Plan designated for agriculture-related activities. In this case, there didn't appear to be that kind of reason to make an exception, even though the Commissioners might want to grant one. The wisest course would be to go through the rezoning request process and thus secure the protection of zoning law for Mr. Perry and any future owners. Zoning law would define exactly the allowable uses of the land and would also give nearby residents some protection from excessively negative impact from any commercial development. There is some risk involved because there is no guarantee that a rezoning request will be granted, but on the surface it appears that the arguments are good for rezoning and not good for a variance from compliance with the Comp Plan.

Mr. Perry angrily pointed out that all the property surrounding his was zoned light industrial and he didn't see why his couldn't be. Each Commissioner in turn explained the difference between an appeal from non-compliance and a zoning request and described the procedure necessary for a zoning request.

Michael Sehestedt said that the Commissioners could expedite the procedure by directing the Planning staff to immediately initiate an amendment to the zoning district boundaries to include the parcel in the adjacent zoning district. He pointed out that there is no way to fit Mr. Perry's request nor the existing light industrial zoning into the Comp Plan, which calls for suburban residential in that area.

Bob Palmer asked how much time is involved in the rezoning process, realizing that Mr. Perry had already spent three months in the compliance determination process.

Chris Rockey, Director of the Office of Community Development, said that a rezoning request takes about 90 days, most of which is taken up by legal notice requirements. The actual hearing takes very little time.

Bob Palmer pointed out to Mr. Perry that state law requires the legal notice and protest periods. Barbara Evans asked if there were any way to count the legal posting done for this hearing.

Mike Sehestedt said that there was not; the statutes are very clear in that regard.

Bob Palmer moved and Barbara Evans seconded the motion to adopt the staff recommendation of denial because the request is not in compliance with the Comprehensive Land Use Plan, and to direct the Planning staff to meet with Mr. Perry to expedite his rezoning request. Motion carried unanimously.

✓. HEARING: RECONSIDERATION OF COMMISSIONER ACTION (4/25/84) TO DENY REQUEST TO VACATE BELLEVUE WALKWAY SUBJECT TO CONDITIONS

Chair Ann Mary Dussault read the background information for this hearing: At the public meeting of April 25, 1984, the Board of County Commissioners voted unanimously to deny the request for vacation of the dedicated walkway which is located adjacent to Lots 8 and 9, Block 8, Bellevue Addition #3. The Commissioners did not ask the adjacent property owners to remove the encroachments located on the pedestrian right-of-way, and expressed their intention not to do so until and unless the neighborhood expressed its desire to open and use the walkway, and presented a proposal for development and maintenance which could be approved by the Board. In a letter sent to all interested parties on April 1, 1985, the Board set a deadline of June 1, 1985 for the proponents of the walkway to submit a petition to create a park and maintenance district. To date no such petition has been received.

Chair Dussault continued by saying that the proponents had requested an extension of the deadline, but others had spent money on improvements based on the original decision, so the Board decided not to extend.

Chair Dussault opened the hearing to public comment.

Fred Rice, Missoula City Councilman, spoke on behalf of the City of Missoula. He said that the City has an interest in the walkway because half of it is inside the city limits. The City voted previously to leave the walkway open, and now requests that, if the Commissioners vote to vacate, the signatures of the two city residents also be required. As a response to conditions which had been set down, he said that the City can build an 8-foot pathway and maintain it at no additional cost to the residents (he received verbal confirmation from the City Engineer). That would leave an additional 12 feet which could be dealt with in a number of ways. The City Parks Director said that it could be landscaped for about \$500 and maintained for about \$100 per year. The \$500 could be raised by a contribution of \$250 from both the City and the County, and a revolving bank account of about \$1500 should provide the necessary maintenance funds into perpetuity. He said that he wanted to present the options to let the County know that the City is willing to commit itself to building and maintaining the walkway if that is, in fact, the will of the residents of the area.

Wes Appelt, 1700 Cyprus Court, wants the walkway vacated. He pointed out that it has been over a year since the first request; that the Bellevue Homeowners Association almost unanimously disapproved an SID for the walkway; there doesn't appear to be a need for the walkway (traffic on the nearby walkway has reduced from last year to this); that the June 1 deadline was not met, so that those in favor of the project have sat on their rights. He said that he wants to get on with his landscaping project, but needs to know exactly where his property line is.

Mr. Appelt then asked Fred Rice what the \$500 he mentioned would pay for.

Fred Rice said that the \$500 would pay for landscaping the area not included in the 8-foot walkway.

Mr. Appelt asked who would pay for maintenance.

Mr. Rice responded that the City, and the City residents therefore, would pay for the maintenance of the landscaping. They would need to raise the \$1500 by contribution or an SID in order to establish a bank account; the City would maintain the walkway under its own budget.



Mr. Appelt said that residents of the area that he has spoken to are opposed to the walkway and opposed to any cost associated with it, whether it be a one-time-only contribution or an SID.

Jim Hayes, 3806 Bellecrest (one of the affected lots), said that he is opposed to the walkway and wants the fenceline to stay where it is. Correspondence that the Commissioners have received relative to this issue includes a petition with 91 names opposing the walkway, and only four letters in favor. Proponents have said that school children need this walkway to get home, but to his knowledge very few children live in the Cyprus Court area and those that do would save approximately 200 steps by using this rather than the existing walkway. If children in the Wapikiya area used this walkway, they would be routed across 39th at a place where there is no traffic control device or crosswalk, and that would be ill-advised.

Eric Marler said that access exists in spite of his fence, and that the expense and loss in property value are not worth the small convenience gained for a few people.

Pat Andrew, 3803 Bellecrest, doesn't believe the walkway needs to be built. The residents signed a petition and voted against this walkway, preferring instead to support the park and the existing walkway.

Jack Kiely, 3812 Bellecrest Drive, speaking as a parent and former school administrator, said that the walkway is not needed because there is an existing walkway, there are very few children in the affected area, and the traffic patterns do not fall in this area.

Susan Appelt, 1700 Cyprus Court, said that most mothers that she has spoken to in the area do not allow their children to walk to school, so the walkway is not necessary.

Valerie Nooney, 3717 Bellecrest, has lived in her home for 17 years and there has never been a problem with children, so she feels the walkway is not needed.

Joe Gorsch, 1709 Arlington, spoke as chair person for Bellevue #4. He commented that the people who voted against the walkway at the meeting of the Homeowners' Association represented Bellevue developments #1 through #4 and consequently many of them live far outside the affected area. The Walkway Committee of Bellevue #4 ask that the request to vacate be denied, but Mr. Gorsch preferred not to reiterate the familiar reasons. Instead, he gave a brief history of governmental actions regarding the walkway:

1. In 1963 the developer was required by the County Commissioners to add two lots from Bellevue #3 to the park he had donated when he developed Bellevue #2. In addition, he was asked to donate a walkway for the future developments which lay south of the developed areas. The subdivision plat states that the dedicated areas "be granted and donated to the use of the public forever."
2. In 1971, the developers were denied permission to develop Bellevue #4 as proposed. To meet the concerns of the Health Department and the County Commissioners, the developers changed the whole plan, including the streets. The two proposed walkways were accepted from the changes at the request of the County Commissioners. The resulting plat also stipulates that the thoroughfares be donated to the public forever.
3. In 1984 Mr. Appelt built his home on the lot that had provided the most frequent access through the area for those using the park and going to or from school. While construction was in progress, Bellevue #4 Homeowners checked with both the City and the County about the encroaching fence. They were told by the Planning Board that the problem would be taken care of.
4. The Planning Board sent a strong letter to some of the parties involved and to some not involved.
5. Two of the involved parties then initiated a petition to vacate the walkway.
6. In the meantime, the City Council voted to keep the walkway.
7. The PAZ recommended that the walkway be kept.
8. Parks and Recreation recommended that the walkway be kept.
9. The County Commissioners denied the petition to vacate the walkway.
10. This Board of County Commissioners set forth a number of conditions for the Bellevue #4 Homeowners to meet before they would request that the encroaching fence be removed. Those conditions were met. The Homeowners had to prepare a development plan for the walkway--probably the first such required in Missoula--to have funds to cover the construction, had to have a maintenance plan, and had to be coordinated by the Planning Department.
11. This coordination involved the Police Department, the Sheriff's Department, the County Surveyor, the City Engineer, the Parks Department and the County Attorney. Their concerns were met.
12. After meeting with those people and addressing their concerns, the most expensive walkway was chosen, that being a hard-surfaced concrete walkway. There have been \$1400 set aside for construction of this walkway. A maintenance plan was chosen and a bank account established to pay for maintenance into 1986.
13. The Homeowners did not believe it was appropriate for the Commissioners to ask Bellevue #4 Homeowners to remove and replace the encroaching fence as a part of their cost. They did agree to assist in the removal and replacement of the fence, but not to provide materials.
14. To help out, Mr. Gorsch personally asked (County Attorney) Dusty Deschamps to have the fence removed, which he said could be done--until the Commissioners asked him to cease further action.
15. "We believe we have acted in a timely manner on all items requested of us. Yet, 14 months and umpteen meetings later we are here discussing something you, your representatives, committees, advisory groups, city councils and others have agreed to support. We also believe that you have the responsibility to uphold these decisions and recommendations made prior to this meeting. Thank you."

There being no further speakers, Chair Dussault closed the hearing.

Barbara Evans said that she believes that government should pay attention to what people ask for and that decisions that are made should be based on need. The Bellevue #4 Homeowners have had more than enough time to get signatures to establish a maintenance SID and they have failed to do so. Since there is already a walkway in existence only four houses from this location, and since there has not been enough public interest expressed in establishing this walkway, Ms. Evans has not been persuaded to vote against the vacation. She added that she prefers to have this property contributing to the tax fund rather than costing the County money. She asked for clarification from Fred Rice on the City's stand.



JUNE 19, 1985 - PUBLIC MEETING (CONTINUED)

Fred Rice said that, if the Commissioners vote to vacate, he requests (on behalf of the City Council) that the two City residents along the walkway be included in the process. He explained that the money he mentioned earlier that could be used for construction was money carried over from sidewalk construction.

Chair Dussault said that the proper order in which to accomplish the requested action was to first vote on a motion to reconsider the Board's action of April 25, 1984, and then to vote on a motion to approve the request to vacate.

Barbara Evans moved and Bob Palmer seconded the motion that the Board of County Commissioners reconsider their action of April 25, 1984 in which a request to vacate Bellevue Walkway was denied. Motion carried unanimously.

Barbara Evans moved and Bob Palmer seconded the motion to vacate Bellevue Walkway and to provide copies of the vacation resolution to the two adjacent homeowners whose property lies within the city limits and to provide any other information needed by those homeowners for their vacation request to the City Council.

Before the vote was taken, Chair Dussault made some comments to explain the change in her position since April of 1984: This has been a confusing and frustrating situation, but one of the benefits that came from it has been a clarification of some of the larger issues of public policy. There are financial and liability issues that could not be resolved, and in the end it appeared that the risks to the County were greater than the action warranted. Additionally, the County is moving away from County ownership and maintenance of neighborhood parks and walkways and toward having neighborhoods assume responsibility through RSID's for maintenance and even construction of these facilities. Unless there is some overriding public good relative to a specific issue and unless there is a demonstrated need for a project, Ms. Dussault is reluctant to obligate the County at large for it.

The vote on the motion was unanimously in favor.

Joe Gorsch commented that he and his Association accept the Commissioners' decision, but requested that in the future "we bite the bullet" and reduce the 14-month time frame to four months.

There being no further business to come before the Board, the meeting was adjourned at 3:30.

\* \* \* \* \*

JUNE 20, 1985

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

DAILY ADMINISTRATIVE MEETING

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

AUDIT LETTER

The Board of County Commissioners signed a letter dated June 19, 1985, to Susan Reed, County Auditor, acknowledging receipt and review of the Audit of the records of the Missoula County Sheriff's Office for the period from July 1, 1983 to June 30, 1984. The Audit was forwarded to the Clerk and Recorder's Office for filing.

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

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JUNE 21, 1985

The Board of County Commissioners met in regular session; all three members were present. Commissioner Palmer attended a meeting of the Local Government Energy Committee during the day.

Fern Hart  
Fern Hart, Clerk and Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair  
BOARD OF COUNTY COMMISSIONERS

\* \* \* \* \*

JUNE 24, 1985

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

WELFARE ADVISORY BOARD

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

DAILY ADMINISTRATIVE MEETING

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

CONTRACT ADDENDUM

The Board of County Commissioners signed an addendum to Missoula County Professional Services contract with independent contractor John Duffield, dated February 21, 1985, supplementing paragraph 3 of the contract as follows:

1. Missoula County will compensate the independent contractor at the rate of \$300.00 per day for five days for preparation for, and participation in, the cross-examination of Montana Power witnesses on behalf of Missoula County at the Public Service Commission hearings in the 1985 Colstrip 3 rate case.
2. The total value of this addendum to the original contract shall be \$1,500.00

PROCLAMATION

The Board of County Commissioners signed a joint City/County proclamation declaring Thursday, June 27th,

and Friday, June 28th, 1985, as Missoula Senior Games Days.

✓ BOARD APPOINTMENTS

The Board of County Commissioners made the following appointments to the Lolo Water and Sewer Board (RSID 901):

- ✓ 1. The terms of Myron Boucher and George Mungas were extended for one year through June 30, 1986.
- ✓ 2. J. Elmer Barrett was appointed to a three year term through June 30, 1988; and
- ✓ 3. Jerry Lason was appointed as an "alternate" member of the Board.

OTHER MATTERS INCLUDED:

- 1. The Commissioners reviewed and approved the listing of debt service payments incurred via the municipal lease process and authorized the processing of payments after July 1, 1985.
- ✓ 2. The Commissioners voted to set the poker machine license fee at \$250.00 for the first year with the fee thereafter set with a review based on history and econ=performance; and
- 3. Other budget matters were discussed and decisions made as per the attachment to the daily minutes.

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

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JUNE 25, 1985

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

AUDIT LIST

Commissioner Dussault and Evans signed the Audit List dated June 25, 1985, pages 5-29, with a grand total of \$859,024.90. The Audit List was returned to the Accounting Department.

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JUNE 26, 1985

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

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFER

The Board of County Commissioners approved and signed budget transfer No. 850081, a request from the Clerk of Court to transfer \$1,000.00 from the Merit Reserve Account to the Overtime Full-Time Account because of overexpenditure on the last item.

PAYROLL TRANSMITTAL SHEETS

The Board of County Commissioners signed the transmittal sheets for the following payroll periods:

- 1. #10 (4/21/85 - 5/04/85) with a grand total for all funds of \$333,396.51.
- 2. #11 (5/05/85 - 5/18/85) with a grand total for all funds of \$333,147.97.
- 3. #12 (5/19/85 - 6/01/85) with a grand total for all funds of \$341,525.71; and
- 4. #13 (6/02/85 - 6/15/85) with a grand total for all funds of \$344,881.05.

The transmittal sheets were returned to the Auditor's Office.

✓✓ RESOLUTION NO. 85-075

The Board of County Commissioners signed Resolution No. 85-075, a resolution to vacate a dedicated walkway located adjacent to Lots #8 and #9 in Block 8 of the Bellevue Addition #3, and that adjacent landowners be allowed to retain and/or install fencing and landscaping at their personal expense.

✓✓ RESOLUTION NO. 85-078

The Board of County Commissioners signed Resolution No. 85-078, a resolution of intent to rezone a parcel of land in the southeast quarter of Section 4, Township 12 North, Range 19 West from Planning and Zoning District No. 4 to "C-A2" (Residential) as per the detailed legal description which is on file in the Office of Community Development.

RESOLUTION NO. 85-079

The Board of County Commissioners signed Resolution No. 85-079, resolving that the County Treasurer prepare new tax bills for the delinquent lots in Double Arrow Phases VII and VIII using the 1985 taxable values established by the Assessor's Office.

✓ CONTRACT FOR DEED AND WARRANTY DEED

The Board of County Commissioners signed a Contract for Deed and a Warranty Deed between Missoula County (seller) and Richard Raymond and Lisa Dawn Larsen of East Missoula (buyers) for the property described as Lots 26 and 27 in Block 32 of East Missoula, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof for a total price of \$12,000.00 as per the terms set forth in the contract. The documents were returned to John Kellogg in the Office of Community Development for further handling.

JUNE 26, 1985 (CONTINUED)

✓ NOTICE OF PURCHASERS INTEREST

The Board of County Commissioners signed the Notice of Purchasers Interest for the above described contract. The Notice was recorded with the County Clerk and Recorder.

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

PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Chair Ann Mary Dussault.

The first item of business was the introduction of newly-appointed Commissioner, Janet Stevens. Chair Dussault commented that Missoula County was making history because, to her knowledge, this is the first all-woman Board of County Commissioners in the nation.

✓ BID AWARD

Bids for typewriter maintenance for FY '86 were received and opened June 24, 1985. The bids were as follows:

Business Machines	-	\$4,359.84	-	"No Bid" on the six Canon typewriters
Tech Service Co.	-	\$8,691.50	-	Only five of the 11 identified items were bid
P.O.E.S.	-	\$6,325.00	-	All 11 items were bid

The staff recommendation was that P.O.E.S. be awarded the maintenance contract for the six Canon 350 typewriters at \$78 each (total \$468/year) and that Business Machines be awarded the remainder of the bid per their bid price of \$4,359.84.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid for typewriter maintenance for FY '86 as per the staff recommendation. Motion carried. The bid packet was returned to General Services for further processing.

✓ DECISION: REQUEST FROM FARVIEWS DEVELOPMENT CO. TO REZONE PORTION OF SE1/4 OF SECTION 4, T12N, R19W FROM PLANNING AND ZONING DISTRICT #4 to C-A3

Deputy County Attorney Michael Sehestedt said that there is general agreement between the Pattee Canyon Homeowners and Farviews Development Company to rezone the lots facing Missoula to C-A2 (one dwelling per 10 acres) and that the agreement was obtained through Farviews' willingness to enter into restrictive covenants running with the land which would prohibit mobile homes and/or cluster development in the rezoned C-A2 area and which would further provide for development at the rate of one dwelling per 20 acres on the lots on the Pattee Canyon side of the drainage. The precise language and form of the covenants has not yet been established. Mr. Sehestedt's recommendation was to adopt a resolution of intent to rezone (thus triggering the 30-day protest period), understanding that the resolution of intent does not obligate the Board to adopt the proposed rezoning. Also, the restrictive covenants between the two parties should be placed on record prior to any final action by the County, since it is ill-advised for the County to become involved in placing restrictive covenants on parts of two different zoning districts.

Dick Ainsworth, representing Farviews Development Co., said that all parties agree on the content of the covenants and that it is now merely a matter of drawing them up.

Bill Farr, representing the Pattee Canyon Homeowners, asked Mike Sehestedt if he'd said that the County would be involved in the restrictive covenants.

Mr. Sehestedt said that it was possible that the County could be a party to the covenants, depending upon the content.

Ms. Dussault said that she was reluctant to agree to the County's enforcement of covenants. Historically, the Board has maintained the position that covenants are agreements among private parties, and that the County is not involved.

Mr. Sehestedt replied that these would be agreements between private individuals with the County as an additional beneficiary with the power to act to enforce them.

Barbara Evans said that she did not care to have that power and did not care to be a party to such covenants.

Mr. Sehestedt said that it was his understanding that the Board would be willing to be a party to these restrictions. He pointed out that the County is a party to covenants running with the land in the case of agricultural exemptions to certificates of survey, and this appears to be a similar situation.

Ms. Evans said that this would be the only set of covenants she's aware of in which the County would be expected to enforce restrictions the principle parties didn't abide by.

Mr. Farr said that the Pattee Canyon Homeowners thought of the arrangement as being in the general public interest of the County; they want to retain the rural and recreational nature of Pattee Canyon, and that would benefit all residents of the County. There would be no cost to the County: costs of enforcement would be paid by the person or persons who breached the covenant. The Homeowners merely want the County to back up the covenant with its authority, with its notion of representing the public interest.

Barbara Evans said that it is only an assumption that the County wouldn't have to bear any costs.

Mr. Farr said that could be written into the agreement.

Ms. Dussault said that it seemed to her that there have been many instances when the County has been asked to enforce covenants that the County was not party to, and that, unfortunately, many times those covenants were used as a substitute for good land-use practices. Once the covenants break down, the private parties who agreed not to have a pig sty, for instance, expect the County to enforce the covenant when one of the neighbors does install a pig sty. In such cases, the County refuses to intervene, telling those parties that they have private covenants to deal with private matters. In this case, the Board is being asked to use the covenant process for good land-use planning, and she wondered if the County's being a party to covenants as a partner to a homeowner's association would imply that the County and the homeowners would be parties to action against any breach of the covenant.

Mr. Sehestedt pointed out that the Pattee Canyon Homeowners are not incorporated but are a loose aggregation whose membership changes. He also pointed out that, depending on how the covenants are structured, each homeowner or the Association or the County could have the right of independent action against violators; cooperation would be an option but not a requirement.

Barbara Evans asked if the Homeowners would balk at the rezoning if the County didn't agree to become a party to the covenants.

Mr. Sehestedt responded that he couldn't answer that, but that his recommendation would be to adopt a resolution of intent to rezone in order to get the process moving and the covenants drafted. The decision about whether or not the County should be a party to the covenants does not have to be made at this time.

Barbara Evans moved and Ann Mary Dussault seconded the motion to adopt a resolution of intent to rezone a portion of SE1/4 of Section 4, T12N, R19W from Planning and Zoning District #4 to C-A3, with the understanding that the County is not committed to become a party to any restrictive covenants. Motion carried.

Dick Ainsworth requested direction for proceeding, stating that it would be difficult to draft covenants without knowing whether the County would be a party.

Mike Sehestedt suggested that Farviews and the Homeowners work out agreements most satisfactory to them and submit them for County review and approval.

✓ ADOPTION OF CERTIFICATE OF SURVEY POLICY

This action formalized a process that the County has been using to deal with Certificates of Survey and set a time to review that process.

Barbara Evans moved and Ann Mary Dussault seconded the motion to adopt the Certificate of Survey policy as outlined in Resolution No. 85-077. Motion carried.

Commissioner Bob Palmer joined the meeting at this point.

✓ RESOLUTION NO. 85-077

The Board of County Commissioners signed Resolution No. 85-077, resolving to establish a hearing procedure to determine entitlements to exemptions from the requirements of the Montana Subdivision and Platting Act, and setting a date of October 31, 1985 for review of the procedure and the criteria and affidavits attached to the resolution.

✓✓ ADOPTION OF NO-SMOKING POLICY FOR COUNTY BUILDINGS

Barbara Evans moved and Ann Mary Dussault seconded the motion to adopt the resolution outlining a no-smoking policy for Missoula County buildings. Motion carried.

✓✓ RESOLUTION NO. 85-076

The Board of County Commissioners signed Resolution No. 85-076, resolving to establish designated smoking areas and prohibiting smoking in non-designated areas of County buildings under the jurisdiction of Missoula County. Attachments to the resolution designate smoking and non-smoking areas.

There being no further business to come before the Board, the meeting was recessed at 2:05.

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JUNE 27, 1985

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 for General Services and adopted them as part of the FY '85 budget:

1. No. 850082, a request to transfer \$4,000.00 from the Building Maintenance and Repair (\$2,000.00) and the Contracted Services (\$2,000.00) accounts to the Heat, Lights and Water account to correct overexpenditure;
2. No. 850083, a request to transfer \$912.73 from the Other Equipment Maintenance (\$312.73) and The Grounds Maintenance and Repair (\$600.00) accounts to the Heat, Lights and Water Accounts to correct overexpenditure.
3. No. 850084, a request to transfer \$4,545.36 from the Gas and Diesel Fuel (\$2,545.36) and the Contracted Services (\$2,000.00) accounts to the Heat, Light and Water account to correct overexpenditure;
4. No. 850085, a request to transfer \$2,500.08 from the Sewer Services (\$1,609.39) and the Tools and Materials (\$890.69) accounts to the Heat, Lights and Water account to correct overexpenditure;
5. No. 850086, a request to transfer \$3,500.00 from the Safety Supplies account to the Heat, Lights and Water account to correct overexpenditure;
6. No. 850087, a request to transfer \$1,047.96 from the Capital-Technical Expense account to the Capital-Vehicle account to correct overexpenditure;
7. No. 850088, a request to transfer \$914.15 from the Clothing account to the Testing (\$437.10) and Meals, Lodging and Incidentals (\$477.05) accounts to correct overexpenditure;
8. No. 850089, a request to transfer \$1,713.81 from the Clothing (\$685.85) and Contracted Services (\$1,027.96) accounts to the Phone-Basic Charges account to correct overexpenditure.
9. No. 850090, a request to transfer \$1,222.72 from the Books, Research Materials (\$552.42) and Meals, Lodging and Incidentals (\$670.30) accounts to the Phone-Basic Charges account to correct overexpenditure;

JUNE 27, 1985 (CONTINUED)

and 10. No. 850091, a request to transfer \$439.34 from the Printing and Litho accounts to the Long Distance Phone (\$57.85) and Phone-Basic Charge (\$381.49) account to correct overexpenditure.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers for District Court and adopted them as part of the FY '85 budget:

1. No. 850092, a request to transfer \$600.00 from the District Judge Dept. 1 Law Books account, to the Clerk of Courts Meals, Lodging and Incidentals account to pay expenses for Court Clerk to attend a trial in Helena; and
2. No. 850093, a request to transfer \$250.00 from the Mileage account to the Office Supplies account to cover overexpenditure.

✓ OTHER MATTERS INCLUDED:

The Commissioners reviewed and signed approval of the bylaws for the Data Processing Steering Committee and approved adding the Department of Revenue (Assessor's Office) to the Voting Membership, as submitted by Fern Hart, Chair of the Committee.

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

JAIL INSPECTION

The Board of County Commissioners and Health Department Personnel conducted the quarterly inspection of the Missoula County Jail in the afternoon.

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JUNE 28, 1985

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

✓ RESOLUTION NO. 85-080

The Board of County Commissioners signed Resolution No. 85-080, resolving that pursuant to Sections 7-4-2107, 7-4-2403 and 7-4-2504 of the Montana Code Annotated, as amended, effective on the first day of July, 1985, the annual salaries of certain elected County officials are fixed as follows:

Clerk of the District Court	\$25,388.33	County Surveyor	\$25,388.33
County Sheriff	32,866.00	Clerk & Recorder/Treasurer	30,466.00
County Auditor	25,388.33	County Attorney	42,918.16
County Superintendent of School	25,838.00	County Commissioners	27,388.33

RESOLUTION NO. 85-081

The Board of County Commissioners signed Resolution No. 85-081, resolving that pursuant to Section 3-10-207 M.C.A., as amended, effective on the first day of July, 1985, the annual salary of the County Justices of the Peace are fixed at \$25,838.00.


✓ RESOLUTION NO. 85-088

The Board of County Commissioners signed Resolution No. 85-088, a budget amendment for FY '85, including the following expenditures and revenue and adopting it as part of the FY '85 budget:

<u>DESCRIPTION OF EXPENDITURE</u>	<u>CBO FUND:</u>	<u>BUDGET</u>
Msla. Co. served as project sponsor for two "Cultural & Aesthetic Grants" (Coal Tax Grants for MQTV (to produce a film titled "K. Ross Toole's Montana") and for the Children's Arts Project (hands-on experience for children in art). Money for each grant was paid to the project directors by Msla. Co.	2315-675-450701-749	\$28,063.86 (MQTV)
	2315-675-450702-749	\$ 8,796.08 (Children's Arts Project)
	TOTAL:	\$36,859.94

<u>DESCRIPTION OF REVENUE</u>	<u>CBO FUND:</u>	<u>REVENUE</u>
The Montana Arts Council awarded MQTV & The Children's Arts Project funds under its "Cultural & Aesthetic Grants" (Coal Tax Grants) program. A requirement of this funding was that the project director arrange for an institution to receive and pay out the funds. Missoula Co. served as project sponsor.	2315-675-334063	\$36,859.94

  
Fern Hart, Clerk & Recorder

  
Ann Mary Dussault, Chair  
BOARD OF COUNTY COMMISSIONERS

\* \* \* \* \*

JULY 1, 1985

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

✓ SWEARING-IN CEREMONY

Janet L. Stevens was sworn in as County Commissioner by Chair of the Board Dussault to fill the unexpired term of Bob Palmer, who recently resigned, through December 31, 1986.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 850094, a request from the Auditor to transfer \$180.00 from the Books, Research Materials and Subscriptions account to the Office Supplies account for the purpose of re-allocating funds.

QUIT CLAIM DEEDS

The Board of County Commissioners signed Quit Claim Deeds for Missoula County as grantor to the following individuals for the described real estate in conjunction with Bellevue Walkway:

- ✓✓ 1. Eric Marler, 3802 Bellecrest Drive, Missoula, Montana for that portion of a twenty-foot walkway dedicated to the public on the plat of Bellevue Addition No. 3 lying adjacent to Lot 8, Block 8, Bellevue Addition No. 3, a platted subdivision in Missoula County, up to the centerline thereof; and
- ✓✓ 2. Terry Teichrow, 3806 Bellecrest Drive, Missoula, Montana, for that portion of a twenty-foot walkway dedicated to the public on the plat of Bellevue Addition No. 3, lying adjacent to Lot 9, Block 8, Bellevue Addition No. 3, a platted subdivision in Missoula County, up to the centerline thereof.

✓ OTHER ITEMS INCLUDED:

The Commissioner approved the purchase of the B-1990DP Computer System, as per the memo from Information Services dated June 24, 1985 and attached to the daily minutes.

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

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JULY 2, 1985

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

DAILY ADMINISTRATIVE MEETING

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

✓✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Stacie French Graphic Designs, an independent contractor, for the purpose of developing and producing advertising material for the Missoula County Junk Vehicle Program, as per the terms set forth for the period from July 1, 1985 to August 30, 1985, a total amount not to exceed \$2,000.00. The contract was returned to the Health Department for further handling.

✓ BUDGET AGREEMENT

The Board of County Commissioners signed the annual budget agreement between the Cooperative Extension Service, Montana State University and Missoula County for the purpose of financing the County Extension Agent for the period of July 1, 1985 through June 30, 1986 with the total County contribution to agents' salaries being \$49,485.00, 3% increase over FY '85. The agreement was returned to Gerry Marks in the Extension Office for further handling.

✓✓ LOBBYIST EXPENDITURE REPORT

Chair Dussault signed the Principals' Lobbyist Expenditure Report for Dan Kemmis for the Community Economic Development Coalition, covering the period from February 16, 1985 through June 30, 1985. The report was forwarded to the Commissioner of Political Practices in Helena.

OTHER MATTERS INCLUDED:

- 1. The Volunteer Fair, which will be held at Southgate Mall in September, was discussed;
- 2. Commissioners Dussault and Stevens voted to authorize Dick Vandiver, Court Operations Officer, to proceed according to the guidelines outlined in his memo regarding Fred Van Valkenburg's salary as Deputy County Attorney. Commissioner Evans voted no on this matter; and
- ✓ 3. The Commissioners voted unanimously to sell the Justice of the Peace Computer software system to Flathead County for a nominal fee (approximately \$50.00) and they can then contract with whoever they want to accomplish installation and training, with no obligation on the part of Missoula County to provide for consulting.

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

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JULY 3, 1985

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 3, 1985, pages 4-23, with a grand total of \$96,326.69. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

✓ CERTIFICATION OF ACCEPTANCE

Chair Dussault signed the Certification of Acceptance for County Maintenance of Elm Drive in Seeley Lake,



JULY 3, 1985 (CONTINUED)

a 1963 dedicated gravel road in the residential area of Seeley Lake. The Certificate was returned to the Surveyor's Office.

LEASE AGREEMENT

Chair Dussault signed the Lease Agreement between Missoula County and Dictaphone Corporation for the tape machine in 9-1-1.

✓ APPLICATION FOR RIGHT-OF-WAY EASEMENT

Chair Dussault signed an application for right-of-way easements in state lands between Missoula County and the State Board of Land Commissioners for easements through the E $\frac{1}{2}$  SE $\frac{1}{4}$ , Sec. 32, T.16N, R 14W. for the existing Woodworth Road as per the description on the application. The Application was returned to the Surveyor's Office for further handling.

✓ ACCEPTANCE OF PROPOSAL

Chair Dussault signed acceptance of a proposal for a self-insured liability program for Missoula County as submitted by Ebasco Risk Management Consultants Inc. of New York, as per the terms set forth in the agreement:

OTHER MATTERS INCLUDED

1. Commissioner Evans was designated Acting Chairman for the upcoming weekend as Chair Dussault will be out of town; and
2. The Commissioners approved the Youth Court Salaries for FY '86 as submitted by the Director of Personnel and Labor Relations, Dennis Engelhard.

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

PUBLIC MEETING

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

✓ BID AWARD: KONA RANCH ROAD, PHASE I (SURVEYOR'S OFFICE)

Ann Mary Dussault read the request for commission action on this bid award, which had been prepared by Bob Holm, Project Engineer for Roads. This request stated that bids for the construction of the Kona Road, Phase I, were opened on July 1, 1985, with the following bids received:

1. Nelcon, Inc.	\$325,099.65
2. Western Materials, Inc.	\$248,417.00
3. American Asphalt, Inc.	\$284,086.00
Engineer's Estimate	\$293,148.75

Further information provided by Bob Holm stated that the FY '86 Budget request contains \$388,000 to accomplish the necessary land acquisition, utility relocation and actual construction required to allow for bridge construction this fall. His recommendation was that a contract for access roadway construction for the Kona Ranch Road, Phase I, be awarded to the low bidder, Western Materials, Inc., in the amount of \$248,417.00

A brief discussion was held, during which Deputy County Attorney Michael W. Sehestedt made the point that award of the bid for this contract at this point would be a budget obligation for FY '86.

Barbara Evans moved, and Janet Stevens seconded the motion, that the bid for the necessary land acquisition, utility relocation and actual construction on Kona Ranch Road, Phase I, be awarded to Western Materials, Inc., in the amount of \$248,417.00, in accordance with Bob Holm's recommendation. The motion passed by a vote of 3-0.

Since there was no further business to come before the Commissioners, the meeting was recessed at 1:35 p.m.

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JULY 4, 1985

The Courthouse was closed for the Independence Day holiday.

\* \* \* \* \*

JULY 5, 1985

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

Fern Hart  
Fern Hart, Clerk & Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair  
BOARD OF COUNTY COMMISSIONERS

\* \* \* \* \*

JULY 8, 1985

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 voted unanimously to approve the request from Orin Olsgaard, DES Coordinator, to immediately

expend \$2,500.00 of its capital budget for FY '86 in order to meet commitments in developing a mobile command post, which is a joint venture with the U.S. Forest Service.

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

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JULY 9, 1985

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 9, 1985, pages 3-22, with a grand total of \$190,579.89. The Audit List was returned to the Accounting Department.

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JULY 10, 1985

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

MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report of the Clerk of District Court, Bonnie Henri, showing items of fees and other collections for month ending June 30, 1985.

AUDIT LIST

Commissioners Dussault and Stevens signed the Audit List dated July 10, 1985, pages 3-6, with a grand total of \$49,306.64. 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:

PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the transmittal sheet for pay period #14 (6/16/85 - 6/29/85) with a grand total for all funds of \$346,211.18. The transmittal sheet was returned to the Auditors Office.

PARTICIPATION AGREEMENT

Chair Dussault signed a Participation Agreement for the Cash Anticipation Financing Program between the Montana Economic Development Board and Missoula County, with the amount of participation being \$2,591,908.00. The Agreement was returned to Brentt Ramharter, Fiscal Officer for further handling.

OTHER MATTERS INCLUDED:

The Commissioners approved the following motions passed by the Seeley Lake Refuse Disposal District Board of Directors at their June 9, 1985 meeting:

1. Fiscal Year 1986 Budget:

Income from assessed fees	\$31,000.00
Expenses	
Annual contract expense	26,000.00
10% unpaid taxes	3,100.00
Administrative costs	1,900.00
	\$31,000.00

2. They also approved the motion that a contract be entered into with Michelle Potter, who is to provide secretarial services to the board. She is to be paid \$7.00/hr. and reimbursed for supplies, postage & mileage.

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

GROUNDBREAKING CEREMONY

The Board of County Commissioners participated in the Groundbreaking Ceremony for the New YMCA building at noon.

PUBLIC MEETING

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

BID AWARD: PLANT MIX ASPHALTIC CONCRETE (SURVEYOR)

Under consideration was award of a contract for plant mix asphaltic concrete. Information provided by County Surveyor Dick Colvill stated that bids for 3,275 tons of plant mix asphaltic concrete were opened July 8, 1985, with the following bids received:

Nicholson Paving	\$63,043.75
American Asphalt	\$68,775.00
Western Materials	\$77,781.25

Further information provided by Dick Colvill stated that the current budget includes \$88,000 for asphaltic concrete. He stated that they intended to use the remainder for spring paving, and recommended that the contract be awarded to the low bidder, Nicholson Paving, in the amount of \$63,043.75.

Barbara Evans moved, and Janet Stevens seconded the motion, that the bid be awarded to Nicholson Paving in the amount of \$63,043.75, in accordance with the recommendation of County Surveyor Dick Colvill. The motion passed by a vote of 3-0.

JULY 10, 1985 - PUBLIC MEETING MINUTES (CONTINUED)

HEARING: PROPOSED AMENDMENTS TO RESOLUTION NO. 83-99 (COMPREHENSIVE PLAN DETERMINATIONS)

Information provided by Planner Pat O'Herren stated that Resolution 83-99 requires that all building permits issued in unzoned areas within four and one-half miles of the City limits be in substantial compliance with the Comprehensive Plan. Determinations of compliance are made by the Director of the Office of Community Development. His determinations are advertised in the Missoulian and the property is posted.

The issuance of some permits can be delayed up to one month if an appeal is received by the County Commissioners regarding the Director's actions. All requests are delayed approximately two weeks (due to legal ads, Missoulian deadlines and staff review). In some cases, this delay is unwarranted. The staff of the Community Development Office has proposed several amendments to Resolution 83-99 which will help eliminate this delay.

During his staff report, Pat O'Herren said that the main reason for the proposed changes was to bring Resolution 83-99 into accord with the County Zoning Regulations.

Chair Dussault opened the public comment portion of the hearing, asking that proponents of the amendments speak first. There were no proponents or opponents. Chair Dussault closed the public comment portion of the hearing.

Responding to a question from Ann Mary Dussault, Deputy County Attorney Michael W. Sehestedt stated that the Commissioners were free to act, or not, at their discretion, at this meeting.

Pat O'Herren stated that the purpose of the proposed amendments is to provide an improved review process for certain building permits. He stated that Resolution 83-99 covers unzoned areas within 4.5 miles of the Missoula City limits. It contains guidelines for the issuance of building permits in this area, and was adopted by the County Commissioners in response to the Little vs. Flathead County Supreme Court Case. The Missoula Planning Board recommended adoption of the proposal at its June 18, 1985 meeting, according to Pat O'Herren. He then went over the proposed changes, which are listed below:

WHEREAS, the County desires to have building permits issued which are determined to be in substantial compliance with the adopted Missoula Land Use Plan and the Missoula County Comprehensive Plan of 1975 and any amendments or additions thereto; and

WHEREAS, in the public interest a procedure has been established whereby building permit applicants receive a determination of compliance prior to obtaining a building permit; and

WHEREAS, certain legal notification requirements have been established which require publication of notice of all determinations which can result in unnecessary delay in the prompt processing of building permit requests,

NOW, THEREFORE, BE IT RESOLVED:

Resolution 83-99 is hereby amended to include the following:

Section 2-d.

All permit requests which meet any of the conditions outlined in subsections I through VII below shall be considered to be in compliance with the Missoula Comprehensive Plan and its amendments.

I. In approved subdivisions, where the building permit request meets the conditions of the subdivision, the permit is exempt from the requirements of Section Three of Resolution 83-99.

II. Additions to structures that are less than 50% of the gross floor area of the existing structure are exempt from the requirements of Section Three of Resolution 83-99.

III. Accessory structures (as defined in the County Zoning Resolution) to the main use on a parcel are exempt from the requirements of Section Three of Resolution 83-99.

IV. Interior remodeling of a structure such that the cost of the remodeling is less than 50% of the value of the structure (as determined by the Building Inspector) is exempt from the requirements of Section Three of Resolution 83-99.

V. In areas where 50% or more of the land uses within 300 feet of the applicant's property are compatible with the proposed land use, the permit shall be exempt from the requirements of Section Three of Resolution 83-99.

VI. In established mobile home parks, replacement of one mobile home with another mobile home shall be exempt from the requirements of Section Three of Resolution 83-99.

VII. Building permits for holiday sales buildings (such as fireworks stands for July 4th and Christmas Tree stands for December 25th) shall be exempt from the requirements of Section Three of Resolution 83-99.

Barbara Evans moved, and Janet Stevens seconded the motion, that the proposed changes to Resolution 83-99 be adopted, in accordance with staff recommendation. The motion passed by a vote of 3-0.

Since there was no further business to come before the Commissioners, the meeting was recessed at 1:37.

\* \* \* \* \*

JULY 11, 1985

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

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Colborn School Supply as principal for warrant #918, dated March 12, 1985, on the Missoula County General (SD23601) fund in the amount of \$1,095.15, since the warrant has been lost.

DAILY ADMINISTRATIVE MEETING

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

✓✓ RESOLUTION NO. 85-082

The Board of County Commissioners signed Resolution No. 85-082, a resolution amending Resolution No. 83-99 to include the following regarding building permits:

All permit requests which meet any of the conditions outlined in subsections I through VII of this Resolution shall be considered to be in compliance with the Missoula Comprehensive Plan and its amendments.

✓ OTHER ITEMS INCLUDED

The Commissioners met with personnel from the Clerk and Recorder's Departments and discussed and reviewed the final draft of the County Investment Policy. It was decided to proceed to the next step and to review the comments with financial institutions, and then forward the final draft for signature.

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

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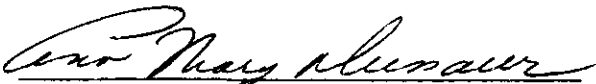
JULY 12, 1985

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

AUDIT LIST

Commissioners Dussault and Stevens signed the Audit List dated July 12, 1985 pages 4-25, with a grand total of \$307,606.14. The Audit List was returned to the Accounting Department.

  
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Fern Hart, Clerk & Recorder

  
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Ann Mary Dussault, Chair  
BOARD OF COUNTY COMMISSIONERS

\* \* \* \* \*

JULY 15, 1985

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

MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report of W.P. Monger, Justice of the Peace for collections and distributions for month ending June 30, 1985.

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Ralph A. Johnsrud as principal for warrant #109688 dated July 5, 1985, on the Missoula County Payroll fund in the amount of \$553.72 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

✓✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Don Evans, an independent contractor, for the purpose of conducting research and collecting data on Missoula County soils, groundwater levels, and test results; mapping the soils and groundwater information; and consulting with members of the Water Quality Advisory Council for revisions to the mapping project for the period from July 1, 1985 to September 30, 1985 for a total payment not to exceed \$3,250.00. The contract was returned to the Health Department for further handling.

✓ RESOLUTION NO. 85-083

The Board of County Commissioners signed Resolution No. 85-083, a resolution requesting the Missoula City Council to amend its ordinance forbidding the discharge of firearms contrary to public safety to include the area of Missoula County indicated on the map and legal description attached to the Resolution.

BOARD APPOINTMENT

The Board of County Commissioners appointed David Baker as the alternate member on the Missoula County Park Board for a one-year term through May 5, 1986.

OTHER MATTERS INCLUDED

- ✓ 1. The Animal Control Interlocal Agreement proposal by the City of Missoula's Public Safety Committee was discussed. The Commissioners rejected the proposed agreement and a counter proposal will be worked on; i.e. the original proposal by the Animal Control Advisory Task Force; and
- ✓ 2. The Commissioners voted unanimously to accept the amendments as attached to the Library agreement.

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

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JULY 16, 1985

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 July 16, 1985, pages 3-19, with a grand total of \$61,130.46. The Audit List was returned to the Accounting Department.

JULY 16, 1985 (CONTINUED)

DAILY ADMINISTRATIVE MEETINGS

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

- ✓ 1. The Jordan Tracts Roads request was discussed and denied by the Commissioners as the County does not accept responsibility for unimproved roads. A letter will be sent explaining the reasons to the residents;
- ✓ 2. The request for a speed study for Highway 93 in the Condon area was discussed. The State Highway Department will be contacted and a meeting set up in the fall; and
- ✓ 3. The Saw Mill Gulch Road was discussed with County Surveyor, Dick Colvill. The consensus was to go to bid on the Squaw Creek Bridge project.

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

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JULY 17, 1985

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. 85-084

The Board of County Commissioners signed Resolution No. 85-084, a resolution in regard to the Deputy County Attorney Salaries, resolving that for FY '86, or until approved modifications or adjustments are made in the adopted pay plan, the following shall apply:

1. Those Deputy County Attorneys subject to the provisions of Senate Bill 116 shall receive longevity payments as set forth in Senate Bill 116, but shall not receive either COLA or merit increases provided in the pay plan;
2. All Deputy County Attorneys not subject to Senate Bill 116 shall be subject to pay plan provisions and those COLA and merit guidelines established by the Board of County Commissioners;
3. The Board of County Commissioners shall not be bound by any agreement made between the County Attorney and any employee, prior to that person's employment, which is not in accordance with the adopted personnel policies unless such agreement had prior written approval of the Board of County Commissioners; and
4. In view of the pending lawsuit filed by the Montana Magistrates Association to void Senate Bill 116, the Board of County Commissioners recognizes that the foregoing may be nullified by the Courts, and shall abide by any decision made by a court of competent jurisdiction.

NOTICE OF HEARING

- ✓ Chair Dussault signed the Notice of Public Hearing for the use of Revenue Sharing Funds for Fiscal Year 1986, setting the hearing for August 8, 1985 at 7:00 p.m. The proposed allocation of reserve sharing funds is on file in the Commissioners files.

OTHER MATTERS INCLUDED

1. The Commissioners approved the submittal of the grant application for Missoula Youth Homes;
2. The MACo Revenue Enhancement Study was discussed. The Commissioners gave approval to Howard Schwartz, Executive Officer to participate if he is interested and has the time;
3. The Will and Myra Brunner tax matter was discussed. It was the consensus of the Board that the draft agreement for payment of back taxes be approved; and
4. Diane Conner, Deputy County Attorney, will re-draft a letter to Lake County regarding their District Court costs.

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

PUBLIC MEETING

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

✓ ✓ ✓ BID AWARD: CANYON PARK PROJECT

Information provided by Rehab Specialist A.M. (Bud) Hettick stated that the Community Development Block Grant for East Missoula included funding to improve the dedicated parkland in the Canyon View IV Improve-ments will include landscaping, an irrigation system, and playground equipment.

Mr. Hettick stated that the only bid received was one bid from Joe Skornogoski of Sun Homes for \$19,980.00. Staff recommendation was to award the bid to Sun Homes for \$19,980.00.

Barbara Evans moved, and Janet Stevens seconded the motion, that the bid be awarded to Sun Homes in the amount of \$19,980.00. The motion passed by a vote of 3-0.

PROCLAMATION

The Commissioners then signed a Proclamation declaring July 19, 1985 as POW/MIA Recognition Day in Missoula, remembering the more than 2500 Americans still unaccounted for from the war in Southeast Asia.

Dan Gallagher, from the "Forgotten Warriors" post of the Legion made a brief statement to underscore the importance of remembering these Americans. He asked that people in the Courthouse observe one minute of

silence at 11:00 on July 19. It was also suggested that the Courthouse bell be rung for this observance. The Commissioners indicated that they would ask Operations Officer John DeVore to arrange to have the bell rung.

✓✓✓ CONSIDERATION OF: PARKER ADDITION (SUMMARY PLAT)

Paula Jacques gave the staff report, stating that the Parker Addition is the resubdivision of Tract 1, Carnes Seeley Creek Tracts, into two single-family lots, 0.8 and 1.3 acres in size. There is an existing single-family residence on Tract 1-B. The lots will have individual septic systems and will connect to the Seeley Lake water system.

She said that the applicant had requested variances from the right-of-way and road width standards, the paving requirement, and the requirement that an easement be provided for half a cul-de-sac bulb.

She said that the staff recommendation was approval of the summary plat of Parker Addition, subject to one condition, that the applicant shall provide an easement for one-half a cul-de-sac bulb with a radius of thirty-feet. She said further that the staff and the Regulatory Commission had recommended that the applicant be granted variances from the right-of-way and road width standards and the paving requirement, but recommended that the variance from providing an easement for one-half a cul-de-sac bulb be denied. She said that the applicant had agreed with this recommendation after the staff and the Regulatory Commission had explained the reason for recommending denial of the one variance request. She said that the reason that the Regulatory Commission and the staff had made this recommendation was that the applicant desires to have what the Subdivision Regulations consider to be a private road function as a driveway. She said that it was felt that the 20-foot easement was adequate for that purpose, and added that the reason for recommending the cul-de-sac bulb was to prevent the construction of any sort of buildings in what may be needed in the future as a turn-around for emergency vehicles. She said that the applicant had agreed to these requests.

Chair Dussault said that while a hearing is not required for a summary plat, and therefore this is not a hearing, the Commissioners would take comments on the summary plat. There were no comments.

Janet Stevens moved, and Barbara Evans seconded the motion, that the summary plat for Parker Addition be approved, subject to the condition and variances listed below, and that the summary plat be found in the public interest in accordance with the findings of fact listed below. The motion also stated that the Commissioners denied a variance from the requirement for an easement for one-half a cul-de-sac bulb, in accordance with Community Development Staff and Regulatory Commission recommendations. The motion carried 3-0.

The summary plat of Parker Addition was approved, subject to the following condition:

1. The applicant shall provide an easement for one-half of a cul-de-sac bulb with a radius of thirty-five feet.

In addition, the Commissioners granted the variances from the right-of-way and road width and the paving standards of the subdivision regulations. The reason for granting these variances is that the applicant's proposed alternative of a twenty-foot private access easement is adequate for these circumstances, given the lack of potential for future subdivisions. The plat also contains the private road disclaimer, absolving the County of any responsibility for the private road until it is brought up to standards and dedicated. Should further subdivisions of this property be proposed, a preliminary plat will be required with the opportunity to review access into this development.

The Commissioners denied a variance from the requirement for an easement for one-half a cul-de-sac bulb because it would not insure adequate access for emergency vehicles.

The Commissioners declared the summary plat of Parker Addition to be in the public interest in accordance with the findings of fact listed below:

1. NEED -- The 1975 Missoula Comprehensive Plan recommends suburban residential development for this area at a maximum density of two units per acre. This designation was applied by the Plan to areas which are or have the potential to be serviced by community water and/or sewage systems and which are capable of supporting higher population densities without adverse environmental impact. Parker Addition satisfies this goal of the Plan to provide opportunities for housing in the Seeley Lake vicinity at an acceptable density. It is also located within what the Plan has designated as "the Seeley Lake activity center," which supports the variety of services needed for a viable community.
2. EXPRESSED PUBLIC OPINION -- No public hearing is required for a summary plat and no comment has been received to date regarding this proposal.
3. EFFECTS ON AGRICULTURE -- The parcel is not in agricultural use at this time and has limited potential for agricultural use.
4. EFFECTS ON LOCAL SERVICES -- This subdivision is located within "the Seeley Lake activity center"; thus, many services are available. The impact of this two-lot subdivision on the school system is minimal, and it is located on an existing bus route.
5. EFFECTS ON TAXATION -- This subdivision should result in an increase in property tax revenue. No additional demand for services beyond those already provided is anticipated.
6. EFFECTS ON THE NATURAL ENVIRONMENT -- The primary impact on the environment occurred with the initial platting of the Carnes Seeley Creek Tracts.
7. EFFECTS ON WILDLIFE AND WILDLIFE HABITAT -- Again, the major impact on wildlife and habitat occurred when this area was first approved for residential development.
8. EFFECTS ON PUBLIC HEALTH AND SAFETY -- The S.O.S. Center, providing health care to the Seeley Lake community, is adjacent to this subdivision. The area is under the protection of a resident deputy. Sanitary restrictions have been lifted by State and local health departments following their review of the water, sewage and solid waste disposal plans. The Montana Department of Highways has approved the approach to Highway 83.



JULY 17, 1985 - PUBLIC MEETING (CONTINUED)

✓✓ HEARING: REQUEST TO VACATE 10' OF RIGHT-OF-WAY (12th and Schilling)

Under consideration was a request to vacate 10' of right-of-way on 12th and Schilling Streets adjacent to Blocks 82 and 83 further described as a reduction of the 10th Street right-of-way from 80' to 60', adjacent to Lots 1-12, Block 83; lots 31-36, Block 82, and the west 10' of Schilling Street adjacent to Lot 1, Block 83, and Lot 36, Block 82.

Further information provided by Recording Division Manager Donna Cote stated that Raymond P. Tipp, whose property is adjacent to this parcel, wanted the right-of-way reduced in order to include an additional ten feet on his property, which he maintains. He felt this would improve the look of the area. Donna Cote provided the following names of adjacent property owners:

- |                                     |                       |                       |
|-------------------------------------|-----------------------|-----------------------|
| 1. Raymond P. Tipp (Contract buyer) | 2. H.K. Shupe         | 3. T.M. Jenkins       |
| P.O. Box 3778                       | Address not available | Address not available |
| Missoula, MT 59806                  | Vestee                | Vestee                |

Chair Ann Mary Dussault opened the public comment portion of the hearing, asking proponents to speak first. The following person testified as a proponent:

1. Ray Tipp said that years ago, the streets in that area were unimproved, and had the wide right-of-way. At that time, the County wanted to install paving and curbs and gutters. He said that he was the one who had held it up because it wasn't going to improve the area, but it was agreed, finally, by the Commissioners at the time that they would consider vacating that portion of the streets which were not going to be paved so that the adjoining property (which belonged to him) wouldn't end up a weed strip. He said that, as it turns out, there is that 10' strip on each side of the street on 12th where he owns property, and on Schilling, where he has property as well, there is the same problem. He said that when he improves the property, that ten feet will make a difference in the appearance of the area. He said that if the extra ten feet is added to his property, it will be maintained. In addition, it would relieve some of the problem with parking, as there would be more room. He said that he had four trailers on 12th Street, and the parking is on that ten feet, as it turns out. On the other side, there are twelve lots, eight of them unimproved. He said that he intended to develop that property according to whatever the zoning is in the future.

Ann Mary Dussault asked if there were anyone else who wished to speak in opposition. No one else wished to comment. She closed the public comment portion of the hearing.

Barbara Evans expressed a concern to Deputy County Attorney Mike Sehestedt that the other folks who are listed as adjacent landowners are not available for comment.

Ray Tipp said that Mr. Shupe and Mr. Jenkins are both dead. He said that he had received a call from Donna Cote from the Clerk and Recorder's Office as to who these people were, and he had informed her that the two men had previously held a mortgage on the property, but said that they had not been title holders. He said that he didn't know why their names were down there in the first place, especially as they're now both dead. He said that he was the sole property owner.

Ann Mary Dussault asked County Surveyor Dick Colvill if he had a problem with the request, and he said that he didn't have a problem with vacating the property but thought that the legal description could be improved.

Ann Mary Dussault explained that state law requires that a Commissioner and the Surveyor make a site inspection of a vacation request before making a decision on it. She said that the site inspection would be scheduled before the following Wednesday public meeting. It was decided that Commissioner Janet Stevens would make a site inspection with Surveyor Dick Colvill the following week, and that the Surveyor's Office would revise the legal description so that the vacation request is more accurately described. The decision will be made at the next public meeting.

Since there was no further business to come before the Commissioners, the meeting was recessed at 1:55.

✓✓ PRELIMINARY BUDGET HEARING ON FY '86 - MINUTES

Chair Ann Mary Dussault opened the hearing at 3:30 p.m. The hearing had been originally scheduled for Room 201 of the Courthouse Annex, but that room proved to be too small to accommodate the number of people who showed up, so it was moved to the Large Courtroom. Sign-up sheets were provided so that people could sign up to testify or merely indicate support or opposition to something in the budget without having to testify. Ann Mary Dussault announced her intention to use the sign-up sheets to organize the hearing by having everyone who wished to testify on a certain part of the budget, i.e. the Health Department, complete their testimony and then moving on to another part of the budget. She asked people who had to leave early to indicate that so she could call on them first. With those procedures laid out, the following people testified:

1. Geoffrey Sutton, 445 Edith, Missoula testified in support of Health Department funding, particularly in regard to air quality programs.
2. Shirley Hill, a teacher at Hellgate High School, and residing at 2322 Highwood Drive, Missoula, testified in support of Women's Place. She said that staff members from Women's Place have talked to Hellgate High School students, and to students at other high schools as well, about sexual assault and domestic problems. She said this was a valuable service. She said that the support system for women provided by Women's Place is necessary. She said that it is necessary particularly for women who have no other place to go: women without family support or financial resources.
3. Anthony Marko, a Chef-Instructor at the Missoula Vo-Tech, and residing at 235 E. Central, Missoula, testified on behalf of the Health Department, particularly the food inspection programs, which are an essential component of maintaining public health.
4. Martha Powell, Box 3867, Missoula, 59806, testified against Health Department funding, citing specifically that Milltown's water problems should be handled by the County Attorney and the State of Montana; that industrial contamination should be handled by the County Attorney and the Sheriff's Department; that street cleaning, sanding and paving should be handled by the Surveyor's Office and that all other departments under fund 610 (with the exception of communicable and sexually transmitted diseases) should be abolished or transferred to interested private citizens' groups. She submitted her testimony in written form, and it is on file in the Commissioners' Office.
5. Sam Yewusiak, Manager, Western Montana Fair, testified in favor of having the Fair budget increased \$3,000 over the appropriation requested for the past year. He said that included in this year's budget request was a \$12,000 line item for the Montana State Expo. He said that there is a provision allowing a

cattle show to be funded under its own mill levy rather than in the Fair mill. He said that people from the Chamber would testify as to the value of the Expo to Missoula's economy.

6. David Owen, Director of the Chamber of Commerce, testified on behalf of the Expo as well, citing economic benefits to Missoula as the main reason. He said that if the Expo could continue to attract hundreds of people to town, it had the potential, particularly as it is held during the traditionally sluggish month of February, of adding from \$50,000 to \$100,000 to the economy at that time. He also said that it has the potential to be self-supporting down the road.

7. Beth Metzger, 400 N. Ave. E., testified in favor of Health Department funding, particularly public health nursing. She submitted written testimony, which is on file in the Commissioners Office.

8. Carryl Meyer, 2532 Highwood Drive, Missoula, who identified herself as the Chair of the Citizens Advisory Council to the Air Pollution Control Board, testified in support of the Health Department budget in general and air quality programs in specific. She said that when the carbon dioxide levels are up in the winter, everyone's health is affected. She said that no other budget than the Health Department's affects so many people. She said that it is necessary to clean up the air as well as stop pollution from getting worse, and the air pollution control programs are doing both.

9. John Collins, 441 Keith, from Rehab Services, testified on behalf of Summit. He said that Summit served the community in that it assisted the disabled population to reach a point of independent living. He said that it was impossible to live independently without having your recreation and social needs met, and Summit's program addressed those needs.

10. Larry Watson, 4323 Larkspur Drive, Missoula, a disabled consumer and director of the Outdoor Disabled program at the UM said that he fully supported Summit's program to make Missoula buildings and programs accessible to the handicapped. He said that without this program, a disabled consumer could not enjoy the same advantages as an able-bodied person could. He said that he had gone to the high schools in the area to talk to students, and many were in favor of Summit and its programs. He said that it was important for the community to be aware of the disabled population, to understand what the different disabilities were, and some of the problems encountered by disabled people in their everyday lives: such things as specialized transportation problems, the need for air conditioning, etc. He said that without Summit, he would not be able to get information to the disabled people of Missoula. He urged the Commissioners to fund the program.

11. Don Torgenrud, a member of the Expo Committee, testified on behalf of funding the Expo out of the mill authority for a cattle show. He said that in these hard economic times, many farmers and ranchers are not able to come up with the fee of \$25/head to enter their cattle in the Expo. If the Expo had its own budget, more people could afford to come to it, he said.

12. Mick Harsell, of Missoula, testified in support of the Fair budget, particularly to fund the Expo. He had no additional testimony.

13. Cindy Garthwait, 4106 Fox Farm Road, Missoula, identified herself as Director of Parents Anonymous, and testified in support of the Child and Family Resource Council in terms of helping to prevent child abuse and in support of the Adolescent Pregnancy Program in the Health Department. She said that unwed mothers are a high-risk group in terms of child abuse, and said that the Adolescent Pregnancy Program provides invaluable support for these women. She added that the Child and Family Resource Council is working to prevent child abuse through education.

14. Larry Zimmerman, #1 Martha's Court, testified in support of the Health Department's air quality program. He had prepared a graph showing total suspended particulates from 1971 through 1984, and this graph shows that air quality has markedly improved in Missoula during this time period, thanks to the air pollution control measures instituted by the Health Department. He said that the County is mandated by the State and Federal governments to reach containment standards set at those levels, and that Missoula was at non-contaminant during the '70's, but, beginning in 1980, had made dramatic improvements in the air quality, so that they had reached containment. He said that the Health Department had done an admirable job and he believed that the sharing of knowledge and the professionalism within the Department was admirable. He said that these people had progressed each year. He added that instrumentation needed in air quality is increasing in cost and sophistication each year, and he supported wholeheartedly monies needed for air pollution control and monitoring.

15. Marge VerHey, 231 Kensington, Missoula, testified in support of the Environmental Health section of the budget request. She said that part of the money requested was intended to update the filing system on the computer. She said that this was a one-time request, and added that the Health Department needed continued funding to provide air and water quality for Missoulians. She said that there wasn't much base-line data on water quality, and research would help the Health Department to get a handle on this. She said that Missoula was fortunate in having an Environmental Health Director who has a background on environmental health, and we should support her expertise.

16. Luther Powell, Box 3867, Missoula, 59806, said that he supported what his wife, Martha Powell, had already said.

17. Mary Ann Power, 304 - 39th Street, and Louise Kolppa, 617 Higgins, indicated that they supported Summit.

18. Shirley Hill, 2322 Highwood Drive, stated that she supported Women's Place.

19. Lin Ruffato, 2324 Skyline Drive, testified in support of Women's Place. She said that she serves as a volunteer at Women's Place, and mentioned their importance as a coordinator of agencies involved in helping women; i.e. doctors, lawyers, social service agencies, etc.

20. Becky Cox, 700 Palmer, testified in support of the budget request made by Women's Place. She said that there were only three part-time paid staff members and the rest of the staff were volunteers. She said that Women's Place is the only crisis service to rape victims in Missoula, and added that there has been an increase in the number of rapes in Missoula County. She said that rape is not something that is easily recovered from, and Women's Place is the only agency that provides counseling services geared towards rape victims.

21. Anni Rieker, 2201 Stephens, testified in support of Women's Place. She said that Women's Place provides one of the best services for women in Missoula. She said that she herself serves as a peer counselor three hours a week as a paid staff person and as a volunteer for 24 more hours per week.

22. Arlyss Bolich, 2046 South 10th Street, testified against funding community based organizations. She said that it was too much to keep expecting the taxpayers to support all of these organizations, most of which have money coming from other sources (written testimony on file in the Commissioners' Office).

## MINUTES - PRELIMINARY BUDGET HEARING

23. Delores Ball, from Clinton, protested money awarded to train daycare workers. She said that training was available through the Vo-Tech. She also protested the recruitment costs line item in the budget, and made reference to the unemployment rate in Missoula and in Montana. She said that she couldn't believe that trained, competent people couldn't be found right here in Missoula, or at least in Montana. She then protested money allocated for contracted services, stating that 1.3 mills had been allocated for that in 1984 and 1985. She said that she wanted to see that reduced. She submitted written testimony, which is on file in the Commissioners' Office.

24. Kathy Bousfield, 2516 Highwood, Missoula, testified in favor of Child Care Resources, stating that child care is a basic service that needs to be provided in Missoula. She said that she has been actively involved in child care for 14 years, and the focus has changed over that time from being a way to supplement family income to trying to supply quality daycare. She said that having a daycare trainer has been invaluable in affecting the quality of daycare in Missoula.

25. Marilen Trotter, 2105 Gerald, Missoula, testified in favor of funding Child Care Resources. She said that there are now 132 daycare providers working in their own homes, and training has helped them to provide better quality daycare in general. She said that there are 28 centers, with 160 employees as well as the private-home providers. She had drawn a picture to illustrate poor daycare.

26. Sharon DiBrito, 11150 Napton, Lolo, testified in support of Child Care Resources. She commended the Commissioners for using the permissive mill for daycare for training, as it was intended by the Legislature to be used. She said that Missoula County was one of the few counties, if not the only county, that has set up a network of providers and has trained and educated many of them. She said that as a result of its work, the quality of child care in Missoula has gone up measurably.

27. Phyllis Bureson, 540 Ford St., Missoula, testified on behalf of Child Care Resources. She said that she is President of the Missoula Daycare Association, and she has operated a daycare center for eight years. She said that Child Care Resources has monthly workshops on topics of concern to daycare providers. She said that Child Care Resources offers guidance and reassurance and support. She said that Missoula is known throughout the state for having quality daycare training, which is viewed as a deterrent for child abuse and neglect. She said that children need a good start in life and providing good quality daycare provides that start. She said that every penny that is invested in this way yields a dollar saved in terms of troubled youth, and hundreds saved on adult corrections. She added, in response to a comment by Delores Ball, that Missoula Vo-Tech does not offer training to daycare workers.

28. Scott Anderson, Director of Head Start, testified in favor of Child Care Resources. He said that there has been a tremendous expansion in daycare, over 100% over three years time, both in the number of children enrolled in daycare and in the number of homes and centers. He said that, in general, people have very little training before they enter the profession. In four years time, he said, 186 new providers have set up daycare facilities. He summarized his point by saying that a lot of new people are taking care of kids for the first time. He said that training, such as Child Care Resources provides, improves the quality of care that children receive. He said that he was also in favor of the child health care program which has been proposed for the Health Department. He said that since Five-Valleys Health has been discontinued, health education and referral is a service that should be provided.

29. Louise Jones, who has been a member of Headstart for 17 years, said that she can remember a time when daycare in Missoula was substandard. She said that Child Care Resources has brought the standards up in general.

30. Willard Wylie testified in favor of funding the Senior Center, stating that it was primarily looked upon as a social and recreational center, but there are nine educational programs that are regularly scheduled during the year.

31. A Mr. Russ offered his moral support towards funding of the Senior Center.

32. Chris Anderson, President of the Senior Center, said that he wanted to support increased funding for the Senior Center.

At this point, Chair Dussault asked how many people were present to support the Foster Grandparent Program. Seventeen people indicated that they were present in support of Foster Grandparents.

33. Ann Cook testified in favor of Foster Grandparents, stating that every one of the seniors work directly with children. There are over 30,000 hours per week which goes directly to children, she said, and added that the County money is used to match the Federal grant. Without the County money, the Federal grant is jeopardized. She said that Foster Grandparents earn \$2.25/hour, and they need the money they earn. Employment for seniors is vital, she said, and urged the Commissioners to fund the program.

34. May DeLozier, 805 S. Orange, Apt. A, testified in favor of the Foster Grandparents Program also, stating that she works at the Attention Home, giving the teenagers experience with a grandparent, which she feels has been good for them. She said that she thought it was a very worthwhile program.

35. Virginia Hart, 705 North Third, also testified for the Foster Grandparents Program as well. She said that she works four hours a day with school children, and she loves the work. She said that the seniors in the program work for the money, and they don't expect a hand-out. She said that she appreciates the money they have been given in the past, and hopes that the program is continued.

36. Judy Cox, Director of Home Chores, testified in favor of funding for aging programs in general. She said that local funding for CBO's is necessary, particularly in regard to aging programs, because Federal and State grants require local support, evidenced by matching money. She said that losing local support would mean losing Federal and State support as well. She spoke specifically in support of in-home services for the elderly, such as those provided by Home Chores.

37. Margaret Robinson, 527 S. Alder, then stated that she was there in support of continued funding for Foster Grandparents.

38. Susan Kohler-Hurd, Director of the R.S.V.P. Program, testified in support of funding for the program. She said that there are 350 volunteers aged 60 or older who work at 83 job descriptions at 75 public or private firms. These volunteers have contributed 41,000 volunteer hours to the community this year. She said that the program could use 800 to 1,000 additional volunteers to cover all the requests for services. She urged the Commissioners to continue their support for the program as they had supported it in the past.

39. Lillian Hornick also registered her support for the Senior Center.

40. Rene Davern, 725 W. Alder, Box 15, who organized the Missoula Food Bank, testified in support of R.S.V.P. She said that the Food Bank uses six to ten volunteers regularly, and they could not offer the services that they offer without them.

41. Clifford Olofson compared the Missoula County budget with the Cascade County budget, since Cascade County has a population of 80,000 and Missoula County 76,000. He said that the Cascade County General Fund total is \$4,659,540 and Missoula County's \$9,617,915. He said that the Missoula County Planning Department has 18½ FTEs employed, compared with Cascade County's one planner. He said that the Cascade County Attorney's Office has one County Attorney, six deputies and four secretaries, while the Missoula County Attorney's Office has one County Attorney, eight deputies, five legal secretaries and four legal interns. He said that it seemed to him that about 70% of Missoula County's budget is not required by law and that there is need for some re-consideration. He submitted written testimony, which is on file in the Commissioner's Office.

42. Vera Cahoon, from Potomac, representing the Missoula County Freeholder's Association, gave a brief summary of Freeholder concerns and comments. She said that the two areas which the Freeholders felt needed more support were law enforcement and the County Road Department. She said that the Sheriff's Department had done a real service to their area and that the group felt that what they were asking for (three more deputies) was reasonable. She also complimented the Road Department for the way that the rural roads are maintained. She said that they had done a wonderful job. She complimented the County for using revenue sharing funds for capital improvements. She submitted written testimony, which is on file in the Commissioners' Office.

Commissioner Janet Stevens then made a comment about Ms. Cahoon's statement about the need for increased support for the Sheriff's Department. She said that increased money for that department would impact other departments, such as the Attorney's Office and the justice system in general.

Commissioner Barbara Evans added that if the County increases the number of patrol officers, and thus increases the number of arrests, there would have to be an increased number of prosecuting attorneys as well.

43. Julie Hacker, also from Potomac, and also from the Missoula County Freeholders, then addressed some of the other Freeholder concerns. She said that the information they had studied showed a decrease in the Poor Fund of 51%. She assumed that that was a decrease from 1983, since that was the last year that the Poor Fund was in the County budget. She said that the current request does not include the 12 mills that goes off to the state, so the real request would be 86 mills. She said that she believed that there should be a 10 to 12 mill decrease in the budget request, and that it wasn't necessary to raise the mill levy above last year's rate of 60.66 mills. She then addressed the comments by Commissioners Stevens and Evans, stating that her answer in regard to the need for increased funding in the Attorney's Office of the Sheriff's budget is increased was that the Attorney's Office staff could be re-shuffled and re-assigned from the civil to the criminal side because a certain percentage of County Attorney time was being spent on programs that the Freeholders didn't feel were necessary. She then encouraged the County to encourage the City to wind the Redevelopment Program down. She said that she believed that Missoula has come to a point where it can no longer continue to support the Redevelopment Agency. She then thanked the Commissioners for the materials and supplies they had provided for the Freeholder's budget study group, and she thanked Budget Officer Dan Cox and Executive Officer Howard Schwartz for the time they had spent talking to them and answering questions. She said that the Freeholders had learned a lot through this process.

44. David Maclay, 828 Ronald, said that the meeting today was a fiasco and the budget was a fiasco. He said that he was a member of the Freeholders Association and a board member of the Farm Bureau, and he thought that many would agree that it was necessary to pull in the budget and take a brand new look at it. He said that the economic situation, particularly for farm and ranch people, had deteriorated in Missoula, and that fact should be acknowledged by decreased taxes. He said that there were disastrous drought conditions and yet there was going to be a tax increase. He then mentioned specific concerns, such as the Library budget. He said that was one budget where the mileage should be raised from three to five. He said that he thought that the City of Missoula was wrong not to participate. He then made a few more comments about a bridge which he had constructed himself and which he was having trouble having approved due to Floodplain Regulations, etc.

45. Gary S. Marbut, Box 4924, Missoula, 59806, then made a few comments. He said that in general he felt that some of the people had been disadvantaged by the budget process. He said that the County budget was growing at a faster rate than the tax base. He said that there was a limit to what a taxpayer can pay. He said that we were close to the levels of taxation where we can no longer grow in excess to the tax base. He encouraged the Commissioners to compare the rate of growth of County budgets with the rate of growth of the tax base. He then said that while there is a lot of concern about rising taxes, one thing that people hardly ever quarrel with is increased law enforcement. He said that he understood that there are never more than five patrol units on duty at any one time, and he felt that there should be more. He then repeated Julie Hacker's points about reassigning County Attorney's staff to the criminal side. He sent a follow-up letter, dated August 6 (see attachment).

46. John Wittenberg, also representing the Missoula County Freeholders, then testified, mainly about the "bloated" Planning Department. He felt that the Planning Department should be cut. He said that it is the most controversial part of County administration, and probably the most unwanted. He felt that the Planning Department consumes a large amount of energy and that the County Commissioners are hard pressed to keep a handle on the administration of the County because of the controversy caused by the Planning Department. He said that the proposed 1986 budget for that department is \$785,720.00, which does not include time and expenses of other departments which are involved with the Planning Department (i.e. the Attorney's Office, which has over \$21,000 in its office allotted to planning, with a \$6,000 credit from the planning department, or a \$15,000 loss. He said that Cascade County's total planning budget is \$92,000, with one planner on staff, although Cascade County has about the same population as Missoula County. He said that the City of Great Falls receives about \$28,000 from the County. He said that the Planning Department is creating frustration, as well as a great expense and loss of time and money to Missoula County taxpayers and business people, even though over 70% of the Planning Department activities are not required by Montana law. He felt that all such activities should be discontinued, and that the City-County Interlocal Agreement on Planning should be cancelled. He felt that the "very controversial" Comprehensive Plan should also be cancelled. He then listed the budget line items for Planning that he did not consider mandated by Montana law to be: comprehensive planning, transportation planning, building inspection, community development, the Community Development Block Grant program, Planning MRA contracts and County zoning activities. He said that certificates of survey should be reviewed by the Surveyor's Department, not by Planning or the Attorney's Office, and that County land should be regulated by the owners through covenants on deeds or titles alone. He submitted written testimony, which is attached.

47. Dave Fox, 4536 Edwards, Missoula, presented a petition as Vice Chairman of the Missoula County Freeholders. The petition is attached. He then went over some line items which he felt could be cut, namely: the books, magazines and subscription line item, which he said amounted to \$36,736 for one year. This was not including library books, he said. He mentioned \$22,856 budgeted for dues and memberships. He felt



## MINUTES - PRELIMINARY BUDGET HEARING - JULY 17, 1985

that employees should pay for these things themselves. He said that there were many other areas of the budget which could be cut. He thanked the Commissioners for supplying the Freeholders with copies of the proposed budget for their study sessions.

48. Ellen Imboden, who identified herself as a Missoula County taxpayer, said that trips by the Commissioners and other County officials outside the County should be restricted. She said that if trips are taken, they should at least be followed up by public forums. She said that the Commissioners should travel more inside the County. She added that she was against all the "freebies" in the budget.

49. Sandy Tobol, from Potomac, testified on behalf of the bookmobile. She said that the bookmobile made 18 visits to Potomac during the school year, and it provided a service that small rural schools can't provide to their students. She said that the bookmobile was a necessary extension of the County library and it is vital to the community. She presented a petition with 73 signatures (attached) in support of the bookmobile.

50. Sandi Stedman, who teaches in Potomac, testified on behalf of the bookmobile. She said that she felt the bookmobile is crucial to the residents of Potomac. She felt that it was a good use of County money, stating that education is expensive, but ignorance is more expensive.

51. Marlene Bachmann, 800 Continental Way, Missoula, spoke in support of the County Extension Budget. She said that the program is broad-based and serves all economic levels. Its focus is education, and is an effective use of resources. Extension helps people to cope with a variety of problems, she said, which is another reason why it should be supported. She offered as examples the fact that Extension has put together a master food preserver program, and has trained people in food preservation techniques, and those people are now able to go out and conduct workshops and train many more people in safe food preservation. She said that Extension has taken on a role as inter-agency coordinator in a number of low income problems. She used Project 80 as an example of this. Project 80 has conducted a needs assessment among low income people. She said that she felt that the County Extension budget request was more than justifiable..

52. Peggy Johnson, from Missoula, also testified in support of the Missoula Extension Service. She said that she is a member of the advisory committee and is a visiting lecturer at the UM. She works with a number of nutrition classes, and said that there is keen interest in and need for nutrition education. She mentioned one project that Extension has been involved in as a summer gardening project with the F & F Agent. She also mentioned the Home Economist who supervises and coordinates programs with adults; i.e. sewing classes, clothing classes, clothing exchanges, estate and investment classes. She also mentioned the fact that nine people have been trained as master food preservers. In addition, many services are offered to low income people, such as screening children who attend Head Start, and a physical fitness program. She said that the County Extension Agents are conscientious and dedicated to meeting the needs of people in Missoula.

53. Delores Ball, from Clinton, had already testified, but made an additional comment that the goals and objectives section of the budget document had been helpful.

54. Pete Penner, 4800 Carolin Lane, Florence, made a comment about Barbara Evans' and Janet Stevens' comments about having to increase other departments, such as the Attorney's Office, if they increased Sheriff's Department funding. She said that he looked at the Sheriff's Department more as a peace-keeping department than as a department that necessarily had to arrest people.

There were no other people wishing to come forward to testify. However, the following people had signed up in support of or opposition to various parts of the budget, and are hereby noted for the record:

55. Bonnie Combs, in support of the Health Department Budget.

56. Shelly J. Meyer, in support of Child Care Resources.

57. Mary Ann Morin, President of the Seeley Lake P.T.A., in support of the bookmobile service to Seeley Lake.

58. Mary Ann Gasparino, 315 Connell Ave., in support of Freeholder concerns.

59. John Holt, 9750 Butler Creek, in opposition to the Senior Center.

60. Kendyl Timlick, in support of the bookmobile.

61. C.E. Abramson, put "Library maybe" on the sign-up sheet.

62. Julia Penner, 4800 Carolin Lane, Florence, signed in support of her husband's comments.

63. Joyce Kalmas, in support of Summit.

64. Joyce Wright, in support of Foster Grandparents.

65. Isola Campbell, 3602 Stephens, in support of Foster Grandparents.

66. Mae R. Kidder, 705 Cleveland, in support of Foster Grandparents.

67. Dorothy Appleman, 1510 Van Buren, in support of Foster Grandparents.

68. Margaret Leonard, 301 W. Front, in support of Foster Grandparents.

69. Willard Wylie, 135 Cohosset, in support of the Senior Citizens Center.

70. James E. Rusk, 215 S. 5th E., in support of the Senior Citizens Center.

71. Vaun Stevens, 434 Washington, in support of the Missoula Public Library.

72. Corrine Patterson, 113 McLeod, did not write down anything in support or opposition.

73. Triery Russell, 444 Washington, in support of Foster Grandparents.

74. Norma Camp, 3662 Stepehns, #F-11, in support of Foster Grandparents.

75. Vernon L. Peterson, 2703 Humble, in support of Foster Grandparents.

76. Betty Campbell, 2121 Charlotte #A, in support of Foster Grandparents.
77. Robert Frost, 1516 South Fifth W., in support of Foster Grandparents.
78. Flossie Jacobson, 3433 S. Third W., in support of Foster Grandparents.
79. Lula B. Needles, 633 Howell St., in support of Foster Grandparents.
80. Kathleen Bartlett, in support of the City-County Library.
81. Essie L. Kline, 1319 E. Broadway, in support of Foster Grandparents.

Since there was no other testimony, the hearing was recessed at 4:30 p.m.

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JULY 18, 1985

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. 85-085

The Board of County Commissioners signed Resolution No. 85-085, a Resolution of Intention to create RSID No. 905 for the purpose of repair to the roadway known as Peninsula Place, resulting from flooding by the Bitterroot River.

Chair Dussault also signed the notice of passage of the Resolution of Intention to create RSID No. 905 setting the hearing date for August 7, 1985, at 1:30 p.m.

CONTRACTS

The Board of County Commissioners signed Professional Services Contract between Missoula County and the following independent contractors:

- ✓✓ 1. Dan Jordt, for the purpose of providing consultation service to Environmental Health division staff in computer programming, in researching hardware and software, and in computer operation and maintenance, for the period from July 1, 1985 through September 30, 1985 for a total payment not to exceed \$4,500.00
- ✓✓ 2. Cheryl Mulder, for the purpose of the development of a public information/education package for homeowners regarding proper care and maintenance of individual subsurface sewage treatment systems, including a manual, videotape, and visual display for the period from July 1, 1985 to September 27, 1985, for a total payment not to exceed \$1,700.00; and
- ✓✓ 3. CK Computer Consultants, for the purpose of determining needs for data sharing and access between systems and the most cost effective system configuration to meet these needs for the Nursing Division of the Health Department and to make additions and modifications regarding client information for the WIC Program of the Health Department for the period from July 15, 1985 to August 1, 1985 for a total payment not to exceed \$915.00. The contracts were returned to the Health Department for further handling.

✓✓ RESOLUTION NO. 85-086

The Board of County Commissioners signed Resolution No. 85-086, a resolution whereby Missoula County accepts the right-of-way deeds from Clayton and Jean Spurlock for a total payment of \$29,000.00 for public road and all other public purposes for right-of-way for the future Mount Avenue project.

✓ BOARD APPOINTMENTS

The Board of County Commissioners appointed Will Deschamps and Inez Asta as members, and Cass Chinske as alternate member of the Larchmont Golf Course Board. The length of terms will be determined pending approval of the Amendments to the Articles of Incorporation by the Secretary of State.

OTHER ITEMS INCLUDED

- ✓ 1. The Commissioners reconsidered the Superintendent of Schools' salary as per the memo from Mike Bowman, Superintendent of Schools, dated July 10, 1985, and voted unanimously to increase the salary to \$26,238.33 which includes base salary, the mandatory addition and the discretionary amount;
2. The Commissioners approved the loading of the District Court request in the budget, as long as the Supreme Court reimburses for the project; and
- ✓ 3. The Commissioners voted unanimously to request a drought disaster declaration for Missoula County from the Secretary of Agriculture via the Governor of the State--a letter was signed to Governor Schwinden asking his assistance and supporting documentation was enclosed.

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

✓ PRELIMINARY BUDGET HEARING (CONTINUED)

Chair Ann Mary Dussault opened the hearing at 7:00 p.m. The hearing was held in the conference room of the Missoula City-County Library. Also present were Commissioners Barbara Evans and Janet Stevens.

Before testimony began, Barbara Evans asked people who were supporting certain groups or causes to state whether or not they would accept a tax increase in order to fund the cause they supported.

The following people testified at the hearing:

1. Renee Davern, 725 W. Alder, one of the organizers of the Food Bank, testified in support of funding for the Food Bank under as a C.B.O.
2. Adele Fine, no address given, testified for Women's Place. She said that she could speak as a law student and as a legal intern for Montana Legal Services (which only handles divorce cases in which there



## JULY 18, 1985 - PRELIMINARY BUDGET HEARINGS CONTINUED

is some evidence of spouse abuse) when she said that she was glad to have Women's Place as a resource. She said that Legal Services routinely refers women to Women's Place, and that it is rewarding to see women grow out of their fear through counseling received there and at the Battered Women's Shelter, and she said that she would stand a tax increase to see that Women's Place is funded.

3. Leslie Burgess, 1802 Trail, testified for Women's Place also. She said that she was present on behalf of many women who could not be present to testify: women who were victims of violence and silence. She said that it is difficult to talk about rape or being battered by a spouse, and that was why she was present to speak on behalf of women who had been battered or raped. She said that she would stand a tax increase to see that Women's Place is funded, in spite of the fact that she works half-time at \$5.00/hour. She added that she works 60 hours a week at Women's Place, most of that time as a volunteer.

4. Deborah Tomas, 1661 S. 8th W., speaking as a volunteer with Women's Place, said that one interaction with a rape victim would convince anyone that we can support services to women. She said that Women's Place also counsels women who have been victims of child sexual abuse. Many women who suffer these crimes against them aren't financially able to pay \$60/hour for counseling, she said, and asked the Board of County Commissioners to place a high priority on serving women. She said that they were asking a little in excess of \$8,000, a very low price, considering the services offered. She asked that a high priority be placed on this funding, and said that she would stand a tax increase.

5. Jim Morton, Director of District XI Human Resource Council, said that he supported funding of the Food Bank because the VISTA volunteers who have been working with the Food Bank will no longer be working on the project as of September, and if the Food Bank does not receive County funding, the project would not be continued. He thought that the money could be used as seed money, and that the program would be able to find other sources of funding. He said that it was a very worthwhile community project.

6. Marie Craton, 500 E. Alder, and Coordinator of Big Bear Resources, which runs group homes for adults, said that their grocery bill is high and funds limited, and the milk and bread that they have received from the Food Bank has helped them to save from \$50 to \$75 per month. She said that all of the food that goes to needy people through the efforts of the Food Bank would otherwise be wasted.

7. Lynn Stewart, 445 Burlington, President of Child Start, the parent group for Head Start, testified in support of the Food Bank because the food that had been donated to Head Start had been a great help to the program. She said that it seemed to her that we should make every effort to nourish our children, and stated that she would accept a tax increase to see that such programs as the Food Bank are funded.

8. Grace Marie Magone, 3312 S. Third, testified as a representative of Pilot International, a professional women's service organization, stating that the group makes small grants to non-profit organizations which provide services to the handicapped. She said that this donation enables organizations to purchase small things that they might otherwise have to do without. Her point in testifying at this hearing was to ask the Commissioners if they could do something about convincing the Fair Board not to raise prices for fair booths, at least for non-profit organizations, because it cut into their profits to such an extent that it almost wasn't worth having a fair booth. She said that the fair booth was their sole fundraising vehicle, and the increase in booth rental from \$50 to \$200 would seriously cut into their profits. She said that she would be in favor of a tax increase.

9. Philip Schweber, Box 828, Missoula, identified himself as a CPA and a member of the Board of Health, and urged full support of the Health Department. He said that he would be willing to support a tax increase and felt that this was the conclusion of the majority of Missoulians, as borne out by John Wicks' study in regard to what public services the public felt were worthy of public support.

10. Dona Evered, mother of twelve, testified in favor of the Health Department. She said that without the services of the Health Department, she would not have been able to make it. She said that she would support a tax increase to see that the Health Department is funded at past levels.

11. Merry Evered testified in support of the Health Department as well, stating that she had a 15-month old baby girl and she was 16 years old. She said that without the Health Department Adolescent Pregnancy Program and the Well Child Clinic, she would not have been able to make it.

12. Debbie Reuter, also testified in favor of Health Department programs, which she said had helped her tremendously.

13. Dean A. Kolligian, 712 Parkview Way, Executive Chef of the Sheraton, testified on behalf of the Health Department Food Service Program. He said that in his fifteen years in the restaurant industry, he has seen what can happen when a Health Department does not have a good restaurant inspection program. He said that he had been thinking of programs over the last six months or so--i.e., the Mexican cheese, contaminated watermelon from California and contaminated ice cream in Illinois problems. He asked where we would be without the Health Department involvement in the food service industry. He said that he would support a tax increase.

14. Debra Bidwell, 601 Lakeside in Lolo, testified in favor of the WIC program. She said that it served an important function in providing good nutrition to pregnant and nursing women and small children, and the program really couldn't be abused. She said that she had had three children in the program, and had attended the educational classes sponsored by WIC, and that the classes were very helpful in providing information on how to feed a family nutritiously on a low budget. She said that WIC also helped with referrals in regard to developmental problems resulting from poor nutrition.

15. Kathy Jo Delphanio testified in support of the County Health Nurses. She said that she is a single mother, and had received quite a bit of help and support from the Public Health Nurses. She added that she would be in favor of a tax increase to fund such important programs as this one.

16. Joan Schweinsberger testified in support of the Health Department budget. She said that she appreciated the quality of life in Missoula in terms of air quality, water quality, the quality of restaurants and safety. She said that she felt that the programs that monitor the quality of those environmental factors which affect all of our lives should be funded as they had been in the past. She said that she would support a tax increase to see that these services continue.

17. Doris Henson, 106 Artemos Drive, Missoula, said that she is a homeowner in Missoula, and she would support a tax increase for the Health Department. She said that such human service programs as Public Health Nursing were vital in terms of communicable disease control, well-child clinics, follow-up for pregnancies when the pregnant woman can't afford regular medical care, and other critical and cost saving programs. She said that she would support a tax increase to see that these programs were funded.

18. Lois Reimers, 3515 Paxson, said that she teaches the Young Family Program in the Missoula County High Schools. She said that she had worked with 40 pregnant teens the past year, most of them referred to her through the Adolescent Pregnancy Program. She said that the whole program was vital. She works with the two caseworkers in the program, and said that it was an enormous help to the girls and their families. She said that many of the girls live in isolated situations, and the program puts them in touch with people who can help them. She said that the caseworkers transport girls to medical programs, for one thing. She also cited the Lamaze classes offered by the Health Department as helpful. She said that those classes cost \$40 if you take them privately, and that just wouldn't be an option for most of the girls in the program. She said that the Public Health Nurses are available for questions in regard to labor and delivery, and that they also cover birth control and female health care. All of this information helps the young women in the program to better themselves and remove themselves from the Welfare cycle.

19. Sue Tripp, from East Missoula, testified in support of Public Health Nursing programs. She said that the Public Health Nurses had been a tremendous help to her.

20. Barry Dutton, from the Soil and Conservation Service, P.O. Box 9272, Missoula, testified in support of the Environmental Health Programs. He said that he breathes easier when people like Scott Church and Jim Carlson are looking after air and water quality. He said that Missoula is fortunate to have Elaine Bild as its director. He said that spending half a million dollars for environmental health and environmental quality is nothing when you compare costs of cleaning up or the human health costs that result from environmental health problems. He said that he would support a tax increase to see that these programs were funded.

21. Dr. Judy McDonald testified on behalf of herself and her partners at Family Practice. She said that the group cares for many low income and middle income women and children. She said that they make many referrals to the Health Department, and that it would be difficult for them to provide the level of services that can be provided in conjunction with such Health Department programs as WIC and Well Child Clinics. She said that these programs serve people who otherwise might fall through the cracks in terms of good health care. She said that the Health Department is crucial in providing services to pregnant teens through the Adolescent Pregnancy Program. She said that the field nurses provide a necessary health delivery service as well. She said that she would support a tax increase in order to see that these important services are funded.

22. Janie Pennington testified in favor of the WIC and Well Child Clinic programs of the Health Department. She said that she had participated in these programs for two years and that they had done a world of good for her. She said that she also supports the home visit program (Public Health Nurses). She said that she would be in favor of a tax increase.

23. Marietta Cross, Obstetrical Supervisor at Missoula Community Hospital, testified in support of the City/County Health Department maternity programs. She said that the Health Department has been the envy of Health Departments nationally. She said that these programs contribute greatly to the citizens of Missoula, and she strongly supported the written testimony of Dr. Daniel Harper.

24. Ken Wells, 403 South First West, a graduate student in Geology at the UM, thanked the people at the Health Department for the air and water quality which is maintained in Missoula, and asked the Commissioners to fund these programs at the levels requested.

25. Patricia House testified in favor of WIC. She said that the program educates women who come in and teaches them how to feed their families nutritiously. She said that WIC also screens children who come in for problems that might be related to nutritional levels. She said that the program has helped her and that she would support a tax increase to see that it is funded.

26. John Washburn testified that he wanted to see budget cuts across the board, except for the Road Department.

27. Dana Munson, from the American Red Cross, 1429 South Higgins, testified in support of the R.S.V.P. Program. She said that the volunteers perform countless hours of service for the Red Cross, serving in many capacities, such as blood drawing and clerical positions. She said that about \$70,000 in volunteer service is being contributed to the Red Cross by these volunteers, and she believes that the community reaps a tremendous cost/benefit through this program.

28. Willis Hill, 3300 Grant, testified in favor of R.S.V.P. He cited as an example of the kinds of community service that these volunteers perform the fact that a crew of volunteer carpenters put together ramps for wheelchair people. He said that he wouldn't like to see anything happen to the R.S.V.P. program.

29. Nancy Dunsmore, the Health Director for the Native American Services Agency, testified in favor of funding for NASA. She said that all nine years she had been in Missoula she had witnessed the Indian Center struggle to keep its doors open. She said that all staff members took 20-50% cuts in pay to keep the programs going. She said that the current program planner has finally been able to raise his own salary. His salary has been paid by a grant, and the money that would have been paid to him is needed for direct services, she said. She asked the Commissioners to continue to fund NASA.

30. Louise Storey also testified on behalf of the Native American Service Center. She said that she is 83 years old, and the Indian Center has helped her in a lot of ways. She said that there were young people coming who need help and the elderly need help. She said that the Indian Center has arranged for people to come in and help her with her housework. She said that she really appreciates that.

31. Wendy Fitzgerald, 1970 Alvina, said that she was not appearing on behalf of any one group. She told the Commissioners that she appreciated the very difficult task of preparing the County budget, especially in the face of Federal and State tax cuts.

She said that the State and Federal governments have shirked their responsibilities in sustaining the level of human services, and the County is now faced with sustaining human services. She said that she was pleased to learn that the money is there for Workfare and the Poor Fund on the County level. She said that such decisions by the Commissioners were courageous and far-sighted, and added that the Commissioners' funding of Community Based Organizations was efficient and sound. She said that funding Women's Place was an example of wise use of tax dollars, as was Workfare. She said that she was prepared for a tax increase to see that these programs were funded at tolerable levels, and added that she would rather live with bad roads than to see basic needs go unmet.

32. Lynn Stewart then testified again, this time as Coordinator of the Child and Family Resource Council. She then asked that the Council be funded as a Community Based Organization once again. She cited education in the area of child abuse and cost-effective programs toward prevention of child abuse as reasons for continued funding. She said that child abuse was a bad problem, and money spent in preventing it was cost-effective.

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33. Kathy Finch, 2622 Garland, said that she was in favor of funding for Child Care Resources. She said that she is a home daycare provider, and that Child Care Resources helps her provide a stimulating atmosphere for daycare workers in Missoula.

34. Cathy Slingsby, a homeowner in Missoula, said she was present to support Child Care Resources. She said that it was hard to find quality daycare in Missoula, and it is important to be careful about placing children in daycare when you work. She said that it was very, very important to have a high quality place to leave your children when you go to work.

35. Ripley Hugo, 2407 Wylie, Missoula, stated that she was present to represent the Rattlesnake Homeowners. She said that her concern was that the Planning Board be adequately funded. She said that Missoula could find itself regretting piecemeal and pocket development, and encouraged the Commissioners to support the Planning Department. She said that she would support a tax increase.

36. Grace Allen, 5210 Skyview Drive, stated that she only signed up to indicate support for Women's Place, but she didn't want to testify. She said that she is in favor of a tax increase.

Since there was no further verbal testimony, the hearing was recessed at 8:10 p.m.

The following written testimony is on file in the Commissioner's Office:

1. A letter from Dr. John T. Browne, Missoula OB-GYN Associates, in support of funding for Public Health Nurses;
2. A letter from Judy Wright in regard to funding for the WIC program;
3. A letter from Kirk Finch in regard to Child Care Resources funding; and
4. A letter from Dana Munson, Chapter Manager of the American Red Cross, to underscore her remarks about funding R.S.V.P.

The following people signed the roster, but did not want to give verbal testimony:

1. Kathleen Bartlett signed in favor of funding for the City-County Library;
2. Linda Cook, 117A Craighead Apartments, signed in favor of funding for Child Care Resources;
3. Sue Wall-MacLane signed in favor of funding for Women's Place;
4. Corrine Patterson signed in favor of funding for Child Care Resources;
5. Kent Ellsworth signed in support of R.S.V.P;
6. Vaun Stevens signed in support of funding for the Library;
7. Sherri Lee, 633 Stoddard, signed in favor of Bookmobile funding;
8. Bruce Lee, 633 Stoddard, also signed in favor of Bookmobile funding;
9. Sandy Marksberry, 571 Orange, signed in favor of Women's Place;
10. Chloe Fessler, 700 Palmer, signed in favor of Women's Place;
11. Tom Green, 611 Dearborn, signed in support of funding for the Health Department.

\* \* \* \* \*

July 19, 1985

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

Fern Hart  
Fern Hart, Clerk & Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair  
BOARD OF COUNTY COMMISSIONERS

\* \* \* \* \*

July 22, 1985

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 Lakewood Estates, phase 2b, and subdivision of Missoula County located in the W ¼ of Section 25 and E ¼ of Section 26, T. 12 N., R. 20 W., the owner/developer being T & T Construction, Inc.

#### ✓ CONTRACT

Chair Dussault signed contract number 86-012-60001-0 between the Montana State Department of Social and Rehabilitation Services and Missoula County and District 1, Human Resource Council for the conduct of a work program for general assistance recipients in Missoula County as per the terms set forth for the period from July 1, 1985, through June 30, 1986, for a total amount not to exceed \$26,500.00. The contract was returned to the Human Resource Council for further handling.

✓ AGREEMENT

Chair Dussault signed the WIC Agreement between the Missoula County Health Department and the State Department of Health and Environmental Sciences, as per the terms set forth, for the period from July 1, 1985 to June 30, 1986. The agreement was returned to the State.

✓ AGRICULTURAL EXEMPTION COVENANT

The Board of County Commissioners signed the Covenant on a Certificate of Survey for the Double Arrow Ranch, whereby one of the parcels being created is an Agricultural Exemption, and that it will be used exclusively for agricultural purposes. The Certificate of Survey was returned to Professional Consultants Inc., for further handling.

✓ CONTRACT

The Board of County Commissssioners signed a contract between Missoula County and Western Materials, Inc. for construction, installation, and completion of the Kona Ranch Road, Phase I, project for a total amount of \$248,417.00. The contract was returned to Centralized Services for further handling.

✓ OTHER MATTERS INCLUDED:

The Comissioners voted unanimously to appoint David K. Clark as Justice of the Peace, Department 1, to fill the unexpired term of Janet Stevens, through December 31, 1986. Mr. Clark will assume his duties on August 5, 1985.

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

\* \* \* \* \*

July 23, 1985

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 23, 1985, pages 5-25, with a grand total of \$116,646.80. The Audit List was returned to the Accounting Department.

✓ SITE INSPECTION

Commissioner Stevens accompanied County Surveyor Dick Colvill for a site inspection on the request to vacate 10' of right-of-way at 12th and Schilling.

DAILY ADMINISTRATIVE MEETING

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

✓ AGREEMENT

The Board of County Commissioners signed an agreement between the Missoula County Sheriff's Department and the University of Montana Department of Drama/Dance, whereby the Sheriff's Department shall transfer various weapons in its possession which have been confiscated or recovered as stolen property to the University of Montana, a unit of the State of Montana, for use by the Department of Drama/Dance as stage properties in performing arts productions and will be on permanent loan to the Department of Drama/Dance as per the terms set forth in the agreement. The agreement was returned to the Sheriff's Department for further handling.

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

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July 24, 1985

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:

✓ GRANT APPLICATION

The Board of County Commissioners reviewed and signed approval of the grant application by the Historical Museum at Fort Missoula for a Museum Assessment Program II (MAP II) from the Institute of Museum Services (IMS). MAP II will enable participating institutions to receive technical assistance on the care and maintenance of museum collections through an on-site evaluation by a museum professional. The form was returned to Wes Hardin, Director of the Historical Museum, for further handling.

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

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PUBLIC MEETING

Chair Ann Mary Dussault called the meeting to order at 1:35 p.m. Also present were Commissioners Barbara Evans and Janet Stevens.

✓ BID AWARD: CRS-2 EMULSIFIED ASPHALT OIL (SURVEYOR'S OFFICE)

Under consideration was the award of a contract for CRS-2 Asphalt Oil. Background information provided by County Surveyor Richard Colvill said that bids for CRS-2 asphalt oil were opened July 22, 1985 and the following bids were received:

<u>July 24, 1985(Continued)</u> <u>Bidder</u>	<u>FOB Unit Price</u>	<u>Estimate Shipping Cost</u>	<u>Estimated Delivered Cost</u>
Montana Refining Co. Great Falls, Montana	\$175.00/Ton	\$18.42/Ton	\$193.42/Ton
Cenex Billings, Montana	\$150.00/Ton	\$33.60/Ton	\$183.60/Ton
Idaho Asphalt Idaho Falls, Idaho	\$155.00/Ton	\$16.00/Ton	\$171.00/Ton

Dick Colvill said that CRS-2 asphalt oil is used for the street chip seal program. He said that bids are based on the cost of delivery to the refinery, but estimated shipping costs are used to determine the overall low bid delivered to Missoula. His recommendation was to award the contract to the bidder with the lowest (delivered) price: Idaho Asphalt. He said that the award should be for 231 tons of oil at a unit price of \$155/ton, for a total cost of \$35,805 at the refinery. He said that the Road Department budget has \$49,000 for CRS-2 asphalt oil.

Janet Stevens moved, and Barbara Evans seconded the motion, that the contract be awarded to Idaho Asphalt, the bidder with the lowest (delivered) price, for 231 tons for CRS-2 asphalt oil, at a FOB unit price of \$155/ton, for a total cost of \$35,805 at the refinery. The motion passed by a vote of 3-0.

✓✓ DECISION ON: REQUEST TO VACATE 10 FEET OF RIGHT-OF-WAY (TWELFTH AND SCHILLING)

The hearing on this request was held at the public meeting on July 17. County Commissioner Janet Stevens and County Surveyor Dick Colvill made a site inspection on July 23. Dick Colvill had had a member of his staff draft a clearer legal description for this vacation request. Taht legal description is:

Petition to vacate 10 feet of right-of-way on 12th and Schilling Streets adjacent to Blocks 82 and 83, further described as: Reduce 12th Street right-of-way from 80 feet to 60 feet adjacent to Lots 1 through 12, Block 83, and Lots 31 through 36, Block 82, Carline Addition; and reduce Schilling from 80 feet to 70 feet by vacating the west 10 feet of Schilling Street adjacent to Lot 1, Block 83, and Lot 36, Block 82, Carline Addition.

Janet Stevens moved, and Barbara Evans seconded the motion, that the request to vacate the parcel described above, be approved. The motion passed by a vote of 3-0.

✓✓✓ CONSIDERATION OF: FINAL PLAT REVIEW -- KONA EAST, PHASE I

Planner Paula Jacques gave the staff report for the final plat review of Kona East, Phase I. She said that the staff recommendation was that the Commissioners give final approval to Kona East, Phase I, subject to the following conditions:

1. That the following statement shall be printed on the face of the plat and included in the covenants:

As a result of the expansive soils in this subdivision, the building inspector may require that special footings and foundations be designed to insure structural soundness.

She said that this statement appears on the face of the plat, and will be in the covenants with the final draft of the covenants.

2. That a drainage easement across the developer's property to the Clark Fork River shall be filed with the Clerk and Recorder; the location and width of this easement shall be approved by the County Surveyor.

She said that that would be done prior to the filing of the final plat. She said that she didn't think that the exact location of the easement had been identified.

3. Sanitary restrictions shall be lifted by state and local health authorities. This has not been done yet, she said, so it should remain a condition of plat approval. She said that there has been a change in plans in regard to handling sewage wastes in the subdivision in that they had proposed in the preliminary plat to either connect to El Mar or install their own community system. At this point, they are looking at installing individual drainfields and septic tank systems on the two-acre tracts. She said that the Health Department did not appear to have any objection to this, and the documentation that has been sent to the State to lift sanitary restrictions reflects that change. She said that the Community Development staff did not object, but viewed this as a minor change, not affecting the subdivision design.

4. Plans to develop the dedicated walkway and bikeway easement shall be approved by the Parks and Recreation Department, and included as an item to be funded by the maintenance RSID. This is to include, if possible, opening the fence to provide access to the El Mar Estates common area, and, if that can't be done, Cote Lane should be widened to 30 feet to allow for bicycle and pedestrian circulation.

5. Road, drainage and erosion control plans shall be approved by the County Surveyor. In the process of doing so, there are some minor adjustments that need to be made; and

6. Some changes in the homeowner's papers need to be made, she said, and added that those would be completed with the final draft of the document.

Ann Mary Dussault said that while this was not a hearing, it was customary for the Commissioners to take comment on this plat. The following people made comments:

1. Nick Kaufman, Land Use Planner for Sorenson & Company, representing developers Bonnie and Mike Snavelly, said that the one thing he wanted to go over in the conditions as presented by the staff was number four, in regard to the walkway easement. He said that they had been given two options for installing a walkway in this subdivision. He said that the subdivision adjacent to El Mar Estates, a 500-homesite development.

The developers proposed to put an interior walkway connector between this subdivision and El Mar Estates, although condition number four reads that if they could not get an opening in the fence, they would have



to widen Cote Lane to thirty feet. He said that he thought that needed to be reconsidered. He said that he thought it would be preferable for all concerned to have an interior walkway rather than to go out to an arterial street, on which people drive forty to fifty miles per hour, and to have to use that as a walkway to go back into the subdivision. He said that the developers wished to provide the interior walkway, and he said it was also the position of the Community Development Office that the interior walkway was preferable to widening Cote Lane. He said that the El Mar homeowners had expressed a concern that if they left the walkway there, the kids in Kona East, which is thirteen lots, would be using the ballpark in the El Mar Estates, a subdivision of 500 lots. He said that if that were a concern, they would not need to plat the walkway with Phase I, but hold off platting it until Phase II, when they platted their recreation area. He said that one thing he wanted to get resolved today was what they should do with the walkway. He said that he thought it was inappropriate, and he did not think it was good planning to widen Cote Lane. He said that all that would do would be to encourage motorists to drive faster, and it was not a good place to put pedestrians. He said that he wanted some direction from the County Commissioners that they would prefer the interior walkway over the widening of Cote Lane. He said that the fence that was between the subdivisions was a ranch fence -- a barbed wire fence. He said that it was his understanding that it belonged to the ranchers, in this case the Millers, so it would be possible to provide the opening.

Barbara Evans asked Mr. Kaufman who had come up with the suggestion to widen Cote Lane.

Paula Jacques answered that the County Surveyor had made that request. She said that the assumption was that there would be a commercial area up along Mullan Road, and the idea was to provide safe pedestrian and bicycle transportation to that area.

Barbara Evans then asked how the Surveyor wanted Cote Lane widened. Paula Jacques responded that Cote Lane is thirty feet wide and has a paved surface up by El Mar Estates, and it would simply be extending this. Nick Kaufman added that Surveyor Dick Colvill would want Cote Lane widened on both sides. He said that Cote Lane had been improved by the County, not by an RSID. He said that Golden West is a two to two-and-a-half acre subdivision which goes down to the end of the pavement. He said that the County Surveyor, in his designs, did not make Cote Lane thirty feet wide to the entrance of Golden West, but now, when a thirteen-lot subdivision comes in, suddenly wanted to widen Cote Lane. He said that the reasons behind it did not make sense to him, because if it were for commercial development, a child would have to walk down Cote Lane, then walk down Mullan Road to the commercial area. The real purpose of the interior walkway, he said, was not to provide access to a commercial area, but to provide access between neighborhoods in a safe interior fashion rather than along an arterial street. He said that the reason for asking for widening Cote Lane is a bit foggy.

Barbara Evans said that what she meant by asking what the Surveyor meant by widening Cote Lane was whether that included paving, or widening the shoulder, or what.

Nick Kaufman said that it would involve widening the shoulder and paving it. He said that if you drive Cote Lane right now, what you'll see is a wider shoulder up to the entrance of El Mar Estates. He said that is the "walkway/bikeway". He added that if you ask anyone who is involved with walkways or bikeways, like John Williams, they'll tell you that if you're going to put in a walkway or bikeway, it should be separated from the road.

Barbara Evans said that she could not buy having to widen Cote Lane. She said that the County has had nothing but problems with Cote Lane, and she certainly did not want to increase problems with Cote Lane. She added that if the whole purpose of the walkway is to provide access to the other neighborhood, then she would suggest that the interior walkway should be provided, and asked if there were any impediment to doing that.

Nick Kaufman replied that there was no impediment in his opinion. He said that it was conceivable, and no one from El Mar Estates was present to speak on the matter, that if Kona East put a hole in its fence, El Mar might build another fence on the property just beyond it. He said that he would think, though, that as time goes on, and someone else was in control of the homeowner's association or the parks who had children would see the logic in connecting the two subdivisions by an interior walkway. He said that as both subdivisions develop and the two recreation areas develop, he anticipated that his child (he lives in El Mar Estates) may indeed play baseball on the ballpark in Kona East. He said that it very well might be that some of the children in Kona East would play soccer at El Mar Estates, and he really did not see a problem with that, and he didn't think any other reasonable person would see a problem with that either.

Barbara Evans asked him how long a time would elapse between the first two phases. Nick Kaufman said that they anticipated that if the final plat is approved, they would be doing five homes out there this year, the remaining homes next spring, and the next plat probably the following year, or one year from last spring.

Barbara Evans said that it was not logical that there would be a real need for recreation for those five homes immediately, and Nick Kaufman replied that that was correct. He said that they had provided the right-of-way in this plat, just in case there is a future phase. He said that they probably would not provide the improvements for two years anyway, because they had two years to put the improvements in.

Barbara Evans asked about the size of the lots, and he replied that they were two acres in size.

Ann Mary Dussault asked if anyone else wished to speak on this issue.

Barbara Evans moved approval of the final plat of Kona East, and added that in the approval, condition number four should be stated that an opening shall be provided to the El Mar Estates common area, and, if that cannot be done, the recreation area will be provided with Phase II of this development.

Nick Kaufman said that it was an either-or situation, stating that they could either provide the walkway now, in its current location, and improve it within two years, or, if they wished not dedicate the walkway until they dedicated the recreation area.

Barbara Evans said that she would prefer that, and asked Deputy County Attorney Michael W. Sehestedt to phrase it.

Mike Sehestedt said that condition number four could read: "Subject to the condition that the walkway connecting the existing walkway in El Mar Estates be dedicated as part of this plat and be developed in accordance with the schedule for developing the other improvements within the subdivision."



July 24, 1985 (Continued)

Paula Jacques asked for clarification on this point, asking if the Commissioners meant that they should dedicate it now but develop it with Phase II. Mike Sehestedt replied yes.

Ann Mary Dussault said that she was marginally confused, and asked whether there would or would not be an access to the El Mar Estates common area. Mike Kaufman said that the developers could develop this walkway with the current improvements or wait and develop it with the recreation area. The question is whether the Commissioners would go with the interior walkway system or widening Cote Lane. He said that the Commissioners seemed to be saying that the developers should go with the interior walkway, and, since that was the case, if they word the condition exactly as Mike Sehestedt had said, the plat would appear just as it is now, and the developers would improve the interior walkway at the time that they complete the rest of the improvements, i.e. paving the interior street.

Barbara Evans repeated her motion to approve the final plat of Kona East, Phase I subject to the conditions stated in Paula Jacques's staff report, except that conditions number four shall read:

Plans to develop the dedicated walkway and bikeway easement shall be approved by the Parks and Recreation Department and included as an item to be funded by the maintenance R.S.I.D. This will include opening the fence to provide access to the El Mar Estates common area in order to connect with the established walkway in El Mar Estates. The walkway shall be dedicated as part of this plat and developed in accordance with the subdivision improvements according to the time schedule set for the rest of the improvements in the subdivision; and

condition no. 6 shall read:

A homeowner's association shall be established, and, at such time as two-thirds of the lots in the subdivision are sold, control of this association shall pass to the lot owners rather than remain with the developer. In addition, Article III, Section 2 of the Kona East, Phase one covenants, which now reads that the owners of sixty-six and two-thirds percent of the total land area can change or terminate the covenants, shall be changed to read that the owners of sixty-six and two-thirds percent of the total lots can change or terminate the covenants. Also, the requirement about the formation of a Kona East Phase I Homeowners Association shall be included in the covenants.

Janet Stevens seconded the motion, and it passed by a vote of 3-0.

✓ ✓ CONSIDERATION OF: REQUEST FOR VARIANCE FROM PAVED DRIVEWAY REQUIREMENT (JUDY BARKER AND STEVE HAYS)-8350 ST. VRAIN WAY

Under consideration was approval of a request for variance from the paved driveway requirement of the subdivision regulations, subject to two conditions contained in the staff report. Background information provided by Paula Jacques of the Community Development Office, said that Judy Barker and Steve Hays have requested a variance from the paving requirement for the driveway to their residence, which is being constructed on Lot 86, Grantland Eleven, 8350 St. Vrain Way. The Health Department has recommended that the first 20 feet be paved and the rest maintained with a gravel surface. These are recommended as conditions of granting the variance.

Paula Jacques gave the staff report, stating that the recommendation was that the variance be approved, subject to the following two conditions:

1. That the first twenty feet of the driveway back from St. Vrain Way be paved; and
2. That the remainder of the driveway be surfaced with gravel, subject to Health Department approval (which means that there would have to be adequate gravel cover).

Ann Mary Dussault said that this was not a hearing, but the Commissioners would take any comments on this issue.

Barbara Evans said that she had a concern about the parking on St. Vrain Way. She asked Paula if she had discussed with Mr. Hays and Ms. Barker the issue of parking on St. Vrain Way rather than on their own place, and she replied that she had not had the opportunity to do so, but suggested that this problem be mentioned in the letter sent to them.

Barbara Evans said that she recalled that there had been problems with vehicles parking along both sides of St. Vrain Way in the winter when people could not make it up their driveways. She mentioned that the Commissioners, at the residents' request, had created a "No Parking; Tow-Away Zone" along the east side of St. Vrain Way. She said that she hated to continue adding to that problem with new driveways.

Barbara Evans then asked if there were any urgency about making this decision today, thinking that Paula Jacques could be asked to go out to see if this driveway would be steep enough to contribute to the winter parking problem. Paula Jacques replied that there was no time limit on a variance request.

Ann Mary Dussault asked how, if it would contribute to the problem, the Commissioners could address it, other than telling them about the "No Parking; Tow Away Zone."

Barbara Evans moved, and Janet Stevens seconded the motion, that the request for a variance as stated above be approved subject to the conditions stated above, with the addition that the letter sent to the applicants include information about the winter parking problems on St. Vrain Way and the fact of the "No Parking; Tow-Away Zone." The motion passed by a vote of 3-0.

✓ CONSIDERATION OF: CERTIFICATE OF SURVEY PROPOSAL BY JACK SPRAGUE (22 20-ACRE TRACTS NEAR SEELEY LAKE) DICK AINSWORTH, PCI

County Attorney Robert L. "Dusty" Deschamps gave some background information about why this matter was before the Commissioners. He said that Mr. Sprague was proposing to divide the property into several parcels, all in excess of twenty acres. He said that under the subdivision act, a subdivision is defined as the division of land of less than twenty acres. He said that something that creates divisions in excess of twenty acres, by definition, is not a subdivision. Nevertheless, he said, if this were a subdivision, it would meet the triggering criteria of the resolution that the Commissioners passed a month ago to review certificates of survey. He said that the County's concern, although this is an exempt series of divisions because they are all in excess of twenty acres is that it follows the same pattern that a number of other divisions of land have followed, for example, the Meadows of Baron O'Keefe.

He said that there were a couple of developments up by Potomac, some down by the Bitterroot, and elsewhere. He said that these developments had started out as exempt transactions, and then once they started getting sold, they started being split. He said that in his opinion there was nothing that the County could do about this, or really ought to do, but he felt that it was at least something that they should talk to the developer and Mr. Ainsworth about to make sure that they understood that at least the County Attorney's Office would be watching this matter closely, because if there were things that were perceived to be abuses in the past occurring on this one in the future, that could cause some problems. He said that he wanted to make sure that the record was straight on their position on this thing, and maybe they have some comments that could put his mind, and perhaps the Commissioner's minds, at ease on this.

Ann Mary Dussault said that as she recalled, there was new legislation that calls for some form of review for certain things, like, primarily, drainage and other things, even for tracts that are twenty acres or more, and she asked if that statute were in effect and if that was what they were doing.

Dusty Deschamps replied that he thought maybe that legislation had another effective date, but they had looked at that. He said that Deputy County Attorney Jean Wilcox had brought this matter to his attention and asked him to look at it. He said that Jean had wanted to review it, and Dusty had said that he didn't think we could because it was in excess of twenty acres, and asked her to find him some authority. He said that if there were any way the County could review it, that was fine, but he wanted to make sure they were on legal footing to do so. Jean Wilcox had done some research and had come back with the report that there wasn't any legal precedent for review but, Dusty said, there was some sloppy language in the legislation that makes Legislative intent on what to do with twenty acre divisions unclear. He said that by definition of the Subdivision Act, if it were more than twenty acres, it was not a subdivision.

Barbara Evans asked if there were any way of asking the developer to include with any sale of the property a copy of the County criteria that would trigger review, so that anyone buying one of the parcels would realize that they were going to be under scrutiny.

Dusty Deschamps said that there was nothing that would preclude the Commissioners from asking the developers to do that, but whether the developers would like to follow the request was another question. He said that since this was an exempt transaction, he did not think the County had any control over it.

Barbara Evans asked where the parcel in question was located, and Dick Ainsworth replied that it was at Seeley Lake, near the Double Arrow Lookout -- from that hill north to Seeley Lake.

Dick Ainsworth asked why, if the Commissioners have no power to review splits of twenty acres or more, one of the exemption affidavits is entitled "Twenty Acre Tract Exemption Affidavit". He said that it was that document that triggered this review. He said that at the time he received those, he had called Jean Wilcox up and said that this was not an exemption or an exclusion to the Subdivision Act, unlike an occasional sale. He wanted to know why the Commissioners were reviewing this split at all.

Deputy County Attorney Mike Sehestedt said that the purpose was to provide a paper trail for filing with the Clerk and Recorder's Office.

Clerk and Recorder Fern Hart said that it would be an important document because from now on, any land splits would be less than twenty acres, and would trigger review.

Dick Ainsworth said that if a rancher had a 1,000 acre ranch which was split into two 500 acre parcels, he would have to fill out an affidavit, even though it was not an exemption and the Commissioners did not have the power to review it.

Dusty Deschamps said that he thought it was a matter of practicality, because it helps the County in its processing of land divisions. He said that when the Certificate of Survey comes along, the Clerk and Recorder would have a paper trail to see how it ended up that way.

Mr. Ainsworth's second question, asked more for the benefit of his client and for Jeff Macon, who was going to be marketing these parcels, was whether the Commissioners could give them any sort of a guideline as to what is meant by, "We're going to be watching this." He said that if Jeff Macon sells one of the parcels to someone who wants to cut it in half and do an occasional sale and a remainder, would the County say that they couldn't do that? He said that in his opinion they have a legal right to do that.

Ann Mary Dussault said that in her opinion, if this area ever, marginally, begins to look like the Meadows of Baron O'Keefe, they would end up in court. She said that from her point of view, the minute one of these parcels comes in for further subdivision, the Commissioners will be looking at it.

Dick Ainsworth said that Jeff Macon might sell all twenty-two parcels next week, and the next week every one of those buyers might come in and say that they want to make two tens out of their tract. He said that under the law every one of those people is permitted to do that; no question about it, in his mind.

Ann Mary Dussault said that in her mind they are permitted to try, and then they will be individually reviewed, based on the criteria that has been adopted by this Commission. She said that in some cases it might be allowed, and in some cases it might not be allowed. She said that the safest thing to tell them was that they might try that avenue if they wanted to divide these parcels further, but they also might find themselves subject to the Subdivision Act, so they ought not be marketed, as some parcels sometimes are, with the thought that the parcels can then be further subdivided through the Certificate of Survey process. She said that that is not a "given" any longer, the way it used to be.

Michael Sehestedt said that a person shouldn't market them, like certain tract developments have been marketed in the past, by people other than Jeff Macon and Dick Ainsworth -- he was certainly not throwing stones at anyone in the room -- but people ought to be advised when they buy that they're on their own as to whether or not they qualify in the use of subdivision exemptions. He said that he guessed with the criteria in one hand and personal knowledge of the facts in the other, Jeff and Dick could advise the buyer as to the probabilities, and we'll take it from there. He said that he thought this was a meeting to make sure, since this is the first big tract that had come in since the review criteria were adopted, that everyone playing in that arena knows that there are now some different rules, and the County is going to be looking at any splits that come in. He said that the tone was not threatening or accusatory, but the County had seen splits that looked like this before, and wanted to make sure that everyone that's in the ballgame now knows that we are going to be looking at future splits.

Barbara Evans said that Mr. Ainsworth seemed to be asking whether there was any certainty that the County could give them, but the only certainty that they could give them was that there wasn't any certainty.

July 24, 1985 (Continued)

Mike Sehestedt said that the only certainty we could give is that we would apply the criteria set out in Resolution 85-77. The Attorney's Office would commit that if, in fact, review is triggered, they would send the affidavit to the Commissioners, who would commit that they would honestly apply the criteria and find the facts to the best of their ability in determining whether or not a particular claimant is entitled to the split.

Jeff Macon said that in marketing these twenty-acre tracts, his firm did not intend to sell them on speculation on the assumption that the buyer could split them and make a lot of money. He said that they were planning to sell them as a quality project -- large, remote acreage -- for people who are looking for that kind of thing. He said that the prices will reflect that kind of development. He said that they had already started making up a sheet of disclaimers that would all be signed by prospective purchasers before they are sold the property. He said that he saw no objection to including a paragraph in there that any splits of property would be subject to review by the appropriate authorities. He said that he intended to fully disclose that, and he would not try to sell it on the strength of people being able to split the parcels further. He said that that was not his firm's style or intent, and they would make sure that there was adequate disclosure.

Mike Sehestedt said that his presence was reassuring, and he hoped all of the people present understood why the County was concerned with this type of split. He said that in order to avoid the kind of situation where everyone was making threats, it seemed to be wise to let everybody know where we were coming from.

Since there was no further business to come before the Commissioners, the meeting was recessed at 2:30 p.m.

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July 25, 1985

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:

✓ LICENSE AGREEMENT

The Board of County Commissioners signed a License Agreement, dated July 12, 1985, between Missoula County and Terrance J. and Roberta J. Brody, who grant to Missoula County a license to occupy and use, subject to all of the terms and conditions, seventy-five feet (75') on the north side of the centerline of the existing Carlton Creek Road between station 0+50 and station 2+50 as shown on the Squaw Creek Bridge plans attached to the agreement, which allows Missoula County to build a bypass around the Squaw Creek Bridge while we are replacing the bridge.

✓ RESOLUTION NO. 85-087

The Board of County Commissioners signed Resolution No. 85-087, a resolution to accept existing County owned roadway for public road and right-of-way purposes as described in the attachment to the resolution, and such road shall be known as Post Siding Road.

OTHER ITEMS INCLUDED:

1. The Commissioners denied the tax refund request from the Unitarian Fellowship Church. A letter will be sent to them; and
2. A discussion of a weed problem was held with Jim Van Fossen, Director of Parks and Recreation.

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

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July 26, 1985

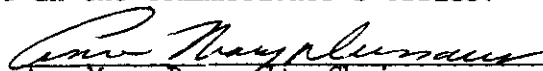
The Board of County Commissioners met in regular session; all three members were present.

MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report for Justice of the Peace, Janet Stevens for collections and distributions for the month ending June 30, 1985.

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

  
Fern Hart, Clerk and Recorder

  
Ann Mary Dussault, Chair

July 29, 1985

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

✓ WELFARE ADVISORY BOARD

The Board of County Commissioners, serving as the Welfare Advisory Board met with Jean Johnston, Welfare Director 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, dated July 22, 1985 between Missoula County and Joe Skornogoski doing business as Sun Homes for the purpose of furnishing all labor and materials and performing all services in a workmanlike manner according to the specifications contained in the Plans and Specifications and any addendums thereto for the furnishing of all playground equipment, materials, labor and equipment necessary to accomplish the construction of improvements and landscaping at Canyon View Park, in East Missoula as per the terms and conditions set forth for a total amount of \$19,980.

The agreement was returned to the Community Development Office for further handling.

#### PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the transmittal sheet for pay period #15 (6/30/85-7/31/85) with the total amount for all funds being \$337,950.12. The transmittal sheet was returned to the Auditor's Office.

#### CONTRACTS

The Board of County Commissioners signed Professional Services Contracts between Missoula County and the following independent contractors:

- ✓✓ 1. Joan Schweinsberger, for the purpose of entering all land-base data on the Health Department's computer, such as sewer permit information, and to serve as research assistant to the chairperson and liaison of the Water Quality Advisory County for the period from July 15, 1985 to September 27, 1985, for a total amount not to exceed \$2,075.00; and
- ✓✓ 2. Loren Laferty-Pinski for the purpose of developing a computer program for Health Service Division to handle staff daily sheets and program statistics for the period from July 22, 1985 through June 30, 1986 for a total amount not to exceed \$3,000.00.

The contracts were returned to the Health Department for further handling.

#### ✓✓ CONTRACT

The Board of County Commissioner signed a professional services contract for the Seeley Lake Refuse Disposal District between Missoula County and Michele Potter, an independent contractor for the purpose of secretarial services, including preparation of Seeley Lake Refuse Disposal District Board minutes of regular meetings, correspondence, and such other written materials as requested from time to time for the period from July 1, 1985 through June 30, 1986 for a total amount not to exceed \$1,250.00

#### ✓✓ MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Missoula Museum of the Arts whereby the County will provide mechanical maintenance services for the building as per the term set forth for the period ending June 30, 1986 for a total cost of \$4,500.00

#### BUDGET TRANSFERS

The Board of County Commissioners approved and signed Budget Transfer numbers 850094 through 850144 for the purpose of FY '85 "close out" and adopted them as part of the FY '85 budget. The transfers are on file in the Commissioners Office.

#### OTHER MATTERS INCLUDED:

The Commissioners approved the request for "Watch For Children" signs on Lakeside Drive in Lolo.

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

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July 30, 1985

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

#### AUDIT LIST

Commissioners Dussault and Stevens signed the Audit List, dated July 30, 1985, pages 5 through 24, with a grand total of \$281,791.95. 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 between Missoula County and Nicholson Paving Company, the lowest and best bidder for plant mix asphaltic concrete. The contract was returned to Centralized Services for further handling.

#### ✓ OTHER MATTERS INCLUDED:

The requests from several county residents for road closures due to fire danger were discussed at length. A letter to Governor Schwinden regarding the extreme fire danger was signed and Orin Olsgaard, DES Coordinator, will work with the citizens regarding signs, barricades and informational programs.

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

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July 31, 1985

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

#### INDEMNITY BOND

Chair Dussault examined, approved and ordered file an Indemnity Bond naming Rosalie Marsh as principal for warrant #112909, dated June 27, 1985 on the Missoula County District Court Trust Fund in the amount of \$75.00 now unable to be found.

#### DAILY ADMINISTRATIVE MEETING

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

July 31, 1985 ( Continued)

CONTRACT

✓ The Board of County Commissioners signed a contract between the Missoula City-County Board of Health and the Recovery Foundation for the purpose of coordinating comprehensive alcohol services including outpatient care, preventive public education services, emergency care and consultation to residents of Missoula County as per the terms set forth, for the period from July 1, 1985 through June 30, 1986, for the following compensation:

- a. Ninety-One Thousand Five Hundred and Sixty-Seven Dollars (\$91,567) for outpatient and advocate services
- b. Seven Thousand Five Hundred (\$7,500) for transportation from Missoula to approved - treatment facilities.
- c. Forty Two Thousand Eight Hundred and Sixty-Five Dollars (42,865) for operation of transitional living facility.

The contract was returned to the Health Department for further handling.

✓ AGREEMENT

The Board of County Commissioners signed an agreement between the Missoula City-County Board of Health and Mineral County for the purpose of providing the services of a licensed sanitarian to Mineral County as per the terms set forth for the period from July 1, 1985, through June 30, 1986. The agreement was returned to the Health Department for further handling.

✓ NON DISCRIMINATION ADDENDUM

The Board of County Commissioners signed a non discrimination addendum to be attached to any contract with the Missoula County Board of Health whereby the contractor agrees that in providing services:

All hiring shall be on the basis of merit and qualification and that the contractor will not discriminate in either the provision of services or in hiring on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, or national origin.

The addendum was returned to the Health Department.

✓ RESOLUTION OF SUPPORT

The Board of County Commissioners signed a resolution in support of the Clark Fork Coalition, Ltd. grant application resolving that the County Commission of Missoula County, Montana encourages the Public Welfare Foundation of Washington, D.C. to grant the \$10,000 general support grant as applied for by the Clark Fork Coalition, Ltd.

The resolution of support was forwarded to the Clark Fork Coalition representative.

✓ AGREEMENT

The Board of County Commissioners signed a Nutritional Services Agreement, dated June 24, 1985, whereby the Child Care Resources Child Care Feeding Program (CCFP) will contract with the Missoula City-County Health Department (MCCHD) to provide nutrition services by a Registered Dietitian to the (CCFP) as per the terms set forth, for the period from July 1, 1985, through June 30, 1986, for a total sum of \$6,000.00. The agreement was returned to the Health Department for further handling.

OTHER ITEMS INCLUDED:

1. The maintenance RSID for Lena Lane was discussed and a resolution will be prepared; and
2. The budget and administration for the Victim's Assistance grant was discussed. A meeting will be set up to work out the details.

✓ RESIGNATION

A letter of resignation was received from W.P. Monger, who gave notice of his resignation as Justice of the Peace, Department #2, which will be effective September 30, 1985.

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

PUBLIC MEETING

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

✓ BID AWARD

Under consideration was the award of a bid on the B-1885 replacement. Background information provided by Jim Dolezal, D.P. Manager, stated that due to high maintenance costs of the current B-1885 Burroughs Computer, Missoula County bid on a replacement machine to save money. He stated that the following bids were received:

- |                |                     |                            |
|----------------|---------------------|----------------------------|
| 1. Utah County | 10 year old machine | \$75,000 (without freight) |
| 2. Burroughs   | new machine         | \$100,000 (with freight)   |

Jim Dolezal's recommendation was to award the bid to Utah County for \$75,000.

In response to Ann Mary Dussault's question about the fiscal impact of this project in FY '86, Jim Dolezal responded that it would be \$22,000. Ann Mary Dussault said that she assumed that meant a lease, and he replied that it did. She then asked him how much the freight would be, and he replied that he assumed it would be around \$1,000 or less, based on experience. She then asked him what the cost-savings would be in leasing this machine over the one the County has currently, and he replied that over five years, there would be an estimated cost savings of \$20,000 over the current model.

Barbara Evans moved, and Janet Stevens seconded the motion, that the bid for a Burroughs B-1885 computer to replace the current model be awarded to Utah County in the amount of \$75,000, in accordance with the recommendation of D.P. Manager Jim Dolezal. The motion passed by a vote of 3-0.

Since there was no further business to come before the Board, the meeting was recessed at 1:35 p.m.

KICK-OFF DINNER

Commissioners Evans and Stevens attended the Annual Fair Superintendent's BBQ held at the fairgrounds in the evening.

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August 1, 1985

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

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Apple Computer, Inc. as principal for warrant # 2093 dated February 5, 1985, on the Clinton School District #32 fund in the amount of \$863.97 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Dr. Pat Hennessy, an independent contractor, for the purpose of providing professional medical services and consultation to the Missoula City County Health Department as needed for the period from July 1, 1985, to June 30, 1986, at a rate not to exceed \$27.087 per hour. The contract was returned to the Health Department for further handling.

✓ BOARD APPOINTMENTS

The Board of County Commissioners appointed G. William Scott and Faye L. Olsen as members of the Missoula County Library Board. The terms will run through December 31, 1987.

OTHER ITEMS INCLUDED:

✓ The issue regarding a fire station in Piney Meadows in the 9-Mile Area was discussed. A hearing will be held at an evening meeting in September out at 9 Mile.

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

✓ ON-SITE MEETING

The Board of County Commissioners attended an on-site meeting at Champion International in the afternoon which included a water quality update and a tour of the mill.

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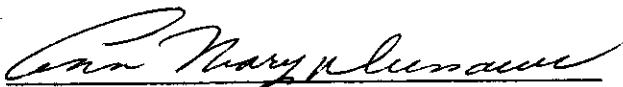
August 2, 1985

The Board of County Commissioners met in regular session briefly in the afternoon; a quorum of the Board was present. Commissioner Evans was out of the office all day, and Commissioner Dussault attended an SRS meeting in Helena during the day.

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an indemnity Bond naming Sherry Richardson as principal for warrant # 113392, dated July 12, 1985, on the Missoula County Trust Fund in the amount of \$687.02 now unable to be found.

  
Fern Hart, Clerk and Recorder

  
Ann Mary Dussault, Chair

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August 5, 1985

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

✓ SWEARING-IN CEREMONY

Commissioner Stevens conducted the swearing-in ceremony for David K. Clark who was sworn in as Justice of the Peace, Department #1, to fill the unexpired term of Janet Stevens, who was recently appointed County Commissioner.

DAILY ADMINISTRATIVE MEETING

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

PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the transmittal sheet for pay period #16 (7/14/85 through 7/27/85) with the grand total for the Missoula County Payroll being \$338,199.04. The transmittal sheet was returned to the Auditor's Office.



August 5, 1985 (Continued)

AGREEMENT

The Board of County Commissioners signed an agreement regarding the payment of belated taxes between Missoula County and Will and Myra Bruner for taxes in the amount of \$2,585.00 for tax years 1980-1984, inclusive, on improvements which were omitted from the tax levied. The County agrees to accept payments as per the schedule set forth in the Agreement for the belated taxes.

LETTER OF AGREEMENT

Chair Dussault signed a Letter of Agreement between Missoula County and the State Department of Revenue, whereby the Department of Revenue agrees to reimburse Missoula County for \$32,000.00 for full Data Processing Services as they are now provided, for Fiscal Year 1986. This agreement covers Fiscal Year 1986 (July 1, 1985 through June 30, 1986) only; and the Department of Revenue will not be responsible for or pay for any software changes, enhancements or changes in the assessment/appraisal programs unless approved in advance by the Department of Revenue, Personal Property Bureau.

One copy of the agreement was returned to the State.

RESOLUTION NO. 85-089

The Board of County Commissioners signed Resolution No. 85-089, a resolution to vacate ten feet of right-of-way on 12th and Schilling Streets adjacent to Blocks 82 & 83, Carline Addition No. 1, more particularly described as:

Reduce 12th Street right-of-way from 80 feet to 60 feet adjacent to Lots 1 through 12, Block 83, and Lots 31 through 36, Block 82, Carline Addition; reduce Schilling Street from 80 feet to 70 feet by vacating the West 10 feet of Schilling Street adjacent to Lot 1, Block 83, Lot 36, Block 82, Carline Addition No. 1.

QUIT CLAIM DEEDS

The Board of County Commissioners signed Quit Claim Deeds in conjunction with the above Resolution No. 85-089 for Missoula County as grantor to the following persons for the following described real estate:

1. To Theodore M. Jenkins, c/o Raymond P. Tipp, Missoula, Montana for that portion of Twelfth Street adjacent to Lots 31-36, Block 82, Carline Addition and that portion of Schilling Street adjacent to Lot 36, Block 82, Carline Addition No. 1, being ten (10) feet in width; and

2. H.K. Shupe, c/o Raymond P. Tipp, Missoula Montana for that portion of Twelfth Street adjacent to Lots 1-12, Block 83 Carline Addition No. 1 and that portion of Schilling Street adjacent to Lot 1, Block 83, Carline Addition No. 1 being ten (10) feet in width.

LICENSES AND SERVICE AGREEMENT

Chair Dussault signed the Program Products License and Program Product Service Agreement between Missoula County and Burroughs Corporation as per the terms and conditions set forth. The documents were returned to Jim Dolezal, Data Processing Supervisor, for further handling.

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

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August 6, 1985

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

AUDIT LIST

The Board of County Commissioners signed the Audit List, dated August 6, 1985, pages 5-28, with a grand total of \$103,000.73. The Audit List was returned to the Accounting Department.

Daily Administrative Meeting

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

CONTRACT

The Board of County Commissioners signed a contract between the Missoula County Alcohol Service Board of Directors and the Missoula Indian Alcohol and Drug Program for the purpose of coordinating comprehensive alcohol services, including out-patient care, preventive public education services, emergency care and consultation to residents of Missoula County as per the terms set forth for the period from July 1, 1985 through June 30, 1986 for an amount up to \$14,037.00. The contract was returned to the Health Department for further handling.

CERTIFICATE OF SURVEY COVENANT

The Board of County Commissioners signed a Certificate of Survey Covenant for Harold T. and Inez M. Brown, (Rocky Pine Ranch), whereby it is stated that the divided land will be used exclusively for agricultural purposes and that this covenant shall be a covenant running with the land, and revocable only by mutual consent of the governing body and the property landowner of record, at the time any such application for revocation of covenant is made.

BOARD APPOINTMENT

The Board of County Commissioners appointed Gregory Kennett as a member of the Missoula Planning Board to fill the unexpired term of Jeff Macon through October 31, 1987.

OTHER MATTERS INCLUDED:

The Commissioners gave approval to a short demonstration of the new optic scan voting system for County employees on County Time.

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

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August 7, 1985

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

#### DAILY ADMINISTRATIVE MEETINGS

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

#### RESOLUTION No. 85-090

The Board of County Commissioners signed Resolution No. 85-090, resolving that John DeVore, Operations Officer, Missoula County, is hereby authorized to execute and file an application on behalf of Missoula County, a political subdivision of the State of Montana, with the U.S. Government for a grant to aid Lolo, Montana in regard to RSID 901 in the construction of wastewater treatment plant modifications, and he is hereby authorized and directed to furnish such information as the Environmental Protection Agency may reasonably request in connection with such application, subject to the Board of County Commissioner's authorization; and that only the Chairman of the Board of County Commissioners is authorized to obligate Missoula County to terms and conditions of any grant, payment requests, and other executory functions.

#### RESOLUTION No. 85-091

The Board of County Commissioners signed Resolution No. 85-091, a resolution authorizing the signing of the lease/purchase agreement with Christopher Capital Corporation for the purchase of the Burroughs CPU model B-1990-DP and Burroughs Operating Systems for the Missoula County Data Processing Department during the FY '86 budget process, and that Ann Mary Dussault, Chairman of the Board of Missoula County Commissioners is hereby authorized to execute and file contracts with the Christopher Capital Corporation.

#### AUDIT LETTER

The Board of County Commissioners signed a letter to Susan Reed, acknowledging receipt and review of the Audit of the Health Department for the period from 6/30/83-2/28/85.

The audit was forwarded to the Clerk and Recorder for filing.

#### OTHER MATTERS INCLUDED:

The Commissioners approved the moving of Printing in Central Services to the Blue Star Tipi Building.

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

#### PUBLIC MEETING

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

#### EMPLOYEE RECOGNITION AWARD

Chair Ann Mary Dussault began the meeting by presenting an employee recognition award on behalf of the Employee's Council to the three Administrative Aides in the Commissioner's Office: Lowaine Lee, Carole DeMarinis and Leslie McClintock. This award, presented every six months, is for an "Outstanding Employee". This is the first shared award. Each of the three expressed surprise and appreciation for the award and the \$20 that accompanied it.

#### PROCLAMATION: EMPLOYEE ORIENTATION FAIR

Ann Mary Dussault read the joint City/County proclamation endorsing an employer orientation fair, which was intended to provide information to employers about vocational rehabilitation job placement services for the disabled person. The fair, organized by Kathi Mitchell, Personnel Officer for the City, and Helen Medina, Personnel Analyst for the County, was scheduled for Tuesday, August 13, from 11:30 a.m. to 2:30 p.m. and was to be held on the Courthouse lawn. The purpose of the fair was to demonstrate to employers that there is a vital labor resource--the disabled worker--that is frequently overlooked when employers hire employees.

The Commissioners, jointly with the City Council, proclaimed and endorsed the Employer Orientation Fair to be held as stated above.

#### HEARING: APPEAL OF COMPREHENSIVE PLAN DETERMINATION (W.D. PERRY)

Information provided by Assistant Planner Amy Eaton stated that the purpose of the hearing was to hear an appeal of a denial of Mr. W.D. Perry's request to install a 24'x60' commercial-type building on 1.06 acres of property located adjacent to Highway 93 South. The proposal was found to be not in compliance with the Comprehensive Plan by the Director of the Office of Community Development. Further information stated that the request was denied according to the procedure outlined in Resolution 83-99, which was amended on July 11, 1985 to include seven additional conditions to be considered when reviewing a proposal for compliance with the Comprehensive Plan. These changes are outlined in Resolution 85-082. Mr. Perry's previous request had been denied by both the Director of the Office of Community Development and the Board of County Commissioners using the procedures outlined in Resolution 83-89.

Ms. Eaton's report stated that Mr. Perry first presented his proposal to the Office of Community Development staff on May 17, 1985. Resolution 83-89, passed by the County Commissioners on September 13, 1983, requires that all building plans in unzoned areas within four and one-half miles of the city limits be reviewed for compliance with the Comprehensive Plan. According to the Comprehensive Plan, revised in 1975, the property was designated "Suburban Residential," which encourages residential development at a density of two dwelling units per acre. A commercial type warehouse is not recommended within this designation. Consequently, the staff denied the request.

August 7, 1985

According to the staff report, Mr. Perry then appealed this finding to the Board of County Commissioners. The appeal was heard at a public meeting on June 19, 1985. The Board of County Commissioners agreed with the staff recommendation and denied Mr. Perry's request.

Resolution 83-89 was amended on July 11, 1985 to include seven additional conditions that should be used when reviewing a proposal for compliance with the Comprehensive Plan. The conditions are outlined in Resolution 85-082.

Mr. Perry then resubmitted his proposal to the staff to be reviewed under the conditions in Resolution 85-082. The staff applied new condition #5 to Mr. Perry's request; that is, in areas where 50% or more of the land uses within 300 feet of the applicant's property are compatible with the proposed land use, it shall comply with the Missoula Comprehensive Plan. She said that when the staff had applied condition no. 5 to the property, they had found that 71% of the land uses of the surrounding property were residential. Mr. Perry then appealed this finding.

Ann Mary Dussault opened the meeting to public comment, asking Mr. Perry if he wanted to speak on his own behalf.

Mr. Perry said that he disagreed with the staff's findings. He said that of the 1206 feet of total area around the place, 850 feet is land being used as light industrial; the 420 feet on the east side is railroad frontage; 250 feet on the south side is light industrial; approximately 40 feet across the highway is being used as the Pines Restaurant (on the southwest corner); 110 feet on the northwest corner across the highway is being used "in the manufacture of paperback books." He said that he didn't really know what they were doing, but they had big signs out there. He said that all the land to the northeast of the property is bordered by railroad for 300 feet plus. He said that another question he had was that if it isn't light industrial land, why was he being taxed for it. He said that his piece of land is sandwiched in between the highway and the railroad with the other twenty some acres, which is all light industrial, except his one acre.

Barbara Evans asked how long his land had been taxed as light industrial. Mr. Perry replied since he bought the place in early spring of '83.

Mr. Perry said that he did not know how the Community Development staff had come to the conclusions they had come to. He said that the land across the railroad tracks was unfit for anything. He said that the full 420 feet is river bottom. The water stays on it until about June and the brush is so thick it's impossible to walk through it. He said it is "junk land." He said that across the road, if you go 300 feet, there is a hill, which is also non-usable land. He said that that was his contention, and he felt that there well over 50% of the land right next to his was being used as light industrial. He reviewed these land uses as: a trailer court adjacent to his property, a duplex just south of his property, a second-hand store after that, then a place that manufactures formica counter tops, and three warehouses beyond that.

Ann Mary Dussault asked if there were any further testimony. The following people spoke:

1. Emery Benson said that he was quite familiar with the property. He said that about five years ago they had moved out some residential houses for the Burlington Northern down there (he owns and operates a house moving business). He said that he just finished talking about an hour ago to the woman who used to own all that property. He said that he had tried to get her to come to the hearing, but she was tied up with something else. He said that she had told him that her parents own that forty acres, and the original house they lived in is now commercial. It's one of the houses that's been converted into some kind of commercial business. He said that they had also discussed the reason why there's a division between the light industrial and residential. He said that apparently in 1975 when the Comprehensive Plan was initiated, the people were too busy to look closely at every single little piece. He said that they had, of necessity, used section lines and quarter section lines as guidelines, and apparently this was what had happened. He said that the quarter section line lopped the little triangle off. He said that this was the only thing you could see when you looked at the photograph to find the reason that Mr. Perry's property would be zoned differently from the property adjoining it. He said that when you go out in the field and look at that property, you understand that there's absolutely no rational reason for that property to be residential because the railroad is on one side (on the east) and on the north there's 180 feet of highway property. He said that the little triangle of land is the only residential property in that entire area and that there was a floodplain property in the area as well. He said that Mr. Perry was caught between light industrial on one side and residential on the other and he was a victim of criteria which was not based on rational reasoning. He said that since the Community Development people have no criteria other than a quarter section line, he saw no rational reason to have this property continued to be considered residential, even considering the Comprehensive Plan. He said that if the Commissioners had not been out to look at the property, he hoped that before they made a decision, they did go out and look at it instead of making it just by looking at a map.

There were no more proponents.

Barbara Evans asked Mr. Perry to come up and indicate on the aerial photograph exactly where his property was located. She then asked him to point out all the areas that he had indicated were light industrial. He did so.

Barbara Evans asked him to point out the location of the trailer court. As he indicated its location on the map, he also indicated the location of a pole with a transformer and at least four meters for the trailer court.

Barbara Evans asked him if there were trailers presently on it, and he responded that there were no trailers on it at the present time. She then asked him if it were a licensed trailer court, and he replied that he didn't know if it were licensed or not but it is there and there are meters.

Amy Eaton said that she had been informed that that establishment was a residential use.

Barbara Evans asked whether, if that establishment were termed light industrial rather than residential and the railroad were added in, it would tip the percentages in Mr. Perry's favor; i.e. would there be 50% or more light industrial uses than residential uses.

Mr. Perry said that there were 1206 feet altogether and a total of 850 feet was light industrial.

Barbara Evans said that the relevant figures were whether 50% or more of the uses within 300 feet of his property were light industrial, and her question was whether adding in the other two uses as mentioned above would tip the scales in his favor.

Planner Pat O'Herren, who was also present from the Community Development staff, said that if the railroad is counted, it would also be necessary to count the 200 feet of open space beyond it.

Mr. Perry wanted to know if he had to count the river as well. Mr. O'Herren answered no, that he only had to count the open space if he counted the railroad.

Mr. Perry said that there was no open space beyond the railroad. He said that it was river bottom. Ann Mary Dussault suggested that the railroad not be counted. She said that the question would be exactly what the facility was that Mr. Perry was calling a "paperback book establishment". She said that it might indeed be residential, but it could also be a commercial venture or home occupation of some sort.

Pat O'Herren said that if that were the case, it would be a home accessory use. He said that after looking at the Zoning regulations, he was sure that a home accessory use would not be compatible with an industrial use, but they could check into all of that.

Barbara Evans asked Deputy County Attorney Michael Sehestedt if there were any way to grant Mr. Perry's request. He replied that he did not know how the numbers would work out as the Community Development staff resurveyed the uses.

Ann Mary Dussault suggested that if, in fact, the Commissioners were going to end up asking the Community Development staff to resurvey the uses in that area, they should delay a decision on this item to the following week's public meeting to allow for that. She added that according to the resolution governing these decisions, the Commissioners were only able to grant an appeal when there was language relative to the Comprehensive Plan that allowed it. She said that all that needed to be researched.

Barbara Evans moved that the decision on this matter be postponed to the public meeting of the following week in order for the Community Development staff to resurvey the land uses surrounding the property. She specifically asked that the status of the trailer court be checked to see if it's licensed. Janet Stevens seconded the motion, and it passed by a vote of 3-0.

✓ ✓ HEARING: CERTIFICATE OF SURVEY REVIEW -- USE OF OCCASIONAL SALE (JESSE AND MARGARET PICKENS)

Deputy County Attorney Jean Wilcox gave the following background information: She said that the proposed occasional sale division of COS 405 was on the agenda for County Commission review because the following circumstances, as listed in Resolution 85-077, had triggered review.:

1. The proposed division of a tract existing as of July 1, 1974 would create both a remainder parcel and an occasional sale parcel;
2. The tract will be subject to restrictive covenants applicable to other tracts created by exemption;
3. Mr. and Mrs. Pickens had previously divided part of the original tract by occasional sale and remainder exemption;
4. The arrangement of the proposed division suggests an intention to create multiple lots; and
5. The size of the occasional sale parcel is not in substantial compliance with the County Comprehensive Plan, which specifies residential development at a density no greater than one dwelling unit per ten acres.

She said further said that the square of property in the middle of the map was previously created by Certificate of Survey 768. She said that it was an occasional sale and had been sold to another party. She said that just above this property, and also within the Pickens' ownership, was another occasional sale created by Certificate of Survey 2458. She said that the primary reason this was before the Commissioners was the history of occasional sales. She added that in the affidavit, the Pickenses list Certificate of Survey 405, which they say was an occasional sale, but which was actually a retracement. She said that really there were only two previous occasional sales.

Ann Mary Dussault asked for clarification as to the original size of the parcel.

Mrs. Pickens stated that the original farm they had brought was sixty acres, or a quarter section. She said that the first two ten-acre lots were sold in 1910. Then a few years later the original house and 5 acres were sold. Another house was built in the corner of the property and in 1980 someone wanted ten acres, so the Pickenes had sold that parcel, and now they wanted to sell the five-acre remainder.

Ann Mary Dussault asked if there were a house on the five acre parcel, and Mrs. Pickens replied that there was a rental house on the property. She said that they wanted to sell the property so that someone could tear down the house that's on it and build a new one. She said that she and her husband had planned to burn it, but due to the fire hazards this year, they had not been able to. She said that they can't sell the remaining ten acres in their ownership because that piece includes their own house.

Ann Mary Dussault asked if there were any other houses remaining in the area, and whether or not the septic system is usable. Mrs. Pickens stated that it isn't usable and there is no well at the present time. She said that the septic system for the current house is too close to the ditch, so someone would have to build on the highest part of the property.

Ann Mary Dussalt said that she did not have a problem with this proposed split but she was concerned about the possibility of having a series of homes out there without going through the subdivision process.

Mrs. Pickens said that the covenants running with the land specify one house per five acres.

Barbara Evans moved, and Janet Stevens seconded the motion, that the Commissioners find the proposed occasional sale an acceptable way to divide the property as stated above, for the following reasons:

1. There have only been two occasional sale exemptions used to divide the parcel in existence since 1974. This length of time does not suggest an intent to evade the Subdivision Act:
2. The parcel which will be the subject of an occasional sale has historically been used as a developed residential site; and

August 7, 1985 (Continued)

3. The restrictive covenants applicable to land described by COS 405 would prohibit further division of the parcel being created.

The motion passed by a vote of 3-0.

OTHER BUSINESS

✓✓ HEARING: CREATION OF RSID 905 -- LAKEWOOD ESTATES

Dick Ainsworth was present to represent the developers. He asked the Commissioners if this RSID were being created the same way that they had petitioned that it be created.

Deputy County Attorney Jean Wilcox explained that the 901 Sewer and Water Board had wanted to add a provision that would cover the repair or replacement for their facilities in the event of flood damage to Peninsula Place in Lakewood Estates. They had requested specifically that the resolution to create the maintenance RSID district be amended to specifically include repair or replacement of flood damaged or destroyed County property in the road (sewer and water mains, manholes, hydrants and other equipment). Jean Wilcox then referred to a memo she had written to the Commissioners in regard to discussing with Mike Sehestedt the request to incorporate changes suggested by the Board of Trustees of RSID 901. She said in that memo that both she and Mike Sehestedt agreed that amending the language specifying the purpose of the district to provide for repairs to sewer and water facilities under the roadway would significantly change the scope from what had originally been petitioned. Their opinion was that a new petition and notice of intention would be required if such a change were desired.

Ann Mary Dussault clarified the action that the Board of County Commissioners was being requested to take. She said that what they would be doing was creating the RSID in concert with the original proposed resolution, which would not include the changes suggested by the RSID Board of Trustees.

John DeVore said that that assessment was correct.

Ann Mary Dussault opened the hearing to public comment, asking that proponents speak first. The following spoke:

1. Dick Ainsworth said that he thought it would be unnecessary to change the language in the RSID documents as requested by the RSID 901 Board because the water/sewer lines are underground and are in the groundwater as it comes up and down all the time anyway, regardless of whether or not there's a 100-year flood there or not. He said that County Surveyor Dick Colvill's concern about the 100-year flood and what it would do to the street is a different matter, but he said that another couple feet of water during a flood would not cause any damage to the water or sewer lines. He said that anytime there are manholes in the 100-year floodplain, they have to have watertight lids on them, which they do, so there is no way for water to get in there anyway, so it seemed like a waste of time to include that. He said that there was a statement on the plat for the subdivision lots that property owners would be subject to the maintenance RSID in case of flood damage to the road, but it said nothing about sewer and water lines because this was the first time they had heard about it. He said that the developers did not think it was necessary because a 100-year flood would not cause any more damage to sewer and water lines than the normal rise and fall of the water that occurs on a yearly basis, 100 year flood or not.

Janet Stevens moved, and Barbara Evans seconded the motion, to create RSID 905, a maintenance RSID for Lakewood Estates. The motion carried by a vote of 3-0. There were no documents presented for the Commissioner signatures.

OTHER BUSINESS

RESOLUTION OF INTENTION TO CREATE RURAL SPECIAL IMPROVEMENT DISTRICT (LID) 906

Ann Mary Dussault said that the procedure here was to act on the Resolution of Intention to Create RSID 906, which would create an opportunity to hold a hearing on this matter.

Barbara Evans moved that the Board of County Commissioners adopt the Resolution of Intention to Create RSID 906. Janet Stevens seconded the motion, and it passed by a vote of 3-0.

✓ RESOLUTION NO. 85-092: RESOLUTION OF INTENTION TO CREATE RURAL SPECIAL IMPROVEMENT DISTRICT (LID) 906

The Commissioners then signed the Resolution of Intent to Create Rural Special Improvement District No. 906, setting a hearing on the questions of design and construction of street improvements consisting of the rejuvenation of the existing subgrade (including repairing the one known as "bog area"), adding to the drainage structures if deemed necessary and applying the fine grade cushion and asphalt pavement courses according to County specifications set by the Surveyor's Office, all of this to be accomplished on all of Spurgin Road within Double R Acres No. 3, Kenwood Drive within Double R Acres No. 3 and Lena Lane and into the unplatted area described on Certificate of Survey No. 393. The Resolution of Intention to Create RSID 906 was given to Operations Officer John DeVore for processing.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION TO CREATE RURAL SPECIAL IMPROVEMENT DISTRICT 906

Chair Ann Mary Dussault then signed the Notice of Passage of Resolution of Intention to Create RSID 906, stating that the Commissioners would hear and pass on all protests that might be made against the making of such improvements or the creation of such District on August 28, 1985 at 1:30 p.m. in Room 201 of the Courthouse Annex.

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

✓ FINAL BUDGET HEARING: August 7, 1985

Ann Mary Dussault opened the budget hearing at 3:10 p.m. Also present were Commissioners Barbara Evans and Janet Stevens. There was only one person present to testify on the proposed budget:

Carolyn Hathaway, 1502 Aspen Drive, testified as a member of the Water Quality Advisory Board. She said that she had been asked to come and speak for the Board's concern about a loss of money from the Health Department budget (35,000) which had been earmarked for contracted services. She said that previously, Environmental Health had contracted with UM graduate students, who were paid at a rate of twenty-five cents on the dollar, to prepare an educational program for people in the County. She asked the Commissioners to reconsider and include this money in the budget. She said that water quality is a concern to everyone as we all drink the water.



Janet Stevens commented that the Commissioners had not cut that line item from the proposed budget. She said that they had specified a certain mill amount to the Health Officer and it had been his job to prepare the budget specifics after that. In terms of what had been cut from the budget, she said that those comments should be directed to the Health Department.

Carolyn Hathaway said that it had been suggested to her that this was the only place the \$35,000 could be cut.

Ann Mary Dussault asked who had told her that, and she replied that Elaine Bild, Environmental Health Director, had.

The hearing was recessed at 2:50 p.m. since there were no other people present to testify on the proposed budget for FY '86.

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

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August 8, 1985

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:

#### ✓✓ LEASE AGREEMENT

Chair Dussault signed a Lease Agreement between Missoula County, in behalf of the City-County Library, and Unilease of Arizona, Inc., as per the terms set forth, for the Library telephone system. The agreement was returned to the Library for further handling.

#### ✓✓ NOTICE OF HEARING

Chair Dussault signed the Notice of Hearing on the petition for annexation to the Missoula Rural Fire District for parcels of land located in Sleeman Gulch in the Lolo Creek area, setting the hearing date for August 28, 1985, at 1:30 p.m.

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

#### ✓ RESIGNATION

A letter of resignation was received from Mike Bowman, County Superintendent of Schools, who resigned effective August 16, 1985.

#### ✓✓ GENERAL REVENUE SHARING & CONTINUATION OF FINAL HEARING ON FY '86 BUDGET

Chair Ann Mary Dussault called the hearing to order at 7:00 p.m. The hearing was held in the downstairs meeting room of the Missoula City/County Library. Also present were Commissioners Barbara Evans and Janet Stevens. The following people testified on the final budget proposal for FY '86:

John Washburn protested any tax increases except those intended for road repair. He particularly wanted to see the Planning Department and the Health Department budgets cut, as well as the Deputy County Attorneys who are used for consumer affairs.

2. Robert Godwin said that he was new to Missoula County and, since he was on a fixed income, he was concerned about any increases. He said that he had not had a chance to review the proposed budget, but, from experience with government budgets in other places, he knew that there were cuts that could be made. He said that from the reports in the paper, he understood that most of the cuts had been made already after the initial (preliminary) budget hearings. He said that he didn't think that the Sheriff's Department needed four new deputies. He didn't think there was enough crime in Missoula County. He said that a more pressing problem is the high rent in Missoula County. He said that it cost \$400 a month for a decent apartment. He said that rent is tied to property taxes. He said that he had recently moved from Oklahoma, where the cost of living is lower.

3. Ted Schmidt, the new Director of the Missoula City/County Library, thanked the Board of County Commissioners and the staff for support of the Library's budget request. He said that he was pleased with the staff and efforts at outreach in the community. He said that he felt the budget request would support adequate Library services in Missoula.

4. Walt Taylor testified in regard to the Senior Citizen's Center. He said that he has had an interest in the programs and center in the past, but he has been concerned about the direction of the Senior Center lately. He said that he felt there has been movement toward a private club atmosphere and away from a service orientation. He said that the emphasis has been changed. He said that he saw that the Commissioners had cut County support for the Center from \$15,000 to \$5,000. He said that he felt that transportation is a problem that seniors have and he wanted to see the money that the County gives the Center used for support of the mini buses that the Center runs. He said that if rides are 50¢ rather than \$1.00, more seniors can make use of the mini buses more often. He said that if the County felt that a stumbling block was that transportation was only being provided in the City, that could be modified.

Ann Mary Dussault said that the money was meant to fund educational programs and asked him if, in his opinion, the County gave the Senior Center \$5,000 and specified that some was to be spent on transportation and some on education, could they do that?

Walt Taylor answered that he was not advocating displacing a good educational program, although he did not think that the Center had one at this point. He said that when he was organizing the programs, he had had speakers in four or five nights a week, and now there were hardly any speakers. He said that he felt that people who received County funds should be stewards of those funds.



August 8, 1985 (Continued)

Ann Mary Dussault said that one problem with funding the mini buses is that the County funds Specialized Transportation as well, so that is seen as a duplication of services. She said that there has been a concerted effort over the last few years to consolidate everything into one transportation system. She said that she would have to think about the request for funds for the mini buses.

Barbara Evans said that she did not have a problem with having some of the County money go towards support of the mini bus, but she was concerned about Mr. Taylor's comments to the effect that the Senior Center is like a private club now. She said that she can't really in good conscience support that.

4. Bill Magnussen said that he has worked in urban forestry in Idaho and Montana. He testified on behalf of Lilli Tuholske's urban forestry program. He said that he understood that she had been funded half-time. He said that Missoula could benefit from urban forestry because we have a nice city with lots of trees, but the trees are old. He said that it was so much cheaper to maintain trees instead of cutting them down, and Lilli Tuholske is doing a good job of instituting an urban forestry program. He said that it was important to get some information on urban forestry scattered around.

Barbara Evans commented that Lilli Tuholske is currently funded at 3/4 time. She said that the Extension Office was making changes within its budget and would take comments in regard to Lilli Tuholske's program into account.

Bill Magnussen then commented that it was amazing to see what one person can do in terms of generating interest.

There were no other people present to testify. No one offered testimony on the use of General Revenue Sharing Funds. The hearing was recessed at 7:35 p.m.

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August 9, 1985

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

#### INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Bruce Carpenter as principal for warrant # 133485, dated July 10, 1985, on the District Court Fund in the amount of \$250.00, now unable to be found.

#### ✓✓ CONTINUATION OF FINAL BUDGET HEARING

Chair Ann Mary Dussault called the hearing to order at 1:30 p.m. This continuation of the final budget hearing on the FY '86 budget was held in Room 201 of the County Courthouse Annex. Also present were Commissioners Barbara Evans and Janet Stevens. The following people testified:

1. Dave Fox, representing the Missoula County Freeholders Association, read a prepared statement (signed by Chair Vera Cahoon and on file in the Commissioner's Office). He said that at a meeting of the Board of Directors, 11 of 12 people present had endorsed the letter. He said that probably everyone in the group could have taken exception to something in the letter, but basically it represented the views of the Freeholders. He summarized their concerns, stating that the County should perhaps take a cue from the City, which is talking about not supporting community based organizations in the future. He mentioned again their comparison of Missoula County with Cascade County, which they had explained in the preliminary budget hearings. He said that for years he had been against a sales tax, but was coming around to thinking it was a better method of taxation than the property tax. He said that he felt that it was not the fault of the Commissioners that taxes were so high. Nonetheless, he urged the Commissioners to hold the line on spending and to give sincere consideration to the plight of the taxpayer.
2. Fred Clawson spoke in favor of the Environmental Health section of the Health Department. He said that he hoped the Commissioners would reconsider the funding status of Environmental Health. He said that he was concerned about the environment, specifically about the quality of the air and the water. He said that he teaches at Frenchtown High School, and a year ago, teachers from the school had contacted Environmental Health to see how they could monitor air quality in Frenchtown. They had been provided with a shelter and lots of good advice. He said that he hoped to continue the on-going monitoring situation using Gifted and Talented Program students and Chemistry students. He said that they were interested in the program and wanted to continue to correlate the data. He said that the Environmental Health people had been very helpful in terms of providing equipment and data, and he hated to see the Environmental Health Program cut.
3. Kathy Mann also testified on behalf of Environmental Health. She is the training director at Lambros Realty and has been able to call on Environmental Health people in terms of training realtors. She cited the willing and prompt return of well tests so that new buyers could qualify for loans as one excellent service of the Environmental Health Department. She added that the air pollution updates were helpful in terms of educating buyers and realtors in regard to drainfield requirements and well testing.

Janet Stevens commented that the Commissioners had increased the health mill by 1.79 and that comments on specifics in the Health Department budget should be directed to Health Officer Gary Boe as he was responsible for how to spend the money allocated to the Health Department.

4. Joe Aldegarie, Public Works Director for the City of Missoula, said that he was present because he had heard rumors that the funding for that project was not in the budget. He explained that the City and County had been working on an east-west corridor through the City from Mount Street and then easterly along 14th to Beckwith. He said that they had been looking at the Hill-Mount area crossing with the idea in mind of making this corridor a more viable route from Arthur to Russell.

Barbara Evans commented that this project is in the County Capital Improvements Program, and is scheduled, although not for FY '86. She said that the Commissioners had asked County Surveyor Dick Colvill to cut \$31,400 to \$31,500 from his budget, and had left it up to him what to cut. She said that the reconstruction of Reserve Street is still scheduled from 1988 to 1991, and this project is to tie into that one.

Transportation Planner Mike Kress was present and agreed with what Barbara Evans had said.

Nick Kaufman, from Sorenson & Company, was also present to testify on this project. He said that if the County would fund their portion of the project this fiscal year, they could do a special tandem project. He said that the City money wouldn't be available next year.

Dan Magone, County Sheriff, said that the Mount Avenue, Spurgin Road and Reserve Street areas were bad accident areas. He said that he would encourage the Commissioners to keep the money in the FY '86 budget to accomplish their portion of this corridor.

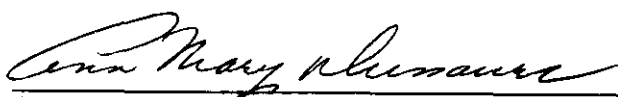
Emery Benson, who lives in the Orchard Homes subdivison of Missoula, said that he agreed with most of what the Missoula County Freeholders had said about the proposed budget. He said that the average taxpayer agrees that tax bills are too high. He said that he didn't see why the Library and the Golf Course couldn't be self supporting. He said that he thought that one of the most crucial tasks was to get Missoula back on track and then get the State back on track. He said that he had gotten the impression that this was supposed to be a public hearing, but he felt that it was a farce -- that the budget was already set.

No one else came forward to testify.

Barbara Evans commented that this is about the fifth hearing and that many changes had been made in the budget which were directly responsive to comments that had been made.

The meeting was recessed at 2:00 p.m.

  
Fern Hart, Clerk and Recorder

  
Ann Mary Dussault, Chair

\* \* \* \* \*

August 12, 1985

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

#### MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report of the Clerk of the District Court, Bonnie Henri, showing items of fees and other collections for month ending July 31, 1985.

#### DAILY ADMINISTRATIVE MEETING

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

#### ✓ INTERLOCAL AGREEMENT

The Board of County Commissioners signed an interlocal agreement between the City of Missoula and the County of Missoula to cooperate in the provision of animal control services to the residents of Missoula as per the terms set forth and will become effective October 1, 1985. The agreement was forwarded to the City for signatures.

#### ✓ RESOLUTION NO. 85-093-ADOPTION OF FY '86 BUDGET

The Board of County Commissioners signed the following resolution No. 85-093, adopting the budget for FY '86:

#### Resolution No. 85-093

#### RESOLUTION ADOPTING A BUDGET FOR MISSOULA COUNTY FOR FISCAL YEAR 1985-86

WHEREAS, PURSUANT TO SECTIONS 7-6-2315, MCA 1981, the Board of County Commissioners of Missoula County, Montana has held public hearings on the proposed budget of Missoula County for fiscal year 1985-86 as required by law; and

WHEREAS, Pursuant to Sections 15-10-202 through 15-10-208, the Board of County Commissioners of Missoula County had held hearings and passed resolutions as applicable under the above sections;

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

IT IS HEREBY MOVED, SECONDED, AND CARRIED by the Board of County Commissioners "that the resolution be adopted," for fiscal year 1985-86 as displayed in Attachments A, B, and C; and

WHEREAS, the above resolution adopting the budget was passed by the Board of County Commissioners and;

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

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

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

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

NOW, THEREFORE, BE IT HEREBY RESOLVED by this Board of County Commissioners "that the levies are detailed below be fixed and adopted," for fiscal year 1985-86, based on the value of a mill of \$122,310 County-wide, and a value of \$75,088 outside the City Limits of Missoula.

IT IS HEREBY MOVED, SECONDED, AND CARRIED by the Board of County Commissioners "that the

August 12, 1985 (Continued)  
 resolution be adopted, subject to the foregoing condition," for fiscal year 1985-86 as detailed below:

MISSOULA COUNTY-WIDE FUNDS	MILLS	ATTACHMENTS
GENERAL FUND	33.15	A, B, and C
BRIDGE FUND	4.00	
POOR FUND	0.24	
FAIR FUND	0.98	
WEED FUND	0.87	
MUSEUM FUND	1.52	
EXTENSION FUND	1.31	
PLANNING FUND	1.94	
DISTRICT COURT FUND	6.00	
MENTAL HEALTH FUND	0.38	
AGING FUND	0.86	
RODENT CONTROL	0.09	
PARK/RECREATION FUND	1.39	
REVOLVING	0.00	
HIGGINS BRIDGE	0.00	
AIRPORT BOND	0.21	
COURTHOUSE BOND	0.00	
LIBRARY BOND	0.36	
MUSEUM BLDG. RESERVE	0.00	
HEALTH INS.	1.02	
CASUALTY INS.	3.00	
AMBULANCE	0.08	
SOIL CONSERVATION	0.38	
CBO TRUST FUND	0.00	
DRUG FORFEITURE	0.00	
CHILD DAYCARE	0.17	
SPECIAL TRANSPORTATION	0.16	
OPEN SPACE	0.15	
CAPITAL IMPROVEMENTS	0.00	
LIBRARY	4.18	
TAMARACK FEDERATION	0.00	
SCHOOL DISTRICT 1	0.00	
SANDERS COUNTY	0.00	
LSCA GRANT	0.00	
<u>TOTAL COUNTY-WIDE LEVY</u>	62.43	
 MISSOULA COUNTY-ONLY LEVY		
ROAD FUND	14.58	
HEALTH FUND	6.79	
JUNK VEHICLE	0.00	
<u>TOTAL COUNTY-ONLY LEVY</u>	21.37	

Dated this 12th day of August, 1985

BOARD OF COUNTY COMMISSIONERS

*Ann Mary Dussault*  
 Ann Mary Dussault, Chair

*Barbara Evans*  
 Barbara Evans, Commissioner

*Janet L. Stevens*  
 Janet L. Stevens, Commissioner

APPROVED AS TO FORM  
 AND CONTENT  
*Michael W. Westcott*  
 County Attorney's Office

ATTEST:

*Fern Hart*  
 Fern Hart, Clerk and Recorder

The original document can be found in the Clerk and Recorder's Office of Missoula County, Montana, and may be found in book 226, pages 1900-1908, micro records of Missoula County.

COUNTY OF MISSOULA  
FY 1986 BUDGET SUMMARY

8/09/85

FUND	PERSONNEL	OPERATIONS	CAPITAL	ENCUMBRANCES	CASH RESERVE	1986 TOTAL	1985 TOTAL
GENERAL	5,738,653.00	2,352,711.00	403,217.00	83,431.00	125,000.00	8,703,012.00	8,669,720.28
BRIDGE	132,975.00	147,094.00	314,047.00	0.00	0.00	594,116.00	449,340.00
POOR	0.00	162,348.00	0.00	0.00	46,196.00	208,544.00	377,730.35
FAIR	199,356.00	300,900.00	40,500.00	0.00	0.00	540,756.00	562,554.00
WEED	58,684.00	82,244.00	5,500.00	0.00	0.00	146,428.00	260,965.00
MUSEUM	141,425.00	62,234.00	14,839.00	0.00	0.00	218,498.00	202,126.01
EXTENSION	145,596.00	47,273.00	7,461.00	0.00	0.00	200,330.00	180,418.00
PLANNING	621,508.00	163,488.00	14,489.00	0.00	0.00	799,485.00	806,469.00
DISTRICT COURT	751,312.00	653,241.00	10,500.00	1,000.00	0.00	1,416,053.00	1,270,456.00
MENTAL HEALTH	0.00	56,226.00	0.00	0.00	154.00	56,380.00	51,890.00
AGING	0.00	111,000.00	0.00	0.00	7,995.00	118,995.00	112,180.40
RODENT CONTROL	6,994.00	19,896.00	0.00	0.00	0.00	26,890.00	25,500.00
PARK	0.00	185,930.00	12,000.00	3,978.00	0.00	201,908.00	213,458.00
RSID REVOLVING	0.00	313,516.00	0.00	0.00	0.00	313,516.00	354,094.09
HIGGINS BRIDGE	0.00	543.00	0.00	0.00	0.00	543.00	1,026.69
AIRPORT BOND	0.00	58,800.00	0.00	0.00	0.00	58,800.00	58,359.00
COURTHOUSE BOND	0.00	43,240.00	0.00	0.00	0.00	43,240.00	82,555.00
LIBRARY BOND	0.00	108,956.00	0.00	0.00	0.00	108,956.00	112,796.00
MUSEUM BLDG RESERVE	0.00	3,600.00	0.00	0.00	0.00	3,600.00	3,600.00
HEALTH INSURANCE	40,179.00	1,168,068.00	19,389.00	0.00	0.00	1,227,636.00	1,287,556.00
PROPERTY-CASUALTY	44,441.00	352,570.00	10,400.00	0.00	0.00	407,411.00	167,010.00
AMBULANCE	0.00	9,250.00	0.00	0.00	3,669.00	12,919.00	10,219.68
SOIL CONSERVATION	51,313.00	18,773.00	1,000.00	0.00	0.00	71,086.00	73,803.00
CBO TRUST	0.00	74,398.00	0.00	0.00	0.00	74,398.00	86,312.73
DRUG FORFEITURE	1,000.00	5,800.00	9,700.00	0.00	540.00	17,040.00	0.00
CHILD DAYCARE	0.00	22,247.00	0.00	0.00	2,446.00	24,693.00	22,006.94
SPECIALIZED TRANS	0.00	22,846.00	0.00	0.00	0.00	22,846.00	19,925.00
OPEN SPACE	0.00	30,000.00	0.00	0.00	0.00	30,000.00	122,000.00
CAPITAL IMPROVEMENTS	0.00	0.00	1,000,250.00	0.00	0.00	1,000,250.00	55,000.00
LIBRARY	390,247.00	105,050.00	105,604.00	0.00	0.00	600,901.00	656,450.07
TAMARACK FED	60,570.00	15,810.00	7,704.00	0.00	12,549.00	96,633.00	93,407.92
SCHOOL DIST 1	8,234.00	400.00	2,858.00	0.00	2,339.00	13,831.00	10,776.00
SANDERS COUNTY	1,013.00	1,735.00	3,952.00	0.00	1,362.00	8,062.00	6,500.00
LSCA GRANT	0.00	34,243.00	3,679.00	0.00	0.00	37,922.00	12,768.52
COUNTY-WIDE	8,393,500.00	6,734,430.00	1,987,089.00	88,409.00	202,250.00	17,405,678.00	16,418,973.68
ROAD	791,155.00	1,353,224.00	560,273.00	0.00	0.00	2,704,652.00	2,813,974.55
HEALTH	1,198,724.00	476,843.00	39,030.00	0.00	0.00	1,714,597.00	1,768,175.00
JUNK VEHICLE	35,674.00	34,375.00	6,674.00	0.00	0.00	76,723.00	65,538.00
COUNTY ONLY	2,025,553.00	1,864,442.00	605,977.00	0.00	0.00	4,495,972.00	4,647,687.55
* GRS TRUST	0.00	100,000.00	1,277,089.00	0.00	0.00	1,377,089.00	1,388,387.00
TOTALS	10,419,053.00	8,598,872.00	2,593,066.00	88,409.00	202,250.00	21,901,650.00	21,066,661.23

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

August 12, 1985 (Continued)

FUND	% CHANGE	NON-TAX REVENUE	CASH BALANCE	AMOUNT TO BE LEVIED	MILLS @ 122,310	1985 LEVIES
GENERAL	0.38%	3,770,604.00	877,549.00	4,054,859.00	33.15	34.97
BRIDGE	32.22%	33,638.00	71,729.00	488,749.00	4.00	2.56
POOR	-44.79%	17,507.00	162,089.00	28,948.00	0.24	0.60
FAIR	-3.87%	378,569.00	42,323.00	119,864.00	0.98	0.98
WEED	-43.89%	43,645.00	(3,647.00)	106,430.00	0.87	0.87
MUSEUM	8.10%	21,864.00	10,637.00	185,997.00	1.52	1.36
EXTENSION	11.04%	37,074.00	3,175.00	160,081.00	1.31	1.05
PLANNING	-0.87%	662,808.00	(100,604.00)	237,281.00	1.94	1.94
DISTRICT COURT	11.46%	1,169,882.00	(487,689.00)	733,860.00	6.00	6.00
MENTAL HEALTH	8.65%	5,027.00	4,865.00	46,488.00	0.38	0.38
AGING	6.07%	11,290.00	2,518.00	105,187.00	0.86	0.86
RODENT CONTROL	5.45%	5,361.00	10,768.00	10,761.00	0.09	0.15
PARK	-5.41%	35,948.00	(4,038.00)	169,998.00	1.39	1.26
RSID REVOLVING	-11.46%	0.00	313,516.00	0.00	0.00	0.00
HIGGINS BRIDGE	-47.11%	0.00	543.00	0.00	0.00	0.00
AIRPORT BOND	0.76%	2,783.00	30,863.00	25,154.00	0.21	0.21
COURTHOUSE BOND	-47.62%	0.00	43,240.00	0.00	0.00	0.26
LIBRARY BOND	-3.40%	7,415.00	57,023.00	44,518.00	0.36	0.37
MUSEUM BLDG RESERVE	0.00%	3,600.00	0.00	0.00	0.00	0.00
HEALTH INSURANCE	-4.65%	1,102,975.00	0.00	124,661.00	1.02	0.76
PROPERTY-CASUALTY	143.94%	10,749.00	29,732.00	366,930.00	3.00	0.82
AMBULANCE	26.41%	1,082.00	2,271.00	9,566.00	0.08	0.08
SOIL CONSERVATION	-3.68%	5,490.00	19,283.00	46,313.00	0.38	0.42
CBO TRUST	-13.80%	50,591.00	23,807.00	0.00	0.00	0.00
DRUG FORFEITURE	ERR	0.00	17,040.00	0.00	0.00	0.00
CHILD DAYCARE	12.21%	2,242.00	2,070.00	20,381.00	0.17	0.17
SPECIALIZED TRANS	14.66%	2,088.00	760.00	19,998.00	0.16	0.16
OPEN SPACE	-75.41%	8,816.00	2,702.00	18,482.00	0.15	0.67
CAPITAL IMPROVEMENTS	1718.64%	942,378.00	57,872.00	0.00	0.00	0.00
LIBRARY	-8.46%	64,490.00	25,155.00	511,256.00	4.18	3.63
TAMARACK FED	3.45%	71,084.00	25,549.00	0.00	0.00	0.00
SCHOOL DIST 1	28.35%	0.00	13,831.00	0.00	0.00	0.00
SANDERS COUNTY	24.03%	6,667.00	1,395.00	0.00	0.00	0.00
LSCA GRANT	197.00%	37,922.00	0.00	0.00	0.00	0.00
COUNTY-WIDE	6.01%	8,513,589.00	1,256,327.00	7,635,762.00	62.43	60.53
ROAD	-3.88%	1,277,980.00	331,884.00	1,094,788.00	14.58	13.58
HEALTH	-3.03%	1,384,928.00	(180,334.00)	510,003.00	6.79	5.00
JUNK VEHICLE	17.07%	76,723.00	0.00	0.00	0.00	0.00
COUNTY ONLY	-3.26%	2,739,631.00	151,550.00	1,604,791.00	21.37	18.58
* GRS TRUST	-0.81%	1,327,678.00	49,411.00	0.00	0.00	0.00
TOTALS	3.96%	11,253,220.00	1,407,877.00	9,240,553.00	83.80	79.11

## COUNTY OF MISSOULA

8/09/85

## COMPARISON FY 1985 TO FY 1986 GENERAL FUND BUDGET SUMMARIZED

DEPARTMENT	FY 1986 PERSONNEL	FY 1986 OPERATIONS	FY 1986 CAPITAL	FY 1986 TOTAL REQUEST	FY 1985 ADOPTED BUDGET	PERCENTAGE CHANGE	1986 NON-TAX REVENUE
COMMISSIONERS	28,690.00	27,700.00	0.00	156,390.00	158,256.00	-1.18%	10,000.00
ADMIN. STAFF	116,452.00	15,850.00	3,000.00	135,302.00	136,794.00	-1.09%	4,500.00
ENERGY CONSERV.	21,400.00	18,600.00	11,753.00	51,753.00	54,463.00	-4.98%	7,618.00
JUSTICE OF PEACE	185,688.00	33,653.00	12,400.00	231,741.00	220,774.00	4.97%	172,000.00
ATTORNEY	481,235.00	43,549.00	3,000.00	527,784.00	565,094.00	-6.60%	96,739.00
C&R: ACCOUNTING	176,836.00	17,950.00	26,500.00	221,286.00	204,056.00	8.44%	0.00
C&R: RECORDING	126,796.00	35,965.00	0.00	162,761.00	157,160.00	3.56%	208,000.00
C&R: ELECTIONS	59,094.00	83,665.00	0.00	142,759.00	117,593.00	21.40%	41,000.00
TREASURER-TAX	264,834.00	14,365.00	0.00	279,199.00	270,301.00	3.29%	76,450.00
TREASURER-M. V.	212,745.00	7,820.00	1,596.00	222,161.00	219,221.00	1.34%	3,175.00
AUDITOR	88,686.00	3,230.00	1,000.00	92,916.00	76,769.00	21.03%	0.00
GENERAL SERVICES	924,040.00	420,561.00	123,700.00	1,468,301.00	1,633,805.00	-10.13%	396,505.00
DISASTER EMER. SVCS.	50,161.00	30,301.00	22,728.00	103,190.00	130,859.00	-21.14%	44,326.00
PERSONNEL	128,186.00	164,098.00	1,000.00	293,284.00	234,341.00	25.15%	22,750.00
DATA PROCESSING	187,873.00	115,607.00	37,600.00	341,080.00	401,115.00	-14.97%	40,750.00
MATERIALS MGMT.	91,898.00	131,366.00	22,040.00	245,304.00	353,582.00	-30.62%	63,400.00
C. S. REPURCHASE	0.00	299,789.00	0.00	299,789.00	267,244.00	12.18%	299,789.00
SUPT. OF SCHOOLS	120,141.00	19,999.00	3,000.00	143,140.00	134,559.00	6.38%	20,437.00
SHERIFF	2,082,294.00	524,588.00	127,600.00	2,734,482.00	2,632,408.00	3.88%	102,500.00
SURVEYOR	71,255.00	39,423.00	0.00	110,678.00	84,302.00	31.29%	3,000.00
PUBLIC WORKS	20,349.00	24,714.00	6,300.00	51,363.00	47,369.00	8.43%	1,500.00
VETERAN BURIAL	0.00	30,000.00	0.00	30,000.00	20,000.00	50.00%	0.00
FINANCIAL ADMIN.	200,000.00	197,358.00	0.00	397,358.00	225,093.00	76.53%	1,964,069.00
GENERAL GOVERN.	0.00	52,560.00	0.00	52,560.00	79,560.00	-33.94%	0.00
TOTALS	5,738,653.00	2,352,711.00	403,217.00	8,494,581.00	8,424,718.00	0.83%	3,578,508.00



August 12, 1985 (Continued)

DEPARTMENT	1986 REVENUE SHARING	TO BE FUNDED
COMMISSIONERS	0.00	146,390.00
ADMIN. STAFF	3,000.00	127,802.00
ENERGY CONSERV.	11,753.00	32,382.00
JUSTICE OF PEACE	12,400.00	47,341.00
ATTORNEY	0.00	431,045.00
C&R: ACCOUNTING	26,500.00	194,786.00
C&R: RECORDING	0.00	(45,239.00)
C&R: ELECTIONS	0.00	101,759.00
TREASURER-TAX	0.00	202,749.00
TREASURER-M. V.	1,596.00	217,390.00
AUDITOR	1,000.00	91,916.00
GENERAL SERVICES	0.00	1,071,796.00
DISASTER EMER. SVCS.	22,728.00	36,136.00
PERSONNEL	1,000.00	269,534.00
DATA PROCESSING	37,600.00	262,730.00
MATERIALS MGMT.	22,040.00	159,864.00
C. S. REPURCHASE	0.00	0.00
SUPT. OF SCHOOLS	3,000.00	119,703.00
SHERIFF	43,179.00	2,588,803.00
SURVEYOR	0.00	107,678.00
PUBLIC WORKS	6,300.00	43,563.00
VETERAN BURIAL	0.00	30,000.00
FINANCIAL ADMIN.	0.00	(1,566,711.00)
GENERAL GOVERN.	0.00	52,560.00
TOTALS	192,096.00	4,723,977.00

August 12, 1985 (Continued)

COMMUNITY BASED ORGANIZATIONS  
BUDGET SUMMARIES

FY 1986

8/09/85

DESCRIPTION	POOR	AGING	MENTAL HEALTH	AMBULANCE	SPEC TRANS	DAYCARE	CBO TRUST
ARROW MEDICAL SVCS				8,200.00			
BITTERROOT RC&D							
CHILD CARE RES. RCES							262.00
CH CARE HEALTH PGM*	26,310.00					21,497.00	
MAP						0.00	
MSLA AGING SVCS		105,000.00					0.00
CH & FAMILY RES CO							
CTY FIRE PRO (ORU'S)				800.00			5,000.00
HUMANE SOCIETY							
FOOD BANK *	6,000.00						0.00
SENIOR CIT CENTER		5,000.00					0.00
URBAN TRANS (SPEC)							
YOUTH HOMES					22,096.00		
NAT AMER SVC AG							21,000.00
SUMMIT *							7,000.00
WATSON REC HOME *	6,300.00						0.00
COMP DEV CENTER			13,917.00			0.00	
MENTAL HEALTH CENTER			41,809.00				
WOMEN'S PLACE **							
BAT WOMEN SHELTER							8,136.00
SUBTOTAL	38,610.00	110,000.00	55,726.00	9,000.00	22,096.00	21,497.00	53,398.00
INT REG WARRANTS	0.00	1,000.00	500.00	250.00	750.00	750.00	
TOTAL	38,610.00	111,000.00	56,226.00	9,250.00	22,846.00	22,247.00	53,398.00

\* DENOTES NEW PROGRAM

\*\* IN ADDITION TO THE AWARD OF \$6,000, \$550 IN COURT-ORDERED RESTITUTION MONIES, WHEN MONEY AVAILABLE

August 12, 1985 (Continued)

DESCRIPTION	FY 1985 REQUEST	FY 1985 AWARD	FY 1986 REQUEST	FY 1986 AWARD	FY 1985 CARRYOVER
ARROW MEDICAL SVCS	10,000.00	8,200.00	8,200.00	8,200.00	
BITTERROOT RC&D	300.00	300.00	300.00	262.00	
CHILD CARE RESOURCES	20,244.00	20,244.00	21,497.00	21,497.00	
CH CARE HEALTH PGM*			39,310.00	26,310.00	
MAP	6,642.00	5,000.00	2,500.00	0.00	
MSLA AGING SVCS	105,163.00	97,180.00	155,580.00	105,000.00	
CH & FAMILY RES CO	5,000.00	5,000.00	5,000.00	5,000.00	
CTY FIRE PRO (QRU'S)	1,000.00	800.00	800.00	800.00	
HUMANE SOCIETY	15,000.00	9,000.00	0.00	0.00	6,000.00
FOOD BANK *			9,000.00	6,000.00	
SENIOR CIT CENTER	24,000.00	15,000.00	15,000.00	5,000.00	
URBAN TRANS (SPEC)	19,175.00	19,175.00	22,096.00	22,096.00	
YOUTH HOMES	20,582.00	20,000.00	21,000.00	21,000.00	15,000.00
NAT AMER SVC AG	18,000.00	10,000.00	8,000.00	7,000.00	
SUMMIT *			10,654.00	0.00	
WATSON REC HOME *			6,300.00	6,300.00	
COMP DEV CENTER	13,382.00	13,382.00	13,917.00	13,917.00	
MENTAL HEALTH CENTER	38,008.00	35,017.00	75,975.00	41,809.00	
WOMEN'S PLACE **	6,550.00	6,000.00	8,136.00	8,136.00	
BAT WOMEN SHELTER	9,156.00	9,000.00	12,000.00	12,000.00	
SUBTOTAL	312,202.00	273,298.00	435,265.00	310,327.00	21,000.00
INT REG WARRANTS			0.00	3,250.00	
TOTAL	312,202.00	273,298.00	435,265.00	313,577.00	21,000.00

August 12, 1985

BOARD APPOINTMENTS

The Board of County Commissioners made the following appointments to the Museum Board of Trustees:

- ✓ 1. Marci Watson was appointed to a three-year term as a member of the Board of Trustees. Her term will expire June 30, 1988; and
- ✓ 2. Barbara Mino was appointed as an alternate member of the Board of Trustees through June 30, 1988.

OTHER MATTERS INCLUDED:

✓ The Commissioners appointed Cindy Chumrau, Education Supervisor in the Superintendent of Schools Office, as Acting County Superintendent of Schools until the appointment of a new Superintendent.

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

\* \* \* \* \*

August 13, 1985

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

AUDIT LIST

The Board of County Commissioners signed the Audit List, dated August 13, 1985, pages 5-33, with a grand total of \$155,999.58. 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

The Board of County Commissioners signed a Case Handling Agreement between the Missoula County Office of Human Services and the Missoula County Attorney's office regarding the processing of Dependent and Neglected Child cases as per the terms set forth for the period from July 1, 1985 through June 30, 1986, for a total amount of \$31,000.00.

✓ AGREEMENT AMENDMENTS

Chair Dussault signed Amendment 1, dated December 20, 1984, and Amendment 2, dated June 21, 1985, to the Standard Form of Agreement for Professional Services, dated June 30, 1983, between Missoula County and Christian, Spring, Sielback and Associates, the engineers for the RSID 901- Lolo Water and Sewer project as per the terms set forth. The amendments were returned to General Services for further handling.

OTHER MATTERS INCLUDED:

The Commissioners approved changing the after-hours access to the Courthouse.

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

\* \* \* \* \*

August 14, 1985

The Board of County Commissioners met in regular session. All three members were present in the forenoon. Commissioner Dussault left at noon for Eugene, Oregon to attend a BPA consultation meeting.

DAILY ADMINISTRATIVE MEETING

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

✓ WAGE AGREEMENT

The Board of County Commissioners signed a Wage Agreement between Missoula County and MPEA (Montana Public Employee's Association), unit III, for the period from July 1, 1985, through June 30, 1986, as per the terms set forth. The agreement was returned to Dennis Engelhard, Personnel Officer, for further handling.

✓ NOTICE FOR INTENTION

Chair Dussault signed a notice of Intention to establish rates to be charged for the Seeley Lake Refuse Disposal District to be published for ten consecutive days and noting that any protests must be filed with the Clerk and Recorder's Office within 30 days of the date of first publication, after which time a hearing date will be set.

OTHER MATTERS INCLUDED:

- ✓ 1. Commissioner Evans was designated as Acting Chair through the end of August as Commissioner Dussault will be on vacation and out of the state; and
- ✓ 2. The Commissioners voted unanimously to appoint Michael Morris as Justice of the Peace, Department #2, to fill the unexpired term of W.P. Monger through December 31, 1986.

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

PUBLIC MEETING August 14, 1985

Acting Chair Barbara Evans called the meeting to order at 1:30 p.m. Also present was Commissioner Janet Stevens. Chair Ann Mary Dussault was in Eugene, Oregon for a BPA Meeting.

August 14, 1985 PUBLIC MEETING (Continued)

✓ BID AWARD: CONSTRUCTION OF SQUAW CREEK BRIDGE

Under consideration was the award of a contract for the construction of Squaw Creek Bridge. Information provided by Fred Crisp, Project Engineer for Bridges (Surveyor's Office), stated that bids were opened on August 12, 1985, with the following bids received:

<u>BIDDER</u>	<u>TOTAL</u>
Frontier West. Inc.	\$39,845.00
Binkard Construction Inc.	\$47,185.00
Edward T. Copps Construction	\$48,394.70

Janet Stevens moved, and Barbara Evans seconded the motion, that the bid be awarded to the low bidder, Frontier West, in the amount of \$39,845.00. The motion was passed by a vote of 2-0.

✓ DECISION ON: APPEAL OF COMPREHENSIVE PLAN DETERMINATION (W.D. PERRY)

The hearing on this appeal was held at the August 7 public meeting. Assistant Planner Amy Eaton summarized Mr. Perry's request as that he wished to install a 24-foot by 60-foot commercial-type building on 1.06 acres located adjacent to Highway 93 South. Mr. Perry's proposal was found not be in compliance with the Comprehensive Plan by the Director of the Office of Community Development, according to the procedure outlined in Resolution 85-082. The County Commissioners decided to make their decision concerning Mr. Perry's request after additional information surrounding land uses in a 300-foot arc around Mr. Perry's property was gathered. Ms. Eaton stated that the Community Development staff had used condition no. 5 in Resolution 85-082 which states that in areas in which 50% or more of the land uses within 300-feet of the applicant's property are compatible with the proposed land use, then the use shall comply with the Missoula Comprehensive Plan. She then reviewed the land uses that the Comprehensive Development staff had identified in a 300-foot arc around Mr. Perry's property. She said that 5605 Highway 93 South is a residential use because it is a home occupation, although Mr. Perry did not agree with this designation. She said that the staff had used the County Zoning Ordinance as a guideline to help make this decision. She said that Mr. Shaffner has a book binding business that he operates in his home, and that the Zoning Ordinance designates this as a "home occupation", which qualifies as a residential use. She said that the second red dot on the map is a residential use and the green dot represents the Nordic Pines Lodge a use that the staff had had some question about as the Nordic Pines Lodge is used for group gatherings but does not store machinery or industrial goods outside the building. The staff had some questions about whether it would be compatible with the use Mr. Perry had proposed for his property. She said that the next green dot on the map represented the West Winds Antique Store, which was compatible with Mr. Perry's proposal. She then indicated some other red dots which were residences, and added that Mr. Perry felt that these were not compatible with his land use proposal mainly because they were in a zoned area, but the staff had been obligated to consider the present land uses in the 300-foot area around Mr. Perry's property. Those red dots represented single-family homes. She said that the staff had concluded that Mr. Perry's request is not compatible with the land uses in the area and added that residential homes were the highest percentage of land uses within the 300-foot arc around Mr. Perry's property.

Barbara Evans stated that this was not a public hearing, but rather a decision on this matter, but if anyone in the audience cared to comment, the Commissioners would be glad to entertain comments.

1. W.D. Perry said that he disagreed wholeheartedly with the staff assessment of land uses around his property, stating that the land behind his property is railroad, with wasteland and the river behind that. He said that the land to the south is zoned light industrial. He said that he had talked to the man who owned a nearby building, and the man told him that the building is only there until he decides to use it for some industrial purpose, which might be tomorrow or a year from now. He said that the land is zoned light industrial, and he feels that his property should fall within that zoning.

2. Dean Shaffner, from Shaffner's University Bindery, said that he had moved to that area in 1978. He had been told by the realtor who sold him the property that this was an unzoned area. He said that he wanted that clarified as to where the zoning had come from.

Amy Eaton replied that the land he was referring to was zoned in 1977.

Mr. Shaffner said that when he had bought the place in 1978, he had been told it was an unzoned area. He said that he had lived in Pattee Canyon for eighteen years prior to that area being zoned. He said that he had worked hard to get zoning in Pattee Canyon, so he had not felt it was fair for him to continue to carry on his business there, although it was in garages, and none of the neighbors had had any objections because the business wasn't visible to them. He said that he had worked on keeping good zoning in the Canyon, and there had been many battles to preserve the zoning in Pattee Canyon. He said that he had moved out of the area because his business would not have survived having to be conducted separately from his home. He said that it was the only bindery for re-binding books in the State of Montana and he gets work from all over the state, although not a big volume. He said that it has to be a carriage-house type of business. He said that he has been in the business twenty years, and he would have gone down the drain years ago had he not kept it at home. Besides he had learned that it was a lovely way to spend your life to spend lots of hours doing your work or get away from it for awhile. He said that he had felt that the area he is in now is the right area for his type of business, but as you come into Missoula, he felt that it was important to keep the entrance as neat and attractive as possible. He said that he had worked hard to keep his home and yard looking attractive. He said that from what he had seen across the street, it doesn't seem that Mr. Perry's business would be very attractive. He said that there were old trucks and caterpillars and all sorts of machinery. He said that he couldn't object to the man making a living at that type of thing, but putting it on a road coming into town is not the ideal situation. He said that there had been an antique car repair business on that road already, although that person had put up a fence finally so that it wasn't visible from the highway. He said that there was a collection of old machinery and so forth along the road somewhere in Lolo, and this was not attractive. He said that regardless of what the rules are, he looked at it as the entrance to Missoula, and felt it was up to the property owners to act responsibly about keeping his property attractive.

2. Art Doherty said that he had lived in the area near Mr. Perry for about eight years and he, too, had understood it was commercial property when he bought it. He said that it looks like the rejects from the Ax Men were coming out to Mr. Perry's property. He said that he agrees that those kind of places should not be located at the entrance to the city. He said that there is an area for such businesses and they should be located out there.

4. Ernest Smith, 5655 Highway 93, said that he lives across the street from Mr. Perry's property. He said that the past summer they had had an auction there which was "one big mess." He said that the highway had been halfway blocked, and if that was any indication of what was going to go on, he didn't want any part of it.

Mr. Perry asked if he could speak again. Barbara Evans asked him if he wanted to just respond to what had been said or if he had something new to say. He replied that he had something new to say. Barbara Evans allowed him to speak but asked that he keep it brief.

Mr. Perry said that the use that he had put the land to was to store things on it. He said that it hasn't been used commercially. He said that the stuff had been brought in and left and hadn't been moved out because he hasn't put the land to use yet. He said that if he were going to use it, it would certainly make a difference in what he did.

Barbara Evans then made a short statement. She told Mr. Perry that the situation was unpleasant for her. She said that she felt that he had every right to be angry at the system, but the system is not one of the Commissioners' making. She said that she was going to vote to disapprove his request for the following reasons, stating that she was not happy about having to do that. She said that she did not feel that the Commissioners had any choice in the matter, stating that when the Comprehensive Plan was first put into effect, it was intended as a guideline and was not intended to be cast in stone, or as something that the Commissioners had to absolutely adhere to, but the Little decision in Kalispell had changed all that. She said that this had changed the Comprehensive Plan from being merely a guideline to being cast in stone, and that the courts have ruled that local governments cannot allow the use of any unzoned land unless it is in significant compliance with the Comprehensive Plan. She said that she could not in good conscience find that his proposed use is in compliance with the Comprehensive Plan. She said that the staff and Director Chris Rockey had tried to find another route to help him by putting in the condition about the land uses in a 300-foot arc around the property, hoping that perhaps that would help him, but it did not, after looking at all the information. She said that she felt that she had no choice but to deny the request, although she also understood his concerns. She said that her suggestion, and she hated to say go through the system one more time because there was absolutely no guarantee as to the outcome, but he could go through the zoning process. She said that if he did choose to do that, she would tell him up front that what she would want before she would agree to give him the zoning variance that he would need would be buffers around the perimeter of his property so that the things that his neighbors were concerned about would be hidden from view. She suggested such buffers as Arbor Vitae trees or a fence or some other acceptable buffer.

She said that she had a strong dedication to personal property rights and the ability for property owners to use their property for the uses that they wanted to use it for, as long as it did not violate the rights of the person who has to be nose-to-nose with the property owner. She said that it did not make her happy to deny her request, and she made no promises should he go through the zoning, but his land certainly is usable as residential property, which is what the Comprehensive Plan presently calls for. She said that the Comprehensive Plan is in the process of being revised, and she felt that it could be made to conform to whatever zoning he was granted. She said, up front, if he chose to do that, there would be some stiff requirements before the zoning would be approved.

Janet Stevens moved, and Barbara Evans seconded the motion, that Mr. Perry's request, as stated earlier, be denied on the grounds that the request is not in compliance with the Comprehensive Plan and is not compatible with surrounding uses. The motion passed by a vote of 2-0.

Amy Eaton told Mr. Perry that she would be happy to meet with him after the public meeting and go over the rezoning procedure with him.

#### ✓✓ CONSIDERATION OF: SUMMARY PLAT, DAILEY ESTATES

Background information provided by Assistant Planner Paula Jacques stated that Dailey Estates is the re-subdivision of Lot 48, Sorrel Springs Addition, located northwest of Frenchtown. She said that proposed are two single-family lots, each 5.10 acres in size. She said that they will connect to the community water system and will have individual septic systems.

She stated that variances from the right-of-way and pavement widths as well as from the paved driveway requirements have been requested and that the developer had requested these variances in order to have a private road easement function as the driveway for the two lots.

She stated the staff recommendation as that the summary plat of Dailey Estates should be approved subject to two conditions and the requested variances approved for reasons outlined in the staff report. She stated further that the staff recommended that Dailey Estates be declared in the public interest as outlined in the staff report. She stated that the Planning Board had approved the staff recommendations and had sent them for Commissioner approval.

Barbara Evans asked about the statement required by recommended condition no. 2 (to be printed on the fact of the plat in regard to waiving the right of future lot owners to protest an RSID for the paving of Appaloosa Lane.) She asked what would trigger the paving of Appaloosa Lane.

Paula Jacques replied that the requested variances were for what the Subdivision Regulations treat as a private road and the developers wish to have function as a driveway until development occurs on the adjacent property, which would trigger bringing the road up to County standards. She said that the property owners had provided half the right-of-way of thirty feet which is required by the County, and at that time, the road could be brought up to County standards.

Barbara Evans asked her if the developers of Dailey Estates understood that that would be a requirement, and Paula Jacques replied, "Yes." She said that that was the reasoning behind requiring a statement to that effect on the face of the plat so that any future landowners would be aware of that.



Janet Stevens moved, and Barbara Evans seconded the motion, that the summary plat for Dailey Estates be approved, subject to the two conditions stated in the staff report; that the variances requested be granted and that Dailey Estates be declared to be in the public interest. The motion passed by a vote of 2-0.

The following are the conditions, variances and declarations of public interest according to the findings or fact:

CONDITIONS

1. That sanitary restrictions be lifted by the state and local health authorities; and
2. That the following statement be printed on the face of the plat:

Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future R.S.I.D. for paving of Appaloosa Lane and may be used in lieu of their signatures on an R.S.I.D. petition.

VARIANCES

Further, the Commissioners approved variances from the standards of the subdivision regulations for right-of-way and pavement widths as well as the requirement that driveways be paved. The reason for granting these variances is that the thirty-foot private road easement and one-half of a cul-de-sac bulb proposed by you provides adequate access for the two five-acre tracts, and it can easily be upgraded to County standards should the adjacent lot be subdivided. In addition, this subdivision is located outside the area affecting non-attainment of air quality standards; thus, particulate pollution is not a concern.

FINDINGS OF FACT

Finally, the Commissioners found Dailey Estates to be in the public interest based on the following findings of fact:

1. Need -- A market study is not specifically required for a summary subdivision. You, as owners of Lot 48, have a prospective buyer for the proposed additional lot, and this proposal is consistent with a pattern of development in the area: five to ten acre tracts within an existing subdivision where services are already available.
2. Expressed Public Opinion -- No public hearing is required for a summary plat and no comments have been received to date. The covenants, available to all property owners within Sorrel Springs specifically limit further lot divisions to a minimum of four-acre tracts; thus property owners are aware of the possibility of, and extent of, re-subdivisions such as this.
3. Effects on Agriculture -- This subdivision is located within a previously platted residential subdivision. Agricultural potential is limited by the covenants to "normal" family pets, 4-H animals, cattle, horses and poultry.
4. Effects on Local Services--The developer has estimated that four elementary students and two secondary students from Dailey Estates will attend the Frenchtown Schools. The subdivision is located on an existing bus route. Phone service and electricity are readily available. No streets will be dedicated to the County for maintenance with this subdivision.
5. Effects on Taxation--Property Tax revenue has been estimated by the developer at \$464.00 after subdivision.
6. Effects on the Natural Environment--The major impact on the environment occurred with the initial platting of the Sorrel Springs subdivision.
7. Effects on Wildlife and Wildlife Habitat-- The major impact on wildlife and wildlife habitat also occurred when Sorrel Springs was first platted. Five-acre tracts still afford some habitat for small animals and birds.
8. Effects on Public Health and Safety--As this two-lot subdivision is occurring in an already-developed area, it is currently served by the Missoula County Sheriff and the Frenchtown Fire District. The lots will connect to the community water system and individual septic systems will be installed after the State Department of Health lifts sanitary restrictions. BFI will provide solid waste disposal service. Health and emergency services are available in Missoula.

Since there was no further business to come before the Commissioners, the meeting was recessed at 1:55 p.m.  
August 15, 1985

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The Board of County Commissioners met in regular session. A quorum of the Board was present. Commissioner Dussault was in Eugene, Oregon on August 15 and 16, where she attended a BPA Consultation Meeting. Commissioner Stevens left late in the afternoon for Red Lodge, Montana.

August 16, 1985

The Board of County Commissioners did not meet in regular session. Commissioner Stevens was in Red Lodge, Montana, where she attended a Commission on Courts of Limited Jurisdiction Meeting, and Commissioner Evans was out of the office until noon.

Fern Hart  
Fern Hart, Clerk and Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair

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August 19, 1985

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was on vacation the week of August 19-August 23, 1985; and Commissioner Evans was out of the office all day.

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August 20, 1985

The Board of County Commissioners did not meet in regular session; Commissioner Evans was out of the office all day.

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August 21, 1985

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

FAIR PARADE

Commissioners Evans and Stevens participated in the Western Montana Fair Parade which was held in the forenoon.

AUDIT LIST

Commissioners Evans and Stevens signed the Audit List, dated August 20, 1985, pages 5-28 with a grand total of \$118,070.46. The Audit List was returned to the Accounting Department.

MONTHLY REPORTS

Acting Chairman Evans examined, approved and ordered filed the monthly reports for Justices of the Peace, W.P. Monger and Janet Stevens; for collections and distributions for the month ending July 31, 1985.

PUBLIC MEETING - AUGUST 21, 1985

Acting Chair Barbara Evans called the meeting to order at 1:30 p.m. Also present was Commissioner Janet Stevens. Commissioner Ann Mary Dussault was away on vacation.

✓✓✓ HEARING: ANNUAL REVIEW OF RESERVE STREET DEVELOPMENT STANDARDS (SECTION 6.03)

Under consideration was a public hearing on Section 6.03 of the County Zoning Resolution. Information provided by Planner Mark Hubbell of the Community Development Office stated that Section 6.03 of the Missoula County Zoning Resolution is commonly known as the Reserve Street Special District No. 2 Development Standards. This section of the Zoning Resolution requires that an annual review of the development standards be conducted by the Missoula Planning Board and the Missoula County Commissioners. He stated that the annual review would examine development standards in relation to community goals and policies; changed conditions, if any, which have resulted from new growth; or changes in political attitudes and changes in policies which would require revisions to the development standards to better meet goals and policies. He said that the recommendation of the Community Development staff was that the Commissioners conduct a public hearing on the development standards of Special District No. 2 and direct the staff to draft any changes the Commission deems necessary.

At this point, Janet Stevens read into the record the following two letters which had been received in regard to this matter:

(This letter was received from Lon J. Dale, of the law firm Milodragovich, Dale & Dye, P.C. the following is the body of the letter)

Dear Commissioners;

This letter is submitted to you in regard to the annual review of the Reserve Street Zoning District. All of my remarks made at the Hearing during last year's review are just as relevant today as they were then.

The Reserve Street homeowner is still between a rock and a hard place. The Reserve Street homeowner is not receiving any kind of special attention from the market place showing interest in his or her property for purposes of the special zoning district uses. The result is that the Reserve Street Homeowner is unable to receive market value for the residential property owned and is continually subjected to all of the ramifications of the increased traffic on Reserve Street including the air pollution, noise pollution, and difficult traffic problems.

The Commissioners are requested to recognize the plight of the Reserve Street homeowner and make request of the State Highway Department to condemn the properties affected so that fair and equitable compensation can be obtained by the property owners.

Your special attention to this continuing saga of perseverance is appreciated.

Lon J. Dale

(This letter was received from James O. Jewell, a member of the Reserve Street Homeowner's Association)

Dear County Officials:

In connection with your Annual Review of Special District #2 (Section 6.03 of 76-113, Missoula County Zoning Resolution), I should like the following to be made a matter of public record:

Since your last "Annual Review" which resulted in no changes or no action the conditions existing in this area have deteriorated. (Remember, you have zoned this as primarily a residential neighborhood). Traffic has increased to the point where the homes adjacent to the street are no longer inhabitable, by ordinary standards, yet, these regulations have made it almost impossible for one to sell or otherwise rid himself of this property. No property has changed hands in the past year, some properties are vacated and turning to shambles, and commercial development is increasing on either end of this district which creates more problems for this, a residential area. Further, it is not fair or just to impose this type of regulation on one small area of the county while the balance of the territory is not affected by the Permit System-Section 8.18 of 76-113.

PUBLIC HEARING AUGUST 21, 1985 (CONTINUED)

On the basis of these points alone, I would ask that you consider making adjustments in these regulations so that all people in this County are treated in a like manner. This can be accomplished by removing the Permit System (8.18) from the County Zoning Resolution and changing the zoning in this district from "Residential" to "Commercial" so that there may be, once again, equality along Reserve Street.

James O. Jewell

At this point, Acting Chair Barbara Evans opened the hearing to public comment. No one came forward to testify. She then closed the public comment portion of the hearing.

Barbara Evans then stated that she felt a lot of sympathy for the folks in that area and that she had hoped that the permit system would provide a flexible method by which the people who live there would be able to sell their property for uses that would not add to the problem of the people just behind them. She said that she wasn't sure that that has been the result, and added that there were obviously many people who are still very upset and frustrated by the whole situation. She asked Chris Rockey if it would be within the scope of his interest to take another look at the situation and see whether he felt that something different should be done there than what had been done.

Chris Rockey asked if she had a time frame in mind.

Janet Stevens asked him how long he thought it would take him to reasonably get through with it.

Chris Rockey said that he thought Mark Hubbell had a good handle on the technical details and that they could probably give the Commissioners a report in sixty days or so.

Barbara Evans said that her concern for those folks is that she's sure that the area is uninhabitable, between the air pollution, the noise and the traffic. She said that it must be unbearable, and she recognized that. She said that the County did not put in the Reserve Street Bridge, and when the Commissioners made a decision to zone Reserve this way, they had hoped that it would add some flexibility to people's ability to sell their places and not exchange the problems between them. She said that maybe there was a better way to do it than what they'd done, but she didn't know what it would be.

Chris Rockey said that transition zones always cause that problem. He said that as soon as you drop back one row, then you have the second set of angry homeowners, and then you wind up with a third, and so on. He said that he was not that familiar with the details of the situation, although he had read it, but his office would look at it in terms of the long-range situation and report to the Commissioners.

Janet Stevens said that she thought that since there weren't any changes last year, now might be a good time to take a look at it again to see if there weren't something the County could do resolve some of the problems these people still have.

Chris Rockey said that to some extent it seemed that they were faced with the chicken and egg problem.

Janet Stevens asked if this area were going to be affected by the Reserve Street construction, and Chris Rockey said that the area to the west of Reserve Street would be.

Barbara Evans then recognized George Geesey, who had asked if he could make a statement. He said that he sympathized with the people who would be upset behind the line of houses along Reserve Street. He said that these people should have a chance to object, which was one thing that the Reserve Street homeowners had not had when the situation had come to them.

County Surveyor Dick Colvill noted that when Mr. and Mrs. Spurlock had sold their strip of land to the County, they had gotten full value for it.

Janet Stevens said that the State was anticipating finishing the Reserve Street project in 1990, which seemed like a long time away, but it was only four and a half years.

Barbara Evans said that one of the things that the Community Development staff could look at was whether there was a different kind of zoning or if there were some changes that they could make to the zoning district. She said that perhaps the changes that the Commissioners had approved a few years ago were not all-encompassing, but maybe there were some other options. She asked Chris Rockey to draft a letter to Mr. Jewell and Mr. Dale explaining that the Commissioners understood their plight and then have Deputy County Attorney Mike Sehestedt approve it as to whether it were appropriate for the Commissioners to sign.

Mike Sehestedt said that he could look at the letter. He said that the problem exists because of the claimed traffic impacts. He said that he suspected that those impacts vary depending on the parcel. He said that the Highway Department, in the course of condemnation, will take care of everybody on the west side of the street.

Janet Stevens asked if a request by the homeowners for condemnation were a valid request from the State.

Mike Sehestedt said that he thought it was, stating that on the east side there is a vet clinic and a construction business, etc. He said that Jim Jewell is in a bad position because he has probably as little set-back as anybody on the whole east side, and he is pretty much surrounded by commercial uses. He said that he thought that everybody out there has experienced some inconvenience, but he didn't know if he'd go so far as to say decrease in market value, as a result of the traffic flow there. He said that people can always sell their property at market value by definition. He said that Lon Dale was actually complaining about in his letter was that market value has adversely affected, and he didn't know whether he would concede that point or not. He said that clearly a residence in a wilderness that's only five minutes from downtown is worth more than a residence sitting on a busy street that's only five minutes from downtown.

Barbara Evans asked him if there had been a law suit filed on this issue, and, if so, whether he knew where that stood. He replied that one had been filed with multiple plaintiffs. He said that he believed that their motions to dismiss had been briefed, argued and were still pending. In response to her question as to whether the County had been named as a defendant, he said yes. She asked if writing a letter as she had requested above would prejudice the County's case.

PUBLIC MEETING AUGUST 21, 1985 (CONTINUED)

Mike Sehestedt replied that he wanted to look at the letter before it's sent out. He said that he thought that what he had heard the Commissioners say repeatedly is that they realized that there are problems associated with the Reserve Street traffic and the County would like to do anything it can to obviate their problems, but this zoning is the best we can do. He said that he doubted that if the County gave the area unrestricted commercial designation it would produce a boom on the market such as Mr. Jewell seems to believe would happen i.e., if the County would simply designate it commercial, someone would come and buy his house at a big price and he'd be able to move to some quiet street and enjoy life.

Barbara Evans asked him if he felt that the Commissioners should seriously consider Mr. Dale's request to ask the State to condemn this property.

Mike Sehestedt replied that if the State proceeded with condemnation, it would take out everyone on the west side. He said that he thought that it would be appropriate to do some condemnation on the east side as well.

Barbara Evans said that the traffic is there, regardless of what side of the street you're on, and Mike Sehestedt said that traffic will be shifted and the flow will be better with the improvements. He said that he did not know, and that it might have to ultimately have to come down to a judge saying that the State had, in fact condemned this property. He said that the State's plan struck him as being as extremely close in terms of inverse condemnation as you could get to Knight vs. City of Billings. He said that the State believes that there are important distinctions, but he was inclined to leave it to the State to argue those distinctions.

Since there was no further business to come before the Commissioners, the meeting was recessed at 1:50 p.m.

DAILY ADMINISTRATIVE MEETING

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

✓✓✓ CONTRACT

The Board of County Commissioners signed a contract dated August 15, 1985, between Missoula County and Frontier-West, Inc. for construction of Squaw Creek Bridge LB-4 at Lolo, Montana for a total amount of \$39,845.00. The contract was returned to Centralized Services for further handling.

✓ RESOLUTION NO. 85-094

The Board of County Commissioners signed Resolution No. 85-094, a resolution designating a portion of Mount Avenue as a collector street as the traffic on this section of Mount Avenue has increased from 378 ADT in 1985 due to traffic improvements within the City of Missoula, and thereby resolving that Mount Avenue from Reserve Street approximately 0.2 miles east to the irrigation ditch is hereby classified as a Principal Collector Route.

✓ ADOPTION OF SALARY SCHEDULE

The Board of County Commissioners signed and adopted the Personnel Plan Salary Schedule for fiscal year 1986 as per the terms set forth.

✓ APPROVAL OF ENCROACHMENT PERMIT

The Board of County Commissioners approved and signed a request from Donald W. and Rue K. Johnson for an encroachment permit to allow the concrete pad on Lot 9, Mountain Meadows Addition No. 1 to encroach into the public right-of-way on Conifer Drive. The request was returned to the Surveyor's Office for further handling.

✓ APPOINTMENT OF CHIEF DEPUTY SUPERINTENDENT OF SCHOOLS

The Board of County Commissioners signed approval of the appointment of Cynthia Chumrau as Chief Deputy Superintendent of Schools until a replacement for Mike Bowman is appointed and takes office.

✓ JOINT POWERS AGREEMENT

The Board of County Commissioners signed the Joint Powers Agreement for the Montana Association of Counties Worker's Compensation Trust Fund as per the terms set forth and which will become effective September 1, 1985. The agreement was returned to the MACo Office in Helena.

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

August 22 and 23, 1985

The Board of County Commissioners did not meet in regular session. Commissioners Evans and Stevens were available at the Western Montana Fairgrounds both days.

Fern Hart  
Fern Hart, Clerk and Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair

\* \* \* \* \*

August 26, 1985

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

INDEMNITY BOND

Acting Chairman Evans examined, approved, and ordered filed an indemnity bond naming First Bank Western as principal for warrant #133712, dated July 12, 1985, on the Missoula County Health Fund in the amount of \$25.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 85-095

The Board of County Commissioners signed Resolution No. 85-095, a resolution authorizing the signing of the lease/purchase agreement with Christopher Capital Corporation for the purchase of a Gerstenslager Bookmobile for the Missoula County Library; and resolving that Ann Mary Dussault, Chair of the Board of Missoula County Commissioners, is hereby authorized to execute and file a contract with the Christopher Capital Corporation.

AGREEMENT

The Board of County Commissioners signed an Agreement, dated August 16, 1985 between Missoula County and 4-G Plumbing and Heating, Inc., for the construction of the Lolo Sewage Treatment Plant Modifications for Missoula County RSID #901, as per the terms set forth, for a total amount of \$692,900.00. The agreement was returned to General Services for further handling.

CORRECTION QUIT CLAIM DEEDS

The Board of County Commissioners signed Correction Quit Claim Deeds at the request of Attorney Ray Tipp, who now has the titles, regarding the vacation of a portion of 12th and Schilling, from Missoula County to Raymond Tipp for the following described real estate:

1. That portion of Twelfth Street adjacent to Lots 31-36, Block 82, Carline Addition No. 1, and portion of Schilling Street adjacent to Lot 36, Block 82, Carline Addition No. 1, being ten (10) feet in width, vacated by Missoula County Resolution No. 85-089, and this deed corrects and supercedes a deed previously recorded in Book 226, Micro Page 1147; and
2. That portion of Twelfth Street adjacent to Lots 1-12, Block 83, Carline Addition No. 1, and that portion of Schilling Street adjacent to Lot 1, Block 83, Carline Addition No. 1, being ten (10) feet in width, vacated by Missoula County Resolution No. 85-089, and this deed corrects and supercedes a deed previously recorded in Book 226 Micro, Page 1146.

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

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August 27, 1985

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. 85-096

The Board of County Commissioners signed Resolution No. 85-096, a budget amendment for F.Y. '86 for the Health Department, including the following expenditures and revenue, and adopting it as part of the F.Y. '86 budget:

Description of Expenditures	Budget
2270-610-445700-111 Permanent Salaries	\$5,000
2270-610-445700-382 Physician Services	2,500
2270-610-445700-141 Fringe Benefits	1,000
Description of Revenue	Revenue
2270-613-344280 Outpatient Clinic Fees (State Medical & Medicaid Fees)	\$8,500

APPLICATION FOR STATE IDR BONDS

Chair Dussault signed the acknowledgment of Receipt and Notification of Intention form stating that Missoula County received Notice of Pending Application for Industrial Development Revenue Bonds from the Montana Economic Development Board regarding a proposal received from William L. Davies and Griffith H. Davies, III, for IDR Bonds in the amount of \$660,000.00 for the purpose of constructing a 16,000 square foot building to be leased to D & D Transport Refrigerations Service, Inc., and Big Sky Utility Trailer Sales, Inc., to provide space for sales, service, and repair of truck and trailer refrigeration units and semitrailers located in Missoula County and setting a hearing date on the application for September 11, 1985, at 1:30 p.m.

OTHER MATTERS INCLUDED:

1. The CDC (Comprehensive Developmental Center) proposed merger was discussed. Fritz Thibodeau, Missoula County's representative on the Board, will be contacted regarding the Commissioners opposition to this merger; and
2. The settlement offer on the McBride case was discussed with Sheriff Dan Magone and Deputy County Attorney Mike Sehestedt. It was decided that the offer be rejected.

August 27, 1985 (continued)

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

✓ MEETING

Commissioners Evans and Stevens attended a meeting of the Airport Authority in the forenoon.

August 28, 1985

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

AUDIT LIST

Commissioners Dussault and Stevens signed the Audit List dated August 26, 1985, pages 4-25, with a grand total of \$99,513.94. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 860001, a request from the Road Department, to transfer \$20,000 from the Controlled Services account to the Capital-Vehicles account to reflect final budget approval and adopted it as part of the F.Y. '86 budget.

✓ RESOLUTION NO. 85-097

The Board of County Commissioners signed Resolution No. 85-097, a resolution establishing a speed limit of 15 miles per hour on Dickinson Street, and requesting the County Surveyor to cause the traffic signs on Dickinson Street to reflect this action.

✓ OTHER MATTERS INCLUDED:

The Board of County Commissioners approved the following motions which were passed by the Seeley Lake Refuse Disposal District Board of Directors at their August 7, 1985, regular meeting:

1. To reduce the fee assessment for a single unit from \$42.00 per year to \$28.00 per year; and
2. To conduct a review of the schedule of fees assessed to businesses in order to correct apparent inequities and to submit a revised fee schedule for your approval after the September 4, 1985 meeting.

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

PUBLIC MEETING August 28, 1985

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

✓✓✓ HEARING (PLANNING AND ZONING COMMISSION) - DUFFIELD DEVELOPMENT REQUEST

Since this hearing was to be held before the Planning and Zoning Commission (consisting of the three Commissioners, the Clerk and Recorder and the Surveyor) rather than the Board of County Commissioners, the meeting of the Board of County Commissioners was recessed and that of the Planning and Zoning Commission convened. Clerk and Recorder Fern Hart and County Surveyor Dick Colvill were present.

Planner Mark Hubbel from the Community Development Staff gave the staff report, stating that Zoning District 4 was established in June, 1957, and requires the approval of the County Regulatory Commission and Planning and Zoning Commission for any improvements to property within the zoning district.

He said that on August 6, 1985, the County Regulatory Commission recommended approval of the proposed residential garage, subject to the findings of fact set forth in the staff report.

Chair Ann Mary Dussault opened the hearing to public comment, asking that proponents speak first. No one came forward to testify. Chair Dussault closed the public comment portion of the hearing.

Fern Hart asked how big the garage is, and Mark Hubbel replied that its whole purpose was to store two miniature cars, as the Duffields already have a garage under the house for their other vehicles.

Barbara Evans moved, and Janet Stevens seconded the motion, that the proposed garage and driveway on Tract 1 of Certificate of Survey NO. 1096 be approved, subject to the findings of fact listed below. The motion passed by a vote of 5-0.

The findings of fact are as follows:

General Regulations - Planning and Zoning District No. 4

The subject property is a parcel with an area of 20.26 acres, thereby meeting the minimum lot size requirement of three acres.

No plumbing will be installed in the garage. The new structure will not be located near the septic drain-field serving the Duffield residence. Thus, this proposal will not impact sewage disposal on the subject property.

The applicant has indicated that all lines for power, telephone, and other services will be placed underground as required in the District No. 4 General Regulations.



PUBLIC MEETING - August 28, 1985 (continued)

Comprehensive Plan

The Land Use Element of the Missoula Comprehensive Plan designates the applicant's property "Open and Resource Land." This classification is characterized by lands which, because of physical limitations or resource values, were not considered suitable for development when the Comprehensive Plan was adopted. The Plan calls for development at a density of one dwelling per forty acres within this designation.

While the applicant's lot is significantly smaller than the forty acres recommended by the Comprehensive Plan, it is fully compatible with the Zoning District No. 4 development standards. The three-acre minimum lot size requirement of this zoning district was implemented prior to the adoption of the Comprehensive Plan. Consequently, the Staff would note that the Plan designation of property within Planning and Zoning District No. 4 as "Open and Resource Land" is inappropriate.

Physiography of the Land

The applicant has indicated that the driveway leading to the proposed garage will be approximately sixty feet in length, and will have a grade of between 4 and 6 percent.

Topsoil at the site will be removed prior to construction, and then replaced and planted with native vegetation to stabilize the slope and protect the integrity of the area. No mature trees will be removed with the construction of this garage.

General Appearance

Creighton Sayles, Fire Investigator with the Missoula Rural Fire Department, has commented that his department has no concerns regarding the proposed garage as long as it does not block the existing fire road. This road begins at the north end of the Duffield driveway and extends into wooded land to the north and west of the residence.

As mentioned previously, the driveway to the new garage will be approximately sixty feet in length. This will provide adequate space for vehicles to pull off the fire road.

The last application for development utilizing this private access road, (Reviewed May 7, 1985 by the County Regulatory Commission), prompted a letter from the Rural Fire Department stating that the road would not be considered an "all-weather" road, and that it would not accommodate fire apparatus. Thus, response to emergency situations in this area could be difficult.

While not a basis for approval or denial of this development request, it is a concern. The Staff would therefore like to stress to the applicant that a fire danger exists in this area, and that emergency services may be limited by the private road serving the area.

✓✓✓ HEARING: CREATION OF RSID 906 -- LENA LANE STREET IMPROVEMENTS

Information provided by Operations Officer John DeVore stated that the purpose of the proposed RSID would be to repair Lena Lane by sealing cracks, applying a seal coat and restoring drainage swales and rock drains in order to bring it up to County standards.

Chair Ann Mary Dussault opened the hearing to public comment. The following people spoke in opposition to creation of RSID 906:

1. John Fisher, 1285 Lena Lane, said that he opposed the creation of RSID 906. He stated that there had been some confusion over the notice of creation that had been sent to the homeowners vis-à-vis the letter from the County Commissioners that the homeowners had received the previous day. He said that the resolution had addressed proposed improvements or construction, and the letter had referred to maintenance, which is another issue. He said that the homeowners had submitted a protest in writing, on time, on schedule, against the passage of the RSID and the improvements. He reviewed the letter that the Commissioners had sent to Lena Lane residents, paragraph by paragraph. He said that the first paragraph mentions the notice that was mailed out. His concern was that the notice of intent to create RSID 906 includes more issues than just the setting of costs. He said that the \$11,100.00 estimate includes 1,670 feet of ditch, (which is the original ditch length, and which is only partially filled in, contrary to what had been stated.) He said that restoration should be limited to what is needed. He said that the history set forth in paragraph two of the letter was good, except that he believed that the road condition and deterioration is grossly overstated. He said that the landowners had already paid an SID for construction of the road in the first place and that the road, when it was taken over by the County in 1979 should have been up to standard, or the County would not have taken it. He said that the letter clearly states that the County's argument is with Carl Malone over an alleged violation of the Subdivision and Platting Act. He said that the homeowners feel that that dispute has no bearing on the condition of the road. He then referred to paragraph four of the letter, stating that the swales or ditches had only partially been filled in, as mentioned before, and that the rock sumps are not filled in. He said that cracking of the pavement occurs at a more frequent rate where the ditches exist than where the ditches are filled in, and stated that he had walked the road about an hour and a half before the meeting to verify that. Referring to paragraph five of the letter, he said that the homeowners did not feel that they should buy the County out of their lawsuit with Mr. Malone, if that was what was behind this effort. He said that he had questions, such as whether the drainage system was to standard when the road was constructed in 1975 or when the County gained the right-of-way in 1979, and, if so, he believed that the road should not be evaluated under more recent standards. He said that the letter had referred to an enclosed cost estimate, which was not enclosed, and that cost estimate had not been attached to the notice of creation. He asked about the County's lawsuit against Mr. Malone, i.e. whether the outcome had been determined. He quoted the following sentence from the County Commissioner's letter: "...we believe it is more equitable to allocate the cost of the total repair project among all lot owners along Lena Lane," and added his own end of the sentence that the County had felt it was more equitable to allocate costs to everyone rather than just to Mr. Malone and to have all the landowners pay. He said that he wanted to know what factors had gone into making that decision.

August 28, 1985 Public Meeting (continued)

He quoted the following from paragraph six of the letter: "There is no right of protest to defeat a maintenance assessment....," and argued that the notice of intent had allowed for protest, both against making the improvements and creation of the RSID. He noted that the notice of intent mentions the making of improvements, and that the letter addresses maintenance. His summary was that he was not willing to pay for the County's problem with Carl Malone, and that he believed that the disrepair of the road has been grossly overstated. He said that the experience of the people who live along the road has shown that the ditches are of no benefit and that the road is in no worse condition where the ditches are filled in than where the ditches still exist, except, as previously noted, there is a greater frequency of cracks in the ditched portion rather than in the unditched portion. He said that when he and his neighbors had submitted their various construction plans, and their encroachment applications, no mention was made of driveways needing a culvert. He said that they had gone beyond that point now, so everything would have to be dug up in order to do that. He said that he believed all of the reasons submitted in writing as a formal protest were valid.

2. Denise Talarico said that she and her husband, Tom had owned their piece of land for about sixteen months, although the Malone problem had been going on for about six years, which was five years before they had owned their land. She said that she didn't feel that she should have to pay for someone else's problem that had occurred during a different time. She said that, as Mr. Fisher had testified, the road does not appear to be in bad shape, and stated that she had no qualms about it, although they have not built a house there yet, nor have many of the other landowners. She said that she could not see why they should have to pay for something that seemed like someone else's problem.

3. Robert Michael, 1265 Lena Lane, said that he wanted to go on record in agreement with Mr. John Fisher's statement.

4. Lloyd Holland stated that he and his wife June live at 1275 Lena Lane. He said that he supported what John Fisher had said.

5. Jeri Fisher, 1285 Lena Lane, said that she had not been present for the previous testimony, but she did have a couple of questions. She said that it was her understanding that the road was accepted on Resolution No. 79-130 in August of 1979, and there was no exception to road maintenance at that time. She said that she understood that between 1970 and 1980 there were times when County roads were accepted by the County but had been accepted for maintenance, although she had not found a maintenance exclusion on the Lena Lane acceptance. She said that it was the homeowners' contention that since the road was constructed with an RSID and since it was done to County specifications, they should not be slapped with another RSID now. She asked if there were another instance where the County had accepted a road without accepting for maintenance and had gone back and put another RSID on it when it was done to County specifications under an RSID in the first place.

County Surveyor Dick Colvill said that he didn't think that there had ever been a County maintenance SID on a road.

Jeri Fisher said that she didn't believe that there had ever been one either, and said that she felt that the Lena Lane homeowners were being picked on. She said that if the road were in poor condition, they would look at this a bit differently, but it's in excellent condition. She said that it seemed that Resolution 79-130 contains an implied acceptance of the right-of-way as well as an implied acceptance of maintenance of the road, since an exception to that is not listed in the resolution. She asked the Commissioners if her assessment were correct.

Ann Mary Dussault said that the Commissioners intended to take everyone's comments first, and then refer questions to the County Attorney's staff.

Jeri Fisher then asked if an RSID would be allowed if the road were not accepted and if the road were not done to County specifications, and wanted to know if that were a common practice of the County--to allow RSID's on private property. She said that this was part of the same RSID under which Spurgin Road was constructed and that the people along Spurgin Road did not pay for the chip sealing and coating that was done on that road, and it was the Lena Lane Homeowner's contention that they should not have to pay either. She said that if there is a problem with a lawsuit on Lena Lane, the homeowners should not be brought into it.

3. Bonnie Rickles said that she supported her neighbors and agreed with what had been said.

4. Tom Talarico wanted to know why the problem had not been taken care of in 1979 when it should have been taken care of, and asked who Carl Malone was.

5. Carl Malone then got up to speak. He said that he owned property on Lena Lane and that he was one of the co-developers of the property. He said that he would address the questions on the lawsuit first in that he found any conjunction between the paving matter and the lawsuit to be totally inappropriate. He said that he felt that the lawsuit had nothing to do with the road. He said that when the road was turned over to the County in 1979, he agreed with Jeri Fisher's findings that there had been no problems with it. He said that there had been a sign at the entrance of his property stating "End of Missoula County Road Maintenance," but it had sat there for some two or three years. He said that he had become upset with the sign being there because everyone went out there and turned around and the "...road went to hell, so I went down and tore it out myself and threw it on the ground. Apparently, some snow plowing and stuff has taken place since I destroyed the sign." He said that it was his recollection, and he wouldn't swear to this, that the chip coating and sealing on the balance of that road was done subsequently to 1979, to the point of that sign. He said that it seemed to him that it stopped at the point of the sign because it was there. He said that those were all the comments he had and he supported the residents.

6. Pat Rude said that he owns a lot on Lena Lane, and he agreed with what the residents said.

No one else came forward to testify. Ann Mary Dussault closed the public comment portion of the hearing and asked the Commissioners if they had questions or comments.

Janet Stevens addressed her comments to Mr. Malone. She said that he had supported what the residents had said about the situation and obviously he did not feel that he was responsible for repairing the road, and asked who he thought was responsible for repairing it. Mr. Malone replied that the County should be responsible since the road had reverted to County ownership in 1979. He said that the roads, in fact, had been in good condition then.

Janet Stevens asked him if he thought that the road repair should be paid for by the County, and he replied that he thought it should be.

August 28, 1985 Public Meeting (continued)

Ann Mary Dussault asked County Surveyor Dick Colvill if he wanted to respond to some of the questions that had been raised in regard to the road repair. He said that the normal procedure in Missoula County to get a road accepted for maintenance is that the first thing that happens is that a subdivision is developed and the Commissioners sign the plat. The road then becomes dedicated for public right-of-way, although this doesn't mean that it has become a County maintained road. He said that in most cases, the road is never even built and if the road is built, a bond is posted and a contractor goes in and builds the road, and when the road meets County standards, it is then accepted for maintenance. He said that this is a two-step procedure, and merely dedicating the right-of-way does not mean the road is accepted for maintenance. He repeated his earlier point that in many cases the road isn't even built yet. He said that in the case of Lena Lane, it was built on private property in 1975. In response to the question as to whether RSID's are assessed on private property, he said that in 1979 the right-of-way was accepted by the County and he did not know why the road was not accepted for maintenance at that time--maybe because it wasn't to standard and maybe because no one had asked. He did not know. He said that it had never been on the Surveyor records for maintenance.

He said that he had been asked what would make Lena Lane acceptable for County maintenance, and he had gone out and looked at it and had discovered --and the estimates bore this out--that there are cracks in the road, there are no ditches on the road, and it will need to be repaired to bring it up to standard. He said that this is what would be asked of any developer before a road were accepted for maintenance. He said that if a new subdivision came in with a road that looked like Lena Lane and asked that it be accepted for maintenance, the Surveyor's Office would not accept it for maintenance, nor would the Commissioners expect the Surveyor's Office to do so. The road repair would be expected to be done by the developers.

Barbara Evans asked Dick Colvill to tell them what was wrong with the road, since the residents felt it was in good shape. He responded that he did not agree that the road was in good condition, stating that along the lower end of it there are longitudinal, very large, cracks. He said that normally they would consider this an indication that somehow water has gotten into it and the paving has begun to crack. He said that this was connected to the lack of drainage, i.e. the ditches had been filled in. He said that the main cause of damage to a road is water in the sub-grade and he repeated that the road has some rather major cracks in it and the problems will accelerate unless something is done to it. He said that they could seal the cracks, put chip coat on it and then go in and re-bid the repair.

Barbara Evans then asked someone to answer for her the question of why the residents should pay for this project instead of the developer.

Janet Stevens said that that was what the residents wanted to know.

Deputy County Attorney Mike Sehestedt said that he could set out the legal basis that the Commissioners would be proceeding under and imposing the cost of repairing the road. He said that whether they should or not is ultimately a question of policy for the Commissioners to decide. He said that an RSID carries with it the ability to finance the cost of the improvements. The Board of County Commissioners has power once a year to ascertain the costs associated with maintaining and continuing in existence the improvements created by that particular RSID. That amount is determined and assessed back to the property owners within the RSID. He said that the County has created a number of explicitly-required, stand-by, maintenance RSID's that have been privately constructed and are dedicated to the public. He said that he did not recall that the County had ever had to activate one of those. He said that the creation of a paving RSID on what was undedicated right-of-way occurred prior to his joining Missoula County, and he was not sure what had happened, but he did not recall that the County had ever done another paving RSID on privately-owned right-of-way. He reiterated the Surveyor's comments that the mere fact of dedication of right-of-way to Missoula County does not obligate the County to open or maintain a road. He gave as an example the fact that the County has acquired the bulk of the right-of-way required to construct a new bridge over the Bitterroot River, extending South Avenue. He said that Bill MacLay had donated to the County a big piece of the requisite right-of-way, and that, quite clearly, when you drive out there, there's no road on it. He said that the mere fact that we have accepted that grant right-of-way does not obligate the County to open and maintain a road or do anything else as far as public travel on the granted right-of-way is concerned. He said that what happened in the Lena Lane case was that the Malones had dedicated the Lena Lane right-of-way and the County had accepted it.

Janet Stevens then addressed a question to Deputy County Attorney Jean Wilcox, asking her to explain where we are with the litigation and how we got to this point. She asked that she thought that had a large bearing on why we were all here today.

Jean Wilcox replied that the County is currently negotiating a settlement, and one provision involves how to get Lena Lane up to standard, which is the same as all other roads in approved subdivisions. The question that came up was how to finance it. She said that the proposal from Carl Malone's attorney was that the County assess all of the landowners fronting on Lena Lane for that cost. She said that that was debated back and forth, and the Board of County Commissioners agreed to try it.

Denise Talarico was recognized then, and she asked why, when the County took dedication of the road in 1979, it accepted this dedication when the road was not up to standards. She wanted to know why the County had not required Mr. Malone to bring the road up to standard before accepting it, and then maintaining it. She said that this seems to be an after-the-fact and backwards way of doing things.

Mike Sehestedt said that a dedication was of the right-of-way, not of the road. He said that the fact that there was a road on it is merely incidental. He said that the rationale for spreading the costs against the landowners is that they are the ones who will benefit from having the road repaired. He said that it's a dead-end-road which serves no one but the residents.

Ms. Talarico said that her response to that was that it is a subdivision, and, as such, should have a County road serving it.

Mike Sehestedt said that it is not a subdivision. He said that Carl Malone is being sued by Missoula County because he circumvented the subdivision process. He said that Lena Lane is not a subdivision but was created by the division of parcels through the certificate of survey process. He said that each of the parcels was created without review by the County Planning Department, the County Commissioners or anyone else by use of the so-called exemptions to the Subdivision and Platting Act. He said that a collection of certificates of survey were filed, taking what had been one piece of property and converting it into what was functionally, according to the County's allegation, a subdivision, but creating that functional equivalent of a subdivision was without benefit of any Planning or County Commissioner or any other County review. The allegation is that Carl Malone undertook this for the purpose of evading the Subdivision Act. He said that this was what had motivated the County to file suit against him. He said that by doing this, Mr. Malone had avoided any obligation to put in improvements to County standard. He said that the road as it exists did not

August 28, 1985 Public Meeting (continued)

and does not meet these standards for roads in subdivisions that go through the Missoula County review process. He said that if he recalled correctly, that was at issue in the hearing when they proposed to do a subdivision and that the plat was rejected in 1980. He said that at that time there was a commitment that if the plat had been approved, certain road improvements would have been done as a part of the plat filing, although he wouldn't testify to that with absolute certainty. He asked Barbara Evans if she recalled what had happened in that case. She replied that she recalled refusing the subdivision, and said that she had spent some time out there looking things over, but she could not recall the exact reasons that it had been refused.

Barbara Evans said that this kind of problem is exactly why planning and zoning are very important to the community. She said that without planning and zoning and people going in and reviewing things and telling people what kinds of improvements had to be installed and to what standards, this is the kind of problem we end up with.

Jeri Fisher was then recognized. She said that the resolution accepting the right-of-way for Lena Lane says, "....Accept real property for public road and all other public purposes." She asked if road maintenance were not a public purpose. She said that there is no exclusion in the resolution, and she knew that there were resolutions done where maintenance was excluded during this time period.

Mike Sehestedt repeated his point that the acceptance was of the real property, and that dedication, and the County's acceptance of the dedication (making it a complete transaction) gives the County an easement, or the legal power to go in there and do those things, but it doesn't, by its own terms, obligate the County to do so.

Jeri Fisher asked if there weren't an implied acceptance of maintenance as a public purpose.

Mike Sehestedt said that he did not believe so. He said that it is a public purpose, and is something that, under the terms of the grant, the County could do. The County has the power to enter on the property and do those things, but it doesn't obligate the County to do so.

Janet Stevens said that maybe some of the confusion was over the fact that some of these that were accepted back then had an exclusion, but this one doesn't. She wondered what would be the reason for excluding maintenance.

Mike Sehestedt said that he wasn't sure. He would have to go and review them.

Jeri Fisher said that it was her feeling that the road had been done to County standards at that time, since it was done under the same RSID that did Spurgin Road. Since she was sure that they didn't draw a line at a certain point and do a lesser quality work on it after that point, and she did not find that there was a record anywhere that the homeowners could have been aware that this road was not accepted for maintenance when they reviewed the documents, it would appear to any homeowner who investigated a purchase of the property that, indeed, the road had been accepted by the County for maintenance.

Mike Sehestedt replied that Carl Malone had testified that he had vandalized the signs indicating that the road was not maintained beyond a certain point. He said that, in a sense, the homeowners were misled as a result of the removal of County signing.

Jeri Fisher said that she didn't think they were misled by that as much as by the resolution.

Mike Sehestedt replied that had the sign remained in place, there would have been no question about it.

Jeri Fisher said that she thought that what the homeowners were imploring the Commissioners to consider was that they did not want Carl Malone's attorney negotiating the homeowners' position in this matter. She said that if the County has a problem with Carl Malone, "go for it, but don't involve the homeowners."

She added that she didn't feel that the homeowners should not have to pick up the tab to settle the matter.

Barbara Evans said that her quandary was that when divisions of land are done, and people buy lots in good faith, they expect to have the amenities that everyone gets when they buy in a subdivision (as a standard, well-planned, reviewed subdivision) but they don't get them, they expect somebody is going to have to take care of them. She said that she did not fault these people for thinking that, but if the County followed the homeowners' reasoning that accepting the right-of-way was accepting the obligation to take care of the road then all the other taxpayers in the County would be paying for something that the developer of that division of land should have taken care of--the work that developers of that division of land should have taken care of. She said that if the County said okay, we'll relieve the developer and the homeowners of the problem, that assessment would be, in essence, passed around to everyone else who didn't deserve to have that burden. She said that she personally believed that the County should not accept the road for maintenance and should do absolutely nothing about that road, and if the homeowners are unhappy about its condition, they should sue Mr. Malone.

Jeri Fisher asked that since the road was done on RSID and was paid for (and she was sure that it was done to the same standards as had been followed for Spurgin Road) then she had a problem with now being assessed another RSID. She said that she didn't think the homeowners would have a problem with chip coating the road; that their main problem was the requirement of ditches, since they're always unsightly. She asked again if the road were not done under an RSID in the first place, and, if so, was it not done to standard.

Dick Colvill agreed that it was done under an RSID, but said that it was done under a developer RSID. He said that the developer posted a bond in Double-R Acres to pave those streets, and then, in lieu of that bond, he substituted this RSID to take care of the streets in Double R Acres, and then he extended it in to pick up a COS called Lena Lane; so, as far as he knew, it was a developer RSID paid for by the developer of Double R Acres, and the County had contributed only \$500 in equipment.

Jeri Fisher repeated that she assumed the road was built to the standards of the day, and that although the standards may have changed, it had been done to standards.

August 28, 1985 Public Meeting (Continued)

Ann Mary Dussault said that she thought what Jeri Fisher had expressed was a point of issue--a legitimate issue--and her understanding of it was that when the road was built, it was built to standards, but what was lacking at that time was the right-of-way along the road that the County requires before it will finally accept the road for maintenance. She said that at the point of time, then, when the County had acquired the right-of-way, which theoretically should have closed the deal, the road had then deteriorated, and the Commissioners had to rely on the people who had to maintain County roads for that information. She said that was one of the issues the Commissioners had to sort through. She said that the second issue, as she understood it, was that while, in fact, the road was built with some kind of SID, and it might have been a developer SID, obviously that cost was passed on to the people who bought the lots. This was another issue. Another one concerned swales and whether or not the homeowners felt that the swales were necessary, they are part of the County standards. She said that what appears to have happened is that on some of the lots, not all of them, either the builders or the owners had filled in the swales, so the question there becomes a knotty issue as to whether or not the individual property owner really should be held responsible for that, or whether the builder should be responsible, or whether it becomes the responsibility of everyone along the lane. She said that if it's true that without the swales, the road is ultimately going to erode, then there would be a problem in terms of the County accepting it for maintenance. She said that the questions of responsibilities become confused and rotate among the developer, the homeowners and the County. She said that we were in the process of trying to sort it out, and she hoped that the homeowners understood that and were aware that the Commissioners were paying attention to what the homeowners were saying.

Jeri Fisher said that they appreciated that. She said that another question was on land that has less than a 1% grade, how necessary are the swales. She said that they are always awful and full of junk, and the County can't possibly afford to maintain them. She said that the beginning of this whole argument as far as the homeowners being involved was over the ditches. She said that had that requirement not been on there, she didn't know if they would have gotten this upset. She said that from there they had gathered this additional information and had found that Lena Lane was all one RSID with Spurgin Road and that the whole thing was done according to County standards of the day.

Bob Michael was then recognized, and he said that there are many roads in the County right next door on Spurgin Road that have no swales. He said that the County had recently chip-coated Spurgin Road with no swales, and so that question becomes a real issue.

Ann Mary Dussault asked Dick Colvill to respond to those comments. He replied that if you line any ten road engineers up and ask them whether ditches are needed alongside roads, all ten of them would agree that they are. He said that he certainly would admit that they were ugly things, but they were necessary.

Bob Michael said that he could understand that, but wanted to know why they were singled out. He said that the County had just chip sealed Spurgin Road, and that the road had no ditches.

Dick Colvill responded that they were not being singled out. He said that any new subdivision that was accepted would have to have ditches and swales.

Bob Michael said that the road was built to County standards under an RSID and because of the lawsuit, the County had delayed taking it over and chip sealing it as they had done on Spurgin Road. He asked if that were a homeowner's responsibility. He said that he thought the situation had arisen because of external circumstance.

Ann Mary Dussault said that from the County's perspective, what they were looking at in terms of acceptance, was, in fact, a road that had the drainage system built into it.

At this point, Janet Stevens moved, and Barbara Evans seconded the motion, that the decision on this matter be delayed to Tuesday, September 3, at the 10:30 a.m. administrative meeting. The motion passed by a vote of 3-0.

✓ ✓ HEARING: ANNEXATION TO MISSOULA RURAL FIRE DISTRICT (PARCELS OF LAND LOCATED IN SLEEMAN GULCH)

According to information prepared by Recording Division Manager Donna Cote, a petition has been received by the Recording Division of the Clerk and Recorder's Office to annex parcels of land located in the Sleeman Gulch, Lolo Creek area, and more particularly described as follows:

SW $\frac{1}{4}$  of Section 28, T12N, R20W  
E $\frac{1}{2}$  of Section 29, T12N, R20W  
NE $\frac{1}{4}$  of Section 32, T12N, R20W  
Portion of N $\frac{1}{2}$  of Section 33, T12N, R20W, in Missoula County, containing 430 acres.

Donna Cote stated that the petition for annexation to the Missoula Rural Fire District presented by Bill Reed of the Missoula Rural Fire District has been checked and verified and contains signatures of no more than 50% of the owners of the privately-owned land in the area to be annexed and a majority of the taxpaying freeholders within the area described, so it meets the requirements of 7-33-2125 MCA for annexation of adjacent territory. The hearing notice was published in the Missoulian for two consecutive Sundays prior to the hearing date as required by statute.

Ann Mary Dussault opened the hearing to public comment, asking that proponents speak first. No one came forward to testify either for or against this request for annexation. She then closed the public comment portion of the hearing.

Barbara Evans moved, and Janet Stevens seconded the motion, to approve annexation of the parcels of land located in the Sleeman Gulch, Lolo Creek area, and more particularly described above, to the Missoula Rural Fire District, the legal requirements for such action having been met. The motion passed by a vote of 3-0.

✓ ✓ HEARING: CERTIFICATE OF SURVEY REVIEW --BEULAH, ROY AND WILLIAM WILLS (POTOMAC AREA)

Under consideration was a proposed division of Section 22, Township 12N, Range 16W into twenty-acre tracts. Deputy County Attorney Jean Wilcox said that a preliminary survey had been submitted to the County Surveyor's Office for errors and omissions review. She said that there had been some question raised about whether or not the Board of County Commissioners has jurisdiction to review, and possibly deny the recording of surveys that divide land using the 20-acre exemption. She said that in her last discussion with County Attorney Dusty Deschamps, he had been working on a request of the Attorney General regarding jurisdiction but, in the meantime, he did acknowledge the Commissioners' desire to review these splits and to discuss the matter with the landowner. She said that that was the reason this particular split was before the



August 28, 1985 Public Meeting (continued)

Commissioners. She said that reviewing it under the criteria that they had adopted raises two issues; one, that the County Comprehensive Plan recommends development at a density no greater than one residential unit per 40 acres; and the other issue that the obvious design of the roads would suggest that there is an intention to create lots, or to set these 20-acre parcels up for sale by a subsequent purchaser to create lots.

Barbara Evans asked Jean Wilcox to explain what would happen if it were determined that these people seemed to be doing as she had suggested; she wanted to know what jurisdiction the Commissioners had under the law.

Jean Wilcox replied that Dusty's opinion was that the Commissioners would not have jurisdiction to deny the filing of this particular survey, but next time a proposed split of one of these twenties comes in, that certainly does come in under the resolution, and they certainly would have jurisdiction to determine that that was an evasion of the law.

Ann Mary Dussault asked the Willses to come forward. She asked them if they were familiar with this process. They replied that they were not familiar with it. Ann Mary Dussault gave the following background information.

She said that because of a series of Attorney General opinions and some Supreme Court decisions that had occurred over the past four to five years, the Commissioners are required to review Certificates of Survey for the purpose of making the rather difficult decision of whether or not this process is being used to go around the subdivision review process. She said that in this situation, because the parcels that are being created are larger than twenty acres, even if the Commissioners felt that they were doing that, it's not clear right now that they have the authority to not allow the filing of the certificate. She said that an opinion is being requested of the Attorney General, and stated that the purpose of this hearing is to let the owners know, so that they could make the potential buyers aware of the situation, that if a purchaser of one of the parcels wants to further divide their property, that clearly would trigger review and, in that case, it could be difficult for them to use the exemptions unless they could prove beyond a reasonable doubt that they were entitled to them. She said that it was more than likely that they would be required to go through the subdivision review process in splitting the property below the twenty acres. She said that part of the reason for this is that situations like the one on Lena Lane occur when subdivisions are created without review. She said that the Commissioners were trying to avoid those problems on the front end.

Roy Wills said that they were literally surrounded by twenty-acre plots in the valley and wondered why they had been called in.

Ann Mary Dussault said that it was possible that some of those divisions of land had occurred before the Attorney General's opinions and the Supreme Court decisions. She said that the Commissioners had just begun this process about three months ago because they had been struggling with how to implement the Attorney General's and Supreme Court's decisions too. She said that it had taken them some time to work up a process to ensure that all people were being treated fairly and equitably.

Roy Wills said that this sale had been in the works since 1979.

Ann Mary Dussault said that, as she had said, in this case the Commissioners probably did not have the authority to tell them not to file this, but her personal opinion was that it looked pretty clear that they were creating a subdivision without subdivision review, and stated that that would create a lot of problems for the County in the long run. She said that what the Commissioners wanted them to know is that they ought, in fairness, to at least advise their buyers that they would run into a review process if they chose to split the land after they sold them their parcels.

Roy Wills asked if that hadn't already been State law.

Ann Mary Dussault replied that it depended on how they did it. She said that if they went the COS route, they might, in fact, be entitled to do that, and that was what the Commissioners tried to sort out through these meetings.

Mr. Wills said that all the roads servicing the lots would be private roads, and said that there was a County Road--Blitz Creek Road--to service the area.

Bill Wills said that the main reason this had been held up since 1979 was the disagreement over Blitz Creek Road. He said that it is now a County road.

Beulah Wills said that originally, Blitz Creek Road was just a trail that ran along a fence.

Janet Stevens told the Willses that when they sell these parcels, they should be sure to advise the buyers that they would have a stringent process to go through if they planned on dividing them further, as Ann Mary Dussault had said earlier.

Barabara Evans added that that was according to the law, and the Commissioners have no choice in the matter.

Ann Mary Dussault said that this was a protection for the buyer because sometimes lots like this are marketed as divisible lots, and someone two or three sales down the road, when they come up against not being able to further develop the property will say that the seller had told them they could do this.

Beulah Wills said that when they sold the ranch, they had never dreamed that it would not be subdivided.

Bill Wills asked what would happen if they proposed this certificate of survey as ten-acre tracts.

Barbara Evans said that then they would have to go through the subdivision process rather than through the certificate of survey process, and Ann Mary Dussault underscored this by saying that the Commissioners would probably tell them that they could not do it by COS. Barbara Evans added that this would set some stipulations in regard to roads, design of the subdivision, access to all the lots-things that everyone who does a subdivision has to go through.

Bill Wills asked whether the interior roads would have to be built to County standards or whether they could stay private.

Barbara Evans said that she thought it had been done both ways. She said that even private roads have to be built to County standards, but that didn't mean they all have to be paved. She said that the County has gravel standards as well.



August 28, 1985 Public Meeting (continued)

Ann Mary Dussault said that the Commissioners would send the Willses a letter authorizing them to file this COS, and they should have it within a week.

Barbara Evans asked why the Commissioners had to send a letter authorizing the filing if they had no jurisdiction to prevent it.

Ann Mary Dussault replied that that was questionable.

Jean Wilcox added that the Clerk and Recorder's Office is now alerted to watching for a letter with every COS that is filed as to whether or not it can be filed.

✓ HEARING: CERTIFICATE OF SURVEY REVIEW--H.T. AND INEZ BROWN (ROCK CREEK ROAD)

Harold and Inez Brown were present for this hearing, as well as Elden Inabnit, from Eli & Associates.

Ann Mary Dussault began by asking where this parcel is located. Elden Inabnit replied that it is located on the east side of Rock Creek Road, between there and the Clark Fork River. He pointed out that the Browns had kept the bottom area because that is their home and they raise cattle on the land. He said that 18.8 acres is a large meadow and a beautiful game preserve, and they want that kept in agricultural use, and the County has already signed the agricultural exemption. He went on to say that there is a private road maintained by the homeowners association, and the purpose of that would be that if agriculture keeps going on the way it is, the Browns would have a means of getting rid of the ranch in orderly fashion.

Mr. Brown said that the area would revert to the homeowners association when they retired. He said that he had been in construction all his life, and he had lived on that land for twenty-five years, and in that length of time, everything he had done on the ranch--thinning and logging and so forth--had been done with the idea that this would eventually be homesites. He said that they had logged it under the auspices of the State and the SCS had gone in and thinned it a few years later and then cleared it up after that. He said that at this time, they wanted to maintain the land as "open and Resource Space". He said that in that area, within that two miles, there were: one store, two restaurants, two bars and two gift shops, one oil products line, one airport, three powerlines, campground and motor home parking areas, one railroad, one bakery and one horse rental and riding establishment. He said that the ground is not contiguous to the Rock Creek area in that the frontage road on their place is along Rock Creek itself. He said that the property is enclosed on two sides by the Forest Service--east and south, by the Clark Fork River on the north, and fronted by Rock Creek Road on the west. He said that the upper part of the ranch will serve as a buffer between the road and the development. He said that the development would not be seen from the road and that the mountain meadow in the center of the development would remain as such until the Browns retire, and stated that it would then be turned over to the homeowners association. He said that there are powerlines and telephone lines on the road, and that access would be by private road. He said that the main road into the area would be at the south end of the bridge across the Clark Fork River, and subdivision traffic would not interfere with Rock Creek traffic. He said that soils are gravelly with good drainage, and mail is delivered along Rock Creek Road. He said that thinning, logging and timber management have been supervised by the State of Montana and the SCS for the past twenty-five years.

Ann Mary Dussault asked him if he had understood what the Commissioners had told the Willses in the previous hearing. She said that the concern was not so much with the sale of the first tracts, but if those people want to then further split up the lots.

Mr. Brown said that they could put a statement to that effect right into the contract, and said that maintenance of the roads would be required by the homeowners association.

Ann Mary Dussault said that it was important that their buyers understood that any subsequent division of land would be reviewed by the County. He replied that he thought they should be.

Ann Mary Dussault asked Jean Wilcox to explain the agricultural exemption to the Browns. Jean Wilcox replied that an exemption is allowed in the subdivision law for creating a division of land which is to be used explicitly for agriculture, and in order to use this exemption, the landowner has to enter into a covenant with the County Commissioners that the land will be used for agricultural purposes, and the only way to change this is to mutually rescind the covenant. To preserve the division, the landowner has to find another exemption and file another survey.

Ann Mary Dussault said that her understanding on this was that all interior roads are private roads and will be maintained by the homeowners. Mr. Brown agreed that this was correct. Ann Mary Dussault continued that her understanding was also that tract 2 would be maintained either for agricultural purposes or revert to the homeowners association as open space. Mr. Brown agreed that this was true as well.

Janet Stevens asked if the Browns had made use of the COS exemption option previously for this parcel, and Jean Wilcox said that in September of 1984, an exemption was used by the Browns on Certificate of Survey 3096.

Janet Stevens asked where that COS was located in relation to the proposed land split under consideration, and Elden Inabnit responded that it was located in the lower left-hand corner of the survey--a little two-acre piece of the survey, immediately across from the Stage Station Bar. Mr. Brown added that he had sold that piece of ground in 1984 because he is disabled and is on Social Security and they had owed quite a little money on the ranch, and in order to pay it off, they had sold that piece of ground. He said that the person who had bought that wants to change the boundary to include two more acres. He said that he is thinking about building there. He said that he wants that one and the two acres behind it, but if he gives him the two acres behind it, then he wouldn't have control over the other access to the ground because he won't be able to cross the property. He said that he wants to sell him four acres when he can afford to buy them.

Ann Mary Dussault asked Jean Wilcox if they would be looking at a relocation of a common boundary in this case, and she responded that he would have to fill out an affidavit, but offhand, she did not see any reason why it would go before the Commissioners.

Mr. Brown said that the review process is already set in order and the Health Department has already looked at it and said that it has super soils and super wells.

Mr. Brown said that the buyer in question had bought two acres and had discovered that he was too close to the bar across the road and had wanted to locate his house further back from the road, and he had been after him every since to sell him a couple more acres.

August 28, 1985 Public Meeting (Continued)

Ann Mary Dussault asked that the following statement be placed on the certificate of survey:

Buyers of these tracts should be advised that any further divisions of the tracts created on this survey will be stringently reviewed by Missoula County under Resolution No. 85-077. The division of this land into twenty-acre tracts has not been reviewed for adequate access, construction of improvements and utilities, or the capability to provide public services such as fire and police protection and school bus service.

Ann Mary Dussault said that a letter would be written to Mr. and Mrs. Brown within the week which would allow them to file the certificate of survey.

Since there was no further business to come before the Board of County Commissioners, the meeting was recessed at 2:58 p.m.

MEETINGS

Commissioner Evans attended a Policy Coordinating Committee Meeting at City Hall in the forenoon and a Gambling Commission Meeting in the afternoon.

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August 29, 1985

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

DAILY ADMINISTRATIVE MEETING

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

✓ AGREEMENT

The Board of County Commissioners signed an Agreement for Building Maintenance and Custodial Service Contract dated August 19, 1985, between the City of Missoula and Missoula County for the purpose of allowing the City to obtain Building Maintenance and Custodial Service for City Hall from the County's General Services Department as per the provisions set forth in the Agreement through June 30, 1986 for a total amount not to exceed \$39,428.00

✓ OTHER MATTERS INCLUDED:

A discussion was held on how the Public Defender Office should be organized. A memo will be sent to Dick Vandiver stating it is the Commissioners' opinion that it should be placed under the Court Operations Officer.

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

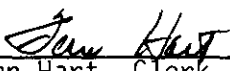
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August 30, 1985

The Board of County Commissioners met in regular session. A quorum of the Board was present. Commissioner Evans was out of the office all day.

INDEMNITY BOND

Chair Dussault examined, approved, and ordered filed an Indemnity Bond naming Artcraft Printers as principal for Warrant #132235, dated June 5, 1985, on the Missoula County District Court fund in the amount of \$11.90 now unable to be found

  
Fern Hart, Clerk and Recorder

  
Ann Mary Dussault, Chair

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September 2, 1985

The Courthouse was closed for the Labor Day holiday.

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September 3, 1985

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

DAILY ADMINISTRATIVE MEETING

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

✓✓ CONTRACT

The Board of County Commissioners signed a professional services contract between Missoula County and Julie Moore, an independent contractor, for the purpose of portraying the character of "Belt Woman" for the "Get Caught Missoula" seat belt promotion as per the terms set forth for the period July 31, 1985, through January 31, 1986, for a total payment not to exceed \$700.00. The contract was returned to the Health Department for further handling.

BUDGET TRANSFER

The Board of County Commissioners approved and signed budget transfer no. 860002, a request from the Sheriff's Department to transfer \$3,729.00 from one overtime and fringe benefits account to another because of a typographical error in the budget, and adopted it as part of the FY '86 budget.

SEPTEMBER 3, 1985 (continued)

PAYROLL TRANSMITTAL SHEETS

The Board of County Commissioners signed the transmittal sheets for the following pay periods:

1. #17 (7/28/85 through 8/10/85) with a total payroll for all funds of \$347,326.50; and
2. #18 (8/11/85 through 8/24/85) with a total payroll for all funds of \$371,513.90.

The transmittal sheets were returned to the Auditor's Office.

✓ TRAVEL POLICY ADDENDUM

The Board of County Commissioners signed an addendum, dated August 29, 1985, to policy statement 82-A, the travel expense reimbursement policy as follows:

E. Other Modes of Transportation

1. Personal Vehicle-Use of personal vehicles is authorized when approved by the appropriate department head and will be reimbursed at the statutory rate allowed by the Internal Revenue Service, currently 20½ cents per mile. No gasoline or oil shall be reimbursed or charged to the County unless reimbursement for mileage is waived. No repairs shall be reimbursed or charged to the County. No mileage reimbursement will be made in excess of equivalent airfare.

This addendum supercedes any previous amendments to Section E.

✓ OTHER MATTERS INCLUDED:

The Lena Lane Street Improvements RSID no. 906, was discussed--the unanimous decision reached by the Commissioners is worded as follows: that

1. An RSID not be assessed this year;
2. The "End of Co. Maintenance" sign be replaced;
3. Homeowners be notified that there is no County maintenance certificate in the Lena Lane file as there is with all other roads accepted for County maintenance and, therefore, Lena Lane is not a County maintained road;
4. A further investigation of the problem be done with regard to who should share the obligation of bringing the road to standard for accepted maintenance or whether the homeowners would prefer to make the road.

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

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September 4, 1985

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

AUDIT LIST

The Board of County Commissioners signed the Audit List, dated September 4, 1985, pages 4-22, with a grand total of \$138,181.44. The Audit List was returned to the Accounting Department.

INDEMNITY BOND

Chair Dussault examined, approved, and ordered filed an Indemnity Bond naming M.E.A. as principal for warrant #010565, dated July 23, 1985, on the Missoula County Claims Fund in the amount of \$555.11, now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFER

The Board of County Commissioners approved and signed budget transfer no. 860003, a request from DES to transfer \$300.00 from the tuition/registration fees account to the meals, lodging, and incidentals account to correct an entry error and adopted it as part of the FY '86 budget.

RESOLUTION NO. 85-098

- ✓ The Board of County Commissioners signed Resolution No. 85-098, a resolution annexing parcels of land located in Sleeman Gulch, Lolo Creek Area, as described on the resolution to the Missoula Rural Fire District and will be assessed for such district in accordance with the special tax for this purpose set by the Missoula Board of County Commissioners.

OTHER MATTERS INCLUDED:

- ✓ 1. The Larkspur Sewer Project, RSID no. 406, was discussed with John DeVore, Operations Office. A letter will be drafted to the County Surveyor; and
- ✓ 2. The Board of County Commissioners authorized Chair Dussault to sign the order for the Bookmobile.

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

September 4, 1985 (Continued)

PUBLIC MEETING

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

✓ DECISION ON: ADOPTION OF MISSOULA COUNTY INVESTMENT POLICY

Under consideration was the adoption of an investment policy for Missoula County. Background information provided by Clerk and Recorder/Treasurer Fern Hart stated that this policy was developed by a committee appointed by the Board of County Commissioners to establish a framework for Missoula County investments.

The recommendation of the committee was that the proposed investment policy be adopted with an effective date of October 1, 1985.

Chair Dussault said that while this agenda item was not listed as a hearing, she would welcome comments on it. She asked Fern Hart if she had any comments.

Fern Hart said that Fiscal Officer Brentt Ramharter and Treasurer Jane Ellis had done much of the work on the policy. Brentt Ramharter gave a brief overview, stating that because of constantly changing conditions in the financial investment market, a committee was formed by the Commissioners and charged with drafting an investment policy statement for the County. He said that the members of the committee, besides himself- Fern Hart, Don Petit and Dan Cox- were present to represent the committee, which consisted of representatives of Missoula County High Schools, School District I, the County Superintendent of Schools (representing the smaller school districts), along with people from the Treasurer's Office, Clerk and Recorder's Office, Commissioner's Office, Accounting Office and Auditor's Office. He said that the process had begun the past April and would culminate in the request for adoption by the Board of County Commissioners of the proposed Investment Policy. He said that the process had been structured to operate under Montana State Law, and addresses such items as the type of institutions in which deposits may be made, collateralization policies and practices, third-party safekeeping agreements, establishment of an ongoing investment policy committee, repurchase agreements, contractual provisions and risk assessment. He said that the committee hoped that the policy would provide Missoula County with a sound base from which to handle the challenges of a constantly changing market.

Mike Pomeroy, from First National Montana Bank, made the following statement: He said that he is responsible for investments at his bank and that he had read the proposed Missoula County Investment Policy and wanted to commend the Missoula County Treasurer and the Missoula County Commissioners in their endeavor to formulate guidelines for prudent investment decision making. He said that the proposed policy represents a conservative framework under which investment personnel can effectively perform their duties. He said that it appears to be a prudent guideline which should, if adopted, help ensure the continued protection of funds under the Missoula County Treasurer, and he endorsed its adoption.

Don Petit, representing School District No. 1, said that he was present to ask the Commissioners on behalf of the School District to support the policy as written and revised. He said that many hours were put into it by many people, and he thought that the end results were what everyone was looking for.

Ann Mary Dussault thanked the committee on behalf of the Board of County Commissioners, stating that this was an important step for the County in laying out a policy to control its investments, and that it was an extremely important part of the County's financial management system.

Janet Stevens added that she wanted to thank the investment agencies--the banks and savings and loan associations-- for participating in this project. She said that Fern Hart had indicated to her that the financial institutions had been good to work with and that they had contributed a lot of information in the preparation of the policy.

Barbara Evans moved, and Janet Stevens seconded the motion, that the Investment Policy be adopted as submitted, with an effective date of October 1, 1985. The motion passed by a vote of 3-0.

✓✓✓✓ HEARING: SEVENTH STREET TOWNHOMES PUD (REZONING AND PRELIMINARY PLAT)

Under consideration was a request to rezone Seventh Street Townhouse property from C-R1 to C-R1 with a PUD overlay and to approve the Preliminary Plat of the Seventh Street Townhouses.

Planner Mark Hubbell from the Office of Community Development, stated that he would make the presentation on the rezoning request and Planner Paula Jacques would take over for the preliminary plat request.

In terms of rezoning, Mark Hubbell said that Lee Snider, the applicant, was requesting that the property described as the east 3/5 of lot 2 of R.M. Cobban Orchard Homes Addition be rezoned from C-R1 Residential to C-R1 with a PUD overlay. He said that the property is commonly known as 2401 South Seventh Street West, and that what is proposed for this property is twenty townhouses on 2.79 acres. He said that the Commission had had many PUD's before it in the past, and that many of those had involved a density bonus, which means that the developer is encouraged to come in with a greater number of units clustered together as an incentive to have a planned unit development. He said that that was not the case with this particular development. He said that present zoning allows a density of 8 dwelling units per acre, and said that what was actually proposed was a density of 7.17 units per acre, which would be below the maximum density allowed under the present zoning. He said that the reason that the developer had asked for the PUD was that it also allows for a flexibility in design, so that rather than having fixed front-, rear-, and side-yard setbacks, it allows for a clustering of homes, which "buys" open space and frees up land around the houses. He said that the incentive in this particular case is not to get more units, but a better arrangement of the units. He said that the Planning Board had conducted a hearing on August 16, 1985, and adopted the recommendation to the Board of County Commissioners that the property described as the east 3/5 of Lot 2, R.M. Cobban Orchard Homes, be rezoned from C-R1 Residential to C-R1 with a PUD overlay, subject to the findings of fact set forth below:

1. Whether the zoning is compatible with the Comprehensive Plan

The 1975 Missoula Comprehensive Plan designates this property as "Urban Single Family:, promoting townhouses, duplexes, and single-family detached houses at a density up to six dwellings per acre.

The Reserve Street Area Plan (1980) also permits these land uses, but increased the allowable density from six units per acre to a maximum of ten dwelling units per acre.

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The applicant is proposing a Planned Unit Development which would provide twenty townhouses and a landscaped common area on a parcel 2.79 acres in size. The proposal would yield an overall density of 7.17 dwellings per acre. Consequently, the proposal is compatible with the Comprehensive Plan in both its uses and proposed density.

2. Whether the zoning will lessen congestion in the streets

The proposed rezoning can be expected to generate additional traffic onto South Seventh Street, as would any residential development. According to Mike Kress, Transportation Planner, 140 average daily trips will be generated by the twenty townhouses.

Access to the PUD will be from South Seventh Street via a twenty-five foot wide private road. Residents and visitors to this development will enter this drive and park in the on-site parking spaces, thereby reducing the likelihood of parking along South Seventh Street.

The proposal complies with the off-street parking requirement of two spaces per dwelling unit. These parking spaces will be provided in covered garages. Additional guest parking is provided at the ends of the paved drives on the east and west ends of the development.

It is the position of the Community Development Staff that the proposed road and parking plan for the Seventh Street Townhomes PUD will lessen congestion in the streets.

3. Whether the zoning will secure safety from fire and other dangers.

No adverse comments have been received from the Sheriff's Office, Rural Fire, or Health Departments regarding this rezoning request. The staff concludes that public safety will not be compromised by this rezoning.

4. Whether the zoning promotes the health and general welfare.

The proposed zoning change from "C-R1" to "C-R1" with a "PUD" overlay will not have a significant impact on the health and general welfare of the Missoula community.

Unlike other residential planned unit developments within Missoula County, this proposal does not involve a density bonus. In other words, the incentive of placing a greater number of units on a site than would normally be permitted without a PUD overlay is not a factor in this rezoning. The underlying "C-R1" zone allows a density of 8 units per acre. Under the terms of the Missoula County Zoning Resolution, a maximum density of 12 units per acre could be requested with a PUD overlay on a "C-R1" zone. But, as stated previously, this proposal has an overall density of 7.2 units per acre.

The requested PUD does provide for more innovative design than traditional zoning districts. Thus, the dwelling units are clustered, and landscaped open space is provided for the enjoyment of the residents.

The Missoula County Zoning Resolution encourages the use of Planned Unit Developments for these very reasons. Section 5.02 of the Resolution states that planned unit developments are intended to:

Foster and retain the natural variety inherent in the landscape by reason of topographic variation, views, water areas, and native vegetation:

Create and preserve usable open space for recreational and aesthetic enjoyment;

Preserve and enhance unique qualities of the total environment; and

Encourage creativity and variation in the design of PUD area and their related facilities.

Therefore, the goals of the County Zoning Resolution are furthered through planned unit developments. It is the staff's position that the Seventh Street Townhomes PUD conforms to the intent of the Zoning Resolution. Thus, the health and general welfare of the Missoula Community will be promoted through this rezoning.

5. Whether the zoning provides adequate light and air

The concept of clustered housing is aimed at providing an increase in the amount and quality of open space in a residential development.

In this particular proposal, approximately 22.5% of the lot will be covered with buildings, (0.63 acres). The remainder of the property will remain open, in either landscaped open space or roadway.

The minimum distance of any of the residential units to a property line is twenty feet on the side yards. The minimum setback distance from the Seventh Street West right-of-way is 60 feet. Residential structures have a minimum setback of 58 feet from South Eighth West.

Consequently, this rezoning proposal will provide adequate light and air.

6. Whether the zoning will prevent overcrowding of the land

As mentioned previously, the proposed rezoning will provide for development at a density below that permitted under the "C-R1" or "C-R1" with a "PUD" overlay zoning district.

The proposed zoning will therefore prevent overcrowding of this property.

7. Whether the zoning will avoid an undue concentration of population

See items nos. 5 & 6 above

8. Whether the zoning facilitates the adequate provision of services

Public services are readily available in the area.

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9. Whether the zoning gives reasonable consideration to the character of the district.

The area surrounding the subject property contains a mixture of residential and agricultural land uses.

Immediately south of this property is Geesey Addition, a small single-family detached residential subdivision. To the east is an older single family residence, which is buffered from the applicant's property by a row of Colorado-blue spruce. To the north are two homes and the Otto Benson vegetable gardens. The west side of the proposed PUD is bounded by a single-family residence and a duplex.

The proposed Seventh Street Townhomes development conforms well to the existing development pattern by providing a compatible land use with a minimal impact on existing uses. The generous setbacks and screening through vegetative buffers and berms will ensure a minimal impact of twenty additional residential units in the neighborhood.

10. Whether the zoning gives reasonable consideration to the peculiar suitability of the property for particular uses.

The property is well-suited to residential development.

The only constraints to development on the site are the Orchard Homes Irrigation Ditch and the approximately six-foot high bench between South Seventh Street and the ditch. The site plan for the Seventh Street Townhomes adequately addresses both of these constraints by locating the residential units away from these areas, and by incorporating them into the common area of the PUD.

11. Whether the zoning was adopted with a view toward conserving the value of the buildings.

The value of the buildings within this development can be expected to be conserved through both the design of this planned unit development and through the covenants governing Seventh Street Townhomes.

The value of buildings surrounding this PUD will also be conserved, in that they are buffered from any nuisances by the landscaping and through generous setbacks. Also, the value of surrounding buildings will be conserved in that a significant amount of open space will be preserved in the neighborhood.

12. Whether the zoning will encourage the most appropriate use of land throughout the community.

The proposed rezoning of this property from "C-R1" to "C-R-1" with a PUD overlay will provide for the development of twenty residential units with an innovative design. The proposal complies with the adopted Comprehensive Plan, provides open space and amenities for both residents and neighbors of the development, and is designed with particular attention to the character of the immediate neighborhood.

It is therefore the position of the staff that the Seventh Street Townhomes Planned Unit Development will encourage the most appropriate use of land throughout the Missoula Community.

Paula Jacques, also from the Planning Office, then gave the staff report on the preliminary plat request. She said that with the PUD would be created twenty individual lots, and that each unit would be situated in its own lot. She said that the rest of the property would be common area, maintained by a homeowners association. She said that the street is planned to be private. She said that the developers had requested variances from the standards of the Subdivision Regulations in order to include the center island as a landscaped feature instead of paving the entire radius of the cul-de-sac and that the Planning Office looks favorably on relaxing standards for PUD's in order to have more creative site designs come in. She said that the Planning Board had adopted the staff recommendation to approve the preliminary plat of Seventh Street Townhomes, subject to nineteen conditions and variances. One group of variances includes details clarifying elements of the site plan, such as location of mail boxes, use of individual trash cans instead of dumpsters, and types of street lights that are more energy efficient than the ones which had been proposed originally. She said that the second group of conditions concerns access within the subdivision and in and out of the subdivision, such as the need to obtain an approach permit for the private road intersection with a dedicated County street, Seventh Street. She said that it would be necessary to show on the plat an access easement to adjacent property, plat a no-access strip along Eighth Street, which is not improved to County standards, and install signs to direct traffic the right direction around the one-way loop.

She said that the first variance requested pertained to the fact that the County road does not meet County standards. She said that rather than have the thirty-five foot paved radius on the cul-de-sac, the Planning Board's recommendation was that the loop portion of the road have a twenty-foot paved surface, face-to-face with curb, and that there be ten feet of curbing between the curb and the edge of the private road easement. She said that this is done to balance the developer's desire to improve the project aesthetically with a landscaped island, and yet have adequate room for safe traffic circulation. She said that the second variance is from the requirement to construct sidewalks along the private road and along Seventh Street. She said that the design of the subdivision makes interior sidewalks unnecessary, but, as Parks and Recreation Director Jim Van Fossen had pointed out, it would be possible to construct paths in the future if there was need for them as grass was worn out.

She said that the location of the ditch along Seventh Street would make it hard to put sidewalk along the south side of Seventh Street. She said that it meanders across private property, into public right-of-way, and back again, so it would be hard to ever physically locate a sidewalk. She said that they recommended instead that the plat contain a statement waiving the right to protest a future RSID for sidewalk development in the area.

Ann Mary Dussault asked if fire officials had signed off on the road plans. Paula Jacques replied that they had, and that they were aware of the fact that the entire radius is not paved.

Chair Dussault then opened the hearing to public comment, asking that proponents speak first. The following people spoke:



September 4, 1985 PUBLIC MEETING (continued)

1. Tex Cates, owner of Cates Real Estate, and the broker involved in this project, said that he felt that Chris Rockey (Director of the Planning Department) had the department in order now. He said that he had been an opponent of the Planning Department previously, but he was "in the middle now." He said that it seemed that there was rhyme and reason to Planning decisions at this point, and he had received good help and advice from Paula and Mark towards getting the project worked up. In regard to the project itself, he said that the units would be good-quality units, and were developed at a lower density than the zoning allowed. He said that there was a high demand for them and that he felt that the demand for and the quality of the project made it worthwhile. He said that all the work on the homes was way above HUD standards, and that the demand for something like that in Missoula was high, especially at a price people could afford.

2. Lee Snider, one of the developers of the property, said that the reason that he had entered into this project was that he had realized, since he is in the building trades, that there is a shortage in the supply of housing in the \$50,000-\$60,000 range. He said that this development had been designed to incorporate energy efficiency and a fairly reasonable cost structure, contrary to the slap-dash housing going up in other parts of Missoula. He said that he and his partner were going to be homeowners in the subdivision, which showed that they were not going to build something that was going to turn into a nightmare in the next five years.

3. Otto Benson, 2418 South Seventh, said that he had gone over the plans fairly well and he had talked to Paula about them and his objection to the whole thing was that he couldn't find anything to object to.

No one else came forward to comment on this proposal, and Ann Mary Dussault closed the public comment portion. She said that if the Board wished to approve the project, it would need two separate motions.

Barbara Evans moved, and Janet Stevens seconded the motion, that the Board of County Commissioners grant the rezoning of the east 3/5 of lot 2, R.M. Cobban Orchard Homes from C-R1 residential, to C-R1 with a PUD overlay, subject to the findings of fact set forth above. The motion passed by a vote of 3-0.

Barbara Evans then moved, and Janet Stevens seconded the motion, that the Board of County Commissioners grant approval to the preliminary plat for the Seventh Street Townhomes, subject to the conditions, variances and findings of fact listed below. The motion passed by a vote of 3-0.

Barbara Evans asked Paula Jacques to verify that the street formerly named "Yuppie Court" had been changed to "Monte Vista Court". Paula Jacques stated that that was true.

The preliminary plat was therefore approved subject to the following conditions, variances, and findings of fact:

CONDITIONS:

1. The common area located north of the irrigation ditch shall be landscaped, but not developed as a playground.
2. Cottonwoods, poplars and willows shall not be planted in the vicinity of sewer lines.
3. The triangular access easement located in the southeast corner of the subdivision shall be shown on the face of the plat and shall not be obstructed by landscaping.
4. Solid waste shall be disposed of through use of individual cans rather than through the use of dumpsters.
5. Sanitary restrictions shall be lifted by state and local health authorities.
6. The 1500-watt mercury vapor street light shall be replaced by a 250 or 400 watt high pressure sodium vapor light.
7. The right-of-way for Monte Vista Court shall be labeled "Private Road and Public Utility Easement."
8. The cluster mailboxes shall be located on the south end of the island in the middle of the cul-de-sac.
9. An approach permit shall be obtained from the County Surveyor for the intersection of Monte Vista Court and Seventh Street.
10. The County Surveyor shall approve grading, drainage and erosion control plans along Seventh Street.
11. Monte Vista Court, a private street, shall meet all standards required of dedicated County streets, with the exception of the pavement width on the looped portion. The County Surveyor shall review the street, drainage and bridge plans and note any divergencies from County standards.
12. A "one-way traffic" sign shall be installed indicating that traffic on Monte Vista Court is to travel in a counter-clockwise direction around the loop.
13. The interior curb of the looped road shall be painted yellow to prohibit parking.
14. The covenants shall require parking in garages at all times.
15. The covenants shall prohibit parking recreational vehicles within the subdivision.
16. Reference made in Article V., Section 7 of the covenants to existing billboards shall be deleted.
17. The plat shall reflect the proper dimensions of the buildings.
18. A one-foot access strip shall be platted along the south boundary of the subdivision.
19. The following statement shall be printed on the plat and included in the covenants:

Acceptance of a lot for a deed within this subdivision shall constitute the assent of the owners to any future R.S.I.D. for sidewalk construction along Seventh Street and may be used in lieu of their signatures on an R.S.I.D. petition.

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#### VARIANCES

in addition, the Board of County Commissioners has granted the following variances:

1. A variance from the requirement of the subdivision regulations that a cul-de-sac have a thirty-five foot paved radius, subject to the condition that the looped portion of Monte Vista Court have a twenty-foot paved surface, face-to-face with the curb, and that there be ten feet between the curb and the edge of the easement. The reason for granting this variance is that it provides for safe vehicular circulation, while enhancing the aesthetic appearance of the development; and
2. A variance from the sidewalk requirement, subject to the condition that a statement be printed on the face of the plat and included in the covenants that acceptance of a deed for a lot within this subdivision shall constitute a waiver of a right to protest a future R.S.I.D. for sidewalk construction along Seventh Street. The reason for granting this variance is that the design of the subdivision is such that interior sidewalks are not needed and the R.S.I.D. waiver insures that these residents will participate in the financing of a sidewalk along Seventh Street if one is constructed in the future..

#### FINDINGS OF FACT:

The preliminary plat for the Seventh Street Townhomes is declared to be in the public interest based on a review of the following criteria:

1. Need--This subdivision has been designed to appeal to people who want to live in a setting of homes arranged in a cluster and which have design elements which promote energy efficiency. The cost is moderate and the homes are eligible for financing through the State Board of Housing. Both the 1975 Missoula Comprehensive Plan and the 1980 Reserve Street Area Plan support this use and the proposed density of 7.17 units per acre.
2. Expressed Public Opinion--Adjacent landowners were notified and a public hearing was held before the Missoula County Regulatory Commission as well as before the Board of County Commissioners. At the Regulatory Commission hearing, one resident expressed a concern that landscaping along Eighth Street might interfere with his easement to access his property from Eighth Street. This concern has been addressed by condition of approval no. 3. Another property owner on Eighth Street expressed concern that this development will increase traffic along Eighth Street, which is not improved to County standards. This subdivision does not use Eighth Street for access, and a platted no-access strip along the Eighth Street boundary has been recommended as a condition of approval.
3. Effects on Agriculture--Elementary School District #1 has indicated that the impact on District 1 Schools will be minimal, and no problem is anticipated in regard to impact on secondary schools. Telephone, natural gas and electricity are readily available. No additional roads will be dedicated for County maintenance. As this subdivision is located in the urban area, residents will have ready access to the public and private services generally available to all Missoula residents.
5. Effects on Taxation--The developer has estimated that the property tax revenue generated by this subdivision will increase from \$456 to \$14,000 upon completion. No public improvements are proposed to become a County responsibility for maintenance.
6. Effects on the Natural Environment--This subdivision is part of a previously platted subdivision and is located within the urban area; thus, the major impact on the environment has already occurred. The irrigation ditch which crosses the property is being preserved. There are no environmental barriers to development of this property.
7. Effects on Wildlife and Wildlife Habitat--The existing vegetation, consisting of grasses and knapweed, will be replaced with lawn, trees and other landscaping, all of which will be irrigated.
8. Effects on Public Health and Safety--A fire hydrant will be installed within the subdivision so that the Rural Fire District can adequately service the homes. The Sheriff's Department will provide police protection. Public sewer and water will be extended to the development. Garbage service will be provided to the individual residences, and property owners must provide their own cans. This subdivision is located within an urban area with good access to health and emergency services. The changes to the interior road which have been recommended provide for safe vehicular circulation within the subdivision and adequate off-street parking. One problem intersection off-site, Seventh Street and Reserve, is scheduled for improvement.

#### ✓✓✓ HEARING: POTENTIAL PROJECTS FOR SUBMISSION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS--NORCO PRODUCTS, ✓✓✓ CLINTON HOUSING REHABILITATION AND SEELEY LAKE WATER SYSTEM.

Chair Ann Mary Dussault opened the hearing by noting the two projects under consideration to be submitted by the County for the Community Development Block Grant Program.

1. The Clinton Revitalization Project--to rehabilitate housing in the town of Clinton through loans and grants to property owners and to provide improvements to the Clinton Community Center and Park. The total funding request, including administration, is for \$350,000; and
2. The Norco Economic Development Project--to assist Norco Products in the construction of a new facility at a site on Blue Mountain Road. The purpose of the grant would be to create twenty new jobs and to stabilize the location of the industry in the community. The total funding request, including administration, is for \$300,000.

The source of funding for these projects is the HUD Community Development Block Grant Program administered through the Montana Department of Commerce. She noted that there had been a third project proposed, the Seeley Lake Water District project, but that the project was in the development stage and was not being presented at this hearing. She said that in case anyone was present relative to that project, the Commissioners would take comments on that also.

Chair Dussault said that for organizational purposes, she would first take comments on the Clinton Revitalization project. The following people spoke on behalf of this project:

September 4, 1985 PUBLIC MEETING (continued)

1. Someone in the audience said that Jeanette Ailport was not present and intended to testify on this proposal.

Chair Dussault said that the Commissioners would take her testimony when she arrived. She asked the person who had volunteered the information if she would let Jeanette Ailport know that if, for some reason, she missed the hearing, she could submit testimony in written form to the Board of County Commissioners.

The person in the audience then asked if a letter had been received from Sandy Haskins of Clinton. John Kellogg, from the Office of Community Development, replied that he had not received one, and asked when it had been sent. The woman said that Ms. Haskins had said that she was probably going to mail it Monday. John Kellogg replied that it probably hadn't gotten to the County yet. Chair Dussault added that she did not believe that the Commissioners had seen it yet.

2. Elsie Rieger, Secretary of the Clinton Community Center, said that when Jeanette Ailport moved from Clinton, she put Elsie in her shoes, which had left her short-handed at the last minute. She said that she didn't know as much about the project as some of the others that had done the survey work, but she had the survey sheets that had been done the previous year and then updated this year to incorporate the boundary changes and also to reflect people who had moved in or out of the area. She said that she had those to turn in.

Chair Dussault asked her to give them to John Kellogg, and said that the Commissioners would ask him to receive all of the information on behalf of the Board.

Elsie Rieger then said that there were quite a number of people present from the Clinton area who were interested in the project. She said that part of the revitalization of the area would be to the Community Center grounds, with the ballfields and other activities there, and added that the Community Center is also the administrative board for the Donovan Creek Park, and so that whole area--the ballfields and the horse arena and so forth--is under the administration of the Clinton Community Center Board, and is included in this project.

Chair Dussault also noted for the record that the Board of County Commissioners had received a petition from residents of Clinton in support of the project. She then asked if there were people present in support of the Clinton project but who did not wish to speak; they could raise their hands. She asked that the record show that nine residents were present and indicated support for this project by raising their hands.

3. Bette Corneliuson, said that while the residents were putting together the information to apply for the grant, they had looked at the work that was done in East Missoula, and they thought that that portion of the community really benefited from Block Grant funds. She said that the East Missoula project was such an improvement to the entire area that the Clinton residents really wanted to see something of a similar nature in their neighborhood. She said that they believed that such a project would benefit a great number of people, besides making the area attractive.

No one else came forward to testify on the Clinton project. Chair Dussault then asked if anyone wished to testify on the Norco Project.

1. Jim McDonald, President of Norco Products, stated that the Commissioners had the proposal before them, and he would answer any questions.

Commissioner Barbara Evans said that, for the record, she wanted him to tell why the Commissioners ought to support this project.

Jim McDonald said that the primary reason was that the company was very much under-capitalized, and needed the County or some other entity to act in the second mortgage position. He said that he had also tried to sell stock in the company, but didn't get a "good thing going" locally with the stock. He said that they had a potential third of it sold, but the other two-thirds was tough to sell because Missoula was not willing to invest in this.

Commissioner Evans asked him how many jobs would be provided if the business were capitalized as requested, and Mr. McDonald replied that after about two and a half years the firm would provide about twenty permanent jobs.

Commissioner Evans asked him if that meant over the number of employees that he had right now, and he said that was correct.

Chair Dussault asked if anyone else wished to speak relative to the Norco project. No one else came forward to testify. Chair Dussault then asked if anyone wished to speak in regard to Community Development Block Grants in general. The following person spoke:

1. Nick Kaufman, who said that he was present to speak on behalf of the Seeley Lake Water District, said that they had received the Commissioner's agenda on Tuesday which listed the three projects, Seeley Lake included. He said that there had been a public hearing the night before in Seeley Lake in regard to their water development program. He said that he had met that morning with the Chamber of Commerce and that approximately twenty people from the Chamber had attended that meeting. Nick Kaufman said that he had informed those people of the public hearing before the Commissioners regarding the Block Grant proposals, and the Chamber had asked him to speak about it, so he was surprised that it was taken off the agenda.

Chair Dussault said for him to go ahead with his remarks, and then she would clarify the reason for that.

Mr. Kaufman said that he had been familiar with Seeley Lake for about nine years. His first exposure to that community had been when he worked for the Planning Office about eight years ago. He said that the community had been responsive to planning, and, in fact, has a draft of their own community plan at this time. He said that Seeley Lake is the center for tourism for Missoula County, or for this market region, and tourism is one of the most important factors in economic development that a community can do. He said that if you had ten dollars to spend and you wanted to get the best return for that ten dollars in terms of economic development, you would spend it on tourism. He said that he thought that that was the message that Mr. Bailey from Iowa had left with us a couple of weeks ago when he was here. He said that Seeley Lake's water system does not have the capacity to serve the existing demand in the town of Seeley Lake; that they have peak days in the summer when they actually drain their reservoir, and it is all they can do to pump the water to meet the demands in that community, and they cannot expand the system, and if they cannot expand the system, they cannot expand the potential for increased tourism in the Seeley Lake Area.

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He said that the need is critical. He said that it is a surface water supply source that comes out of Seeley Lake itself, and the potential for pollution of Seeley Lake is at least as high as the potential for Rattlesnake Creek, from which Missoula has already experienced contamination. He said that the second thing that is important for Seeley Lake, besides just meeting the demand for water in that community, is to expand that system into areas where there are currently seepage pits because drainfields are too close to the ground water table. He said that the 208 Study which was done by Five Valleys has already identified areas of ground water pollution in the Seeley Lake area because of septic tank or seepage pit effluent, so they also needed to look for a central sewer plant for that area as well as expanding their water system. He said that he thought that what we need to look at in terms of Seeley Lake is that the grant would not only be a capital facilities grant, but would be an economic development grant, because what we would be doing is promoting tourism in that area, the single most important tourist attraction that we have in Missoula County. He said that a great many people from across the mountains in Great Falls come to that area for recreation. He said that we should think about economic development in terms of a trade area not just Missoula or just Seeley Lake or just another small community. He said that since Seeley Lake has been withdrawn, and he hoped the Commissioners would explain that, he would personally put his support behind Norco's economic development request.

Chair Dussault asked John Kellogg to clarify the Seeley Lake situation, since she did not want to leave Nick Kaufman with the impression that it's permanently withdrawn.

John Kellogg replied that he had gone to a couple of meetings of the Water Board in Seeley Lake, and they had discussed the option of applying for both Community Development Block funds or EDA Block Grant applications to supplement the funding that they were putting together now through the bonds and the DNRC grant. He said that after the previous meeting that the Board held with the Commissioners where Tom McCarthy explained the overall project, he had met with some members of the Board, and they had discussed the need to have a survey done in the Seeley Lake area as a first step, and it was his impression, in talking to some of the Board members, that they were not at this point prepared to put in an application and wanted to look at possibly next year for the funding cycle and it might fit into the Seeley Lake program better. He said that when the agenda was set up for the hearing before the Board of County Commissioners, he had not anticipated that, but at this point, it would be difficult to put together an application, with the survey and background information necessary, in time to put it in this year, so he had expected that the Seeley Lake people would be looking at the funding cycle next year.

Nick Kaufman said that he appreciated Mr. Kellogg's explanation, and added that the Board members might not understand that, and it might be worth a phone call to Mr. Johnson to that effect. He said that he hoped that the Commissioners would consider the needs of Seeley Lake with regard to economic development and tourism in the grant cycle next year.

John Kellogg then stated that it was his impression that with the election question up before the voters, there would need to be some ground work done before they would be ready to submit an application.

Nick Kaufman said that he would have to yield to John's expertise in that area, and if he felt that additional information needed to be collected to make it a competitive, worthwhile grant, then he would have to yield to that expertise because he had not looked at this year's grant application in terms of criteria that are necessary for that.

Chair Dussault said that to clarify further, the Commissioners are familiar with the water situation in Seeley Lake, and after their meeting with the Water Board, it was the Board's suggestion that a Community Development Block Grant be pursued, so she wanted to make it clear that the Commissioners are certainly supportive of working with the community of Seeley Lake in resolving a very serious problem up there. She said that it was her understanding that, because of the grant cycle that were are in in relation to where the water district is at in terms of putting together its financing, that this project is being set aside until next year's funding cycle, and is certainly not being discounted for future consideration under this funding mechanism.

Commissioner Janet Stevens said that there was also a question of not jeopardizing other funding that is being pursued under the DNRC, and asked if that was not correct.

John Kellogg replied that that question had been raised.

Nick Kaufman said that they would be ready for next year.

Commissioner Stevens said that the Commissioners did not want people to think that the Commissioners were not considering Seeley Lake or its problems, because they are, and it was not a lack of understanding, either.

Chair Dussault asked if there were any further comments on Community Development Block Grants.

Steve Daschle, from the Montana People's Action, said he wanted to remind the Commissioners that the Community Development Block Grant funds is not simply another block of money that can be used for any project that comes along. He said that strong intent of Congress in passing this legislation was that the benefit go to low income people, and he wanted the Commission to think of that when they were approving whichever loan they intended to propose. He asked John Kellogg the following question: He said that he noticed that the Planning Department had recommended that the Commission adopt the Norco proposal, and he wanted to know why.

John Kellogg responded that the reason that the office discussed that and made that recommendation was for a couple of reasons; one being the urgency of that application relative to the timing that is necessary for the Norco project to go through. The other listed projects, both the Seeley Lake water system and the Clinton project, have been in the works for awhile. He said that there was not the urgency of getting the application in with that funding cycle that there is with the Norco application. He said that, further, relative to the overall benefit, the Office of Community Development was recommending that there would be a higher benefit in economic development from the amount of money that would be spent in the Norco application.

Janet Stevens said that there was a requirement that low income need is shown in the grant application, and that was something that the Commissioners would be looking at in making their decision.

Bette Corneliuson said that something had been said about the urgency of the Norco application, and asked what their urgent need was.

September 4, 1985 PUBLIC MEETING (continued)

John Kellogg stated that the company is at a critical time in its funding situation, and without some immediate action to provide either this funding or funding through sale of bonds, Norco would be in some difficulty with their current loans, and because of that, and because of the fact that it would provide additional jobs for low income people at a time when Missoula County needs them, that was the reason for the recommendation.

Chair Dussault asked if anyone else wanted to speak.

Ms. Corneliuson said that she thought the Norco proposal was for building a new building, and asked if the money was for covering loans already in existence.

John Kellogg said no, that the loan that would be provided through this block grant would pay for a portion of the construction of a new facility on Blue Mountain Road. He said that the company would also be undergoing a major restructuring of their overall debt relative to this, but the actual money that is provided from the block grant would go directly to the construction of the facility and would pay for approximately half of what the facility would cost.

Ms. Corneliuson said that she was not familiar with this, other than the way they had put the information together for the Clinton application, but, as she understood it, in East Missoula there was a repayment of the loan by the people that borrowed money to update their houses, and wanted to know if that was a similar type program with Norco.

John Kellogg replied yes, that Norco would repay the money to the County and the proposal includes a rehabilitation program, which would include rehabilitating both residential and commercial structures within previously designated target neighborhoods that the County has identified with previous grant applications. He said that the amount of the funding that they anticipated would be between \$20,000 and \$30,000 a year, including paybacks on previous loans that the County has made, for instance in East Missoula, and also in the Southwest target neighborhood, which was the grant prior to East Missoula.

Ms. Corneliuson said that the only other question she had was in regard to his mention of previous applications. She asked how long the Norco application had been considered. She said that she did not know how long Seeley Lake had been working on theirs, but Clinton community had been working on theirs for approximately three years. She said that the first year, they had been in the same position as Seeley Lake is in now--they were in the wrong time of the cycle. She said that they had really generated a lot of interest last year.

John Kellogg said that in the application that was put in last year, a lot of footwork was done by the residents of Clinton in putting that together. He said that Seeley Lake first approached the Office of Community Development and the Commissioners back in 1978, when it was briefly considered for a block grant; then it was dormant for quite a while until just recently when the expansion was brought up through their contact with Sorenson & Company. He said that the Norco proposal was presented to the Community Development Office and to the Commissioners a month and a half ago. He said that they had held two previous public hearings, one June 26 and the other August 12, and it was between those two hearings that the Norco project was presented to them.

Ms. Corneliuson said that Mrs. Ailport was supposed to have gone to a hearing in August, but she thought it was scheduled for the 18th, and she had not received any notification that it was changed to a different date, and she had been in charge of the whole application for Clinton community, so no one in their community knew about the one in August.

John Kellogg said that he was sorry that not many people knew about it, but he did attend a meeting of the Clinton Community Center Board the first week of August and mentioned to them that this hearing would take place, and he had mentioned that they were already on record in favor of the Clinton proposal. Someone on the Clinton Community Center Board had mentioned to him that it was taking a lot of their time to attend the numerous hearings that are necessary in this process, so he had told that person that it was not necessary to be present at the second hearing because they were already on record at the first hearing in favor of the Clinton program, and also at this hearing, too.

Ms. Corneliuson said that it seemed as though, in the interim between that hearing and this one, that it had already been decided which application to submit. She said that it had come out in the newspaper that Norco was being granted the funds.

Chair Dussault said that she was going to stop this exchange at this point. She said that the Commissioners had not made a decision as to what to do. She said that she did not really know what the newspaper said, but she could assure her that the Commissioners had not decided, as of that day, which project to fund. She asked if there was anything else that anyone wanted to say that would be good information at this point. She said that she felt that Ms. Corneliuson had a lot of good questions, but it was almost the kind of thing that John Kellogg and she could talk about--to clarify the issues--after the public meeting. She asked again if there were any further testimony that anyone wanted to give to the Commission at this point.

No one else wished to testify. Chair Dussault then closed the public comment portion of the hearing and asked the other Commissioners what they wished to do.

Commissioner Stevens said that she wasn't prepared to decide at this time. She said that she didn't know what the other two Commissioners had in mind, but the Commissioners had not really discussed the issue, and she wanted to do some checking before she made up her mind, and asked that the Commissioners leave the decision open to the next public meeting the following Wednesday, on September 11.

Chair Dussault said that the suggestion was to make the decision on which project to recommend for funding at next Wednesday's public meeting, which would be at 1:30 p.m. one week from that day, in Room 201 of the Courthouse.

Commissioner Evans concurred.

Chair Dussault stated that this would give the Commissioners some time to track down some of the issues that had been raised and to look closely at the two projects under consideration.



September 4, 1985 PUBLIC MEETING (continued)

✓✓✓ RESOLUTION 85-099

The Commissioners signed the Resolution No. 85-099, a resolution of intent to rezone the parcel of land described as the east 3/5 of lot 2, R.M. Cobban Orchard Homes Addition from C-R1 (residential) to C-R1 with a Planned Unit Development (PUD) Overlay. The original resolution was sent to the Clerk and Recorder's Office for recording purposes, and a copy was sent to The Missoulian for publication on September 8 and 15, 1985.

✓ RESOLUTION 85-100

The Commissioners then signed Resolution 85-100, adopting the Missoula County Investment Policy, in the interest of sound financial management. The Investment Policy is intended to serve as a guideline for wise investment of monies from the following funds and types of funds: General, Special Revenue, Debt Service, School District, Trust, Special Improvement District and other agency funds as deemed appropriate. The original of this document, with attached Investment Policy, was forwarded to the Clerk and Recorder's Office for recording purposes, and a second original was included as Policy No. 85-C in the Missoula County Policy file, kept in the Commissioner's Office.

Since there was no further business to come before the Board, the meeting was recessed at 2:20 p.m.

\* \* \* \* \*

September 5, 1985

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

DAILY ADMINISTRATIVE MEETING

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

✓ MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement dated July 1, 1985, between Missoula County and Women's Place, whereby the County will purchase services for those experiencing problems associated with battering, child abuse, sexual assault, rape, and other areas of domestic violence in Missoula County from Women's Place, as per the terms set forth through June 30, 1986, for a total amount of \$8,136.00, contingent upon receipt of Federal Criminal Justice Block Grant funds by Missoula County.

✓✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and David Dent, an independent contractor, for the purpose of providing consultation service to the Environmental Health Division staff in computer programming, in researching hardware and software, and in computer operation and maintenance, as per the terms set forth, for the period from September 3, 1985, through June 30, 1986, for an amount not to exceed \$5,800. The contract was returned to the Health Department for further handling.

✓ ENCROACHMENT PERMIT

The Board of County Commissioners signed an Encroachment Permit between Missoula County and Donald W. and Rue K. Johnson, whereby the County agrees to permit the Johnsons to encroach upon a portion of the right-of-way of Confier Drive located adjacent to Tract 9 Mountain Meadows Addition, as per the terms set forth, for a period not to exceed ten years, renewable at the option of the County.

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

\* \* \* \* \*

September 6, 1985

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 all day, and Commissioner Stevens was out until noon.

Fern Hart  
Fern Hart, Clerk and Recorder

Ann Mary Duggault  
Ann Mary Duggault, Chair

\* \* \* \* \*

September 9, 1985

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

DAILY ADMINISTRATIVE MEETING

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

✓✓✓ EXTENSION LETTER

The Board of County Commissioners signed a letter to Nick Kaufman of Sorenson and Company granting a 90 day extension for the plat filing deadline for Overlook Addition, placing the new filing deadline on December 11, 1985.



September 9, 1985 (continued)

Other matters included:

- ✓ The Commissioners voted unanimously to appoint Rachel Vielleux as County Superintendent of Schools to fill the unexpired term of Mike Bowman through December 31, 1986. The appointment will be effective September 16, 1985.

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

#### CONVENTION WELCOME

Commissioner Dussault gave the Welcome at the Montana Association of Retired Teachers Convention at noon at the Sheraton.

\* \* \* \* \*

September 10, 1985

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 10, 1985, pages 4-29, with a grand total of \$313,395.45. The Audit List was returned to the Accounting Department.

#### MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report of the Clerk of District Court, Bonni Henri, showing items of fees and other collections made in Missoula County for the month ending August 31, 1985.

#### DAILY ADMINISTRATIVE MEETING

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

#### ✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Norman P. Foss, an independent contractor, for the purpose of developing and providing a stress and crisis management program for Missoula County Deputy Sheriffs and their families, as per the terms set forth for the period from September 3, 1985, through June 30, 1986, for a total amount not to exceed \$5,000.00.

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

\* \* \* \* \*

September 11, 1985

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

#### MONTHLY REPORT

Chair Dussault examined, approved, and ordered filed the monthly reports of Justices of the Peace, David K. Clark and W. P. Monger, for collections and distributions for month ending August 31, 1985.

#### INDEMNITY BONDS

Chair Dussault examined, approved, and ordered filed the following indemnity bonds:

1. Naming Paula Chumrau as principal for warrant #9273 dated May 21, 1985, on the Missoula County High School General Fund in the amount of \$3.35 now unable to be found; and
2. Naming Accu-Tech Associates Inc. as principal for warrant #130328, dated April 24, 1985, on the Missoula County Weed Fund in the amount of \$810.00 now unable to be found.

#### DAILY ADMINISTRATIVE MEETING

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

#### ✓ RESOLUTION NO. 85-101

The Board of County Commissioners signed Resolution No. 85-101, a resolution authorizing the sale and issuance of \$2,622,574 tax and revenue anticipation as per the articles set forth in the resolution.

#### MEMORANDUMS OF AGREEMENT

The Board of County Commissioners signed Memorandums of Agreement, dated July 1, 1985, between Missoula County and the following organizations:

- ✓ 1. Western Montana Comprehensive Developmental Center, whereby the County will purchase evaluation and treatment services for children and adults in Missoula County, as per the terms set forth, through June 30, 1986, for a total amount of \$13,917.00; and

September 11, 1985 (continued)

- ✓ 2. Native American Services Agency, whereby the County will purchase planning and coordination services of Native American programs in Missoula County, as per the terms set forth, through June 30, 1986, for a total amount of \$7,000.00.

✓✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Adam Rys-Sikora, an independent contractor, for the purpose of laboratory analysis for the air monitoring group, and field monitoring technician for the air monitoring group, as per the terms set forth, for the period from September 15, 1985, through January 19, 1986, for a total amount not to exceed \$2,600.00. The contract was returned to the Health Department for further handling.

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

PUBLIC MEETING

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

✓ BIDS: NINE-MILE TRUCK SHED

Background information provided by County Surveyor Dick Colvill stated that bids for the Nine-Mile Truck Shed were opened September 9, 1985, with one bid received, from Darrell Johnson Construction, for \$19,500. Mr. Colvill said that \$15,000 had been budgeted for this project, and his recommendation was to reject all bids. The intention would be to re-advertise in the spring with a longer bid and construction period. He said that at that time they would also know if added funds would be available from other equipment purchases.

Janet Stevens moved, and Barbara Evans seconded the motion that bids for the Nine-Mile truck shed be rejected and the project be re-advertised in the spring. The motion passed by a vote of 3-0.

✓✓✓✓ DECISION ON: CDBG (COMMUNITY DEVELOPMENT BLOCK GRANT) FUNDS FOR POTENTIAL PROJECTS: NORCO PRODUCTS OR CLINTON HOUSING REHABILITATION

Ann Mary Dussault reviewed the two proposals under consideration for Missoula County's Community Development Block Grant application: the Clinton Housing and Neighborhood Revitalization Project to rehabilitate housing in the town of Clinton through loans and grants to property owners and to provide improvements to the Clinton Community Center and Park. The total funding request for that proposal was \$350,000, which would include administration of the grant. The second proposal was the Norco Economic Development Project to assist Norco Products in the construction of a new facility at a site on Blue Mountain Road. The purpose of the grant would be to create twenty new jobs and stabilize the location of the industry in the community. The total funding request, including administration, was for \$300,000. The source of funding for this program was the HUD Community Development Block Grant Program administered through the Montana Department of Commerce.

Janet Stevens stated that she would recommend that the Commissioners approve the Clinton Revitalization Grant request for the following reasons: 1., that it provides housing assistance to low and moderate income households, which would help eliminate the concentrated problem of sub-standard housing in Clinton. She said that the snowball effect to this community would be substantial when housing rehabilitation efforts were seen. The goals of this project coincide with those expressed by the community for not only jobs but also housing, and she also said that there would also be a likely impact on the County tax base by increasing the appraised value of the homes that were rehabilitated. She said that after viewing only four of the houses being impacted by this application, she could see that the urgency of the need for rehabilitation was severe. She said that there were simply no other financial possibilities available to the Clinton folks, and said that, finally, the funds requested were the only funds needed to complete the project and the community had fully committed itself to the use of these funds. The motion died for lack of a second.

Barbara Evans moved that the Commissioners support the CDBG application for Norco Products and stated her reasons as the following: that for every dollar of new job earnings in basic industry, \$1.70 worth of new job earnings in derivative industries is created; that it is very important that jobs are provided for people in this community. She said that by providing these jobs, some of the people who need their houses rehabilitated could perhaps get jobs at Norco. She said that she had sympathy for the people with housing problems and stated that she had similar housing problems as a child, and said that she had recognized some of the problems that the Commissioners had looked at on their tour of Clinton, so it wasn't lack of sympathy for the folks in Clinton, but it was her feeling that we must provide jobs now and in the future in order to keep the economy of Missoula strong. She added the following contingency to that motion: 1. that all of the previous commitments that were made by Norco when the Commissioners granted the rezoning out there be adhered to.

Ann Mary Dussault said that before she seconded Barbara Evans's motion, there was another contingency that was important to add. She said that the Commissioners had visited with the people from Clinton the day before, and they had visited with Mr. McDonald of Norco Products that morning. She said that Mr. McDonald had put together a fairly complicated financing proposal for his project, and after this morning's discussion, she was convinced that the project will only work if Missoula County is a participant in the project. She said that it also requires the participation of a local financing institution, which had not yet been secured. She said that she did not want to jeopardize the possibility of Missoula County obtaining these funds, considering that risk. She said that her contingency would be that the Norco Project be submitted as Missoula County's application if, within one week from this date, the project had a commitment from a local financial institution that it would, in fact, guarantee its portion of the financing packet. She said that in the event that that did not occur, that the proposal submitted by Missoula County would be the Clinton project. She said that under those conditions, she would second the motion.

Barbara Evans said that that was acceptable to her. Ann Mary Dussault then seconded the motion stated above by Barbara Evans.

Janet Stevens asked if, with the one-week deadline, the proposal would still be submitted within the deadline.

Ann Mary Dussault said yes, that there was time between now and the deadline to do that and to further

September 11, 1985 PUBLIC MEETING (continued)

develop the Clinton application if the Norco application fell through due to lack of commitment from a financial institution.

Janet Stevens asked what form the commitment from the financial institution would take.

Ann Mary Dussault replied that she would expect a written commitment from one of the financial institutions. She then made a brief statement about what had brought her to this decision to support the Norco proposal. She said that she did not know that there was any more difficult decision for a public official to have to make as the one between housing needs and job needs. She said that one of the Commissioners' favorite lines during the budget process was that there were way more needs than the County had the ability to meet. She said that she did not want to get into a debate about whether one project was needed and the other project was not. She said that one thing that would have to be recognized is that housing needs are important, but jobs in Missoula County are also very important. She said that she had tried to sort out in her own mind whether there were any alternative funds available for any of the projects, and she had been satisfied that, with the guarantee from the bank, that the Norco project would indeed succeed, and that there were no other alternatives for that project at this time. She said that she had had a chance to talk briefly about some possible alternatives for housing projects in Missoula County, and she felt that the reality was that the funds available for housing projects are going to become more and more limited through our traditional sources, like community development block grants, so that in the future, the County would have to be using those funds either for economic development or for infrastructure projects like sewer and water systems. She said that she had talked briefly with some people about the possibility of expanding or creating a Missoula Housing Authority in Missoula County. She said that right now there is a housing authority in the City, which had jurisdiction a little ways outside the City limits, but it doesn't extend as far as Clinton and some of the rural areas. She said that there are funds available through housing authority sources for exactly these kinds of projects, as well as for other kinds of housing development. She said that it seemed that in order to look at long-term housing needs in Missoula County, and specifically to meet Clinton's needs, there's no help, although there is a need out there. She said that she felt that the County would be wiser in the long run to look at the possibility of a County Housing Authority, because that was where housing funds were. Given that, and given some other sources that are worth pursuing, she had decided to support the Norco proposal.

The motion passed by a vote of 2-1, with Janet Stevens voting no.

✓ HEARING: INDUSTRIAL DEVELOPMENT REVENUE BOND APPLICATION TO MONTANA ECONOMIC DEVELOPMENT BOARD--WILLIAM L. AND GRIFFITH H. DAVIES.

For purposes of providing a legally-sufficient transcript of this hearing, the following information is provided:

Ann Mary Dussault, Chair of the Board of County Commissioners of Missoula County, Montana, called the meeting to order at 1:30 p.m. on September 11, 1985. The meeting was held, as duly advertised, in Room 201 of the Missoula County Courthouse Annex. Also present were Commissioners Barbara Evans and Janet L. Stevens, as well as Deputy County Attorney Michael W. Sehestedt, Clerk and Recorder Fern Hart, Director of the Missoula Office of Community Development Chris Rockey, City/County Energy Coordinator Lois Jost, and Executive Officer Howard Schwartz.

Chair Dussault read the "Request for Commission Action" which stated that the Commissioners had exercised their option to hold a public hearing on the proposed issuance by the Montana Economic Development Board of the State of Montana Industrial Development Revenue Bonds in the amount of \$660,000 for William L. Davies and Griffith H. Davies, III, to acquire approximately 10 acres of land, construct and improve a 16,000 square-foot building, with related improvements, in order to lease this building to D and D Transport Refrigeration Service, Inc. and Big Sky Utility Trailer Sales, Inc., to provide space for sales, service and repair of truck and trailer refrigeration units and semi-trailers.

Executive Officer Howard Schwartz explained that the Davies had applied to the State of Montana Economic Development Board for the Industrial Development Revenue Bonds Program. He said that the application was sent here because, under the Statute, it is up to the Board of County Commissioners, if they choose, to determine whether or not the project is in the public interest. He said that once the Commissioners had decided that they wanted to hold the hearing, it seemed most appropriate to use the criteria contained in the County's Industrial Development Revenue Bond Policy to determine whether or not the project is, in fact, in the public interest. He said that a copy of the policy had been given to the applicants for their information. He said that the application had seemed to Chris Rockey and the Planning Department that according to the information they had received, it did comply with the Missoula County Industrial Development Revenue Bond Policy. He said that Lois Jost, the City/County Energy Coordinator, had reviewed the application in terms of compliance with the Building Codes. He said that the applicants had been asked to address various other points in the policy; in particular employment expansion, compliance with the Little Davis-Bacon Act and other points. He said that the applicants and their representatives were present and wanted to make a very brief statement and answer questions. He concluded his remarks by saying that it seemed that from all the information that had come back, this application is in compliance with the Missoula County Industrial Development Revenue Bond Policy, and has met all of the criteria that the County Commissioners had specified.

Ann Mary Dussault asked if anyone was present to speak on behalf of the project.

Griffith Davies testified on behalf of the application, introducing his brother Bill and Ron Slaten, a representative of the Hanson-Kelly Construction firm from Billings. He said that he had also brought Fred Deschamps to testify. Mr. Deschamps owns the land adjacent to theirs.

Mr. Davies stated that they had had a short time to respond to the County's request for information as to compliance with its IDR Bond Policy, since he had been advised of it late Friday. He said that he had put together a brief packet over the weekend, and he wasn't sure whatever information the Commissioners would want.

He said that he had asked for, and had not yet received from the electrical contractors, an updated version of their computer analysis of the efficiencies of the lighting systems. He said that they were to have it that day and had not been able to get it out yet. He said that he did have a letter from 4-G's Plumbing, which stipulates that they are a local union contractor and that they would use prevailing rates for wages in the construction.

He said that their initial plan was to use all local people, but they had let bids for four different contractors locally, and at the same time, they had contacted Hanson-Kelly in Billings (their main office is located in Billings, and they have been there for ten years now). He said that they had done business

September 11, 1985 PUBLIC MEETING (continued)

with Hanson-Kelly in Billings before, and their bid had been substantially lower than the Missoula bids for the same specifications, so they had gone with them. He said that they were planning on staying with local personnel, except for supervisory personnel, and with local plumbing and local electrical contractors. He then asked if the Commissioners had any questions to ask him.

Barbara Evans asked if they would be doing their banking locally, and he replied that they were banking locally now. He said they banked with the First National Montana Bank of Missoula. He added that they had been in Missoula for about four years, and stated that they had acquired an existing building that they lease and they had bought out the lease of some former occupants of the building in East Missoula. He said that they had been out there at least four years. He said that the problem that they were discovering out there, and the main reason that prompted them to move to the Wye is that some of the recent studies that have come down is that trucking is the third largest economic impact into Missoula. He said that a lot of the trucking that is coming and going out of here is not having any service done here because they can't find it. He said that they got about 90% of their call-outs, after hours and during hours, from the Wye area--from either the Exxon Station or the Husky Station out there. He said that the accessibility for the trucking industry to get off at that particular intersection had proven that it is a viable place to be for the trucking industry. He said that their services were geared toward a lot of transient people that go through on the interstate, and they wanted to capture that money back into Montana. He said that there were two reasons for this: 1. a desire to support Montana; 2. a desire to make a profit. He said that the company currently employs ten people in the East Missoula location, and that they had had as high as twelve to fourteen people out there, and right now they were running a little lower than they wanted to as far as a level of people was concerned. He said that this year has been slow for the trucking industry, and they have had to lay off people and cut back on operations, but they had anticipated hiring four or five more people when they had prepared the documentation for the State, but now they believe they are going to put on more than that initially. He said that they are talking about a second shift and operating Saturday out there because of the truck traffic.

Ann Mary Dussault asked if anyone else wished to testify on this application.

Fred Deschamps, who identified himself as a rancher and real estate broker from the Frenchtown area, said that he owned the property next door to the Davies' business in East Missoula. He said that he thinks that this is a good project for Missoula because it will be in an area where it should be put--right there at the cross-roads from Kalispell. He said that another thing that he felt is good about this business is that they hire a lot of part-time people, i.e. young high school students, and that it would be a good business for hiring some young, bright people who need some jobs in the community.

Ann Mary Dussault then asked Mr. Davies where the business would be located, and he replied that it would be right across the street from Muralt's Truck Stop. He said that you take the Kalispell Interchange, and it is on the west side of the highway.

Ann Mary Dussault asked if anyone else had any comments, either for or against finding this project to be in the public interest. No one else came forward to testify. She then asked Chris Rockey, Director of the Office of Community Development, if he had any comments.

He stated that his staff had no quarrel whatsoever with anything that had been submitted in the packet material, but he wanted to expand on one of Mr. Davies' comments, i.e. the viability of the trucking industry in Missoula County. He said that the Bureau of Business Research at the UM was about to release a report indicating that trucking is the third largest industry in Missoula County, right behind Champion and the Federal Government, and ahead of the University of Montana. He said that if he remembered the preliminary figures correctly, trucking is a 145 million dollar a year industry. He said that there are over 1300 independent truckers alone operating out of Missoula County, and that did not include cartage haulers, distributorships and local trucking. He said that it was a very viable industry in Missoula County, and this proposal would do nothing but add to that fact.

Ann Mary Dussault then asked City/County Energy Coordinator Lois Jost if she had any comments to make in regard to the energy efficiency of the building.

She thanked Mr. Davies for responding to her questions that they had discussed over the phone. She stated that the proposal was a good example of someone who was trying to work towards an energy efficient building, even though a commercial building such as the one they were building was difficult to make energy efficient, considering the kinds of operations and activity that go on there. She said that she would like a copy of the lighting standards as soon as the Davies received it.

Mr. Davies gave her a letter from 4-G's Plumbing certifying that they would use all local help and pay the prevailing wage and that they were a union contractor. He also had an attachment from them in regard to the LGB atmospheric gas boiler that they intended to install, which is about 6% more efficient than their bid specifications had called for in terms of energy use.

Howard Schwartz asked Lois if that meant if, in her opinion, the applicants had met the standards she had discussed with the applicants in terms of energy efficiency.

Lois stated that they had met and exceeded the Montana standards and had met the ASHRAE 90-80 standards for an other-than-low-rise residential building..

Mr. Davies asked her if she needed an R-rating for the walls.

Lois stated that she had not been able to determine that from their letter.

Mr. Davies stated that some of the construction they did not have tested U-values for, but some of it they did have tested U-values for.

Ann Mary Dussault asked Deputy County Attorney Mike Sehestedt if he had any questions or comments, and he said that it looked like just the kind of proposal the County had had in mind when the IDR Bond Policy was adopted, and he felt that it should be found in the public interest.

Janet Stevens moved, and Barbara Evans seconded the motion, that the Missoula Board of County Commissioners endorse the application of William L. Davies and Griffith H. Davies, III for \$660,000 in Montana Industrial Development Revenue Bonds, and that the endorsement be sent to the Montana Economic Development Board. The motion passed by a vote of 3-0.

September 11, 1985 PUBLIC MEETING (continued)

RESOLUTION 85-102

The Board of County Commissioners then signed Resolution No. 85-102, a Resolution endorsing the application of William L. Davies and Griffith H. Davies, III, for Industrial Development Revenue Bonds through the Montana Economic Development Board of the State of Montana, in the amount of \$660,000. The resolution stated the purpose of the application was to acquire approximately 10 acres of land and to acquire, construct, and improve a 16,000 square-foot building and related improvements thereon to be leased to D and D Transport Refrigeration Service, Inc., and Big Sky Utility Trailer Sales, Inc. to provide space for sales, service, and repair of truck and trailer refrigeration units and semi-trailers. The resolution stated that a public hearing had been held to determine whether or not the project is in the public interest and that at this hearing three people testified in favor of the project and no one testified against the project and also that the proposal had been found to meet the criteria established by the Missoula County Industrial Development Bond Policy No. 82-15 adopted on March 3, 1982 and that the project, as proposed, meets the ASHRAE 90-80 Energy Codes for buildings other than low-rise residential buildings and that it exceeds the Montana energy standards for commercial buildings. The original of this resolution of endorsement was sent to the Clerk and Recorder's Office for recording purposes and a certified copy was forwarded to the Montana Economic Development Board of the State of Montana for further action.

Since there was no other business to come before the Board of County Commissioners, the meeting was recessed at 2:05 p.m.

\* \* \* \* \*

September 12, 1985

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. Commissioner Dussault was in Helena all day attending a MACo Dues Committee meeting, and Commissioner Evans was out of the office in the afternoon.

DAILY ADMINISTRATIVE MEETING

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

MEMORANDUMS OF AGREEMENT

The Board of County Commissioners signed Memorandums of Agreement, dated July 1, 1985, between Missoula County and the following organizations:

- ✓ 1. Watson's Receiving Home, whereby the County will purchase services for emergency care for children in Missoula County, as per the terms set forth, through June 30, 1986, for a total amount of \$6,300.00, contingent upon receipt of Federal Criminal Justice Block Grant funds by Missoula County; and
- ✓ 2. Arrow Medical Services, whereby the County will purchase ambulance services to respond to Missoula County law enforcement and fire protection calls, as per the terms set forth, through June 30, 1986, for a total amount up to a maximum of \$8,200.00.

RESOLUTION No. 85-103

The Board of County Commissioners signed Resolution No. 85-103, a resolution accepting and approving the petition presented for inclusion in Rural Special Improvement District No. 406.

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

\* \* \* \* \*

September 13, 1985

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

ELECTION CANVASS

In the forenoon, the Board of County Commissioners canvassed the City Primary Election, which was held September 10, 1985.

CHANGE ORDER

- ✓ Chair Dussault signed Change Order No. 1 for the Contract between Missoula County and Western Materials Inc., dated July 22, 1985 for the construction of Kona Ranch Road, Phase I, which results in a net increase of \$7,460.00 in the contract amount. The change order was returned to the Surveyor's Office.

\* \* \* \* \*

September 14, 1985

On Saturday forenoon, Commissioners Dussault and Stevens participated in the Volunteer Fair which was held at Southgate Mall.

Fern Hart  
Fern Hart, Clerk and Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair

\* \* \* \* \*

September 16, 1985

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

SWEARING-IN CEREMONY

Chair Dussault conducted the swearing-in ceremony for Rachel Vielleux, who was sworn in as County Superintendent of Schools to fill the unexpired term of Mike Bowman.



September 16, 1985 (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 Parker Addition, a resolution of tract one, Carnes' Seeley Creek tracts in the SW¼ of Section 35, T. 17N., R. 15 W P.M.M., Missoula County, the owners of record being Gerald V. and Diane M. Parker.

MEMORANDUMS OF AGREEMENT

The Board of County Commissioners signed Memorandums of Agreement dated July 1, 1985 between Missoula County and the following organizations:

- ✓ 1. Bitterroot Resource Conservation and Development, Inc., whereby the County will purchase planning and coordination services for the rural areas of the County, as per the terms set forth, through June 30, 1986 for a total amount of \$262.00, contingent upon receipt of General Revenue Sharing Funds by Missoula County; and
- ✓ 2. YWCA Battered Women's Shelter, whereby the County will purchase services for assistance to battered women in Missoula County, as per the terms set forth, through June 30, 1986, for a total amount of \$12,000.00, contingent upon receipt of Federal Criminal Justice Block Grant funds by Missoula County.

✓ LEASE AGREEMENT

The Board of County Commissioners signed a Lease Agreement between Missoula County and Edward A. Cummings for a three-story brick building located at 317 Woody Street in Missoula, Montana as per the terms set forth, for the period from December 31, 1985, until December 31, 1990. The agreement was returned to Dick Vandiver, Court Operations Officer, for further handling.

Other Matters Included:

- ✓ 1. The Commissioners approved the appointment of Gary Boe as the at-large member of the Investment Advisory Committee for FY '86; and
2. The Commissioners approved a request from Dick Colvill, County Surveyor, authorizing Robert Jacks, Road Supervisor, or Terry Wahl, operations analyst, to acquire two used Belly Dump trailers at a Public Auction for a total cost of less than \$25,000, without competitive bidding.

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

\* \* \* \* \*

September 17, 1985

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

AUDIT LIST

Commissioners Dussault and Stevens signed the Audit List, dated September 17, 1985, pages 3-32, with a grand total of \$945,880.21. The Audit List was returned to the Accounting Department.

\* \* \* \* \*

September 18, 1985

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. 85-104  
The Board of County Commissioners signed Resolution No. 85-104, a resolution accepting and approving the petition for inclusion in Rural Special Improvement District No. 406 in order to gain access to the sewer main constructed under said RSID.
- ✓ Resolution No. 85-105  
The Board of County Commissioners signed Resolution No. 85-105, a resolution authorizing the correction of certain RSID account numbers because it has been determined that duplicate numbers were assigned and will be corrected as follows:

RSID # 903 - Lincolnwood Sewer Maintenance District  
RSID # 903 - Parkside Park Maintenance District  
THESE NUMBERS SHOULD READ AS FOLLOWS:

RSID # 903 - Lincolnwood Sewer Maintenance District  
RSID # 907 - Parkside Park Maintenance RSID

RESOLUTION No. 85-106

- ✓ The Board of County Commissioners signed Resolution No. 85-106, a budget amendment for FY '86 for RSID 901, Lolo Water and Sewer, including the following, and adopting it as part of the FY '86 Budget:

DESCRIPTION OF EXPENDITURE	BUDGET
From: 8901-S03-430610-952	\$843,835
To: 7095-800-510360-951	\$843,835
DESCRIPTION OF REVENUE	REVENUE
From: 8901-S03-331091	\$652,439
8901-S03-383-76	70,022
To: 7095-800-331090	\$652,439
7095-800-383078	70,022
*7095-800-361000	121,374

\*Balance from cash transfer from RSID #901 upon authorization by the Operations Officer



September 18, 1985 (continued)

✓ RESOLUTION No. 85-107

The Board of County Commissioners signed Resolution No. 85-107, a resolution superseding Resolution No. 85-097, and establishing a speed limit of 15 miles per hour on Dickinson Street east of Rattlesnake Drive and requesting the County Surveyor to cause the traffic signs on that portion of Dickinson Street to reflect this action.

MEMORANDUMS OF AGREEMENT

The Board of County Commissioners signed Memorandums of Agreement, dated July 1, 1985, between Missoula County and the following organizations:

- ✓ 1. Child Care Resources Health Program, whereby the County will purchase contracted services promoting the health and safety of children served by day care in Missoula County, as per the terms set forth, through June 30, 1986, for a total amount of \$26,310.00; and
- ✓ 2. Child Care Resources, whereby the County will purchase technical assistance and training to child care providers in Missoula County to better meet the developmental needs of young children; and to provide for the nutritional needs of young children in day care through administration of the Federal Food Program for eligible child care providers, as per the terms set forth, through June 30, 1986, for a total amount of \$21,497.00.

✓ CONTRACT ADDENDUM

The Board of County Commissioners signed an Addendum to Missoula County Professional Services Contract with independent contractor, Cynthia Klette, for the contract dated June 13, 1985, supplementing the contract as follows:

- 1. Missoula County will compensate the independent contractor at the rate of \$6.00 per hour for approximately 35 hours to assist Administrative Aide Leslie McClintock and Executive Officer Howard Schwartz with administrative and research projects.
- 2. The performance schedule for the work under this contract addendum shall commence September 17, 1985, and terminate on October 1, 1985.
- 3. Payment for work under this addendum shall not exceed \$200.00.

✓ POLICY STATEMENT ADDENDUM

The Board of County Commissioners signed an addendum to Policy Statement No. 82-A, the travel expense reimbursement Policy as follows, and supersedes Section E.2 in the Policy Statement dated February 4, 1982:

E. Other Modes of Transportation

2. If a personal vehicle is used, Montana Law does require liability insurance to demonstrate financial responsibility. Therefore, any County employee using a personally owned vehicle for County business shall carry liability/property damage insurance as required by state law, MCA 61-6-103 (2-b). The minimum requirements are:

Liability: \$25,000 each person  
\$50,000 each occurrence  
\$5,000 property damage

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

PUBLIC MEETING

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

✓ BID AWARD: SALE OF SIX-YEAR OLD BURROUGHS COMPUTER

Chair Ann Mary Dussault said that the Data Processing Department is interested in disposing of a six-year old Burroughs computer. She said that \$4,000 had been budgeted as non-tax revenue in anticipation of the sale of the computer, but the only bid received was for \$2,176.00. She said that the staff recommendation was to award the bid to Lacourse Communications Corporation, recognizing that the impact on the budget is the reduction in \$2,000 in capital expenditures in Data Processing.

Barbara Evans moved, and Janet Stevens seconded the motion, that the bid for the sale of the Burroughs computer described above be awarded to Lacourse Communications Corporations Corporation in the amount of \$2,176.00. The motion passed by a vote of 3-0.

The meeting of the Board of County Commissioners was then recessed, and the meeting of the Planning and Zoning Commission was convened. The Planning and Zoning Commission consists of three County Commissioners, the Clerk and Recorder and the County Surveyor.

Present besides the Commissioners were County Surveyor Dick Colvill and Recording Division Manager Donna Cote, representing the Clerk and Recorder's Office.

✓ ✓ HEARING (PLANNING AND ZONING COMMISSION): DEVELOPMENT REQUEST--KAREN AND BURKE TOWNSEND--CONSTRUCTION OF HOUSE IN ZONING DISTRICT 4

Under consideration was a development request by Karen and Burke Townsend for approval to construct a new home. Information provided by Mark Hubbell of the Office of Community Development stated that the subject property is located within Planning and Zoning District No. 4, which requires a public hearing before both the County Regulatory Commission and the Planning and Zoning Commission before any improvements can be installed. The Townsend proposal was before the Regulatory Commission on September 3. No public testimony was received on the request, and the County Regulatory Commission forwarded the request to the Planning and Zoning Commission with a recommendation to approve it.

## PUBLIC MEETING September 18, 1985 (continued)

Mark Hubbell then gave the staff report. He explained that Planning and Zoning District No. 4, located in Pattee Canyon, requires any development request to have a public hearing before the County Regulatory Commission and the Planning and Zoning Commission before any improvement can be added up there. In regard to this specific request, he said that Karen and Burke Townsend's request was for approval of the construction of a home to replace an existing home on Certificate of Survey No. 478. The property is just behind the gravel pit. He said that the hearing was held September 3 before the County Regulatory Commission, and it approved the following recommendation: After reviewing all testimony and documentation, the Commission recommends that the proposal on COS No. 478 be approved, subject to the findings of fact set forth in the staff report; provided that 1. approval of the new septic system be obtained from the City/County Health Department; and 2. that utility lines be buried, as required by Zoning District No. 4 Development Standards.

Chair Ann Mary Dussault then opened the hearing to public comment, asking that proponents speak first. There were no proponents or opponents. She then closed the public comment portion of the hearing.

Barbara Evans commented that usually Zoning District 4 has somebody here to say something about it, and that it must be a non-remarkable request.

Dick Colvill asked Mark Hubbell if the proposed home would replace the former home. Mark Hubbell replied that that was correct, since the original home was built in two or three phases over the years, and the Townsends wanted to remove that one entirely and put the new one on the same site. He said there would be no new roads or cuts-and-fills.

Janet Stevens moved, and Dick Colvill seconded the motion that Karen and Burke Townsend's request for approval of their development request for the construction of a house in Zoning District 4 as described above and in the staff report be approved, subject to the two conditions recommended by the staff: 1. that a new septic system must be approved by the Missoula City/County Health Department; and 2. that the utility lines be buried as required by Zoning District No. 4 Development Standards; and subject to the Findings of Fact also listed in the staff report and set forth below.

FINDINGS OF FACTGeneral Regulations-Planning and Zoning District No. 4

The property is a parcel with an area of 4.58 acres; thereby meeting the minimum lot size requirement of three acres.

The proposed home will replace an existing structure which was built in two phases in the 1920's or 1930's. An addition to that structure was made sometime in the 1950's.

The site plan indicates that the new home will be rotated to the southeast from the present site orientation. No significant cuts or fills will occur as a result of the new construction, so the new home is not expected to conflict with the natural physiography of the area.

Sewage disposal is currently accomplished through a cesspool. This system will be replaced by a septic system, and will require the approval of the Health Department prior to the issuance of a building permit.

As required by Section II (7) of the Planning and Zoning District No. 4 Regulations, all service lines for TV cables, telephone and power service must be placed underground.

Comprehensive Plan

The Land Use Element of the Missoula Comprehensive Plan designates the property as "Rural Medium Density Residential." This classification provides for residential development up to a maximum density of one dwelling unit per five acres.

The current use, and the proposed use, of the property as a residence is in compliance with the Comprehensive Plan. The property was divided by Certificate of Survey on March 28, 1984. In 1975, the Comprehensive plan designation of a maximum residential density of one dwelling unit per five acres was adopted for this area. The Zoning District No. 4 Regulations (also adopted prior to the advent of the Missoula Comprehensive Plan) allow a minimum lot size of three acres. Consequently, the Community Development staff report noted that the Plan designation of the property is inappropriate.

Physiography of the Land

As previously mentioned, no significant cuts or fills will occur as a result of this request. The new home will replace an existing structure. No conflict with the natural physiography will occur. It will have a clear finish, yielding a "natural" appearance to the site.

✓✓✓ HEARING: PLANNING AND ZONING COMMISSION--DEVELOPMENT REQUEST (DICK CLEWOW--CONSTRUCTION OF LAWN/GARDEN SHED: ZONING DISTRICT NO. 4 )

Under consideration was a request from Dick Clewov to build a garden shed on Tract B of Certificate of Survey No. 243. This proposal was for Zoning District 4, and so was required to be heard before the County Regulatory Commission and the Planning and Zoning Commission.

Mark Hubbell from the Community Development Office also gave the staff report on this request. He said that Dick Clewov wished to construct a 12'x16' timber frame storage shed for garden supplies and things of that sort, which, under the regulations of Zoning District 4, requires approval before installation. He said that the County Regulatory Commission had held a hearing on this matter and no one had spoken either in favor of or in opposition to the request, so the Commission had adopted a motion to recommend to the Planning and Zoning Commission that Mr. Clewov's request be approved as submitted.

Chair Dussault opened the hearing to public comment, asking that proponents speak first. No one came forward to speak in favor of or in opposition to the request. Chair Dussault then closed the public comment portion of the hearing.

Barbara Evans moved, and Janet Stevens seconded the motion, that the Planning and Zoning Commission grant approval to the garden shed proposed by Dick Clewov for Tract B, Certificate of Survey No. 243, subject to the findings of fact set forth in the staff report. The motion passed by a vote of 5-0.

The approval was therefore subject to the following findings of fact:

PUBLIC MEETING September 18, 1985 (Continued)

General Regulations in Planning and Zoning District No. 4

The property is a parcel with an area of 6.44 acres, thereby meeting the minimum lot size requirement of three acres.

No plumbing will be installed in the storage shed. The new structure will not be located near the septic drainfield which serves the residence, therefore, this proposal won't impact sewage disposal on the property.

Comprehensive Plan

The Land Use Element of the Missoula Comprehensive Plan designates the property as "rural Medium Density Residential," a classification which provides for residential development of up to a maximum density of one dwelling unit per five acres, which means that the garden shed is in compliance with the Comprehensive Plan, both in use and developmental density.

Physiography of the Land

The Clemows have indicated that no road work, excavation or disruption of the soils will occur as a result of this project; therefore, the garden shed will not interfere with the physiography of the land.

General Appearance of the Shed

The shed is designed to have a rustic appearance.

Comments Solicited

Comments on the proposal were solicited from the Health Department, which responded that the structure won't require plumbing and that they had no problem with it; the Building Inspector's Office, which requires a building permit; and no comments were received from the Surveyor's Office or the Rural Fire Department.

Since there was no further business to come before the Planning and Zoning Commission, the meeting was adjourned, and the meeting of the Board of County Commissioners was reconvened.

✓✓ CONSIDERATION OF: SUMMARY PLAT----SHERREE ACRES

Under consideration was approval of the summary plat for Sherree Acres. Planner Paula Jacques gave the Community Development staff report, stating that Sherree Acres is the re-subdivision of Lot 52, Sorrel Springs, located northwest of Frenchtown. Proposed are two single-family lots, 5.0 and 4.2 acres in size. Lot 52-B contains a single-family dwelling. The property is unzoned.

Paula Jacques also stated that a variance had been requested from the requirement of the Subdivision Regulations that the driveways be paved. Both lots have access onto an existing private road which has a gravel surface. She said that the houses would have individual septic systems and would be connected with the Sorrel Springs community water system. She said that the Community Development staff had asked the developers to add a statement to the plat that says that future owners waive the right to protest a future R.S.I.D. to bring those roads up to County standards when they're ready to be dedicated and improved. She said that the Regulatory Commission had recommended that the Summary Plat be approved subject to the condition that sanitary restrictions be lifted by State and local health authorities. She said that there was a variance request which recognized that the driveways would not be paved at this time, given that they access onto unpaved roads and are outside the Missoula Valley airshed. She said that the Regulatory Commission had recommended that the Summary Plat be approved subject to the condition that sanitary restrictions be lifted by State and local health authorities. She said that there was a variance request which recognized that the driveways would not be paved at this time, given that they access onto unpaved roads and are outside the Missoula Valley airshed. She said that the Regulatory Commission recommended that the requested variance be granted from the requirement of the Subdivision Regulations that the driveways be paved. She stated that the findings of fact finding the subdivision to be in the public interest were contained in the staff report.

Chair Dussault said that while this is not a hearing, she would welcome comments from anyone who would like to address this particular proposal. No one came forward to testify.

Barbara Evans moved, and Janet Stevens seconded the motion, that the summary plat for Sherree Acres be approved, subject to the condition that sanitary restrictions be lifted by state and local health authorities. In addition, the motion included approval of a variance from the requirements of the Subdivision regulations that driveways be paved for the reason that the private road serving as access to these lots is not paved so paving the driveways would serve no purpose. The subdivision is located outside the area affecting the non-attainment of air quality standards. The subdivision was declared to be in the public interest based on a review of the following criteria. The motion passed by a vote of 3-0.

FINDINGS OF FACT

The Board of County Commissioners has declared this subdivision to be in the public interest based on a review of the following criteria:

1. Need-- A market study is not specifically required for a summary subdivision. This proposal is consistent with a pattern of development in the area of four-to-ten acre tracts within an existing subdivision where services are already available.
2. Expressed Public Opinion-- No public hearing is required for a summary plat, and no comments were received during the hearing process. The covenants, available to all property owners within Sorrel Springs, specifically limit further lot divisions to a minimum of four-acre tracts; thus, property owners are aware of the possibility and extent of re-subdivisions such as this.
3. Effects on Agriculture--This subdivision is located within a previously-platted residential subdivision. Agricultural potential is limited by the covenants to "normal" family pets, 4-H animals, cattle, horses and poultry.

September 18, 1985 (PUBLIC MEETING -continued)

4. Effects on Local Services--The developer has estimated that four elementary students and two secondary students from Sherree Acres will attend the Frenchtown Schools. The subdivision is located on an existing bus route. Phone service and electricity are readily available. No streets will be dedicated to the County for maintenance as a result of this subdivision.
5. Effects on Taxation--Property tax revenue has been estimated by the developer at \$900 after subdivision for the two tracts and one existing residence. The construction of an additional home will generate additional revenue. The County will not incur additional expenses for services such as road maintenance with this subdivision.
6. Effects on the Natural Environment--The major impact on the environment occurred with the initial platting of the Sorrel Springs subdivision.
7. Effects on Wildlife and Wildlife Habitat--The major impact on wildlife and habitat also occurred when Sorrel Springs was first platted. The proposed tracts are large enough to still afford some habitat for small animals and birds.
8. Effects on Public Health and Safety--As this two-lot subdivision will be located in an already-developed area, it is currently served by the Missoula County Sheriff and Frenchtown Fire District. The lots will connect to the community water system and individual septic systems will be installed after the State Department of Health lifts sanitary restrictions. BFI will provide solid waste disposal service. Health and emergency services are available in Missoula.

✓ CONSIDERATION OF: AMENDED PLAT OF LOT 25--C & D ORCHARD HOMES #3 (SUMMARY PLAT)

Paula Jacques from the Office of Community Development gave the planning staff report. She said that this was a three-lot subdivision located at the northeast corner of South and 31st Avenues, across from Big Sky High School. She said that the Mormon Church had currently obtained a building permit and is building a church on what will become lot 1. She said that the two remaining lots, which front on 31st, will be single-family lots. She said that they were located in Zoning District 12, which permits the single-family dwellings, duplexes, churches, temples and a variety of other uses. She said that the units would have individual septic systems and would connect to Mountain Water lines. She said that the Regulatory Commission had recommended that the summary plat be approved subject to three conditions: one, that sanitary restrictions be lifted; two, that the irrigation ditch crossing lot two either be abandoned or sealed, subject to approval of the Missoula Irrigation District; and three, that cash-in-lieu of parkland be donated to the County park fund.

She said that the findings of fact demonstrating that this plat could be found in the public interest were in the staff report.

Ann Mary Dussault stated that this was a summary plat, and therefore a hearing was not required, but that the Commissioners would be happy to take comments from interested parties.

Nick Kaufman, representing the developer, was present to answer any questions that the Commissioners might have.

Ann Mary Dussault asked what the result would be if the irrigation district should choose not to allow the abandonment of that portion of the ditch.

Paula Jacques said that as the last property on the line, the owners have the right to ask that the ditch be abandoned, which mandates that the ditch company comply. She said that when they shut down the gates, it takes a little while to get that accomplished, and water will still flow, so the ditch would have to be kept in low swales, so it could carry water, although in most cases, it would drain into a sump at that point. She said that water currently drains into a sump in the right-of-way on 31st, and asked if Nick Kaufman wanted to add anything to that. He replied that he had enclosed a letter to the Community Development Office from the ditch company approving the proposed plan.

Ann Mary Dussault said that if the Ditch Company had already approved this, she didn't have any more questions about it.

Janet Stevens moved, and Barbara Evans seconded the motion, that the amended plat of lot 25, Cobban and Dinsmore's Orchard Homes #3 be approved, subject to the following conditions:

1. That sanitary restrictions be lifted by state and local health authorities;
2. That the irrigation ditch crossing lot 2 either be abandoned or sealed, subject to approval of the Missoula Irrigation District; and
3. That cash-in-lieu of parkland be donated to the County park fund.

The motion also made approval subject to the findings of fact as set forth below. The motion passed by a vote of 2-1, with Barbara Evans abstaining, based on a potential conflict of interest.

Subject to the conditions listed above, the Commissioners found the amended plat of Lot 25, Cobban and Dinsmore's Addition to #3 to be in the public interest based on a review of the following criteria:

1. Need--This subdivision serves to separate the church property from the remainder of the property not needed for development of the site. The two single-family lots and the church comply with uses and development standards required by Zoning District #12. They also comply with the Comprehensive Plan, which recommends that the land be developed for urban single-family use at a density of up to six units per acre. The 0.51 acre single-family lots comply with this recommended density as well as with the minimum lot size of 12,000 square feet required by the zoning regulations for the district.

September 18, 1985 PUBLIC MEETING (continued)

2. Expressed Public Opinion--No public hearing is required for a summary plat and no comments have been received. The proposed uses comply with development which could be anticipated through zoning.
3. Effects on Agriculture-- This development is located within an existing subdivision and within the urban area; thus, its agricultural potential is limited to urban gardens. The portion of the site not being developed for the church is not just mixed vegetation.
4. Effects on Local Services--The developer has estimated that two elementary and one secondary student from this subdivision will attend local schools. Students in grades K through five will attend Hawthorne, students in grades six through eight will attend C.S. Porter; and high school students will attend Big Sky across the street. Public water and utilities are readily available. The residents of this subdivision will have access to the health and emergency services generally available to Missoula area residents.
5. Effects on Taxation--The developer has estimated that this subdivision will generate \$3,245 in property tax revenue after subdivision and construction is completed. No new roads will be dedicated to the County or City with this subdivision; thus, no new maintenance costs will be incurred. This subdivision is located in an area where tax-supported services are already available.
6. Effects on the Natural Environment--As this subdivision is located in a previously platted subdivision within the urban area, the major impact on the environment has already occurred. A ditch operated by the Missoula Irrigation District crosses the property. As the last property owner along the ditch, the developer plans to exercise the option of abandoning the ditch. It will drain into a sump near the southeast corner of Lot 2. In the event that the ditch is not abandoned, it must be sealed because it is within 100 feet of a planned drainfield.
7. Effects on Wildlife and Wildlife Habitat--The major impact on wildlife and habitat occurred with the initial platting of the subdivision.
8. Effects on Public Health and Safety--
  - a. Water and Sewage--This subdivision will connect to Mountain Water and will have on-site disposal of sewage through individual septic systems. It is not possible to connect to the sewer main in South Avenue because it is a private line serving Big Sky High School. As a forced main, it operates under pressure (sewage is pumped uphill from Big Sky High School to the main in Reserve Street). It is not feasible to connect to this line at any interim point because of this pressure.
  - b. Transportation--All lots will have access onto an improved street. While no trip generation study figures are available for churches, the developer has estimated that a church with a seating capacity of 294 will generate a total of 300 vehicle trips per day.
  - c. Fire, Police and Health Services--The subdivision is within the Missoula Rural Fire District. It is located within one mile of the station at South Avenue and Reserve. Existing fire hydrants will be used. The Missoula County Sheriff's Department currently provides police protection to this residential area. Community Hospital is located nearby, and other health services in the Missoula Community are readily available as well.

✓ SUMMARY PLAT: LAKEWOOD ESTATES, PHASE 2C

Information provided by Planner Paula Jacques stated that Lakewood Estates, Phase 2C, is the re-platting of two large lots in Lakewood Estates, Phase 2B, located at the end of Peninsula Place. She said that these had originally been planned as four-plex lots. She said that the developer, in response to public opinion in the neighborhood, is attempting to re-plate them into three single-family lots. She said that it was the opinion of the staff, and the Regulatory Commission concurred, that this should lessen the impact on the land resulting from traffic flow. She said that the Regulatory Commission had recommended that the summary plat be approved subject to the following five conditions:

1. Sanitary restrictions shall be lifted by state and local health authorities;
2. Floodplain permits shall be obtained for the lots prior to construction of the homes;
3. Approach permits shall be obtained from the County Surveyor for the driveways;
4. The developer shall chip-seal the cul-de-sac bulb when utilities are extended to the lots; and
5. A statement shall be printed on the face of the plat advising purchasers of these lots that they will be subject to an RSID for flood-related repairs to the street, Peninsula Place.

In regard to the fourth condition, she said that this had been changed to more general wording to reflect possible changes in road plans.

Ann Mary Dussault asked if anyone wanted to make a comment on this.

1. Dick Ainsworth, from P.C.I., representing the developers, was present. He said that the developers were in agreement on the conditions that the Planning Board placed on the approval, and said that he would answer any questions.

No one else came forth to comment.

Barbara Evans moved, and Janet Stevens seconded the motion, that the summary plat of Lakewood Estates, Phase 2C, be approved subject to the conditions listed, changing condition no. 4 to "that road plans shall be approved by the Surveyor"; and that the plat be found in the public interest, based on the findings of fact listed below: The motion passed by a vote of 3-0.

FINDINGS OF FACT

The Board of County Commissioners found the summary plat of Lakewood Estates, Phase 2C to be in the public interest, based on a review of the following criteria:



## September 18, 1985 PUBLIC MEETING (continued)

1. Need--This subdivision proposal is precipitated by the developer's response to neighborhood opinion regarding four-plex development. The Lolo Comprehensive Plan recommends that this area be developed for residential use at a density of up to six units per acre. The density of these three lots is approximately three units per acre, whereas the construction of two four-plexes would have produced a density of eight units per acre, which is greater than the density recommended by the Lolo Comprehensive Plan. Lakewood Estates, Phase 2C, therefore, will bring the development more into compliance with the Comprehensive Plan.
2. Expressed Public Opinion--As explained above, this proposal to re-plat two four-plex lots into three single-family lots is the result of neighborhood opinion favoring single-family over multi-family development.
3. Effects on Agriculture--This subdivision is located within a previously-platted subdivision. It is surrounded by Lake Lolo. Agricultural potential, therefore, is limited to urban gardens.
4. Effects on Local Services--These lots are located in an area previously developed for residential use; therefore, many services are already available. In addition, this proposal should result in a lesser impact on schools, streets and other public and private facilities than the two four-plexes previously approved.
5. Effects on Taxation--The developer has estimated that the three undeveloped single-family lots will generate approximately \$900 in property tax revenue. They are also subject to assessments by RSID 901 for water and sewer service, and to an RSID for flood-related road repairs for Peninsula Place, though routine maintenance is a County responsibility.
6. Effects on the Natural Environment--As noted on the face of the plat, these lots are in the floodplain; thus, floodplain permits must be obtained prior to construction of the homes. The Missoula County Floodplain Regulations permit residential development in the fringe portion of the floodplain, provided that the homes are elevated on suitable fill so that the lowest floor of the structure is two feet higher than the elevation of the 100-year flood (approximately 3,150 feet). The natural ground elevation varies from 3147 to 3149 feet, so suitable fill material will be hauled onto the site. The fringe area of the floodplain is comprised of that land which can be filled without increasing the elevation of the 100-year flood more than six inches, an acceptable amount under County and State standards, which reflect minimum standards under the National Flood Insurance Program.
7. Effects on Wildlife and Wildlife Habitat--As Lakewood Estates, Phase 2C is the re-subdivision of existing platted lots, the major impact has already occurred.
8. Effects on Public Health and Safety--These lots will have water and sewer service through RSID 901. The County Sheriff provides police protection to this residential area. The Missoula Rural Fire District station is approximately 2.5 miles away on Highway 93, and a fire hydrant is located just south of Lot A on the common area. The developer has estimated that the three single-family dwellings will generate a total of eighteen round trips per day, compared to forty-eight trips per day for the two four-plexes. This is a reduction of thirty vehicle trips per day. Staff concurs with these figures. Medical services are available in Lolo and Missoula.

## ✓ SUMMARY PLAT: TWIN PINES ADDITION

Under consideration was summary plat approval of Twin Pines Addition, a three-lot summary subdivision proposed for a portion of the applicant's property located east of Clinton. The three lots, approximately one acre in size, will have individual well and septic systems. All three have access onto existing County gravel roads. An overall development plan has not been required for the remainder of the applicant's property as it is their intention at this time to leave it in agricultural use.

The applicants have requested variances from the requirements of the Subdivision Regulations that the utility cables be buried and that driveways be paved.

The staff recommendation was that Twin Pines Addition be approved subject to the conditions as modified by the Regulatory Commission, and that the variances requested be granted as outlined in the staff report. Subject to these conditions, the staff further recommended that the subdivision be found to be in the public interest as outlined in the staff report.

Paula Jacques, of the Office of Community Development, outlined the conditions as the following:

1. That sanitary restrictions shall be lifted by state and local health authorities.
2. That cash-in-lieu of parkland shall be donated to the County Park fund;
3. That the Yellowstone Pipeline crossing lots 1 and 2 shall be shown on the face of the plat, along with any easements required by the Pipeline Company. No construction shall occur within thirty feet of the pipeline unless approved by the Yellowstone Pipeline Company;
4. A statement shall be printed on the face of the plat stating that purchase of a lot within the Twin Pines Addition shall constitute a waiver of a right to protest a future RSID to pave East Mullan and Schwartz Creek Roads;
5. Approach permits shall be obtained from the County Surveyor for the driveways; and
6. The boundary of the 100-year floodplain shall be shown on the face of the plat.

She stated that the County Regulatory Commission had recommended approval of variances from the requirements of the Subdivision Regulations that driveways be paved and that utility cables be buried. She said that the reason for this recommendation was that the County access road is not paved and the subdivision is located outside the area affecting non-attainment of air quality standards. She stated the reason for granting the variance concerning overhead utility lines as simply that the lines exist. She said that no new cables would be necessary to serve this subdivision and that the overhead lines were not out of character with the surrounding area.



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Chair Ann Mary Dussault asked if anyone present wished to comment on this proposal.

1. Dick Ainsworth was present to represent the developers. He said that the developers were in agreement with the staff report, and said he would answer any questions.

Ann Mary Dussault asked Paula Jacques if there were a question with this about using the summary plat process as a technique to divide the remainder of the property. She replied that it was not so much a question as a re-statement of the regulations. She said that the summary review process can only be used on a single tract of land once; therefore, any further lot divisions from their large 100-acre parcel of land would require that a major subdivision plat be submitted.

Ann Mary Dussault asked Dick Ainsworth if the property owners were aware of that, and he replied that they were aware of it.

Janet Stevens moved, and Barbara Evans seconded the motion, that the Twin Pines Addition be approved, subject to the conditions as modified by the Regulatory Commission (listed above); that the variances be granted as outlined in the staff report (listed above); and that the subdivision be found in the public interest based on the findings of fact listed below. The motion passed by a vote of 3-0.

#### FINDINGS OF FACT

The Missoula County Commissioners found the summary plat for Twin Pines Addition to be in the public interest, based on a review of the following criteria:

1. Need--The Missoula Comprehensive Plan recommends the area in which this subdivision is located for rural medium density development (one unit per five acres of land) and suburban development (density to be determined by health regulations). The rural medium density development was intended to provide "protection in areas unable to support more intense development due to physical and socio-economic constraints." Therefore, this guideline should be considered in concert with comments from the Health Department, the County Surveyor and the School District to determine if such constraints to development exist. As discussed in greater detail below, when considering "public health and safety" and "local services," these agencies did not identify any constraints which would render this proposal incompatible with the Comprehensive Plan.
2. Expressed Public Opinion--No public hearing is required for review of a summary subdivision and, to date, no comments have been received.
3. Effects on Agriculture--These three lots are adjacent to lands developed for both residential and agricultural uses. The pattern of development in the area is residential use adjacent to roads and grazing, and pasture land adjacent to the residences. This subdivision will convert 3.58 acres of agricultural land to residential use.
4. Effects on Local Services--The developer has estimated that the two elementary students from this subdivision will attend Clinton Elementary School, a negligible impact, according to Ben Harrison of Clinton Elementary District #32. Secondary students will be bused to Hellgate High School in Missoula. The overhead electric and telephone cables which will provide service to the three residences are already installed. All lots have access onto existing County gravel roads.
5. Effects on Taxation--The 3.6 acres in this subdivision are now classified as grazing land, which generated approximately \$10 in property tax revenue, according to the developer. As suburban tracts, the developer estimates that they will generate approximately \$300 without improvements.
6. Effects on the Natural Environment--With the exception of the site where the old railroad bed crosses Lots 1 and 2, the land is relatively flat. The 100-year floodplain crosses the west boundary of Lot 3, but there is sufficient land to locate a drainfield at least one hundred feet away. Soils on each lot are reported to consist of loam, gravel and sands. The hydrologic study reports that water quality is good, that ground water ranges from ten to fifteen feet below the surface, but recommends that wells be drilled at least fifty feet deep.
7. Effects on Wildlife and Wildlife Habitat--There will be some loss of habitat for small animals and birds which are found in pasture land.
8. Effects on Public Health and Safety--The Clinton Rural Fire District provides fire protection to this area. The Missoula County Sheriff assigns an officer to patrol this area on each shift. Health and emergency services are available in Missoula. The Yellowstone Pipeline crosses Lots 1 and 2. Setbacks of thirty feet are required for safety. The plat will show the location of the pipeline and any easements required by the Pipeline Company.

#### ✓✓✓ HEARING: REQUEST TO VACATE A PORTION OF GARFIELD STREET FROM TRAIL STREET TO DAKOTA STREET

Under consideration was a request to vacate Garfield Street, located in Section 20, T13N, R19W, from Trail Street to Dakota Street. The legal description is as follows:

Garfield Street located in Section 20, Township 13 North, Range 19 West, from Trail Street to Dakota Street and further described as: that portion of Garfield Street lying south of the south line of vacated Dakota Street and north of a projection of the north right-of-way line of Trail Street, between blocks 27 and 28 of Riverside Addition, platted subdivision in Missoula County, Montana.

Information provided by Recording Div. Supervisor Donna Cote stated that the property owners adjacent to the street in question wished to have the street vacated because the County had never maintained it and the best use for the property is for the construction of improvements on it. Donna Cote also provided the information that title to the adjacent property is vested in the following:

- |  |  |
|--|--|
| 1. Maynard E. & Anna C. Sticht<br>1740 Trail Street<br>Missoula, Montana 59801 | 3. City Electric<br>201 Catlin<br>Missoula, Montana 59801              |
| 2. Arnold Fairclough<br>1801 Wyoming<br>Missoula, Montana 59801                | 4. Paul Chamberlin (Contract)<br>1802 Trail<br>Missoula, Montana 59801 |

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She elaborated on this information as follows:

George C. and Margaret E. Hanson have vested interest and Paul G. Chamberlin has been assigned the interest of Carl L. and Patricia K. Theriault.

According to Dennis Lind, City Electric is owned by C.E. Jacobson.

All of the persons have signed the attached petition except for Paul Chamberlin, Arnold Fairclough and C.E. Jacobson for City Electric.

Additional people who have been notified of the hearing are listed below:

George C. and Marget E. Hanson	Dennis Lind	Jean Wilcox, Deputy County Attorney
Big Timber Mt. 59011	201 W. Main	Dick Colvill, County Surveyor
	Missoula, Mt.	

She stated that the notice of hearing was published in the Missoulian on September 8, 1985, in accordance with the requirements of M.C.A. 7-14-2601.

Chair Ann Mary Dussault opened the hearing to public comment, asking that proponents speak first. The following people spoke:

1. Dennis Lind, representing the law firm of Datsopoulos, MacDonald and Lind, representing Maynard Sticht, said that Mr. Sticht was the person most interested in this vacation. He said that mainly this proposal would allow the improvement and expansion of existing facilities for M & A Transport Company and for City Electric.

No one else came forward to testify either in support of or in opposition to the vacation.

Ann Mary Dussault closed the public comment portion of the hearing, and asked County Surveyor Dick Colvill if he had a recommendation on this vacation, and he replied that since it's not a County-maintained road, he did not have any objections to vacating it.

Barbara Evans asked Dennis Lind if he were representing Anna and Maynard Sticht, and he replied that he was. She said that the information provided by Recording Division Manager Donna Cote had stated that the request for vacation petition had not been signed by Paul Chamberlin, Arnold Fairclough and C.E. Jacobson, and asked if anyone opposed the request.

Dennis Lind stated that Mr. Fairclough had signed an agreement approving the vacation, and Paul Chamberlin had also signed one.

Barbara Evans said that the Commissioners could not take action at this meeting because State law requires that one Commissioner and the Surveyor are required to go out and make a site inspection after the hearing.

The decision on this was therefore postponed to the public meeting of the 25th, with the intention that a site inspection would be scheduled during the week preceeding that meeting.

✓ ✓ HEARING: ESTABLISHING THE RATES TO BE CHARGED FOR THE SEELEY LAKE REFUSE DISPOSAL DISTRICT

Chair Ann Mary Dussault gave the following background information supplied by Carole DeMarinis, Administrative Aide for the Board of County Commissioners: The Seeley Lake Refuse Disposal District proposes to establish a fee schedule which will reduce the rate for a full-time residential unit from the current \$42 per year to \$28 per year. The District also proposes to change the rate to be charged part-time residential units within the Refuse Disposal District from one-half to three-quarters of a full residential unit. The effective rate for part-time residential units will remain at \$21 per part-time residential unit within the District.

Information was also provided that notice of the proposed changes appeared in The Missoulian on August 18 through 27, 1985, and that five letters of protest were received by the Clerk and Recorder's Office within the allowed protest period.

Before opening the hearing to public comment, Chair Dussault clarified the following matter with Deputy County Attorney Mike Sehestedt: She asked whether, if sufficient protest were not received, the fees automatically go into effect, or whether the Board of County Commissioners had the discretion of either accepting or rejecting the recommendation of the Seeley Lake Disposal District. Mike Sehestedt replied that if a protest against a change in a rate structure is received from 50% or more of the family residential units in the proposed district, the Commissioners must hold a hearing and, following the hearing, determine an acceptable fee to be charged for garbage service. He said that in the absence of a protest of 50% or more of the family units in the refuse disposal district, the Commissioners may, but are not obligated to, hear testimony on the issue.

Ann Mary Dussault restated this, stating that her understanding of what he meant was that had there been sufficient protest, a hearing was required; but since the Commissioners had not received sufficient protest, a hearing was not required but they could go ahead and take testimony. Mike Sehestedt stated that this was correct. Ann Mary Dussault then opened the hearing for public comment. The following people spoke:

1. Jesse Pierce stated that he did not believe that the change should go into effect because that would be raising the rates for summer-home owners, or part-time owners, and most of them only spent week-ends at the lake about three months of the year. He said that he felt that if people lived in the area for six months, they should pay the full-time unit cost. He said that the residents had tried on numerous occasions to get a refuse district in that area and it had failed, but finally the summer home owners had agreed that they would join the effort if they could be charged a half-unit rate. He said that after negotiating that point, he felt that this year's proposal would be a breaking of faith with the summer home owners.

2. Dan Mizner, newly elected president of the Sons and Daughters of Lake Inez Association, stated that there were some sixty-four part-time resident cabin or property owners around the lake, and referred to a letter he had sent to the Commissioners before the hearing. In addition, he had done a little research before the meeting, and said that for all of the people at Lake Inez who are part-time owners, it is a forty-mile round trip to take garbage to the dump. He said that he had checked with those people and had found out that practically none of them take their garbage to the dump, but take it back to Missoula when they come home. He said that he lives in East Helena, and he takes his garbage home to East Helena rather than make a forty-mile round trip. He said that when you stop to think that those people in that

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area, whether they be Seeley Lake part-time residents, or Lake Inez residents, or part-time residents at some of the other lakes in the area, they are mostly there on the week-ends. He said that he thought that a concession of 50% was a good concession in the first place, and if there was some justice to establish a rate at the 50% to get the disposal area established and taking into consideration that if you lived there six months of the year and used the disposal area, then 50% would probably be a good division of the costs. He said that, on the other hand, most of those people, at least 80 or 90% of them, are only there on weekends, and are only having garbage developed over a period of three or four days each week, and it does not in any way come up to even the 50% that was established in the first place. He said that therefore, on behalf of those owners of property and users in the garbage disposal district, he wanted to represent them in a protest against the proposed change in rates by the 64 units at Lake Inez.

3. A.L. Ainsworth stated that he has a cabin on Placid Lake and that he was first aware of the proposed change when Earl Helms called him. He said that he hadn't read the proposal in the paper and had been unaware of the proposed changes in the refuse district. He said that he had served as a representative from Placid Lake for a number of years on the board that was attempting to set up a disposal district up there. He said that he thought personally, agreeing with Mr. Mizner, that the present fee schedule was adequate. He said that he is retired, and he goes up to the lake about as much as anyone else who's a part-time resident, but he doesn't go up there except for week-ends, and he does bring his garbage to town. He said that he doesn't know how long the dump has been operative, but he had never visited the dump, he couldn't tell them where it was, and he had never used it, but he was not complaining. He said that he was perfectly willing to pay the half-yearly fee, which he felt was fair, but he felt that most of his neighbors, and most of the Placid Lake people, use the dump about the same as he did. He said that he didn't think that they used it a great deal. He said that he would object personally and on behalf of the Placid Lake people to increasing the part-time percentage as proposed.

4. Earl Helms said that he had been on the board when this refuse district was first set up. He said that it had seemed to him at the time that the set-up of summer home owners paying 50% was fair and adequate, but if there had to be some changes made, it would seem to him that the same percentages of reduction should be made for all the people in that area, not just for the permanent residents, but for the part-time or summer home residents. He said that if it isn't done that way, it seemed to him that this was discrimination, and he did not believe that that should be allowed.

5. Dr. Leonard Brewer said that he was previously chair of this homeowner's group at Lake Inez, and he supported what Mr. Mizner's and Mr. Helm's comments were to the Board.

There was no further testimony. Ann Mary Dussault closed the public comment portion of the hearing.

Barbara Evans wanted to know, since she was not present at the Seeley Lake Refuse District Board meeting at which the rate structure change was proposed, what the discussion was on this reduction for the full-time homeowners and increase for the part-time owners.

Ann Mary Dussault said that before she answered Barbara Evan's question, she wanted to ask Jesse Pierce a question: She said that she and Jesse Pierce both sit on the Seeley Lake Refuse District Board, and she remembered distinctly when the Board made the decision to recommend this rate structure, asking him if he thought it was, in the end, fair and equitable, and he had replied, "Yes".

Mr. Pierce said that he made no comment to that question.

Ann Mary Dussault said that he and she had a different recollection of that. She also asked those who had testified, just to be sure that the Commissioners understood what the issue was here, if they understood that the actual amount of money paid by the part-time residents would remain the same as it was last year--there is no difference in the amount of money to be paid.

Mr. Pierce said that if the rates were increased eventually, the amount they paid would be increased, but at the present level they understood that the rates would be the same.

Ann Mary Dussault said that under the proposed unit cost, the amount of money they paid would be exactly the same as it was last year. She said that she wanted to make sure that that was understood: in other words, 50% of the former rate equals 75% of the proposed rate, or \$21. She said that last year, everyone in the district was assessed for eleven months, and the difference was that everyone would be assessed for twelve months this year because the contract for the Refuse District started in August rather than July, so last year's assessment was based on eleven months of the year.

A.L. Ainsworth said that it was his understanding that the fees were set up on a unit basis of about \$3.50 per month, and that the part-time people were paying for six months of the year, and that the Seeley Lake People were paying for twelve months of the year. His understanding of the current proposal was that the part-time residents would pay for nine months of the year, and his understanding was that he had paid \$21 last year for six months at \$3.50 per month, and that a new proposal would raise it to nine months at \$3.50 per month for the part-time residents, and asked if that assessment were correct.

Ann Mary Dussault said that putting it that way was correct: the annual amount of \$21 was exactly the same.

A.L. Ainsworth said that it wouldn't be the same under the new proposal as it would be for nine months instead of six months.

Janet Stevens said that that was for the same amount of money: \$21.

A.L. Ainsworth said that he had misunderstood the situation.

Ann Mary Dussault said that she wanted to explain the situation because it was tricky. She said that part of the issue is a definition of part-time. She said that the annual assessment was \$21 last year, and their assessment under this fee schedule was exactly the same.

Dick Ainsworth asked what happened to the full-time residents, stating that their fee would go down.

Ann Mary Dussault said that the full-time unit is going down from \$42 per year to \$28 per year, a significant reduction. She said that the previous year, part-time folks paid 50% of a full-time unit, or \$21. She said that what was being proposed here was that the 50% become in essence 75%, which actually equals the same amount of money.

A.L. Ainsworth asked if it would be possible to operate the district with the reduced fees, and Ann Mary Dussault replied that it would be possible.

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Dan Mizner stated that there was a fallacy in the proposal, in that if the Commissioners decided that if that was not enough money next year, and they wanted to go to \$45 for the full-time units, thiers would go up proportionately. She said that the other thing they were saying was that the district had not needed as much money as had been generated the previous year. He said that what the Commissioners were saying was that the rates at last year's fee schedule had taken care of the problem, which was that so much money was needed, and that amount was gotten by 50% here and 100% there. He said that now what the Refuse Board seemed to be saying was that the full-time people weren't generating as much garbage, but the part-time people were going to pay a higher percentage because they were generating more garbage and that was not true. He said that there ought to be a like reduction for those people. He said that all the Commissioners had to do in the future was to raise the rates for everyone, and adjust the rate proportionately for the part-time people, who don't, after all, generate 75% of the garbage in the district. He said that he thought it was necessary to take a broader look at the whole picture of what's happening when they put the percentage in there. He said that it was fine to say that they wouldn't be paying any more money, but that would be true only until the Refuse Board decided to raise the rates, then the part-time people would be at 75%. He said that the language should be changed to "...six months out of the year," and then he would agree. He said that he didn't think that the present proposal was fair to the part-time owners, and said that he didn't think it was the intention when the disposal district was set up.

Ann Mary Dussault went back to Barbara Evan's earlier question, and said that part of what the Refuse Board deals with is exactly this issue of what constitutes a part-time residence. She said that it was fairly easy for the Board to determine what constitutes a full-time residence or a residence that is capable of being used full-time. She said that it was much more difficult for the Board to determine what constitutes a part-time residence, because that could mean anything from an individual who might use their facility once, to somebody who actually uses their facility a great deal of the time, but not full-time. He said that there were clearly two sides of this issue and they were hearing one of them. She said that the other side was from the business and the full-time folks up there who think that the part-timers ought to be paying exactly the same rate they are. She said that the second issue was that when the rates were originally established, the Board looked at what was being done in comparable jurisdictions. She said that the fact of the matter is that there are some refuse districts which charge everybody the same; there are some that charge three-quarters for part-time people; there are some that charge half. She said that there was no clear guideline in terms of precedence as to what to do. She said that the Board, in essence, made a judgment that tried to balance the political question of trying to please those that want the summer owners to pay a full unit and those of the summer owners who either don't want to pay anything because they bring all their garbage home, or think that half is okay because that's what they always thought it would be, so the Board had basically balanced all those issues. She said that the reality is that the District, because it has a surplus this year, could operate for one year with the revenues produced by lowering the rates to full-time residents, but it could not do that for more than one year. She said that everyone's rates would then go up next year, because it could not generate the amount of money necessary to operate the Bistrict.

Janet Stevens asked if someone had come to the Board and asked for a proportion adjustment. Ann Mary Dussault replied that when the Board set the fees the previous year, which had been the first year of operation, the unit fee had been based on the projections of what those fees would raise. She said that the fact of the matter was that those fees raised more money than it cost the District to operate, so it was in a position of having a surplus. She said that the Statutes indicate that that District cannot carry a surplus, so it had to reduce rates in order to meet its budget.

Janet Stevens asked what had precipitated the percentage change, and Ann Mary Dussault replied that it had been a constant debate at every meeting.

Jesse Pierce said that he hadn't understood Ann Mary Dussault's question at the board meeting. He said that he hadn't understood that rates for everyone would have to be raised next year.

Ann Mary Dussault said that if the rate for part-time residents is lowered this year, then the rates for everyone will probably have to be increased next year.

Jesse Pierce repeated his previous point that in order to get the District started in the first place, the Board had had to agree to allow the part-time people to only pay 50%, or the District would not have been created at all. He said that as soon as the District is formed, the first thing is to raise the percentage that the part-time residents have to pay.

Ann Mary Dussault asked if anyone had anything else to say that had not already been said.

A.L. Ainsworth said that if the Disposal District has a surplus and can reduce the rates for full-time residents, it should prorate the reduction right across the Board to the full-time and part-time residents equally. He said that the full-time rates were being reduced from \$42 to \$28, and asked why the Board didn't equalize that to be fair and give the summer residents a reduction also.

Earl Helms said that when the District had first been set up, they had used simple arithmetic, not athletic algebra. He said that it seemed to him that if the summer home people are there not over 50% of the year, it was not fair that they should be asked to pay over 50% of the rate.

Barbara Evans moved, and Janet Stevens seconded the motion, that the decision on establishing rates to be charged for the Seeley Lake Refuse Disposal District be postponed to the public meeting the following week. The motion carried by a vote of 3-0.

Ann Mary Dussault said that one of the issues here is the definition of a part-time resident. She asked if the part-time residents would agree that if a facility is capable of being year around, the residents would be willing to pay a year-round fee.

A.L. Ainsworth said that he didn't think that was a legitimate point. He said that of the eighty some cabins on Placid Lake, not over four are occupied the year around--if that many. He said that he was going off the deep end saying four, because he knew of two for sure. He said that most of the cabin owners open their cabins on Memorial Day and most of them close up by Labor Day, or by mid-September. He said that they didn't go up there any other time except maybe to cut some firewood, if they do that. He said that he didn't think the proposition that because the dump is available year-round it should be paid for year-round was valid. He said that the Blackfoot Telephone Cooperative put the part-time residents on a part-time usage basis and gave residents a half-year reduction on the rates. He said that if he were going to be a lake resident the year-round and if the dump were available, he wouldn't object to it, but he had never been to the dump.

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Ann Mary Dussault said that the issue would continue to be discussed on the Refuse Board, so people should keep in touch with Jesse Pierce, who was their representative on the Board.

Ann Mary Dussault then declared a five-minute break before the final three hearings.

✓ HEARING: CERTIFICATE OF SURVEY REVIEW--BROWNE (OCCASIONAL SALE)

Chair Ann Mary Dussault read the background material prepared by Deputy County Attorney Jean Wilcox. She stated that Missoula OB-GYN Association Pension Trust proposed one occasional sale and remainder of tract 6B in an area which has been heavily divided by exemptions (in the Big Flat area). Further information stated that answers to question 3 of the exemption affidavit should be sought in greater details since there appears to be a single realtor for the whole "development," as evidenced by "For Sale" signs along Big Flat Road. She then asked Jean Wilcox if she wished to comment.

Jean Wilcox stated that a letter had been sent to Dr. Browne from the Attorney's Office indicating which of the criteria had sent this matter up for Commission review. The first triggering criterion was that this proposed division is a subsequent division of a tract that was created after July 1, 1974, the effective date of the Subdivision Act, in which both an occasional sale and remainder parcel are being created. She then reviewed the location of the parcel on the drawing. She said when the certificate of survey review process had begun, the Commissioners had asked her to illustrate some areas that were being divided by exemptions, and one of the areas that she had picked was the Big Flat area. She showed the Commissioners the layered transparencies showing the divisions by exemption right across the road from plat 6. She said that the parcels had started as 20-acre tracts. She said that the owner is listed as Bruce Daily. She said that most of these had also been subsequently divided. She said that tract 6 had been divided into an occasional sale and remainder by a previous owner, not associated with the Trust. She said that only tract 1 had been divided a second time, but if this proposal went through they would have a division of tract 6.

In regard to the second triggering criterion, she stated that it appears that the proposed tracts will be sold under a common promotional scheme, emphasis on "appears," and connected by a common road with other tracts created by exemptions. She said that the common road in this case was one created in the original twenty-acre tract development.

She stated that the third criterion was that the arrangement of the proposed divisions suggests an intention to create multiple lots when viewed in light of a pattern of exempt transactions occurring on the original parent parcels defined by certificate of survey 1588. She said that COS 1588 is the underlying twenty-acre division, and stated that by the time all of these are put together, there is a pattern of exempt transactions developing which resembles subdivision-like development.

The fourth criterion was that the Comprehensive Plan recommends open and resource use with development at a density no greater than one residential unit per forty acres. She said that she had looked in her file on this area and recalled that some years back, in 1979, a covenant had been entered into between Bruce Daly and the County, effectively transferring development rights from an area that is not conducive to development (an area with steep, wooded hillside) to this area. She said the Comprehensive Plan and the Zoning Regulations were mixed in the area, and went on to explain that the parcel in question was in the "Open and Resource" category, but that very close to it was a denser category, which had precipitated the trading of development rights. She said that overall, unless there had been other divisions that they didn't know about yet in the steep wooded area, this would comply with that covenant.

Commissioner Barbara Evans asked her what the acreage of the splits was. Jean Wilcox referred to the map sent up with the original file, stating that the original twenty-acre parcel had been cut in two once before, and now parcel 6B was going to be split.

Dick Ainsworth, from PCI, representing the property owners, stated that the parcel was 12 or 13 acres, and was going to be cut into two 6½-acre tracts.

Ann Mary Dussault said that the purpose of the meeting was to allow those who wish to file the certificate to furnish information on the proposed split.

Robert Minto, attorney appearing on behalf of Missoula OB-GYN Pension and Profit Sharing Trust, referred to Jean Wilcox's letter of August 30, 1985 to Dr. Browne, and stated that he would refer to the points in the letter by number in order to make it easier for everyone to follow the discussion.

In regard to the first point ("The proposed division is a subsequent division of a tract created after July 1, 1974 in which both an occasional sale and remainder parcel are being created"), he said that he didn't think there was any argument about this. He said that the twenty acres were in fact created subsequent to 1974.

In regard to the second point ("It appears that the proposed tracts will be sold under a common promotional scheme and connected to a common road with other tracts created by exemptions"), he said that he agreed with Jean Wilcox that the word "appears" is important. He said that they contended that Dr. Browne's determination to now divide the property into two six-plus acre tracts is not in any way, shape or form part and parcel of a common scheme. He said that Dr. Browne has no prior relationship to the original developer and, in fact, when he brought this property, he had done so with the idea in mind that it would be a good investment for his trust and potentially would be divided down the road as the need for a tract of that size arose in Missoula County. He said that he was not going to delude them into thinking that he had no intention of doing that when he bought the property, because he did.

In regard to the third point ("The arrangement of the proposed divisions suggests an intention to create multiple lots, when viewed in light of the pattern of exempt transactions occurring on the original parent parcels defined by COS 1588"), he said that the Trust was not creating multiple lots other than the occasional sale parcel and the remainder parcel. He said that they had no interest in any other properties; that they had no intention to offer these lots for sale by any other realtor who has any other property listed in the area, and, as a matter of fact, at this point in time, had no specific plans as to listing the property. He said that they were simply going to divide them at this time and sell one of the parcels in order to comply with the division.

In regard to the fourth point ("The County Comprehensive Plan for this area recommends Open and Resource use, with development at a density no greater than one residential unit per 40 acres", he said that he would say that the zoning regulations on this particular parcel, according to the information he had, was CA-3, which is zoned to one residence per five acres, and he would submit that in his opinion the zoning would take precedence over the master plan in terms of the density. He added that he thought that the



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zoning was probably the result of, or in part a result of, the covenant that Jean Wilcox had referred to that had been entered into in 1979 when density requirements were transferred. He said that they had two extremely marketable pieces of property here in two 6-acre parcels and that Dr. Browne has the right by law, subject to the Commissioners' determination that this is part of a scheme, to exercise his right to an occasional sale during a twelve-month period. He said that Dr. Browne was not part and parcel of anybody else's activities, and he would encourage the Commissioners to determine that this was not an act intending to evade the Subdivision Act and permit the occasional sale to go through. He said that he would now ask Dick Ainsworth if he had any other additional comments.

Dick Ainsworth said that he didn't have any additional comments at this point.

Robert Minto said that Dr. Browne was present and would answer any questions the Commissioners might have to direct to him. He added that technically, the trust owns the property and Dr. Browne is a trustee. He said that this property is part and parcel of the Employee Profit Sharing Trust, and that Dr. Browne does not specifically own it, although it is substantially his account.

Ann Mary Dussault said that one of her questions was what relationship Dr. Browne actually has to the trust. Robert Minto replied that he is one of two trustees of the trust. He said that the trust was the employee trust for Missoula OB-GYN Associates, which is the corporation which consists of Dr. Browne and Dr. McCoy, and that these two doctors and their employees are participants in this trust.

Ann Mary Dussault asked why one would not use the subdivision process to divide this particular parcel.

Dick Ainsworth replied that he would now say something. He said that he thought that realistically, if for no other reason, this parcel is a ways up an existing road that is not a County road as it is not to standards. It is a private road. He said that one of the conditions of subdivision approval is a paved road, and that there would need to be park dedication, or cash-in-lieu of parkland, in this particular instance which would be costly. He said that the cost of doing it was a reason, aside from the park dedication, and aside from having to build a paved road. He said that he did not actually know how you'd sort out the road problem because it's a ways up there and it's not on a County roadway, and he was not sure that they could get it approved through the Planning Board and the Commissioners on that private easement a ways away from the County road. He said that even if you assumed they could, and they assumed that all the paving requirements were waived, and if they assumed that they didn't have to pay any cash-in-lieu of parkland, the cost would probably be triple at least to do the surveying and platting work than it would be to do an occasional sale and remainder. He said that it would perhaps be more like four times as expensive, so the reasons were ones of cost and risk, because they could also spend that money to find out that the answer was no, he couldn't do that, or that he would have to build a \$20,000 or \$30,000 or \$40,000 road. He said that he thought there were a variety of reasons like this that this particular one wouldn't go through the subdivision process. He said that sometimes when they front on a County road he thought there was a potential for problems.

Ann Mary Dussault asked Dick Ainsworth to point out the road that he had been talking about, and he indicated the location on the map relevant to Big Flat Road. He said that just as you get out to Big Flat itself and you start dropping down the hill, you see the bottom where there's been quite a bit of development and then go up the timbered hillside, as you get up there's a fairly big open bench up there and you can see Missoula from one direction and O'Brien Creek from the other.

Robert Minto said that it was his opinion, although subject to great disagreement, that Dr. Browne is entitled to utilize the exemption and that, coupled with the cost factor, he thought was the significant point. He said that to do a minor subdivision for two lots is simply not justifiable in terms of expense. Another factor was the logistics of getting it done.

Ann Mary Dussault asked him how he could argue that when he had sat through the previous portion of the meeting and watched the Commissioner review a number of summary plats where, in fact, the people went through the review process, with no more lots, in some cases, than two. She said that they seemed to be able to handle the subdivision process.

Robert Minto said that he had not been at the meeting when the Commissioners had handled the summary plats; that he had come in late. He said that he still felt that it was a matter of choice, because the law says that people are entitled to an occasional sale in instances like this, and he didn't object to people going through subdivision review, and he thought in many cases it was appropriate, but in this case, the cost/benefit of going through subdivision review simply wasn't there. He said that he felt that Dr. Browne is entitled to exercise his legal right, and he thought that the burden, frankly, was on the County to prove that he is part of a scheme. He said he didn't think the County could do that.

Deputy County Attorney Jean Wilcox said that since Mr. Minto was arguing law, the Attorney General has said that the burden is on the claimant--the individual who wants to divide the property--to prove that he is entitled to do it, and it's not on the County.

Barbara Evans said that she was going to say what she thought so Jean Wilcox or Bob Minto would have a chance to point out to her the error of her ways. She said that it was her understanding of the Subdivision Law that the intent of it was so that families, if they had pieces of land and fell on hard times or whatever, and wanted to provide for their child's college education, have the right to do an occasional sale and a remainder--a family, giving to a family member, etc. She said that it was not her understanding of the law, and she was saying this so that it would give them the opportunity to show her that she's wrong if she was. She said that it was not her understanding that the exemption was put in the law with the eye to using that exemption as a profit-making venture. She said that it was a family-type thing, and it was her understanding of why that law was written, and asked if she was wrong.

Robert Minto replied that there are two exemptions--a family transfer exemption, which was what she was talking about--but what they were trying to do was an entirely different situation. He said that this was not an occasional sale, and was not tied to any particular financial need, but just simply that if they owned a piece of property and wanted to sell off a chunk of it for any reason whatsoever, they had the right to do that, provided that it's not with the intention of evading the Subdivision Act. He said that Dr. Browne and the Trust were not exercising any right or any part of a common scheme, if you will, that is intended to make this thing into a monstrous, non-compliant subdivision. He said that the Trust had bought a piece of ground a number of years ago for investment. He said that if he had turned around and divided it at the time, the Commissioners never would have had the hearing. He said that he had simply held the property until the time was appropriate for its liquidation or its division, and at this point in time, the judgment was made upon--actually, the thing that triggered it was--noticing that there was a sanitary restriction on the property. They had gone back in, done perc tests on it, had the Health Department okay the property for division, and then the decision was made to go forward at this point and do the division. He said that there was nothing in the Subdivision Law or the Session Laws that he could



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find that say that occasional sale is necessarily a hardship situation. The occasional sale is necessarily a hardship situation. He said that an occasional sale option simply is to say, "Hey, we've got a very rigid set of subdivision restrictions here. We're going to make you jump through a bunch of hoops if you want to go into the subdivision business, but if you've got one piece of property, and you want to carve off one piece, provided it meets the other health standards, then we will give you an exemption."

Barbara Evans asked Deputy County Attorney Jean Wilcox to respond to her question. She said that it's hard to know exactly what the intention was when it's not expressly stated in the statutes. She said that usually the way that one looks at intention is to look at the legislative record, and the legislative record on subdivision law is abysmal. She said that the County Attorney's staff had looked into it before, trying to answer questions like this. She said that there are a lot of people, some who were legislators there at the time, and who are people who are involved in various professions such as land development, who are of the opinion that the occasional sale was intended to be used only on a very occasional basis by the large rancher who got into financial trouble and found himself having to sell off a piece of his property, but it's not clear that that is the intention behind the use of exemptions. She said that there are a lot of people who are of the other opinion, and it is difficult to come to any conclusion.

Barbara Evans said that Jean was one of the Commissioner's attorneys, and was to represent them, and wanted to know if the request was, in her opinion, legally an evasion of the Subdivision Act.

Jean Wilcox replied that this is not a legal question, but, the Attorney General says, it is a factual question, which is up to the Commissioners to decide, so she couldn't tell her the answer to that question.

Ann Mary Dussault asked if the Trust had used the certificate of survey process in other investments. Robert Minto replied that this is the first piece of property, and the only piece of property to his knowledge, that the trust has ever divided. He said that the Trust is not in the real estate development business. He said that the Trust is substantially non-real estate in nature, but this piece of property is a parcel that it has in its portfolio.

Ann Mary Dussault said that her own bias in this particular situation was that Jean Wilcox was right that what they ended up with here was an interpretation on the part of the Commissioners in trying to determine whether this constitutes an evasion in their opinion. She said that her own opinion was that in this case, she would not be supportive of allowing the certificate to be filed, and said that she would explain why. She said that she didn't think that the County Comprehensive Plan was at issue because she thought that that issue had been fairly well settled, but it appeared that, in fact, the land was purchased for the purpose of investment and is being divided, basically, for the purpose of investment, and she did not personally have any problem with using land as an asset, and, in fact, dividing it for sale, but what she did take issue with was using this particular method of dividing land as an economic argument, when in fact the purpose here is to basically market an asset. She said that the purpose of the Subdivision Act, and they all knew there were problems with the Regulations, but the purpose there is basically to protect the public, and the more they allowed certificates to be filed in the end simply constitutes a subdivision. She said that there is no question that we have a pattern in this area that, as former County Commissioner Bob Palmer used to say, "if it looks like a duck and walks like a duck and talks like a duck, it's a duck." She said that what they have out there is, in essence, a subdivision of fairly monstrous proportions, of which this parcel is only a small part. She said that she was really reluctant to go through without subdivision review. She said that it was difficult to know where in this process of subdividing land continually we stop and force people to go through the subdivision process. She said that she was inclined to do that at this point.

Robert Minto said that he guessed there were philosophical differences between his and Ann Mary Dussault's opinion on this matter, and he would probably never agree with her. He said that there is a statute which says that any person who owns a piece of property is entitled to an occasional sale, provided it is not done with his intent to evade the Subdivision Law. He said that the word "his" was his word, not the statute's. He said that Dr. Browne is sitting here with a ten-to-twelve acre property, and it is not his intent to evade the Subdivision Law, because he is not in the situation where he is putting together a massive property, or taking a massive property and dividing it up. He said that he granted the point that Bruce Daly had taken the thing and divided it up into twenty-acre parcels, and he said that he could assure the Commissioners that Bruce Daly had intended that eventually this thing would be divided down into five-acre parcels. He said that at the time that was done, it was an accepted practice. He said that the other point he wanted to make was that it was necessary to look at the circumstances and the time in which all of these events and all events with regard to real estate occurred. He said that at the time that the thing was divided up into twenties--well, at one point in time, a hundred years ago, it was all part of one big open expanse, and probably was part of somebody's cattle ranch, and at some point in time subsequent to that, the cattle ranch was divided into two chunks because it was economically expedient, and that was divided down and down again. He said that every piece of land in Missoula City and County is going to ultimately wind up looking like this some way or another, and for the Commissioners to say that Dr. Browne can't divide these pieces of property is for them to say that nobody with a similarly-situated piece of property in Missoula County is going to be able to do that, and what they were going to do, then, was to administratively do away with occasional sale, because it would be discrimination to give it to one and not the other. He said that Dr. Browne is a perfect example of "an innocent party". He said that he was sitting here with a twelve-acre piece of property which he bought, and he wants to divide it into two pieces, and he has a statute that says that he can divide it into two pieces. He said that the statute doesn't say he has to be destitute, and it doesn't say he can't make a profit, but it says that the individual property owner is entitled to one occasional sale on a piece of property in twelve months. He said that he would grant that maybe what you have is a de facto subdivision that can take place out there, but he was not sure that it was appropriate here at the Commission level for it to be stopped, because it was a statutory thing. He said that if the Commissioners have a problem with the development up there, he thought what needed to be done would be to say that all the people who bought from people who bought from Bruce Daly are going to have to all get together and come in here and do a subdivision plat review on this whole thing. He said that he would submit the following two points to the Commissioners: one, that the cost of doing that is enormous. The cost of going through subdivision review, whether they liked to believe it or not, doesn't justify the division of a twelve-acre piece of property into two pieces using the subdivision process.

Ann Mary Dussault said that he was right, they did have philosophical differences on this issue.

Barbara Evans said that Mr. Minto and she probably did not have philosophical differences on this issue. She said that she believed that the Legislature had good intentions when they wrote this law, but a lot of things have happened since the law was written, a lot of circumstances that she thought threw a different light on some things. She said that she could remember the instance of Houle Creek Road. She said that all the land up there was split through certificates of survey. People had bought their parcels with good intentions, they had built their homes and moved up there. She said that the road was too steep in the

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in the winter for fire trucks and emergency vehicles to get up to it, and one winter a trailer had caught fire and a child or children or family members were killed because the emergency vehicles couldn't get up the hill. She said that the Commissioners had been inundated for a long time with requests from folks up there wanting that road cut down, telling them that when they had bought they had been told it was a County road, and all that sort of thing, and so, after being beaten around the head and shoulders many times over that, the County had put out the money to change the grade on that road so that the emergency vehicles could get up there. She said when they had bought their property, the road was in that condition and they should have been able to see that it was a very steep road and should have known that it had been given no subdivision review. She said that the things that should have been provided for the people, and would have been provided under subdivision review, were not provided. She said that this was only an example and was certainly not the only experience that the Commissioners have had with that kind of thing. She said that over a period of time, with these kinds of things happening, one begins to feel that maybe there's some justification for subdivision review, and she felt, in this particular case, that she had to agree with Ann Mary that she couldn't, in good conscience, agree to allow this one to be filed, because she felt there was a very definite difference between a family member or a person who owns the land as a long-time piece of land, and exercises their right to an occasional sale and remainder and this situation. She said that she felt that this should go through summary review, and she was sorry, but that was how she felt about it.

Robert Minto said that she had made a point that things change, and he did not disagree with that. She said that he didn't disagree necessarily that there are circumstances that a development took place exactly as she had said, but he wanted to point out to her that the Legislature had the opportunity in the last session to change this exemption and choose not to do so. He said that this was not a family transaction, but has the right to divide property into two pieces once a year, as long as it's not part of a scheme that's intended to avoid the Subdivision Law, and that was his contention--that Dr. Browne has the right to divide the property by law, unless the Commissioners make the decision that he doesn't, and he did not think that anybody could show that he was part of a scheme. He said that he was not related in any way to the person who divided the property, and, in fact, he was two purchasers removed from the original divider. He said that he had not made a decision to list the property with a particular realtor, as maybe an inference could be drawn by virtue of the fact that there are a certain realtor's signs up all over from around the Big Flat area. He said that he thought that that had more to do with the fact that the realtor in question lives there than anything else. He said that the Commissioners' decision was whether or not Dr. Browne is part of a scheme that is intended to avoid the Subdivision Act, not whether he is entitled to use the occasional sale provision to divide the property. He said that he could tell them as a matter of law that he's entitled to divide it if he isn't part of a scheme, which is the problem. He said he may not disagree that the statute ought to be better defined, but he would certainly agree with Jean Wilcox that the legislative record on this thing is abysmal. He said that he had a better word for it, but he wouldn't use it. He said that it was difficult to argue when you did not have any idea what people meant, and he was a "plain language" person, so when the statute says you get a division in any twelve months unless it is part of a scheme intended to evade the Subdivision Law. He said that Dr. Browne could not be tied back to any common scheme. He said that the fact that he bought a piece of property in a non-subdivision that took place back in 1977 and covenanted in 1979, doesn't make him part of a common scheme. He said that that was the issue here.

Ann Mary Dussault replied that there were a number of Attorney General opinions that begin to interpret this matter of when an evasion occurs, and common scheme is only one of them.

Robert Minto replied that that was the one that was being used to define this particular one.

Deputy County Attorney Jean Wilcox commented that unless the method of disposition is adopted for the purpose of evading the requirements of this chapter (meaning the Subdivision Act), the following exemptions can be taken, and one of those is occasional sale. She said that what you have to decide is whether the purpose is to evade the requirements of the Subdivision Act, and Dick Ainsworth had just stood up and told the Commissioners why the subdivision and platting process is not being used; namely, the road isn't to County standards, they would have the expense of dedicating parkland or cash-in-lieu of parkland which would cost them three times as much, they face the risk of denial because it's subject to Commission approval on the requirements of the act, and then there's the cost of the public review process. She said that those were all requirements of the Act, and Mr. Ainsworth has informed the Board that the reason they were not going through the subdivision process was to avoid those requirements.

Ann Mary Dussault said that what she was attempting to interpret was the fact that she didn't think anyone present was saying that Dr. Browne does not have the right to attempt to divide the land, but she had not heard anything that convinced her that there was reason not to go through the subdivision review process, since, in essence, what they had there was a subdivision. She said that she understood that, narrowly construed, the right to use the occasional sale is written into the statute, but there were clearly other factors there that, in the end, were economic in nature, that were prohibiting, or at least being used as the reasons for not going through the other process.

Robert Minto replied that he disagreed with her premise. He said that what they were doing was taking a very broad issue and breaking it down to a very fine point. He said that what the Commissioners were saying here was that they were going to legislate occasional sales out of Missoula County--not family transfers, but occasional sales--and he said that he would suggest to the Commissioners that there was a difference.

Ann Mary Dussault said that she would suggest to him that based on the history of Commissioner action on these matters, that was not a true statement. She said that there were and have been occasional sales that the Commissioners have allowed to be filed, but the circumstances under which they were being used were far different that this particular set of circumstances, so the generic statement that he had made appeared accurate, but based on what the Commissioners had done under other circumstances, it is not true.

Robert Minto replied that every one of the COS's that had been heard could have gone for a summary subdivision--every single one of them.

Ann Mary Dussault replied that there were in some cases other reasons why they did not that don't exist in this situation.

There were no further statements or testimony made.

Barbara Evans moved that the Board of County Commissioners deny the right to file the proposed division of Tract 6B, COS 1950, based on the reasons given in her statement set forth above.

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Ann Mary Dussault said that she would add to those reasons that the proposed division constitutes a pattern of divisions of a tract created after July 1, 1974 and that it appears that the primary reason for using the exemption is for economic considerations involved in the subdivision review process.

Barbara Evans accepted this amendment to her motion. Janet Stevens seconded the amended motion, and it passed by a vote of 3-0.

Robert Minto asked for a transcript of this hearing.

Ann Mary Dussault said that a letter would be sent to him informing him officially as to their decision, and he could request a transcript of the hearing as well. She added that the Commissioners did not discourage litigation in these matters because it has only been through the process of litigation that the Attorney General and the courts have made decisions on these matters.

✓✓ HEARING: CERTIFICATE OF SURVEY REVIEW--LAMOREUX (OCCASIONAL SALE)

Ann Mary Dussault read the background information that Maynard and Mildred Lamoreux were proposing one occasional sale, no remainder parcel, for a tract located along Miller Creek Road, in an area for which the Comprehensive Plan calls for urban and residential development at a density of 6 dwelling units per acre, but the proposed division complied with both. She then asked Deputy County Attorney Jean Wilcox to do the staff presentation on this matter.

Jean Wilcox stated that the letter which was sent to Mr. and Mrs. Lamoreux, addressed to Larry Lamoreux, who was representing them, indicated that there is really only one criterion that caused this to come before the Commissioners, and that was that these particular claimants had previously divided this same tract by using the occasional sale exemption, once in 1976 and once in 1979, and what they were proposing to do now was to create another occasional sale. She said that it might be somewhat confusing about how all these occasional sales sit within the same tract of land, and after she had sent this up to the Commissioner's Office, Larry Lamoreux had sent her copies of other certificates of survey, which might help explain. She did a rough diagram on the chalk board, indicating that the parcel in question was along lower Miller Creek Road. She said that the total ownership was about ten acres, and stated that that was what had existed prior to July 1, 1974. She indicated the two subsequent occasional sales, and the easement. She said that there was a security interest parcel where the Lamoreux's have their own home. She said that the difference between this request and the one in the prior hearing in terms of review criteria was that the survey they were proposing to file had not defined a separate remainder which looked like another lot. She said that their remainder was actually a fairly large, irregular tract of land, and if they wanted to sell any more, they would have to go through the same procedure once again, or platting, and define what was for sale.

Responding to a question about the purpose of the easement referred to above, Jean Wilcox said that it was an easement that was defined on a certificate of survey, and was half an acre or so.

Maynard Lamoreux added that there were two more houses where they lived, and the old ranch house had been there sixty years. He said that the two parcels which had been sold had been sold to private parties. He said that remainder of the ten acres, the eight acres, he owned, including the road. He indicated the locations of the houses on the diagram. He said that this particular sale was going to a grandson.

Janet Stevens asked what the access to one of the lots which had been sold was, and Maynard Lamoreux replied that there wasn't any access, which was why they had an easement. He said that the road is a private road that he had tried to give to the County, but they didn't want it, which was okay, he said, because he plowed the road two days quicker than they did anyway.

Ann Mary Dussault asked about the two separate lots sold through prior occasional sale (on the upper right of the map). Jean Wilcox said that Mr. Lamoreux owned all the other parcels.

Larry Lamoreux said that there was already a home on the parcel to be transferred, and so there would be no change of use. He said that it was Mr. Lamoreux's original home.

Barbara Evans said that that meant that there was a septic system, a private road, a house and everything. Larry Lamoreux agreed with this. Barbara Evans then said that she didn't have any problem with this one.

Maynard Lamoreux said that when his grandson had gotten married he had promised him that he could have the land there to build a house. He said that interest went to 14% right after that and he couldn't get a loan that he could figure on ever paying out, so he had moved into the house that they had been talking about and had been there for about a year and a half now. He said that he would never pay out the \$18,000 loan remaining on the house, so the grandson might as well have it and pay it out.

Ann Mary Dussault asked for the history of the total parcel. Jean Wilcox replied that this was the tract as it existed in 1974. They owned the whole thing in 1974, and that was the effective date of the Subdivision Act. She said that the two occasional sales were in 1976 and 1979.

Ann Mary Dussault said that her recollection was that in situations similar to this where there was not a particular history of dividing that parcel, and particularly where there is a residence already in existence and being used, and it will not create additional impact in the area, that the Commissioners had approved the certificate for the filing.

Janet Stevens moved, and Barbara Evans seconded the motion, that the proposed occasional sale from the tract described in Book 33, page 1007, records of Missoula County be allowed to be filed for the following reasons:

1. Only one tract is being created for sale to Mr. and Mrs. Lamoreux's grandson;
2. There is already a house constructed on the tract, thus no additional impact is being created; and
3. Although the original tract which was created prior to July 1, 1974 has twice been divided by the occasional sale exemption, no separate remainder parcels were set up for resale. Thus, the Commissioners do not find a pattern of exempt transactions occurring.

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Made part of the motion was that the Lamoreux's understand that the approval was only for the use of the exemption for dividing the property and that the division was not reviewed for adequate access, installation of utilities or availability of public services; nor does this approval obligate Missoula County to provide road maintenance or other services. The motion passed by a vote of 3-0.

✓ HEARING: WILDE/SATTERLEE OCCASIONAL SALE

Information provided by Deputy County Attorney Jean Wilcox stated that the proposal was a division of Tract 54, COS 351, into two parcels by occasional sale and remainder exemptions. Fifty-five 10+ acre tracts were created by COS 351 in June, 1974 (Elk Meadows Ranchettes). The land is located near the Six-Mile area, and the only criterion causing this to come before the Board of County Commissioners was the Comprehensive Plan designation for the area.

Andy Fisher, from Eli & Associates, representing the property owners, stated that he would answer any questions that the Commissioners might have.

Chair Ann Mary Dussault asked Deputy County Attorney Jean Wilcox to explain this situation in more detail. Jean Wilcox replied that this particular division lies in an area that was divided prior to July 1, 1974--the Elk Meadows Tract near the Six-Mile area, which was the reason for the lot number designation on it. She said that it was divided at a time when Subdivision Law exempted tracts ten acres or larger, later changed to twenty acres or larger. She said that under the COS review criteria, the only criterion triggered in this case was the Comprehensive Plan, which recommends a development density of one residential unit per ten acres. She said that as could be seen from the lost sizes, the property owners wanted to divide the lot in half, into five-acre lots.

Commissioner Barbara Evans asked about the status of the rest of the area, and Andy Fisher replied that this would be the twelfth one to be split.

Commissioner Janet Stevens asked what was different about this one as opposed to the request from Dr. Browne. Deputy County Attorney Jean Wilcox replied that the fact that there is no history of previous divisions of this tract, which was created prior to the effective date of the Montana Subdivision and Platting Act on July 1, 1974 is the significant factor.

Ann Mary Dussault stated that the COS review process would clearly be triggered if there were any subsequent divisions of this parcel, and asked Andy Fisher if his clients understood that. He replied that they did. He added that in terms of development, a community water system is available to the proposed lots as well as private roads and there would be individual septic systems.

Janet Stevens asked if the property owners owned any other tracts of land, and Andy Fisher replied that they did not.

Ann Mary Dussault stated that she had no objection to allowing the filing of this particular COS, based on there being no history of previous divisions since July 1, 1974 and the fact that community water systems and roads were already available to people who wanted to build on the lost.

Barbara Evans moved, and Janet Stevens seconded the motion, that the proposed occasional sale and remainder dividing tract 54, COS 351 be approved for the following reasons:

1. There is no history of previous divisions of this tract, which was created prior to the effective date of the Montana Subdivision and Platting Act, July 1, 1974;
2. The purpose of the division is to separate what is currently joint ownership of the entire tract so that each couple can retain ownership of a separate parcel; and
3. The water system and roads are already built.

In addition, the subdividers were to be advised that any further division of Tract 54 would be closely reviewed by Missoula County for evasion of the Subdivision Act. The divisions approved on this date were not reviewed for adequate access, installation of utilities, or availability of public services, nor does this approval obligate Missoula County to provide road maintenance or other services.

✓ OTHER BUSINESS

✓ 1. COMMUNITY BLOCK GRANT APPLICATION: CLINTON HOUSING OR NORCO PRODUCTS

In regard to the previous week's decision of the Board of County Commissioners to approve the submittal of the Norco application as Missoula County's application for CDBG funds, contingent upon Norco being able to secure a letter of commitment from a financial institution for the portion of the funds which would need to be financed through a lending institution, Ann Mary Dussault stated that she had had a communication from First Bank Western in regard to the Norco proposal indicating that they would need an extension for their consideration of the Norco proposal. She suggested granting an extension for a response from a financial institution to September 26, but no later than that. She suggested that if the Commissioners do not have a positive indication from First Bank Western or another financial institution by that date, they would submit the Clinton housing rehabilitation project as Missoula County's application, and at that point direct the Planning Office to be sure that all work that needs to be done on the Clinton project should be completed so that the application could be submitted.

Barbara Evans moved to grant an extension for receiving a letter of commitment from a banking institution for the portion of funds needed by Norco that would need to be funded through such an institution to September 26, and if that deadline is not met, to ask the Planning Office to complete and submit the Clinton housing rehabilitation project as Missoula County's CDBG application. The motion passed by a vote of 3-0.

Janet Stevens asked if steps were being taken to ensure that the application would be hand-delivered, since it was going to be completed at such a late date.

Ann Mary Dussault replied that yes, it would be hand delivered on the 30th of September.

Since there was no further business to come before the Board, the meeting was recessed at 4:10 p.m.

\* \* \* \* \*

September 19, 1985

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

DAILY ADMINISTRATIVE MEETING

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

✓✓ Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement, dated July 1, 1985, between Missoula County and the Missoula County Fire Protection Association, whereby the County will purchase expendable equipment for Quick Response Units (expendable splints, dressings and bandages) as per the terms set forth, through June 30, 1986, for a total amount of \$800.00.

✓ Contracts

Chair Dussault signed the documents for Contract No. 86-012-20032-0 between the Montana State Department of Social and Rehabilitation Services and the Missoula County Commission and between the Missoula County Board of County Commissioners and District XI Human Resource Council for the issuance of food stamps, effective July 1, 1985, through June 30, 1986, for a total amount of \$60,037.00. The contracts were returned to Jean Johnston, Welfare Director, for further handling.

Other Matters Included:

1. The Commissioners approved a request from the Sheriff to add Sgt. Steve Larango to the list of Coroners, effective September 30, 1985; and
2. Dennis Englehard, Personnel Officer reported to the Commissioners on personnel issues at the Weed Department.

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

September 20, 1985

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

Fern Hart  
Fern Hart, Clerk and Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair

\* \* \* \* \*

September 23, 1985

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

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Ediena Gursky as principal for warrant #42325, dated September 13, 1985 on the School District #1 Payroll fund in the amount of \$202.98, 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 #19 (8/25/85 through 9/07/85) with a total payroll for all funds of \$343,355.07. The transmittal sheet was returned to the Auditor.

✓✓ Resolution No. 85-108

The Board of County Commissioners signed Resolution No. 85-108, a resolution setting the time, date, and place for weekly public meetings of the Board of County Commissioners, replacing Resolution No. 81-103, resolving that the Board of County Commissioners will hold its weekly public meetings each Wednesday afternoon at 1:30 in Room 201 of the Missoula County Courthouse Annex and that items of extraordinary public interest may be considered at specially-scheduled evening meetings.

Policy Statement No. 85-D

The Board of County Commissioners signed Policy Statement 85-D, a Departmental Cash Policy, revising Policy Statement No. 5, dated June 10, 1976, as per the steps set forth in the statement.

✓ Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement dated July 1, 1985 between Missoula County and the Western Montana Regional Community Mental Health Center, whereby the County will purchase mental health services for Missoula County residents, as per the terms set forth through June 30, 1986, for a total amount of \$41,809.00.

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

Jail Inspection

In the afternoon, the Board of County Commissioners and Health Department Personnel conducted the quarterly inspection of the jail.

\* \* \* \* \*



September 24, 1985

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:

Memorandums of Agreement

The Board of County Commissioners signed Memorandums of Agreement dated July 1, 1985 between Missoula County and the following organizations:

- ✓ 1. Missoula Senior Citizens Center Association, Inc., whereby the County will purchase 1.) blood pressure screening and educational programs in the subject areas of health and personal safety, and 2.) transportation on days designated for doctor visits and shopping as per the terms set forth, through June 30, 1986, for a total amount of \$5,000.00; and
- ✓ 2. Missoula Food Bank whereby the County will purchase food gleaned and redistribution services, as per the terms set forth, through June 30, 1986, for a total amount of \$6,000.00.
- ✓✓ State Form RW 15

Chair Dussault signed a RW 15 form for the State certifying that Missoula County has possession of all rights of way required for the construction of Project No. BR9032(4) for the construction of the Clark Fork (Kona Ranch) River Bridge and approach fills west of Missoula, and that said right-of-way has either been donated or acquired in accordance with applicable Federal Highway Administration directives, and that the acquisition of right of way for this project does not involve the dislocation of any individual, business, farm or non-profit organization. The form was returned to the Surveyor's office for forwarding to the State.

Other Matters Included:

- ✓ A discussion was held regarding a handicap ramp at 2242 Hillside Drive requested by Chuck Fogle. The Commissioners approved and ordered the installation and painting of the curb.

The minutes of the daily Administrative Meeting are on file in the Commissioner's Office.

✓✓ SITE INSPECTION

In the afternoon, Commission Dussault accompanied Dick Colvill, County Surveyor on a site inspection for the request to vacate a portion of Garfield Street from Trail Street to Dakota Street.

\* \* \* \* \*

September 25, 1985

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 due to illness.

Audit List

Commissioners Dussault and Evans signed the Audit List dated September 24, 1985, pages 4-28, with a grand total of \$85,443,43. The Audit List was returned to the Accounting Department.

PUBLIC MEETING

Chair Ann Mary Dussault called the meeting to order at 1:30 p.m. Also present was Commissioner Barbara Evans. Commissioner Janet Stevens was absent due to illness.

✓ DECISION: REQUEST TO VACATE PORTION OF GARFIELD STREET FROM TRAIL STREET TO DAKOTA STREET

The hearing on this request to vacate a portion of Garfield from Trail Street to Dakota Street had been held at the previous week's public meeting. In the interim, Commissioner Ann Mary Dussault and County Surveyor Dick Colvill had made a site inspection, in accordance with State statute. She stated that it had seemed to them that there would be no reason not to vacate that particular street. She said that there was only one question--about a road of some sort that led into the very end of that area, and Dick Colvill had said he would look into exactly what that was.

Don Ebbutt, from the Surveyor's Office, said that they didn't really know what the road was, but it looked like the Milwaukee Railroad in there and the road looked like it might belong to City Electric, but it wasn't part of what the Surveyor's Office could determine to be public road. He said that it could be a prescriptive easement of some sort.

Barbara Evans said that it had no effect on this particular issue then, and he said that he didn't think so unless it would cut off access to people south of the ditch.

Ann Mary Dussault asked him to indicate on the map what they were talking about, and Mr. Ebbutt did so. The conclusion was that the road didn't really go anywhere and it was not marked, although it was fairly well gravelled.

Ann Mary Dussault said that since she had viewed the site with Mr. Colvill, she would move that the petition to vacate Garfield Street, located in Section 20, Township 13 North, Range 19 West, lying south of the south line of vacated Dakota Street and north of a projection of the north right-of-way line of Trail Street, between Blocks 27 and 28 of Riverside Addition, and between Block 1 of the Shryock Addition and of the Glenn Addition, platted subdivisions in Missoula County, Montana, be vacated for the reasons stated below. Barbara Evans seconded the motion, and it passed by a vote of 2-0.

The reasons for approving the vacation were:

- 1. Because this road has never been maintained by the County; and
- 2. Because it has been determined that the best use for the property is for construction of improvements to Missoula County.



September 25, 1985 PUBLIC MEETING (continued)

✓ DECISION: ESTABLISHING RATES TO BE CHARGED FOR THE SEELEY LAKE REFUSE DISPOSAL DISTRICT

The hearing on this matter had also been held at the previous week's public meeting. Since much opposition to the proposed rate changes for part-time residents had been expressed, the Commissioners had taken the matter under advisement.

Chair Ann Mary Dussault explained that there were actually two issues: whether or not the Commissioners wanted to approve the reduction in rates where those rates are based on a full-time residential unit, and that would affect both full-time residents and businesses, since businesses are calculated based on that full-time residential unit cost. She said that it might be a good idea to look at that question first and then look at the second issue, in regard to the change in the way in which part-time residents are charged, from one-half unit to three-quarters unit.

Barbara Evans said that she was persuaded by the part-time residents that they should be charged at less than three-quarters of the full-time rate. She said that she thought that it was wonderful that the Refuse Board had enough money to be able to reduce the assessments, and she didn't have any problem with that, but she wanted to see that the part-time residents were assessed as they presently are, at a half-time rate. She said that it might be a good idea for the Refuse Board to do some sort of study or to devise some criteria as to how they arrive at the definition of part-time. She asked Ann Mary Dussault if she could put that in the form of a motion.

Ann Mary Dussault said that she thought that the motion would be to approve the reduction in the rate for a full-time residential unit to that figure recommended by the Seeley Lake Refuse District, but to deny their request for a rate change from one-half to three-quarters of a full-time unit for part-time residents. Barbara Evans made this motion. Ann Mary Dussault then seconded it.

In terms of discussion, Ann Mary Dussault said that she thought that the only thing that needed to be said was that because the District has some carry-over funds, they will be able to operate under their current budget for this year with that reduction for part-time residences as well as for full-time residences, but that it would probably necessitate a rate increase for next year across the board for everyone. She said that it wouldn't necessarily be a substantial rate increase, but it probably would occur. She said that she wanted everyone to understand that that probably would be the effect.

The motion passed by a vote of 2-0.

Ann Mary Dussault told Barbara Evans that the other part of what she had said was maybe a direction to the Seeley Lake Refuse Board to define what constitutes a part-time residence for purposes of qualifying for the half-time rate. She said that that was an issue that needed to be discussed and clarified. Barbara Evans also made this motion, and Ann Mary Dussault seconded it. The motion passed by a vote of 2-0.

✓✓ HEARING: PAVING VARIANCE REQUEST (ERNEST AND INGA IBEY)

Under consideration was a variance request from the paving requirements of Planning and Zoning District 6 by Mr. and Mrs. Ibey. Information provided by Planner Mark Hubbell stated that the subject property conformed to the district regulations. He explained that on July 10, 1974, the Missoula County Commissioners had adopted the City off-street parking regulations as a supplement to the development regulations of this district, and that one standard within these regulations required that all off-street parking and driveways be paved.

Mark Hubbell stated that the Planning and Zoning District 6 is one of the citizen-initiated planning and zoning districts, and the one that has been more popularly known as the former Amvets zoning district. He said that he had contacted the Missoula City-County Health Department in order to get their input as to whether or not they thought this variance was warranted, and said that it was their feeling that, subject to three conditions, that they had no opposition to it. The three conditions that they would ask to be placed on this variance are that access and egress driveways be paved from the roadway edge of Montana Street to the property line. He said that this was, in fact, proposed in the site plan, and stated that it appeared that Mr. Ibey had every intent to do that. The second condition proposed by the Health Department was that the interior travel surfaces be constructed of an appropriate cushion material and covered with not less than two inches of crushed gravel, and then the third condition was that the unpaved area should be used only for the mini-warehouses and not as a substitute driveway for the residence of the caretaker.

Mark Hubbell stated that it was the staff's recommendation that after reviewing all testimony and documentation that the Board of County Commissioners approve the request for a paving variance for the Ibey mini-warehouses, subject to the following conditions:

1. That access and egress driveways be paved from the roadway edge of Montana Street to the property line;
2. That the interior travelled surfaces be covered of an appropriate cushion material and covered with not less than two inches of crushed gravel; and
3. That the unpaved area shall be used for the mini-warehouses only and not for a residence or office.

Chair Ann Mary Dussault opened the hearing to public comment, asking that proponents speak first. The following people testified on this issue:

1. Ernie Ibey stated that they felt that using a crushed rock base would help them keep the dust down and would make it much safer for people making deliveries into their warehouses during the winter. He said that investigations concerning some of the other-mini-warehouses with paved driveways had revealed that they had had a severe ice and snow problem during the previous two winters. He said that the ones that had the gravel or crushed rock base were safer in terms of people loading and unloading things into their warehouses. He said that at the same time they had observed no dust problem during the summer with a crushed rock base, and that he had further investigated and pursued the matter with Bob Holm in the Surveyor's Office who said that there is a process that the County is using and that could be used if there ever should be any dust problem, although he didn't think there would be. He said that this was a magnesium chloride spray, which would take care of any problem like that, and he would be very willing to do that. He said that he would, in fact, want to do that because they had a residence right on the property. He said that his son lives in the house, and the dust would bother them more than anyone else.

There were no other proponents. The following people had questions about the variance and comments about the dust problem in the area. None identified themselves as opposing the requested variance.

September 25, 1985 PUBLIC MEETING (Continued)

2. Cecil R. Williams said that he wanted to make sure that there wouldn't be a dust problem because there was already plenty of dust in the neighborhood. He said that he hoped that the chemical that Mr. Ibey had referred to would stop the dust as well as paving.

Barbara Evans commented that magnesium chloride would stop dust.

Mr. Williams said that Mr. Ibey had said he would apply the magnesium chloride if the dust came up, but they didn't want the dust to come up. He said that he didn't know what other kind of gravel they were going to put on it than they had now, but they had had a dust problem since they had laid the gravel.

Mr. Ibey replied that that was why they had the three requirements listed above, including two inches of crushed gravel. He said they didn't have the gravel on there yet.

Mr. Williams said that he had no objections to the conditions above as long as the motion that the Commissioners made had language in it that stated that if there was a dust problem, the driveway would be paved.

Ann Mary Dussault commented that it seemed clear to her that if they approved this variance, that the crushed gravel would have to be maintained indefinitely, and that if, in fact, there was any dust it would not be in compliance with this order, since these conditions were set on it by the Health Department. She said that the other thing she wanted to note was that the County had been using the magnesium chloride as an experiment, and they had used it on the 9-Mile Road. She said that the indications they were getting from the 9-Mile residents indicated that the magnesium chloride has improved the conditions on the road just about 100%, so she felt fairly comfortable that that treatment inhibits dust, and does so on a longer-term basis than any other material than we've used before. She asked if anyone else wished to speak. The following spoke:

3. Burt Thrasher, 1244 Montana, directly across the street from the requested variance, stated that in the process of having been beat over the OK Corral issue, the neighborhood was plagued with hot rods using the streets adjacent to this area, which creates an awful dust problem. He said that he had noticed Champion International watering their egress route from their mill out onto the paved highways, and said that the trucks carry mud out there and when it dries it becomes a terrible problem as far as dust is concerned. He said that they had had dust storms all summer long, and another mini-warehouse is going in kitty corner from the Ibeys, and he, like Cecil, had some qualms about this business ever being completely dust free. He said that he didn't want the Ibeys to have a problem with their variance, but, at the same time, the neighborhood had been trying to create a green belt down there, and the dust is just terrible. He said that if it had to be approved without being paved, he would like to see it approved on a contingency basis so that if there were ever dust from the Ibey warehouse, the paving requirement could be re-instituted because if a variance were approved for this one, there would probably be another variance for the one up the street. He said that the area did not need a lot of dust in that area. He asked how they could go about getting the mud removed that's being left by the trucks from Champion. He said that he had seen the County trucks down there twice this spring cleaning the roads and they had done an excellent job of cleaning things up, but within just a few days it's a mess again.

Barbara Evans said that she would see that someone asked Bob Holm of the Surveyor's Office to get in touch with Champion to see if they'd clean it up because they are very good about that sort of thing.

Ann Mary Dussault asked the secretary to make a note to put that item on the agenda for the next staff meeting between the Commissioners and the Surveyor's Office.

Verne Bowers said that she lives on the corner of California and Idaho and she was not directly affected by the dust, but she did have a question. She said that there had been a posted notice on the telephone pole near Montana and Idaho and it had said "Zoning Request," and she wanted to know what that meant.

Planner Mark Hubbell said that the notice was an advertisement of this public hearing.

Ms. Bowers continued by saying that she lived a block away from the Ibeys, and so it was not a real problem for her, but there were a dozen or more people in the neighborhood who had real bad problems. She said that she was familiar with that because her husband had died of pulmonary problems the previous year, so she wanted to be sure that it wouldn't be any tougher on those people who live across the street from the mini-warehouse than it needed to be.

Mr. Ibey said that one problem that they had noticed was causing quite a bit of the dust was that during the summer they had had a contractor walk off the job and left them because he had a problem with the City in regard to putting a park in, so they had had dirt on the site longer than they had needed. He said that Inez is just not paved and he was not sure it was even gravelled this summer, and it really throws a lot of dust around in that area, so if the County is looking at controlling a dust problem, that might be something that might be of help if the County would spray a little magnesium chloride on Inez. He said that it might help it considerably.

Ann Mary Dussault said that unfortunately, the County would do that only where the residents would share the cost. She said that that was a whole other issue for another time. She asked if anyone else wished to comment on the variance issue. No one else came forward to testify, so she closed the public comment portion of the hearing.

Barbara Evans asked Don Ebbutt from the Surveyor's Office to explain how well magnesium chloride worked.

Don Ebbutt said that it appeared that in the 9-Mile area the magnesium chloride did seem to do a better job of controlling the dust than the dust oil, so they were satisfied so far.

Mr. Ibey said that they were already having a problem with their water in their area and wanted to know if there were any problem with contamination of the water as far as magnesium chloride was concerned.

Ann Mary Dussault said that the information that they had on magnesium chloride was that it is safer environmentally than any other dust oil application in current use. She said that that concern had been expressed in regard to the 9-Mile area too, since the road up there is adjacent to 9-Mile Creek, but apparently what it does is work itself into the soil but does not seep through to any depth that would contaminate.

Barbara Evans said that if there had been any problems, the folks up at 9-Mile would have made it known to the Commissioners, and the only complaint they had received from them was that if they have rain it gets slippery, and it might cause problems on the undercoat of the car because it seems to be some sort of a salt. She said that one of the advantages of using it was that if you apply two coats, it makes a very firm surface that stays, as opposed to dust oiling, which disappears if the road is graded. She said that

September 25, 1985 PUBLIC HEARING (continued)

if they did require Mr. Ibey to put it down, they felt that it would be a very good palliative.

Ann Mary Dussault moved, and Barbara Evans seconded the motion, that, after reviewing testimony and documentation, the Commissioners approve the request for the variance as set forth above, subject to the conditions outlined in the staff report (and set forth below) plus the amendments underlined.

1. That access and egress driveways be paved from the roadway edge of Montana Street to the property line;
2. That the interior travelled surfaces be constructed of an appropriate cushion material and covered with not less than two inches of crushed gravel;
3. That the unpaved area be used for the mini-warehouses only and not for a residence or office;
4. That the interior travelled surfaces not only be constructed of an appropriate cushion material and covered with not less than two inches of crushed rock, but that the depth of rock be maintained as long as this variance is in effect; and
5. In the event that the Health Department determines that condition #2, which outlines the requirement for the depth of gravel, is not effective in controlling the dust, that magnesium chloride or other treatment be required according to specifications of the County Surveyor's Office.

The motion passed by a vote of 2-0.

✓✓ HEARING: CERTIFICATE OF SURVEY REVIEW: JACK SIMMONS (SPLIT OF 20-ACRE TRACT AND OCCASIONAL SALE)

Under consideration was a proposed occasional sale and remainder division of the S $\frac{1}{2}$ , NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sec. 13, T13N, R23W. Information provided by Deputy County Attorney Jean Wilcox stated that Mr. Simmons wants to split a 20-acre tract into a five-acre occasional sale and a 15-acre remainder parcel, initially for security purposes. She stated that this area had been divided into 20-acre and some 40-acre tracts by aliquot part descriptions on deeds. Only one of the 20-acre tracts has been divided into four smaller tracts by exemptions. The area is located along the Petty Creek road.

Jean Wilcox then stated that she had taken the map which had been included in the Commissioner's packets from the subdivision plat books to give them an idea about how that particular section has been divided into aliquot parts. She said that most of it was owned by Pack River but Champion International also owns the shaded areas. She said that there was one other 20-acre tract that had been divided into smaller tracts, but the Simmons tract was only the second one to be divided. She said that the reason that this was coming for their review was because the Comprehensive Plan recommends a density of development at one unit per 40 acres and Mr. Simmons wanted to split the 20-acre tract into a 5-acre occasional sale and a 15-acre remainder parcel because of the need to finance the construction of a home on the 15 acres proposed as the remainder. She said that at some point he might want to sell the five acres, which was why he was using the occasional sale exemption instead of the security interest.

Ann Mary Dussault asked if the security would prohibit him from being able to sell the property at some point in time, and Jean Wilcox replied that it would. She said that that would be a division which would only exist for the purpose of providing security to the lender, and it could not be used by that description to transfer property to a third party.

Ann Mary Dussault asked whether this particular parcel, outside of its first division into twenty acres, had not been previously divided or whether Mr. Simmons had used exemptions as a method of dividing property, and Jean Wilcox replied that he had not. She said that he and his wife and another couple own three 20-acre tracts adjacent to this property.

Dick Ainsworth corrected this statement, saying that that was Mr. Simmons' father. It is Jack Simmons, Jr. who owns the parcel in question, he said.

Ann Mary Dussault made a comment that because of the fact that this particular twenty-acre parcel does not have a history of being split, and that the individuals involved have not used exemptions, she too would agree that this certificate to be allowed to be filed. She stated that she wanted to place one point of clarification on the record, which was the question of the Comprehensive Plan which was coming up as a review criterion on a number of these. She said that the Commissioners did not really have a particularly good methodology of interpreting the Comp Plan outside of the 4 $\frac{1}{2}$  mile jurisdiction. She said that within that jurisdiction, the Commissioners are required to interpret the Comp Plan literally. She said that it was her own belief that the Comp Plan was intended as a guide, and then procedures should be developed to review that guide for actual decisions. She said that she viewed this as one methodology of interpreting the Plan. She said that she personally did not interpret the Plan literally in these cases.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, to approve Jack Simmons' request for a proposed occasional sale and remainder division of the S $\frac{1}{2}$ , NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sec. 13, T 13 N, R23W, based on the following findings of fact:

1. There is no history of exempt transactions on this twenty-acre tract, which was created by aliquot part description, nor is there rapid division of other adjacent twenty-acre tracts occurring to date;
2. The owner of the parcel has not divided land before; and
3. The purpose of the division is to build a house on the remainder by the owner and also to obtain financing on a tract under fifteen acres.

The finding was also made contingent on the following language being printed on the face of the Survey:

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

The motion passed by a vote of 2-0.

✓✓ HEARING: CERTIFICATE OF SURVEY REVIEW--HERCULES INVESTMENT (SPLIT OF 20-ACRE TRACTS)

Under consideration was a proposal by Hercules Investment Syndicate to create six twenty-acre tracts; four by twenty-plus acre exclusion and two by aliquot part (1/32 of a section of land). Information provided by Deputy County Attorney Jean Wilcox stated that the tracts are located in T13N, R23W, west of Missoula

September 25, 1985 PUBLIC MEETING (continued)

Valley near the Petty Creek-Graves Creek Road in forested, mountainous terrain.

Jean Wilcox referred to the map, stating that the parcels in question were located in the Petty Creek area, in section 11. She said that under the subdivision laws, the owners were allowed to transfer by aliquot part rather than by certificate of survey, but they had included it on a survey. She said that the Comprehensive Plan recommends one dwelling unit per forty acres. She said that the other pieces look regular but are considered irregular within the meaning of the law, so they have to have a survey. She said that the Comp Plan recommendation of one dwelling unit per forty acres was the criterion triggering review.

Barbara Evans stated that in her opinion, the Commissioners did not have the power to say yes or no.

Jean Wilcox responded that it was Deputy County Attorney Dusty Deschamps' opinion in regard to splits resulting in tracts of twenty acres or larger that the Commissioners had no jurisdiction to prevent the filing, but that in situations similar to this, the Commissioners had required the property owners to place a notice on the COS indicating that further splits of the twenty-acre tracts would be closely reviewed.

Ann Mary Dussault said that in situations like this, the Commissioners are interested in giving notice to the property owners that they should inform potential buyers that subsequent splits would be closely scrutinized by the Board of County Commissioners. Dick Ainsworth asked if that were something they required to be on the face of the plat and said he didn't recall that. Jean Wilcox said there were two cases recently where this was required: Inez and Harold Brown's request.

Jean Wilcox said that what they had done in one situation where the record set had already been prepared and there wasn't enough room to add the statement was that they had put together an affidavit that goes in the affidavit book in the Clerk and Recorder's Office, and then a notation was made on the record set as to where that affidavit had been filed. She said that at least it was on the record and could be located by reference.

Barbara Evans asked Dick Ainsworth if he understood what they were doing. He said that he didn't agree with it, but he understood what they were doing.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that at the time of the filing, the following language must be on the certificate of survey. The motion passed by a vote of 2-0.

Subsequent divisions of the tracts described on this Survey will be closely reviewed by Missoula County for evasion of the Montana Subdivision and Platting Act. These tracts were not reviewed for adequate access, installation of utilities, or availability of public services, nor does this filing obligate Missoula County to provide road maintenance or other services.

✓ HEARING: CERTIFICATE OF SURVEY REVIEW--RELOCATION OF BOUNDARY--SMITH/MILLER

Information provided by Deputy County Attorney Jean Wilcox stated that this request for COS approval had to do with relocation of a common boundary along Bear Creek Road by Potomac. The only criterion triggering review was that of compliance with the Comprehensive Plan, which designates a density of one dwelling unit per ten acres. The relocation will not change the overall density but will leave a five-acre parcel. Whether the relocation is in compliance is therefore a matter of interpretation.

Deputy County Attorney Jean Wilcox said that that was about it in a nutshell, stating that the property is located near Potomac, and referred to the map attached to the Commissioners' files. She said that what the Smiths and Millers wanted to do was to realign the boundaries of two twelve-acre tracts so that there would be one four or five acre tract and one of about twenty acres.

Dick Ainsworth was present to represent the property owners. Ann Mary Dussault said that there was some indication that this split was more in concert with the lay of the land, and asked him to elaborate on this.

Dick Ainsworth said that he had not made a site inspection, but stated that this was more a result of talking with the two parties. He said that they apparently own and live on those tracts and one of them wants some more ground and one of them wants less, and apparently this configuration fits the terrain a little better, and he thought there was some money changing hands because one of them gets quite a bit more ground than the other one does. He came up to point out the parcels on the map for the Commissioners, stating that Miller owns tract seven and Smith owns tract eight. He said that Mr. Smith lives on his property, and then pointed out the road which runs through the other property, leaving a skinny strip that is of no use to him because he can't get to it and use it. He said that it was of much more use to the other fellow because it's more or less in his back yard however, he did not want or use some of the land on the other side of his property. The other party did want that property as he lived in the area and there was a road to access it.

Ann Mary Dussault asked if there were a residential unit on the parcel that would be created, and Dick Ainsworth replied yes. Ann Mary Dussault said that therefore there would not be additional impact. Dick Ainsworth said that since he had drawn the map, the Smiths and the Millers had decided that they wanted to move the line a little bit more, but it wouldn't affect the decision. He said that it would make the smaller parcel more like five or six acres instead of four or five.

Barbara Evans said that one person wants to get rid of some acreage and the other people wanted to buy it, and Dick Ainsworth replied that that was the case.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the Commissioners grant approval to the relocation of the common boundary, based on the following findings of fact:

1. No new tracts are being created; and
2. There will be no change in development density. In addition, there has been a residence on the smaller tract for several years.

Made part of the motion was that a statement be included in the letter sent to Dick Ainsworth that this finding concerns only the use of the exemptions for relocating property boundaries. The proposal was not reviewed by adequate access, installation of utilities, or availability of public services, nor does this approval obligate Missoula County to provide road maintenance or other services.

The motion passed by a vote of 2-0.

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

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September 26, 1985

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

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Mike McMeekin as principal for warrant #112198, dated September 9, 1985, on the Missoula County payroll fund in the amount of \$828.94 now unable to be found.

Daily Administrative Meeting

At the daily administrative meeting held in the forenoon, the following matter was considered:

- ✓✓ The Commissioners received a report from John Kellogg about the status of the County's CDBG applications. NORCO has not been able to obtain bank financing, and therefore, has not met the conditions imposed by the Board of County Commissioners at its public meeting on September 11 and September 18, 1985. The Commissioners then unanimously agreed to submit the Clinton Housing Rehabilitation proposal and unanimously approved Resolution 85-109 to that effect.

✓✓ Resolution No. 85-109

The Board of County Commissioners signed Resolution No. 85-109, a resolution of the Missoula County Commissioners authorizing submittal of a Community Development Block Grant to revitalize the town of Clinton, and authorizing the Chair to act on their behalf in regard to the application and to provide such additional information as may be required.

The following item was also signed:

✓ Resolution No. 85-110

The Board of County Commissioners signed Resolution No. 85-110, a resolution approving a change in fee schedules for Seeley Lake Refuse Disposal District, resolving that the decrease in service fees for the Seeley Lake Refuse Disposal District is approved and that said fees shall be based on an assessment of \$28.00 per single unit

Other matters included:

- ✓✓ 1. The Commissioners made the following appointments for the District XI Human Resource Council: Howard Schwartz and Leon Stalcup were appointed to the Board for one-year terms, and Jim Johnston and Janet Stevens were appointed to the Program Council for one-year terms; and
- ✓ 2. The Commissioners appointed Scott Green as a "regular" member of the Weed Control Board of Supervisors to fill the unexpired term of Kristin Studer through December 31, 1985.

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

September 27, 1985

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

Indemnity Bond

Chair Dussault examined, approved, and ordered filed an Indemnity Bond naming J & C All-American as principal for warrant #009330, dated April 25, 1985, on the Missoula County General Fund in the amount of \$23.00, now unable to be found.

✓ Swearing-In Ceremony

In the forenoon, Chair Dussault conducted the swearing-in ceremony for Michael Morris, who was sworn in as Justice of the Peace to fill the unexpired term of William Monger through December 31, 1986, effective October 1, 1985.

✓✓ Application forms

Chair Dussault signed the application papers for the Clinton Community Development Block Grant. The forms were returned to John Kellogg in the Office of Community Development for further handling.

Fern Hart  
Fern Hart, Clerk and Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair

\* \* \* \* \*

September 30, 1985

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

✓ Welfare Advisory Board

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

Daily Administrative Meeting

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

✓ Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement, dated July 1, 1985 between Missoula County and Missoula Child and Family Resource Council, whereby the County will purchase coordination of services in regard to child abuse and neglect in Missoula County, as per the terms set forth, through



September 30, 1985 (continued)

June 30, 1985, for a total amount of \$5,000.00, contingent upon receipt of Federal Criminal Justice Block Grant funds by Missoula County.

Budget Transfer

The Board of County Commissioners signed and approved Budget transfer No. 860004, a request from General Services to transfer \$14,500.00 from the sewer services account to the contracted services account to correct an error in the budget and adopted it as part of the FY '86 budget.

Letter Rescinding Petty Cash Fund

The Board of County Commissioners and Susan Reed, County Auditor, signed a letter to Bill Otten, County Weed Supervisor, giving notice that any prior authorization of a petty cash fund for the Weed Department is rescinded, and to deposit the total petty cash fund (\$50) with the County Treasurer.

Other matters included:

The Commissioners voted to approve \$1800.00 for the RC&D incubator project to be taken from the Financial Administration/Contracted Services Account.

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

\* \* \* \* \*

October 1, 1985

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 because of illness.

Audit List

Commissioners Dussault and Stevens signed the Audit List dated October 1, 1985, pages 6-33, with a grand total of \$127,411.01. The Audit List was returned to the Accounting Department.

Daily Administrative Meeting

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the transmittal sheet for pay period #20 (9-08-85 through 9-21-85) with a total Missoula County Payroll of \$348,944.02. The transmittal sheet was returned to the Auditor's office.

✓✓✓✓ Resolution No. 85-111

The Board of County Commissioners signed Resolution No. 85-111, a resolution vacating that portion of Garfield Street lying south of the south line of vacated Dakota Street and north of a projection of the north right-of-way line of Trail Street, between Blocks 27 and 28 of Riverside Addition, and between Block 1 of the Shyrook Addition and of the Glenn Addition, platted subdivisions in Missoula County, Montana.

Quit Claim Deeds

The Board of County Commissioners signed Quit Claim Deeds in conjunction with the above Resolution No. 85-111 from Missoula County to the following individuals for the following described real estate:

- ✓ 1. City Electric for that portion of Garfield street vacated by Missoula County Resolution 85-111 on October 1, 1985, lying adjacent to Lot 10, Block 27 Riverside Addition, up to the centerline thereof,
- ✓ 2. Arnold Fairclough, 1801 Wyoming St. Missoula, Montana 59801 for that portion of Garfield Street vacated by Missoula County Resolution 85-111 on October 1, 1985, lying adjacent to Lot 1, Block 28 Riverside Addition, up to the centerline thereof;
- ✓ 3. Maynard E. and Anna C. Sticht, 1740 Trail Street, Missoula Montana 59801 for that portion of Garfield Street vacated by Missoula County Resolution 85-111 on October 1, 1985, lying adjacent to Lot 2, Glenn Addition, up to the centerline thereof; and
- ✓ 4. George G. and Margaret E. Hansen for that portion of Garfield Street vacated by Missoula County Resolution 85-111 on October 1, 1985, lying adjacent to Lot 6, Block 1, Shyrook Addition, up to the centerline thereof.

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

\* \* \* \* \*

October 2, 1985

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. 85-112

The Board of County Commissioners signed Resolution No. 85-112 a budget amendment for FY '86 for the General Governmental fund, including the following expenditures and revenue, and adopting it as part of the FY '86 budget:



October 2, 1985 (Continued)

<u>Description of Expenditure</u>	<u>Budget</u>
1000-892-440630-749	
County Participation--Dog Pound Remodel	\$6,100

<u>Description of Revenue</u>	<u>Revenue</u>
1000-892-337014	
PILT	\$6,100

✓ Resolution No. 85-113

The Board of County Commissioners signed Resolution No. 85-113, a resolution superseding Resolution No. 82-62 authorizing application for Bank Credit Cards for County Commissioner's Expenses while on County Business.

✓ Resolution No. 85-115

The Board of County Commissioners signed Resolution No. 85-115, a resolution implementing in Missoula County an act of the 1985 Legislature amending section 7-5-2123 MCA, which provides optional publication requirements for minutes of and claims ordered paid by Boards of County Commissioners.

✓ Lease Agreement

The Board of County Commissioners signed a Lease Agreement between Missoula County and Dale's Dairy for real estate in Missoula County described as a parcel of land located in the east one-half (E½) of Section 25, Township 13 North, Range 20 West, Principal Meridian, Montana for a term of seven years, and for the purpose of putting this ground into alfalfa over the seven-year period to initiate agricultural practices which will control the weed growth on the property as well as reduce the potential for grassland fires, as per the terms set forth, for a total sum of \$1.00 rent. The agreement was returned to John DeVore, Operations Officer, for further handling.

✓ Certification of Election Canvass

The Board of County Commissioners, serving as the members of the Board of Canvassers in Missoula County, signed the Certification of the Abstract of Votes and Write-In Votes cast and recounted in the City of Missoula at the City Primary Election held on September 10, 1985, and recounted on September 16, 1985. The form was returned to the Elections Office.

✓ ✓ Notice of Hearing

Chair Dussault signed a notice of hearing on the petition for annexation to the Missoula Rural Fire District for a parcel of land located on Mitten Mountain Road in Pattee Canyon area and more particularly described as follows: Lot D7', in E½ of Section 10, Township 12 North, Range 19 West, setting the hearing date for October 16, 1985 at 1:30 p.m.

Other items included:

The Commissioners met with Jean Wilcox, Deputy County Attorney, and directed her to:

- ✓ 1. Proceed to notify Sorenson and Company (regarding Placer Subdivision) that the County will proceed as previously discussed unless the road project is completed; and
- ✓ 2. Proceed against Datsopoulos on the Tranquility Lodge zoning issue.

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

PUBLIC MEETING

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

✓ ADOPTION OF EMERGENCY RESOLUTION ENACTING A PROCEDURE TO REVIEW DIVISIONS OF LAND 20 ACRES OR LARGER FOR SUITABLE ACCESS.

Under consideration was an addition to the agenda, the adoption of an emergency resolution enacting a procedure to review divisions of land twenty acres or larger for suitable access. Ann Mary Dussault said that the emergency resolution enacts a procedure that the Commissioners are required to do under House Bill 791 to review divisions of land twenty acres or larger for suitable access. She said that the essence of what they were doing was adopting by reference the County Road Standards contained in the County Subdivision Regulations as essentially the determining factor of whether suitable access will be determined, and, again according to those regulations, what is termed legal access.

The resolution had been prepared by Deputy County Attorney Jean Wilcox. Barbara Evans said that she was satisfied with the change Jean had made in item no. 4 of the resolution, stating that it had satisfied her concern.

Ann Mary Dussault said that the language set forth in 4a and 4b would appear on a survey of deed or on a separate document following each determination.

Barbara Evans moved that the Emergency Resolution Enacting a Procedure to Review Divisions of Land 20 acres or Larger for Suitable Access be passed, asking that the word "peace" be removed from the fourth paragraph ("Whereas it is necessary for the preservation of peace, health and safety that a review procedure be put into effect immediately in order to comply with H.B. 791 pending review by the Missoula Planning Board and the public, under authority of M.C.A. 7-502202).

Jean Wilcox said that that was the language in the Statute. Ann Mary Dussault said that it probably fit into the category of "Critical Non-Issue".

Barbara Evans then moved the adoption of the Emergency Resolution Enacting a Procedure to Review Divisions of Land 20 Acres or Larger for Suitable Access. Janet Stevens seconded the motion, and it passed by a vote of 3-0.

October 2, 1985--Public Meeting--(Continued)

✓ HEARING--CERTIFICATE OF SURVEY REVIEW--MONTANA BANK OF MINERAL COUNTY (OCCASIONAL SALE)

Information provided by Deputy County Attorney Jean Wilcox stated that the Montana Bank of Mineral County proposed to divide a tract created prior to July 1, 1984 by occasional sale and remainder exemptions. The only criteria requiring Board of County Commissioner review is that the division does not conform to the County Comprehensive Plan which recommends a density of one dwelling unit per forty acres.

Ione Inabnit and Andy Fisher were present representing Eli & Associates, on behalf of their client, Montana Bank of Mineral County.

Deputy County Attorney Jean Wilcox said that the COS was a proposed occasional sale and remainder of a tract which was created in 1972 by deed exhibit. She said that the only criterion triggering review was that the Comprehensive Plan designates the area "Open and Resource" for development at a density no greater than one dwelling unit per forty acres. She said that the property was already out of compliance with the plan and the proposed division would take it further away from compliance.

Barbara Evans asked if there were other examples of non-compliance in that area. Jean Wilcox replied that there were. She said that this is in the 9-Mile Valley and is an area that on the plan is in part shown as "Rural Low Density" designation. She said that there is quite a bit of smaller tract development in that area. She pointed out an area that was designated as a "Neighborhood Commercial--Community Center" type development.

Ann Mary Dussault asked Ione Inabnit if this property were located off 9-Mile Road as you were travelling down the highway, and she replied that you take 9-Mile Road to get to the property, but it did not abut 9-Mile Road. Ann Mary Dussault asked whether, when you get to the 9-Mile House, it was the road up to the Remount Station, and Mrs. Inabnit replied that it was.

Janet Stevens asked if both pieces, after the division was completed, would be on that road, and she replied that the property was not directly on either of these roads.

Janet Stevens then asked how you would access the property, and Mrs. Inabnit replied that she wasn't sure what road it would be.

Barbara Evans asked if there were a private road running to the property, and Mrs. Inabnit replied that there was.

Jean Wilcox said that Remount Road provides the access, and said that both pieces of property were on that road.

Ann Mary Dussault said that if you go east of the 9-Mile House, up the Remount Road, then the parcels would be on the east side of Remount Road, and Jean Wilcox replied yes. Ann Mary Dussault added that Remount Road is a County-maintained road. Jean Wilcox said that that was true, up to a certain point, but she wasn't sure what that point would be.

Ann Mary Dussault said that she did not have a problem with this division because:

1. There is no history of previous divisions of this tract, which was created prior to the effective date of the Montana Subdivision and Platting Act;
2. The owners of the tract have no prior history of using exemptions; and
3. The size and use of the parcels are not contradictory to the existing land-use patterns.

Barbara Evans moved, and Janet Stevens seconded the motion, that the division of the tract described by Deed Exhibit No. 2997 (occasional sale and remainder, Montana Bank of Mineral County) as put forth above and in the affidavit be approved for the reasons stated directly above and contingent upon placing the following language on the face of the Survey:

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

The motion passed by a vote of 3-0.

Ann Mary Dussault asked that potential buyers be warned that they should be cognizant of the fact that if they come in attempting to divide outside of the Subdivision Review process, they were likely to be denied. Ann Mary Dussault told Mrs. Inabnit and Mr. Fisher that they might want to advise their clients to advise potential buyers of this. She added that the reason for that would be that then there would be a subsequent division since 1974.

✓ RESOLUTION 85-114

The Commissioners then signed Resolution 85-114 to enact a procedure to review divisions of land twenty acres or larger for suitable access for certain public and emergency services and to adopt review procedures and criteria in local regulations, in compliance with an act adopted by the 1985 Montana Legislature. The document was forwarded to the Clerk and Recorder's Office for recording.

Since there was no further business to come before the Commissioners, the meeting was recessed at 1:45 p.m.

OCTOBER 3, 1985

\* \* \* \* \*

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

Daily Administrative Meeting

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

✓ Notice of Proposed Sale

The Board of County Commissioners signed a Notice of Proposed Sale of Property owned by Missoula County, located in the 6th block of Toole Avenue, and currently used as an impound lot for abandoned vehicles to the Missoula Housing Authority, setting the hearing date on the proposed sale for October 23, 1985, at 1:30 p.m.

October 3, 1985 (continued)

Other Matters Included:

The Commissioners met with County Auditor, Susan Reed and discussed the use of the new "analyst" position in her office.

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

Reception

Commissioner Stevens attended the reception held for the new Regional Forester at the University of Montana in the afternoon.

\* \* \* \* \*

October 4, 1985

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.

✓ Acceptance of Grant Award

Chair Dussault signed the acceptance form for the grant award from the Department of Energy, Bonneville Power Administration, for Grant DE-FG79-85BP25246- Development of Creative Approaches to the Control and/or Reduction of Peak Load Periods for the Missoula County General Services Department. The form was returned to John DeVore, Operations Officer, for further handling.

  
Fern Hart, Clerk and Recorder

  
Ann Mary Dussault, Chair

\* \* \* \* \*

October 7, 1985

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

✓✓ Resolution No. 85-116

The Board of County Commissioners signed Resolution No. 85-116, a resolution to rezone a parcel of land described as the east 3/5th of lot 2, R.M. Cobban Orchard Homes Addition, from "C-R1" with a planned unit development (PUD) overlay.

October 8, 1985

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

Monthly Reports

Chair Dussault examined, approved, and ordered filed the monthly reports of the Justices of the Peace, David K. Clark and Michael D. Morris for collections and distributions for the month ending September 30, 1985.

Daily Administrative Meeting

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

✓✓✓ Certification of Acceptance for County Maintenance

Chair Dussault signed the Certificate of Acceptance for County Maintenance for Peninsula Place, a paved street built to County standards by the developer as part of the Lakewood Estates Subdivision in the Lolo area. The form was returned to the Surveyor's Office.

✓ Lease Agreement

The Board of County Commissioners signed a Lease Agreement between Missoula County and Opportunity Workshop for approximately 45 square feet, more or less, located in the stairwell of the first floor of the Missoula County Courthouse Annex, for the period from November 1, 1986, through October 31, 1988, as per the terms and conditions set forth, for the purpose of running a lunch training project for handicapped adults to be operated by the Opportunity Workshop. The agreement was returned to John DeVore, Operations Officer, for further handling.

Agreement

✓ The Board of County Commissioners signed an Agreement between Missoula County and Summit (the project consultant) for the purpose of providing professional services for various remodeling projects during fiscal year 1986 on various County facilities, as per the terms set forth. The agreement was returned to John DeVore, Operations Officer, for further handling.

✓✓ Chair Dussault signed acknowledgement and acceptance of a Notice of Assignment by Christopher Capital Corporation regarding the lease purchase agreement dated August 26, 1985, to Winfred M. Farmer, c/o Securities Settlement Corporation Acct. #740-1569012-222, 4800 Main Street, Kansas City, MO. 64112. The notice was returned to John DeVore, Operations Officer, for further handling.

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

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October 9, 1985

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

October 9, 1985 (continued)

Audit List

The Board of County Commissioners signed the Audit List, dated October 8, 1985, pages 5-28, with a grand total of \$139,735.52. The Audit List was returned to the Accounting Department.

Monthly Report

Chair Dussault examined, approved, and ordered filed the monthly report of the Clerk of the District Court, Bonnie J. Henri, showing items of fees and other collections made in Missoula County for month ending September 30, 1985.

Daily Administrative Meeting

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

✓ Contract:

The Board of County Commissioners signed a Professional Services Contract between Missoula County and C.K. Computers, an independent contractor, for the purpose of computer system analysis and programming for the Health Service Division, for the period from September 1, 1985, to January 1, 1986, for a total amount not to exceed \$2,400.00. The contract was returned to the Health Department for further handling.

✓ Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement dated July 1, 1985 between Missoula County and the Missoula-Area Agency on Aging, whereby the County will purchase planning and coordination services of aging programs in Missoula County, as per the terms set forth, through June 30, 1986, for a total amount of \$105,000.00.

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

PUBLIC MEETING

Acting Chair Barbara Evans called the meeting to order at 1:30 p.m. Also present was Commissioner Janet Stevens. Chair Ann Mary Dussault was absent.

There were no items listed on the agenda for this meeting, and no one brought up any business under "Other Business".

The meeting was therefore recessed at 1:30 p.m.

\* \* \* \* \*

October 10, 1985

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

Resolution No. 85-117

The Board of County Commissioners signed Resolution No. 85-117, a budget amendment for FY '86, for the Health Department, including the following expenditures and revenue, and adopting it as part of the FY '86 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2270-610-447100-356 Common Carrier	\$1,184
2270-610-447100-311 Printing	100
2270-610-447100-357 Travel, Meals, Lodging	284
	<u>\$1,568</u>

<u>Description of Revenue</u>	<u>Revenue</u>
2270-612-344064 From \$20 per person attending AIDS Conference	\$1,568

Resolution No. 85-118

The Board of County Commissioners signed Resolution No 85-118, a budget Amendment for FY '86 for the Accounting Department, including the following and adopting it as part of the FY '86 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
1000-142-410551-946	
Capital-Tech Equipment	
Contract & Accounts Receivable System	(\$3,500.00)
Micro Computer System	3,500.00

Resolution No. 85-119

The Board of County Commissioners signed Resolution No. 85-119, a budget amendment for FY '86, for the General Services Department, including the following expenditures and revenue, and adopting it as part of the FY '86 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
1000-030-480400-111	\$3,188.00
1000-190-411210-111	2,962.00
1000-190-411230-111	14,804.00
1000-190-411250-111	4,085.00
1000-190-411210-141	5,767.00
1000-190-411210-206	492.00
1000-190-411210-311	1,000.00
1000-190-411210-321	275.00
	<u>\$32,573.00</u>

October 10, 1985 (Continued)

Resolution No. 85-119 (continued)

Description of Revenue	Revenue
1000-190-361005      BPA Grant	\$32,573.00

Budget Transfer

The Board of County Commissioners approved and signed Budget Transfer No. 860005, a request from the Weed Department to transfer \$390.75 from the County Participation Account to the Radio Maintenance Account because the money was eliminated from this line item in the budget process.

Approval of Contract Modification

The Board of County Commissioners signed Missoula County's approval of a contract modification for audit services by Dobbins, DeGuire and Tucker, which changes the scope of engagement from compliance with the Single Audit Act of 1984 and OMB Circular A-128 to Attachment P to OMB Circular A-102. The approval letter was returned to the audit firm for forwarding to the State.

\* \* \* \* \*

October 11, 1985

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

Indemnity Bonds

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


1. naming HOP Industries Corporation as principal for warrant #13314, dated June 28, 1985, on the Missoula County General Fund in the amount of \$62.20 now unable to be found; and
2. naming Bamma E. Taylor as principal for Warrant #115228, dated September 19, 1985, on the Missoula County Trust Fund in the amount of \$150.00, now unable to be found.

October 12, 1985

Homecoming Parade

Commissioners Dussault and Stevens participated in the University of Montana's Homecoming Parade which was held Saturday forenoon.

  
Fern Hart, Clerk and Recorder

  
Ann Mary Dussault, Chair

\* \* \* \* \*

October 14, 1985

The Courthouse was closed for the Columbus Day observed holiday.

October 15, 1985

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

Daily Administrative Meeting

At the daily administrative meeting, the following items were signed:

Budget Transfer

The Board of County Commissioners approved and signed Budget Transfer No. 86006, a request from the Sheriff's Department to transfer \$10,126.00 from the Contractual Services (\$2,200.00) Permanent Salaries (\$6,392.00), and Fringe Benefits (\$1,534.00) accounts to the Clothing allowance account because of an oversight in not budgeting for this.

Resolution No. 85-121

The Board of County Commissioners signed Resolution No. 85-121, a budget amendment for FY '86 for the Health Department including the following expenditures and revenues, and adopting it as part of the FY '86 budget:

Description of Expenditures	Budget
2270-610-442400-328      Contracted Services	\$684.00
2270-610-442400-358      Mileage-County Vehicle	\$ 71.75
	<u>\$755.75</u>

Description of Revenue	Revenue
2270-611-331091 Montana Department of Health and Environmental Sciences is funding additional work needed on the Milltown Superfund project to be completed this year.	\$755.75

October 15, 1985 (continued)

✓ Resolution No. 85-120

The Board of County Commissioners signed Resolution No. 85-120 as follows:

RESOLUTION NO. 85- 120  
FIXING TAX LEVIES FOR MISSOULA COUNTY  
FOR FISCAL YEAR 1985-86

WHEREAS, the Board of County Commissioners of Missoula County, Montana, has approved and adopted the Budget for Fiscal Year 1985-1986 as required by law; and

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

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

WHEREAS, the value of a mill has been determined as \$122,310 County-wide, and a value of \$75,088 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 1985-1986 as moved, seconded and passed by the Board and as detailed below:

MISSOULA COUNTY-WIDE FUNDS	MILLS	ATTACHMENTS
GENERAL FUND	33.15	A and B
BRIDGE FUND	4.00	
POOR FUND	0.24	
FAIR FUND	0.98	
WEED FUND	0.87	
MUSEUM FUND	1.52	
EXTENSION FUND	1.31	
PLANNING FUND	1.94	
DISTRICT COURT FUND	6.00	
MENTAL HEALTH FUND	0.38	
AGING FUND	0.86	
RODENT CONTROL	0.09	
PARK/RECREATION FUND	1.39	
REVOLVING	0.00	
HIGGINS BRIDGE	0.00	
AIRPORT BOND	0.21	
COURTHOUSE BOND	0.00	
LIBRARY BOND	0.36	
MUSEUM BLDG. RESERVE	0.00	
HEALTH INS.	1.02	
CASUALTY INS.	3.00	
AMBULANCE	0.08	
SOIL CONSERVATION	0.38	
CBO TRUST FUND	0.00	
DRUG FORFEITURE	0.00	
CHILD DAYCARE	0.17	
SPECIAL TRANSPORTATION	0.16	
OPEN SPACE	0.15	
CAPITAL IMPROVEMENTS	0.00	
LIBRARY	4.18	
TAMARACK FEDERATION	0.00	
SCHOOL DISTRICT 1	0.00	



October 15, 1985 (continued)

Resolution No. 85-120 (continued)

Resolution No. 85-120 - Page Two

	MILLS	ATTACHMENTS
SANDERS COUNTY	0.00	
LSCA GRANT	0.00	
<b>TOTAL COUNTY-WIDE LEVY</b>	<b>62.43</b>	
<b>MISSOULA COUNTY-ONLY LEVY</b>		
ROAD FUND	14.58	
HEALTH FUND	6.79	
JUNK VEHICLE	0.00	
<b>TOTAL COUNTY-ONLY LEVY</b>	<b>21.37</b>	
CITY OF MISSOULA	120.51	C
MISSOULA COUNTY SCHOOLS	Various	D
STATE OF MONTANA		
UNIVERSITY MILLAGE FUND	6.00	E
STATE ASSUMPTION/COUNTY WELFARE	12.00	
MILL LEVIES ON LIVESTOCK:		F
SHEEP		
COMMISSION FUND 02425	30.00	
BOUNTY FUND 02425	15.00	
SANITARY BOARD FUND 02427	30.00	
OTHER LIVESTOCK:		
COMMISSION FUND 02425	40.00	
BOUNTY FUND 02425	10.00	
SANITARY BOARD FUND 02427	30.00	
<b>SPECIAL FIRE DISTRICTS</b>		
CLINTON RURAL	29.63	G
MISSOULA RURAL	29.64	H
ARLEE/JOCKO VALLEY RURAL	16.49	I
FLORENCE-CARLTON RURAL	15.19	J
EAST MISSOULA RURAL	8.72	K
FRENCHTOWN RURAL	5.63	L
SEELEY LAKE	12.35	M
<b>OTHER SPECIAL DISTRICT LEVIES</b>		
S.O.S. HEALTH CENTER	7.00	N
CARLTON CEMETERY	.78	O
MISSOULA URBAN TRANSIT	8.88	P
MISSOULA COUNTY AIRPORT	2.00	Q
<b>SPECIAL ASSESSMENT DISTRICTS</b>		
RURAL SPECIAL IMPROVEMENT	Various	R
LOLO MOSQUITO CONTROL		S
JOCKO IRRIGATION		S
BIG FLAT IRRIGATION		S
FRENCHTOWN IRRIGATION		S
MISSOULA IRRIGATION		S
FOREST FIRE PROTECTION ASS'N.		S
ELK MEADOWS WATER DISTRICT		S
SEELEY LAKE REFUSE DISTRICT		S

All of the above attached, approved and ordered entered into the official minutes of the Board of County Commissioners of Missoula County this 15th day of October, 1985.

## BOARD OF COUNTY COMMISSIONERS

*Ann Mary Dussault*  
Ann Mary Dussault, Chair

*Barbara Evans*  
Barbara Evans, Commissioner

*Janet L. Stevens*  
Janet L. Stevens, Commissioner

APPROVED AS TO FORM AND CONTENT:

*Michael W. Schestadt*  
County Attorney's Office

ATTEST:

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

October 15, 1985 (Continued)

✓Request for Advance

Chair Dussault signed a Request for Advance form to be submitted to the Bonneville Power Administration for Grant No. DE-FG-79-85BP25246 and is Missoula County's request for an advance to cover expenditures during the first quarter of the project. The form was returned to John DeVore, Operations Officer, for further handling.

✓Contract

The Board of County Commissioners signed a contract dated July 1, 1985 between Missoula County and Motorola Communications and Electronics, Inc., for engineering services and equipment maintenance, as per the terms and conditions set forth, through June 30, 1986. The contract was returned to John DeVore, Operations Officer, for further handling.

✓✓Agreement

Chair Dussault signed an agreement between Missoula County and the Montana Extension Service regarding the County fully-funded positions in the County Extension Office and to determine the responsibilities and procedures of the two parties to operate under this funding situation, as per the terms set forth. The Agreement was returned to the Extension Office for further handling.

Other Matters Included:

The Commissioners approved the Library Board's request to establish the Library's official name as the Missoula Public Library.

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

October 16, 1985

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

Audit List

Commissioners Dussault and Stevens signed the Audit List dated October 16, 1985, pages 6-43, with a grand total of \$1,007,213.16. The Audit List was returned to the Accounting Department.

Indemnity Bond

Chair Dussault examined, approved and ordered filed the following indemnity bonds:

1. Naming Rhonda Nelson as principal for warrant No. 41941, dated July 17, 1985, on the School District No. 1 payroll fund in the amount of \$66.18 now unable to be found; and
2. Naming Verle J. Johnson as principal for warrant #42999, dated September 25, 1985, on the School District No. 1 payroll fund in the amount of \$25.35, now unable to be found.

Daily Administrative Meeting

At the daily administrative meeting, the following items were signed:

Budget Transfers

The Board of County Commissioners approved and signed the following budget transfers for the Health Department and adopted them as part of the FY '86 budget:

1. No. 86007, a request to transfer \$150.00 from the Audio Visual Materials Account to the Printing (\$100.00) and Mileage-County Vehicle (\$50.00) accounts because overexpended appropriations;
2. No. 86008, a request to transfer \$350.00 from the Lab Services and Equipment (\$200.00) and Lab Supplies (\$150.00) accounts to the Office Supplies (\$200.00) and X-rays (\$150.00) accounts because of overexpended budget appropriation and a new line item being created;
3. No. 86009, a request to transfer \$250.00 from the Contracted Services (\$50.00) and Audiovisual Materials (\$200.00) accounts to the Postage (\$50.00) and Office Supplies (\$200.00) accounts to create new line items; and
4. No. 860010, a request to transfer \$1,034.42 from the mileage-County Vehicle Account to the Grant Repayment (\$364.42) and Contracted Services (\$670.00) accounts to create new line items needed.

Payroll Transmittal Sheet

The Board of County Commissioners signed the transmittal sheet for pay period #21 (9/22/85-10/5/85) with a total Missoula County payroll of \$333,813.94. The transmittal sheet was returned to the Auditor's Office.

✓✓Contract

The Board of County Commissioners signed a Professional Services Contract with Andrea Jo Wohlenberg Shannon, an Independent Contractor, for the purpose of creating a solidified plan for the Outpatient Clinic as per the terms set forth, for the period from October 16, 1985, to November 1, 1985, for a total amount not to exceed \$800.00. The contract was returned to the Health Department for further handling.

✓✓Contract

The Board of County Commissioners signed a contract for Nutrition Services between Missoula County and the Western Montana Comprehensive Development Center for contracted nutritionist services, as per the terms set forth, for the period beginning September 1, 1985, and ending June 30, 1986, for payment not to exceed \$1,200.00. The contract was returned to the Health Department for further handling.

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

October 16, 1985 (Continued)

PUBLIC MEETING

✓✓ HEARING: PETITION TO ANNEX A PARCEL OF LAND TO THE MISSOULA RURAL FIRE DISTRICT (A FIVE-ACRE PARCEL OF LAND ON MITTEN MOUNTAIN ROAD IN THE PATTEE CANYON AREA LYNDEN AND CARLA HEITZ )

Under consideration was a petition received by the Clerk and Recorder's Office to annex a parcel of land located on Mitten Mountain Road in the Pattee Canyon Area and more particularly described as follows:

Lot D-7, in the E $\frac{1}{2}$  of Section 10, T12N, R19W, in Missoula County, containing only one parcel of five acres.

The information provided by Recording Div. Supervisor Donna Cote stated that the petition for annexation to the Missoula Rural Fire District was presented by Bruce Suenram of the Missoula Rural Fire District and had been checked and found not to be adjacent to any existing Missoula Rural Fire District Boundary. She stated that the names on the petition of Lynden and Carla Heitz were not on the assessment roll in the Assessor's Office, but that a warranty deed had been recorded in the Clerk and Recorder's Office on March 5, 1985. She noted that the signatures on the petition represented more than 50% of the owners of the privately owned land in the area to be annexed and a majority of the taxpaying freeholders within the area described. She stated further that the Board of Trustees for the Missoula Rural Fire District had approved the petition for presentation before the Board of County Commissioners and had been notified of the hearing date. She stated that the notice of hearing was published in The Missoulian on the 6th and 13th of October, 1985, in accordance with legal publication requirements.

Ms. Cote then referred to her memo dated August 1, 1985 to Deputy County Attorney Michael Sehestedt, which read as follows:

The attached petition for nomination, signed by Lynden and Carla Heitz, is for a parcel of land which is not adjacent to any existing Missoula Rural Fire District boundary; neither are their names on the last completed assessment roll in the Assessor's Office; however, a warranty deed was recorded in the Clerk and Recorder's Office on March 5, 1985, from John M. and Sally L. Seeburger to Lynden and Carla Heitz.

If the County Attorney determines that this petition is eligible for annexation, this office will certify the validity of the signatures and continue processing it.

That memo had been okayed by Deputy County Attorney Michael W. Sehestedt, and the petition had been duly processed.

Mike Sehestedt said that the hearing was only held to determine whether the written protests from a majority of the property owners in the affected area had been received.

Ann Mary Dussault asked him if this level of protest had been received, and Mike Sehestedt replied no. He said that we never do.

Ann Mary Dussault then opened the hearing to public comment, asking if anyone wished to comment on the petition as described above. No one came forward to testify either as proponent or opponent, and she closed the public comment portion of the hearing.

Mike Sehestedt said that the real curiosity in this was that the property in question is not contiguous to any existing Missoula Rural Fire District boundary, but it hardly seemed worth getting into a "major hassle" about, considering that the parcel had been approved for annexation by the Missoula Rural Fire District Board of Trustees.

Barbara Evans asked if this were a situation where if the Commissioners do not get written protest from 50% of the landowners they had no choice but to grant the annexation, and Mike Sehestedt replied that that was true.

Janet Stevens commented that this was the area that was burned in 1977, and Mike Sehestedt said that he was pretty sure that was true, although the Rural Fire District had annexed up there.

Barbara Evans moved, and Janet Stevens seconded the motion, that the parcel of land described as Lot D-7, in the E $\frac{1}{2}$  of Section 10, T12N, R19W, in Missoula County, and containing only one parcel of five acres, be annexed to the Missoula Rural Fire District. The motion passed by a vote of 3-0.

Ann Mary Dussault asked that Mike Sehestedt's statement (above) about written protest be included in the record of this meeting. Mike Sehestedt added that to the best of his knowledge, what he had said about all the hearing being for was to determine whether the written protests from a majority of the property owners in the affected area had been received, and was true to the best of his knowledge.

✓✓ HEARING: PETITION TO VACATE ALLEY IN BLOCK 2, CARLINE ADDITION, WEST OF DITCH, FROM MARGARET TO IRRIGATION DITCH

Under consideration was a petition to vacate the alley in Block 2, Carline Addition west of the ditch, from Margaret to the Irrigation Ditch. The property is located in section 29, T13N, R19W. Background information provided by Recording Div. Supervisor Donna Cote stated that the owners of the property adjacent to the alley, James L. and Vergi Cannon, wished to have the alley vacated for the following reason: to allow full development of the property and to increase the tax base in Missoula County.

Ms. Cote stated that other people who might be affected by the petition and/or had been notified of the hearing are the following: Deputy County Attorney Jean Wilcox, County Surveyor Dick Colvill and Bruce Suenram, the Missoula Rural Fire Chief. She stated that the notice of hearing was published in The Missoulian on October 6, 1985, in accordance with legal publication requirements.

Ann Mary Dussault opened the hearing to public comment, asking that proponents of the vacation request speak first. The following person testified:

Nick Kaufman, of Sorenson & Company, appearing on behalf of Mr. and Mrs. Cannon, the owners of the property in question, and the future buyers, T & T Construction, showed the Commissioners a map of the area. He pointed out the locations of Reserve Street, Eaton, Mount and the Catholic Church property in relation to the parcel in question. He pointed out the portion of the alley proposed to be vacated.

There was no one else wishing to speak as a proponent, and there were no opponents.

October 16, 1985 (continued)

PUBLIC MEETING (continued)

Chuck Wright from the County Surveyor's Office said that the Surveyor's Office had no problems with the proposal, and Deputy County Attorney Jean Wilcox said that the Attorney's Office had no problems with it either.

Ann Mary Dussault closed the public comment portion of the hearing. She informed Mr. Kaufman that state law requires one Commissioner and the County Surveyor to make a site inspection before a final vacation decision can be made, and said that that inspection would be scheduled during the ensuing week and the decision would be made at the following week's public meeting.

✓✓ HEARING: PETITION TO VACATE LIVINGSTON AVENUE ALLEYS IN BLOCK 39 and 44 FROM RESERVE STREET TO CLARK STREET-CARLINE ADDITION.

Chair Ann Mary Dussault read the background information which had been prepared by Recording Division Supervisor Donna Cote. The petition to vacate the Livingston Avenue alleys in Blocks 39 and 44 from Reserve Street to Clark Street, located in Section 32, T13N, S19W, all in Carline Addition, was presented to the Clerk and Recorder's Office by the following parties: Margie A. Maclay and Gant W. Maclay. She stated that the reason for requesting the vacation was to allow development of the parcel in a way that would create jobs. Another reason was to expand the tax base of Missoula County. The following landowners were listed as owning the property adjacent to the requested vacation site:

1. Margie A. Maclay	Grant W. Maclay	Maclay Investments, a Partnership
2415 Clark	1015 Whitaker	consisting of H. David Maclay, Margie
Missoula, Montana 59801	Missoula, Montana 59801	Mae Henricks and Grant W. Maclay
		2415 Clark
		Missoula, Montana 59801

This background information stated that all of the adjacent landowners had signed the petition except Margie Mae Hendricks and H. David Maclay of Maclay Investments. Ms. Cote stated that she had notified Deputy County Attorney Jean Wilcox, County Surveyor Dick Colvill and the Missoula Rural Fire District. She stated that the notice of hearing was published in The Missoulian on October 6, 1985, in accordance with legal publication requirements.

Chair Dussault opened the hearing to public comment, asking that proponents speak first. The following person spoke:

1. Nick Kaufman appeared on behalf of the Jerry Maclay family. He pointed out the site on the map provided to the Commissioners. The property is located near Rosauer's Supermarkert and the Sinclair Gas Station. He said that there was an array of mobile homes and single-family dwellings in the same area. He said that what they were specifically asking for in this case was to vacate the alleys described above. He said that the property was right on the south-east corner of Reserve and South Avenue, and stated that the National Guard Armory was right across the street.

In response to a question from Barbara Evans about the proposed use for the property, Mr. Kaufman replied that the proposed use was for Shopco, and he hoped that negotiations with the City and County would proceed to a logical conclusion that that would be the use, but in the event it was not, they still wanted to close those alleys, and the streets in the previous request vacated.

In response to a question from Barbara Evans as to the current use of the alleys, Mr. Kaufman said that the alleys are not being used as through-ways or driveways, and that Livingston is not being used either.

Mr. Wright said that the County Surveyor's Office did not have a problem with this requested vacation.

There were no other proponents and no one wished to speak in opposition. Ann Mary Dussault closed the public comment portion of the hearing. She stated that, in accordance with state law, a site inspection would have to be made on this vacation request as well as the previous one, and that it would be taken care of during the following week. The decision on the vacation request was therefore postponed to the next week's public meeting.

✓ HEARING: CERTIFICATE OF SURVEY REVIEW--OCCASIONAL SALE, PARCEL LOCATED IN SECTION 18, T12N, R20W--EUGENE AND MARIAN POLETTE

Background information provided by Deputy County Attorney Jean Wilcox stated that the applicants propose to create one occasional sale parcel from a tract pre-dating the Subdivision Law, but which they have previously divided by occasional sale and agricultural exemptions.

Jean Wilcox explained that the factors which caused the proposed occasional sale to come before the Commissioners for review were that they had taken one prior occasional sale and an agricultural exemption on the same tract. She said that all of these parcels are connected by a common road. She said that the affidavit filed by the Pollettes set out in detail the sequence of those divisions and the parties to whom they were transferred. She said that the first occasional sale and the agricultural parcel were both sold to the same person, who still resides there. She said that the Polettes intend to maintain their current residence on the remainder. She said that there was only one parcel, of about two acres, being created. She said that the zoning for the area permitted one dwelling unit per acre, so this request was well within the zoning guidelines.

Janet Stevens asked where the parcel was located, and Jean Wilcox replied that it was located on Upper Miller Creek Road.

Tom Burdett, from Realty World, was present to represent Mr. and Mrs. Polette. He pointed out the parcel in question on a map, stating that the parcel is located off Stonehaven and Terrace Drives.

Ann Mary Dussault asked if the Ag Exemption had been transferred to the owner of COS 925, and Jean Wilcox replied yes. Ann Mary Dussault then asked if that left the Ag Exemption intact, and Jean Wilcox replied yes, that it is under the covenant with the County and can't be used for any other purposes, unless the County rescinds the covenant by mutual agreement.

Commissioner Janet Stevens asked whether there was a house on this proposed occasional sale, and Jean Wilcox replied that there was not a house on the parcel at this time.

October 16, 1985 (continued)

PUBLIC MEETING (continued)

Jean Wilcox said that the Polettes have a house on the whole parcel, and their house would be on the remainder parcel, so the new parcel which would be created would be undeveloped.

Mr. Polette then stated that they have 4.13 acres now, and stated that the map would reflect this. He said that they had planned to sell two acres of that, which would leave them with 2.13 acres. He said that the sanitary permits had been approved, and the County Surveyor had approved the plat.

Janet Stevens asked if there were private septic systems in the area, and he said yes. He said water is available either as a private well or through the City water system, which would come in through the Ravenwood Development. He said that so far as access was concerned, Upper Miller Creek Road, Terrace Drive and Stonehaven Drive, all County-maintained roads, would access the property. He said that this would afford easy access. Janet Stevens asked if Upper Miller Creek Road actually touched that property, and he said that it did, on the very corner.

Ann Mary Dussault said that it appeared that there was a pattern of subdividing on this parcel and asked why they had not gone through the subdivision process. She said that because of the improvements which were already in place, it wasn't necessarily detrimental, but she was wondering why they had not chosen to go through subdivision review.

Tom Burdett said that they had a sale on the property to another party and the sale had been in progress for a couple of months, and they needed to finalize it as soon as possible. He said that they were going through all necessary steps such as sanitation approval from the Health Department and the Surveyor's Office. He said that the Polettes had bought the property in 1956, and at that time they had had eight or ten acres, and they now own four acres, and wished to sell off two of those. He said that the Ag Exemption that had been sold previously was not part of the development in the area. He said that the Polettes have no particular use for the two acres they wish to sell, and the proposed use as a single-family residential was well within the zoning requirements for the area. He said that the approvals from all the other agencies had been acquired, and it was a marketable property. He said that if it is not sold, it would probably add to the weed problem in Upper Miller Creek. He said that the property is bounded across Miller Creek Road by the transformers for the powerline going up in the Bitterroot, which would give them an idea of where the property is.

Ann Mary Dussault asked if the zoning district were a citizen initiated district or a County initiated district and Jean Wilcox stated that it was a County zoning district.

Mr. Burdett stated that this particular property is not located in any subdivision, but was purchased by the Polettes before there were any subdivisions, although it adjoins Ravenwood, a subdivision directly north of this property, and there is a subdivision on the other side of Terrace Drive.

Janet Stevens moved, and Barbara Evans seconded the motion, that the occasional sale at 3320 Terrace Drive be approved for the following reasons:

1. The previous occasional sale and agricultural exemption parcels were conveyed to the same property owner and effectively create only one parcel because of the restrictive covenants;
2. A community water system is available to that property;
3. According to the owners, the parcel is approvable for sanitary sewage disposal;
4. The streets next to the property are paved and County-maintained, and no other maintenance will need to be supplied; and
5. The proposal is well within the zoning regulations; and
6. No remainder parcel is being surveyed; thus, only one new parcel is being created.

Janet Stevens further stated that this finding concerns only the question of whether the proposed division evades the Subdivision Act, and that the division was not reviewed for adequate access, installation of utilities, or availability of public services. The motion passed by a vote of 3-0.

Barbara Evans then stated that she wanted to have in the record that the reason she had voted yes was based on the following reasons:

1. The property split is well within the time frame allowed by law; and
2. She had no reason to believe that the Polettes were trying to avoid the Subdivision Act.

There was no further business to come before the Commissioners, and the meeting was recessed at 2:00 p.m.

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October 17, 1985

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 because of illness.

Daily Administrative Meeting

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

Budget Transfers

The Board of County Commissioners approved and signed Budget Transfer No. 860011, a request from the Art Museum to transfer \$625.00 from the Fringe Benefits Account to the Permanent Salaries Account as the expense pattern was unanticipated in the budgeting process.

Contract

The Board of County Commissioners signed a Professional Services contract with Joan Schweinsberger, an

October 17, 1985 (Continued)

Independent contractor for the purpose of entering land base data on the Environmental Health Division's computer, and assisting the staff in Water Quality research for the Water Quality Advisory Council for the period from October 1, 1985, through December 31, 1985, for a total amount not to exceed \$1,550.00. The contract was returned to the Health Department for further handling.

✓ Agreement

The Board of County Commissioners signed an agreement for services between Missoula County and John B. Stone for snow plowing the County Sunset Hill Road in the Greenough Area from the Blackfoot Bridge to the first ranch driveway, as per the terms set forth, at the rate of \$25.00 per hour for the period from December 26, 1985, through March 15, 1986. The agreement was returned to the Surveyor's Office for further handling.

✓ Resolution No. 85-122

The Board of County Commissioners signed Resolution No 85-122, a resolution correcting a park name listed in Resolution No. 85-105 as follows:

RSID # 903-Lincolnwood Sewer Maintenance District

RSID # 907-Parkside Park Maintenance RSID

THESE NAMES SHOULD READ:

RSID # 903-Lincolnwood Sewer Maintenance District

RSID # 907 Willow Park Maintenance RSID

✓ Approval of Plan of Service


Chair Dussault signed approval of the revised FY '86 Tamarack Library Federation Plan of Service and Budget. The form was returned to Ted Schmidt, Library Director, for forwarding to the Montana State Library in Helena.

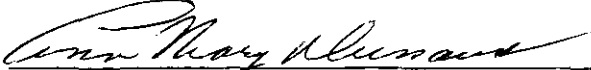
The minutes of the daily administrative meeting are on file in the Commissioners Office.

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October 18, 1985

The Board of County Commissioners did not meet in regular session; Commissioner Stevens was in Helena attending a meeting, and Commissioner Evans was out of the office all day.

  
Fern Hart, Clerk and Recorder

  
Ann Mary Dussault, Chair

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October 21, 1985

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

Daily Administrative Meeting

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

✓ Resolution No. 85-123

The Board of County Commissioners signed Resolution No. 85-123, resolving that Missoula County accepts a portion of Grant Creek Road dedicated by Nick and Claretta Mariana for public road and all other public purposes located in the Southeast one-quarter (SE¼) of Section 16, Township 14 North, Range 19 West, Principal Meridian, Montana, containing 0.23 acres more or less.

Budget Transfer

The Board of County Commissioners signed Budget Transfer No. 860012, a request from the Weed Department to transfer \$2,095.00 from the Office Equipment Rent/Lease account to the Capital-Technical Equipment Account as it was found to be cheaper to purchase a copier rather than lease it.

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

✓ Site Inspections

Commissioner Stevens accompanied County Surveyor, Dick Colvill on site inspections for the two requests for alley vacations in the Carline Addition.

✓ Meeting with Clinton Residents

In the evening, the Board of County Commissioners met with residents of Clinton at the Clinton Community Center.

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October 22, 1985

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



October 22, 1985 (Continued)

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated October 22, 1985, pages 4-30, with a grand total of \$952,129.15. The Audit List was returned to the Accounting Department.

✓ Daily Administrative Meeting

A discussion was held regarding dissolving the 5-Valleys Economic Development District and solving the problem with EDA. A meeting will be held regarding this issue.

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

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October 23, 1985

✓ Approval of Change in Polling Place

The Board of County Commissioners signed approval of changing the designated polling place for Potomac Precinct #25 from the Potomac School to the Potomac-Greenough Community Center. The form was returned to the Elections Office.

Other items included:

- ✓ 1. The Board of County Commissioners approved the appointment of Orin Olsgaard, DES Coordinator, to the Fire Master Planning Committee;
- ✓ 2. The Commissioners approved an allocation of up to \$500.00 to bring representatives from the National Corrections Corporation to Missoula for a meeting regarding jail privatization to be held on November 14. The money will come out of the Sheriff's Jail Planning Budget;
- ✓ 3. The South Hills Drainage problem was discussed. A meeting will be held with City personnel to assess the City's interest in participation; and
- ✓ 4. The Commissioners approved the installation of a phone line to City Hall if KUFM wants to broadcast the election returns, but there will be no other commitment at this time.

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

PUBLIC MEETING

Acting Chair Barbara Evans called the meeting to order at 1:30 p.m. Also present was Commissioner Janet Stevens. Commissioner Ann Mary Dussault was absent as she was participating in a workshop in Helena.

✓ DECISION: PETITION TO VACATE ALLEY IN BLOCK 2, CARLINE ADDITION, WEST OF DITCH, FROM MARGARET TO IRRIGATION DITCH

The hearing on the petition to vacate the alley located in Block 2, Carline Addition, west of the ditch, from Margaret to the Irrigation Ditch, was held at the October 16, 1986 public meeting. In accordance with state law, Commissioner Janet Stevens and County Surveyor Dick Colvill made a site inspection of the parcel proposed to be vacated.

Janet Stevens moved, and Barbara Evans seconded the motion, that the petition to vacate the alley in Block 2, Carline Addition, West of the Ditch, from Margaret to the Irrigation Ditch, be granted for the reasons that the alley is not a through-way and if the adjacent parcel were developed it would expand the tax base of Missoula County. The motion passed by a vote of 2-0.

✓ DECISION: PETITION TO VACATE LIVINGSTON AVENUE ALLEYS IN BLOCKS 39 and 44 FROM RESERVE STREET TO CLARK STREET--CARLINE ADDITION

The hearing on the petition to vacate the alleys located on Livingston in Blocks 39 and 44 from Reserve Street to Clark Street (Carline Addition) was held at the October 16, 1985 public meeting. In accordance with state law, Commissioner Janet Stevens and County Surveyor Dick Colvill made a site inspection of the parcel proposed to be vacated.

Janet Stevens moved, and Barbara Evans seconded the motion, that the petition to vacate alleys on Livingston Avenue, Blocks 39 and 44, from Reserve Street to Clark Street, Carline Addition, be granted for the reasons that the alleys are not through-ways and if the adjacent parcel were developed, it would expand the tax base of Missoula County. The motion passed by a vote of 2-0.

✓ HEARING: ACQUISITION OF COUNTY PROPERTY ON TOOLE STREET BY MISSOULA HOUSING AUTHORITY

Under consideration was a proposal for sale of County-owned property located on the 6th block of Toole Avenue (currently the Impound Lot) to the Missoula Housing Authority. Background information stated that on the advice of Missoula Housing Authority Chairperson Angela Santamaria and Architect James Hoffman, representatives of the Housing Authority met with the Commissioners and Deputy County Attorney Mike Sehestedt and County Operations Officer John DeVore to discuss the possible acquisition of a piece of property on which to build 15 units of multi-family housing, and is under a deadline set by the Department of Housing and Urban Development to select and purchase the property. The purpose of the hearing was for the Commissioners to determine whether the proposed sale of property as listed above is in the public interest.

The notice of proposed sale which was published in the October 6, 13, and 20th issues of The Missoulian, in accordance with legal publication requirements, stated that pursuant to section 7-8-101 MCA the County is considering the sale of the property located in the 6th block of Toole Avenue and currently used as an impound lot for abandoned vehicles to the Missoula Housing Authority. The property was more specifically described as: McCormick Addition #2, Block 6, lots 5-9.

Acting Chair Barbara Evans opened the hearing to public comment, asking that proponents speak first. The following two people made the presentation on behalf of the Missoula Housing Authority: James Hoffman and Cecil Barnier:

October 23, 1985 PUBLIC MEETING (continued)

1. James Hoffmann, Architect with the Missoula Housing Authority, stated that he hoped that the County would be able to sell the property to the Housing Authority. He said that the County had requested that the Housing Authority order an MAI appraisal on the property, which they had done. He said that the appraisal was not wholly complete, but the dollar value of the property had been established by R.D. Kemble & Associates. He said that the appraisal would be completed on the 29th of October. He said that the Commissioners would be notified in writing of the dollar value of the property. He said that at the meeting held with County Operations Officer John DeVore and Deputy County Attorney Mike Sehestedt, it had been suggested that the County would sell the property to the Housing Authority at less than appraisal, which would help the project quite a bit. He said that it had been stated that the County could sell it for as little as 70% of the appraisal.

Barbara Evans stated that this hearing was not the place to negotiate the price but only to determine if it is in the public interest to sell the property. She said that if Mr. Hoffmann and Mr. Barnier wished to testify in favor of the proposal and give the Commissioners some reasons, then, if the Commissioners found in favor of that, then they would negotiate the price outside of this forum.

2. Cecil Barnier stated that at the previous meeting with County representatives, the Commissioners had requested that he poll the residents in the area to get a general feeling about what the local people felt about the project. He said that he had not been able to contact everyone. He said that there were three people at home directly across the street, and he said that all of them were ".....all smiles immediately at the thought of getting the lot out of there." He said that they really don't seem to care what they were going to do as long as the cars were gone. He said that he had also gone to the Toole Avenue Grocery Store, which was right across the street, and the owner had volunteered to write on behalf of the Housing Authority purchasing the property. He said that of the five or six people he had been able to talk to, all of them were very much in favor of the idea. He said that there might be some people who are against the ideas, but he couldn't find them.

Mr. Hoffmann said that after the initial meeting of the County, a person had come forward to speak for the owners of the property immediately east of the property, which has a very run-down dwelling there now. He said that that gentleman was very interested in selling. He said that he would sign an option to sell this property, which meant that the Housing Authority could aggregate all of the lots and clean up the whole area.

Cecil Barnier said that the Board of Directors of the Missoula Housing Authority had made it very clear to Mr. Hoffmann and him that they wanted a lot of attention paid to the landscaping of the lot. He said that if the Housing Authority were able to purchase both properties, the appearance of that particular area would be much improved.

Janet Stevens asked if any of the units would be handicap-accessible units, and Mr. Barnier replied that if they could get both properties, one of eleven units there would be handicap-accessible. He also said that the City planned to install new curb and gutter and repave Hill Street. He said that they had no plans for Highland, but that City Engineer Joe Aldegarie had indicated to them that if they improved that property, the City would consider going in and taking care of Highland as well, so the whole corner would be improved enormously.

Deputy County Attorney Mike Sehestedt stated for the record that the sale would necessarily involve a relocation of the Sheriff's impound lot, which should not be insurmountable. He said that someone from the County would have to sit down with the Housing Authority and negotiate both a dollar amount on the sale and determine a date.

Cecil Barnier said that the HUD schedule wouldn't have them constructing the units until June.

Janet Stevens moved, and Barbara Evans seconded the motion, that since there wasn't any public testimony opposed to this proposal the Commissioners pursue, on behalf of Missoula County, selling the property as set forth above to the Missoula Housing Authority, with any provisions remaining, including the purchase price and relocation of the Sheriff's Impound Lot to be worked out with County Operations Officer John DeVore, Coordinating with Sheriff Dan Magone and Deputy County Attorney Mike Sehestedt.

Barbara Evans asked if this decision could be made contingent on working out suitable arrangements. Janet Stevens made this part of her motion. Barbara Evans then seconded the motion, and it passed by a vote of 2-0.

#### ✓ OTHER BUSINESS

Mr. Rudd Jennings, representing St. Ann's Church in Bonner, which had burned down the previous year, stated that they had gotten to the point of rebuilding the church and they were anxious to get the foundation in before a hard frost. He said that they had found out that building a new church, even on the old site, is a non-conforming structure, and they would be held up four to six weeks in getting any comparable building permits. He wanted to know if this process could be speeded up and if they could get some sort of temporary permit. He said that he did not ask for a decision this afternoon, but wanted the Commissioners to be aware of it.

Barbara Evans stated that she had talked with Fritz Thibodeau the previous evening and it sounded to her like they were being denied the building permit based on the fact that that use does not substantially comply with the Comprehensive Plan. She said that since this was unzoned land, the process that the Commissioners had set up for that was that people could come before the Commissioners and ask for a hearing on the matter and the Commissioners would hear it and make a decision on whether to support the Building Inspector's Office in denying the permit or finding if there would be just cause to grant it. She asked Deputy County Attorney Mike Sehestedt if there were any way to speed that process up or if the amount of legal notice and timeframe required would preclude that.

Mike Sehestedt replied that he did not have a definitive answer off the top of his head, but his reaction would be that he suspected that they might be able to amend the procedure to read that where the building is intended to replace a building in existing use, it would be determined to be in compliance with the Comprehensive Plan.

Mr. Jennings stated that the site had been used for St. Ann's Church since 1939. He said that there was a school on one side and a Lutheran Church on the other side. He said that then there was a Highway and a Railroad, and he would not understand how it could suddenly be a "non-conforming use," and if it were merely a technicality, he did not see why they could not circumvent it and get a temporary building permit so that they could get their concrete work done. He said that Fox, Ballas, and Barrow were the architects working on it, so they had reputable people doing this.

October 23, 1985 PUBLIC MEETING (continued)

Janet Stevens suggested that Mike Sehestedt had already suggested that he didn't know all he needed to know to tell the Commissioners what to do, so she thought they should give him a day or two to find those things out rather than reacting without knowledge.

Barbara Evans agreed with Janet Stevens, and Mike Sehestedt agreed with the Commissioners' request that he would have an answer for Mr. Jennings by Monday or Tuesday of the following week.

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

\* \* \* \* \*

October 24, 1985

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:

✓ Plat

The Board of County Commissioners signed the Plat for Lakewood Estates-phase 2C, an amended subdivision of Lots 40 and 41 of Lakewood Estates-phase 2B, a platted subdivision of Missoula County; located on the E½ of Section 26, T.12N., R.20W., the owner being T & T Construction, Inc.

Resolution No. 85-124

The Board of County Commissioners signed Resolution No. 85-124, a budget amendment for FY'86 for the Sheriff's Department, including the following expenditures and revenue, and adopting it as part of the FY '86 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Overtime 2345-350-420142-121	\$1,600.00
Cap-Tech Eqpt Nigh Vision Binoculars 2345-390-420142-946	\$5,500.00

<u>Description of Revenue</u>	<u>Revenue</u>
DEA 2345-350-355020	\$1,600.00
USFS 2345-350-355020	\$5,500.00

Resolutions No. 85-125 through 85-129

The Board of County Commissioners signed Resolutions No. 85-125 through 85-129, budget amendments for FY '86 in conjunction with the grant from the Board of Crime Control, including the following expenditures and revenue, and adopting it as part of the FY '86 budget:

RESOLUTION NO. 85-125:

<u>General-Data Processing</u>		<u>Budget</u>
<u>Description of Expenditure</u>		
1000-230-410580-112	Temp Sal	\$4,989.60
1000-230-410580-141	Fringe Benefits	1,147.61

<u>Description of Revenue</u>	<u>Revenue</u>
1000-230-333002 Board of Crime Control	\$6,137.21

RESOLUTION NO. 85-126:

<u>General-County Attorney</u>		<u>Budget</u>
<u>Description of Expenditure</u>		
1000-090-411101-946	Cap-Tech Equipment	\$1,850
	Terminal \$1,000	
	Printer \$850	

<u>Description of Revenue</u>	<u>Budget</u>
1000-090-333002 Board of Crime Control	\$1,850

RESOLUTION NO. 85-127

<u>General-Ad Staff</u>		<u>Budget</u>
<u>Description of Expenditure</u>		
1000-020-410401-112	Temp. Salaries	\$4,716.40
1000-020-410401-141	Fringe Benefits	1,089.77

<u>Description of Revenue</u>	<u>Revenue</u>
1000-020-333002 Board of Crime Control	\$5,801.17

RESOLUTION NO. 85-128

<u>Poor Fund</u>		<u>Budget</u>
<u>Description of Expenditure</u>		
	none	\$0.00

<u>Description of Revenue</u>	<u>Revenue</u>
2120-645-333002 Board of Crime Control	\$6,300

October 24, 1985 (continued)

RESOLUTION NO. 85-129

CBO's (Community Based Organizations)

<u>Description of Expenditure</u>		<u>Budget</u>
none		\$0.00
<u>Description of Revenue</u>		<u>Revenue</u>
2315-675-333002	Board of Crime Control	[\$19,864]
2315-675-337014	PILT	\$19,864]

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

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October 25, 1985

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 and Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair

\*\*\*\*\*

October 28, 1985

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

✓ WELFARE ADVISORY BOND

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

Daily Administrative Meeting

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

BUDGET TRANSFERS

The Board of County Commissioner approved and signed the following budget transfers and adopted them as part of the FY '86 budget:

1. No. 860012-A, a request from the Sheriff's Department-Drug Forfeiture to transfer \$2,300 from the Public Relations Materials (\$1,500) and Drug Enforcement (\$800.00) Accounts to the Capital-Technical Equipment Account as more money is needed for the micro-computer system; and
2. No. 860013, a request from the Welfare Department to transfer \$1,000 from the Physicians Services Account to the Contracted Services Account because of unanticipated expenses.

✓ AGREEMENT

The Board of County Commissioners signed an Agreement between Missoula County and Doug Wooley to sell gravel to Dr. Wooley from the Dry Gulch Pit on Big Flat Road for the period from October 28, 1985, to December 2, 1985, at the rate of \$.50¢ per cubic yard, not to exceed 100 cubic yards. The Agreement was returned to the Surveyor's Office for further handling.

✓ NOTICE OF HEARING

Chair Dussault signed a notice of hearing on the petition for annexation to the Frenchtown Rural Fire District for the following areas:

Parcels of land located in NW¼ of Section 12, Township 15 North, Range 23 West and more particularly described as follows: Tracts 1,2,3,4,5,6 and 7 of Certificate of Survey 2682, setting the hearing date for November 13, 1985 at 1:30 p.m.

✓ ADDENDUM TO MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Addendum to the Memorandum of Agreement between Missoula County and Missoula Youth Homes, dated July 1, 1984 extending the Agreement to January 1, 1986, with the total value of the Agreement being \$10,000.00; and other than the changes specified above, the terms of the original Memorandum of Agreement remain in effect.

✓ CONSENT TO ASSIGNMENT OF LEASE

The Board of County Commissioners signed the Consent to Assignment of Lease for the Missoula Batting Cages, correctly leased by Richard L. and Kathy Cochran, consenting to the assignment and transferring of the lease to Daniel J. Thornburg and Robert M. Thornburg, but do not waive any rights against Missoula Batting Cages that Lessor has under the lease and expressly reserves the right to enforce the lease as subsequently amended against Daniel J. Thornburg and Robert M. Thornburg. Chair Dussault also signed the Assignment of Lease and Consent of Landlord form for First National Montana Bank of Missoula. The forms were returned to Mike Sehestedt, Deputy County Attorney, for further handling.

✓ Other matters included:

1. The Commissioners voted to approve a transfer of GRS funds to Larchmont Golf Course in the amount of \$3,000.00;

OCTOBER 28, 1985 (continued)

CONTINUED ON PAGE 1320

October 28, 1985 (continued)

- ✓2. The Commissioners approved the motion of the Larchmont Board setting the terms for the new members on the Larchmont Golf Course Board; and
- ✓3. The Commissioners approved proceeding with the NIC (National Institute of Corrections) PONI Plan. NIC will be notified and County staff personnel will proceed with gathering data and appropriate follow-through.

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

OCTOBER 29, 1985

The Board of County Commissioners did not meet in regular session; the Commissioners, along with several County personnel and representatives of the City were in Spokane, WA where they toured the jail and met with various groups and officials.

October 30, 1985

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

#### AUDIT LIST

Commissioners Dussault and Stevens signed the Audit List, dated October 29, 1985, pages 3-26, with a grand total of \$521,300.55. The Audit List was returned to the Accounting Department.

#### INDEMNITY BOND

Chair Dussault examined, approved, and ordered filed an Indemnity Bond naming Accutech Associates, Inc., as principal for warrant #130328, dated April 24, 1985, on the Missoula County Weed Fund in the amount of \$810.00 now unable to be found.

#### DAILY ADMINISTRATIVE MEETING

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

#### ✓✓CONTRACT

The Board of County Commissioners signed a Professional Services contract with the Seeley-Ovando-Swan Health Center in Seeley Lake, an independent contractor, for the purpose of public health nursing services, as per the terms set forth, for the period from July 1, 1985, through June 30, 1986 for a total amount not to exceed \$2,000.00. The contract was returned to the Health Department.

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

#### PUBLIC MEETING

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

#### ✓✓DIVISION OF COS 2492 (two acre Tract on Mill Creek Road-Fred Deschamps)

Nick Kaufman of Sorenson and Company, representing Fred Deschamps, said he had been in the business for eight years, and this was the most interesting request for an occasional sale that he had ever had the opportunity to work on. He indicated on a map where the property in question was located, which is near Frenchtown, the Interstate, and Miller Creek Road. He said in 1973, Mr. Deschamps entered into an agreement with Mr. Lake whereby he would trade one acre of ground for 420 acres of grazing rights on State Land. A survey was done on the one-acre tract and an error was made. A quit claim deed and the certificate were filed in 1978, and in 1984, it was discovered that the property that Mr. Deschamps had deeded to Mr. Lake was not on Mr. Deschamps' property at all. He said in 1984, the first "threatening" letter from Tom Boone was received by Fred Deschamps, saying that the property deeded to Mr. Lake was not, in fact, owned by Mr. Deschamps, and asked Mr. Deschamps to contact the law firm to see if the matter could be worked out without litigation. In September of 1984, the second "threatening" letter from Mr. Boone to Mr. Deschamps arrived, asking for \$10,000 plus statutory interest, for a total amount of \$17,500.00. Nick Kaufman said the next "threatening" letter came on December 10, 1984, and said if the problem were not worked out by the end of the year, a lawsuit would be filed against Mr. Deschamps. The last "threatening" letter, he said, was received in 1985, and referred to a resolution of the problem, and noted that Mr. Deschamps was to deliver a two-acre tract to Mr. Lake. Nick Kaufman said that what he was proposing to do today was an occasional sale to satisfy a contractual obligation that was entered into sometime in the late 70's. He said the intent here was not to evade the Subdivision and Platting Act, but to fulfill something that should have been done back then.

Nick Kaufman said the County Attorney had raised two questions regarding this split. The first was the proposed division of the parcels is not in compliance with the Comprehensive Plan. He said he talked with Deputy County Attorney Jean Wilcox prior to the meeting and he had determined that the property in question is a rural low-density zone, and one dwelling per ten acres is the maximum density allowed in the Comp Plan, so this piece meets the density requirements and conforms to the Plan. The second question raised by the County Attorney is the claim that Fred Deschamps has divided other property using exemptions. He said three Certificates of Survey had been filed by Mr. Deschamps in his entire lifetime of living in Missoula County. The first was in October of 1979, an 8 acre occasional sale, which was the only occasional sale Mr. Deschamps had ever done. In 1980, he did a Certificate of Survey of 20 acre tracts, of which one is the subject of today's hearing, and then in August of 1985, he retraced his home ranch, Nick Kaufman said if twenty acre tracts are not defined as subdivisions, and therefore not exemptions, then the only exemption Mr. Deschamps has used in his lifetime is one occasional sale of 8 acres in 1979.

Jean Wilcox asked if this survey will define the 18 acre remainder, or just the occasional sale.

Nick Kaufman said the survey would be drawn so it defines the remainder, so it will be an occasional sale and a remainder.

Barbara Evans asked if that was a complicating factor.

Jean Wilcox said that it means that they have one more tract they can sell.



OCTOBER 30, 1985 PUBLIC MEETING (continued)

Nick Kaufman said if he lives in the City of Missoula and he owns lots 4 through 10 of the west side addition, for example, he has the opportunity to sell any one of those lots, but he could also sell them all as one piece to be used for one home. He said just because land is divided doesn't necessarily mean that it will be occupied with home sites. He said in this case, he thought that the two-acre tract will, and the remainder may be, or it may be sold as part of an adjoining twenty for a larger tract.

Janet Stevens asked what Mr. Deschamps planned to do with the other 18 acres.

Nick Kaufman said he had no plans for the property at this time.

Barbara Evans moved, and Janet Stevens seconded the motion, to approve filing of these Certificates of Surveys for the following reasons:

1. There is no history of previous divisions of this tract, which was created prior to the effective date of the Montana Subdivision and Platting Act; and
2. In accordance with evidence submitted, the purpose of the division of COS 2492 in this instance is to satisfy a contractual agreement among Fred Deschamps, Harold and Mary Lake, and Marj McAfee.

This finding is contingent upon the following language being printed on the face of the survey:

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

The motion passed by a vote of 3-0.

✓ FAMILY GIFTS-20 ACRE REMAINDER SALE BY CHARLES E. LEWIS

Tom Hanson, of Professional Consultants, Inc., representing Charles Lewis, said Mr. Lewis bought 220 acres near Seeley Lake 12 to 15 years ago. He said his remaining ownership today is a 20 acre tract, as the rest of it has been sold in one fashion or another; none of it has been sold using exemptions. Several years ago, Mr. Lewis helped his son Richard get into one of the 20 acre tracts where he now has a home, and Charles Lewis now wishes to divide his remaining ownership among the rest of his children, one of whom is living on one of these five-acre tracts. His request, then, is to divide this 20-acre tract into four 5-acre tracts, gifting three of them to his children. He said the County Attorney's office asked them to come to the hearing for two reasons:

1. That the tract being divided is a twenty-acre remainder left by the sale of the west half of the original 40 acres in 1985. He said it was his contention that twenty acre tracts are not contained in the subdivision law, and the subdivision act, and he could not see where that has any bearing on this particular sale.
2. That the family gift exemptions are being used in combination with the creation of a remainder. He said again that he couldn't comprehend how a property owner can gift a part of his ownership to his children, or heirs without having a remainder.

He said he did not see why Mr. Lewis shouldn't have the exemptions of the family transfer available to him in this instance. He has not done any prior divisions using exemptions.

Barbara Evans asked what Mr. Lewis intended to do with the remainder parcel.

Tom Hanson said he did not know, possibly build on it and live on it himself.

Janet Stevens asked why Mr. Lewis did not divide the 20 acres as a whole between the three children.

Tom Hanson said he did not know. For some reason, Mr. Lewis felt that five acres was the equitable thing to do for his children. He said he did not discuss that reasoning with Mr. Lewis.

Janet Stevens asked Richard Lewis if he know what the plans were.

Richard Lewis said his father would probably sell them, as that's what you usually do with property.

Ann Mary Dussault asked Tom Hanson if it was Mr. Lewis' intention to actually deed this property to his children.

Tom Hanson said yes, one of the children is already living on one of the five acre parcels.

Ann Mary Dussault said she didn't have any trouble with the gifting in this particular circumstance as long as the deed is actually filed, but the difficulty is the remainder--because of the configuration of the property, it appears that there is dividing of land going on for the purposes other than simply gifting; and the remainder creates a five acre parcel that can be marketed. She said there is nothing wrong with that, she had some questions about the intent.

Tom Hanson said he didn't understand how a property owner could gift part of his property and not have a remainder. Apparently, he must gift all of his property, or none of it.

Janet Stevens said the question is why is he leaving a remainder of that property.

Tom Hanson said it was for his own wealth. He apparently does not wish to give away all of this property.

Ann Mary Dussault asked if the land is being sold to the children.

Tom Hanson said no, they are gifts, and the children will be issued deeds to their respective properties. He said it was simply a way for a person to share and split their estate with their heirs, whether it's land, money, or anything else.

Janet Stevens asked where Mr. Lewis lives now.

Richard Lewis said he lives 7 miles away from this property.

October 30, 1985 PUBLIC MEETING (continued)

Barbara Evans moved, and Janet Stevens seconded the motion, to grant approval to Mr. Lewis for the Certificate of Survey for the following reasons:

1. The law allows gifts of land to family members; and
2. There is no evidence of intent to evade the Montana Subdivision and Platting Act.

This finding is contingent upon the following language being printed on the face of the survey:

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

Janet Stevens asked where the roads were in conjunction with the property, and Tom Hanson indicated the roads on a map. Janet Stevens asked if any of the adjacent roads were maintained by the County, and Tom Hanson said no.

Janet Stevens asked about the sewage and water services, and Tom Hanson said the State Health Department would have to approve any plans, and last spring they monitored the sites on each of these properties and found them acceptable from a high ground water standpoint.

Ann Mary Dussault said she was going to vote no on the motion for the following reason:

The family gift in combination with a remainder creates a four-lot division, even though three of those lots are going to be transferred to children. If in fact the entire acreage were going to be divided, there would be no problem with using this method to do that. She said it was her own view that using the gifts plus the remainder is not the way to divide this property. She would suggest going through the Subdivision Law.

The motion passed on a vote of 2-1, Ann Mary Dussault voting no.

#### ✓ OCCASIONAL SALE AND REMAINDER-KERRY MANAGEMENT SERVICES

Dick Ainsworth of Professional Consultants, Inc., representing Kerry Management Services said this request is basically a Certificate of Survey #2, that was filed on a parcel roughly 80 plus acres in size, with tract # 3 being the parcel in question here. He said they are all basically 10 acre tracts. At the time the Certificate of Survey was filed, the Subdivision and Platting Act described anything under ten acres as a subdivision, rather than twenty acres. So people did file Certificates of Survey for ten acre tracts and these were not reviewed as a subdivision. He said there is a house on tract 3 now, that has been rented out by the absentee landowners for a number of years. The people who live in it want to buy it, and cannot afford to buy the entire parcel, so they have asked the owner if he could split the property and sell them five acres. He said the County Attorney's Office indicated that this was not in compliance with the Comprehensive Plan which indicates a density of one dwelling per ten-acres. He said, however, the overall density of the area is much less than ten acres, because there are many parcels that are 40, 60, and 80 acres, and larger than that. He said the owner does want to do an occasional sale and a remainder, and he said he feels that he is permitted to under the law, even though it is not in compliance with the Comprehensive Plan, as it is a suggested density, and not zoning.

Janet Stevens and Ann Mary Dussault asked where the house sits, and exactly where the property is located.

Dick Ainsworth said the property is just north of Evaro, past the Evaro bar where the entrance to the Indian Reservation is.

Janet Stevens asked if the road through the property is County maintained, and Dick Ainsworth said no, it is not.

Barbara Evans moved and Janet Stevens seconded the motion to grant approval to Kerry Management Service for the Certificate of Survey split based on the following findings of fact:

1. There is no history of previous divisions of this tract, which was created prior to the effective date of the Montana Subdivision and Platting Act; and
2. The owners of the tract have no prior history of using exemptions; and
3. The occasional sale parcel includes an existing residence on it, and has been used as such for several years.

This finding is contingent upon the following language being printed on the face of the survey:

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

The motion passed on a vote of 3-0.

Since there was no further business to come before the Commissioners, the meeting was recessed at 2:05.

\* \* \* \* \*

OCTOBER 31, 1985

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, 1985, pages 3-5, with a grand total of \$35,023.33. 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:

OCTOBER 31, 1985 (CONTINUED)

Payroll Transmittal Sheet

The Board of County Commissioners signed the Transmittal Sheet for Pay Period #22 (10/06/85-10/19/85) with a total County Payroll of \$335,102.95. The Transmittal Sheet was returned to the Auditor's Office.

Budget Transfer

The Board of County Commissioners signed and approved Budget Transfer No. 860014, a request from the Commissioner's Office to transfer \$500.00 from the Office Supplies (\$250.00) and Long Distance Phone (\$250.00) Accounts to the Printing/Litho Account because of unanticipated expenditures.

✓ Plat

The Board of County Commissioners signed the Plat for Twin Pines Addition, a subdivision of Missoula County, located in the NE ¼ of Section 34, and the W ½ of Section 35, T.12N., R.17W., the owner of record being Eugene Ball.

✓ Agreement

The Board of County Commissioners signed an agreement between Missoula City-County Health Department and the Frenchtown School District for the provision of a Public Health Nurse as per the terms set forth for the period from August 15, 1985, to June 15, 1986, for a total amount not to exceed \$16,466.16. The agreement was returned to the Health Department for further handling.

✓ Agreement

The Board of County Commissioners signed a Nutritional Services Agreement between the Missoula City-County Health Department and the Head Start Program for the purpose of providing a qualified nutritionist to provide nutritional services as per the terms set forth, at a rate of five (5) hours per month from September 1, 1985 until May 31, 1986, for a total payment of \$675.00. The agreement was returned to the Health Department for further handling.

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

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NOVEMBER 1, 1985

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

RIBBON CUTTING CEREMONY

In the afternoon, Commissioner Dussault participated in the ribbon cutting ceremony for the new Missoulian building.

  
Fern Hart, Clerk and Recorder

  
Ann Mary Dussault, Chair

\* \* \* \* \*

November 4, 1985

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 4, 1985, pages 3-5, with a grand total of \$107,459.68. The Audit List was returned to the Accounting Department.

Daily Administrative Meeting

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

RESOLUTION NO. 85-130

The Board of County Commissioners signed Resolution No. 85-130, a budget amendment for Youth Court for FY '86 including the following expenditures and revenue and adopting it as part of the FY '86 budget:

DESCRIPTION OF EXPENDITURE	BUDGET
2180-340-410371-114 Work Study	\$1,000
2180-340-410371-533 Office Eqpt Rent	400
2180-340-410371-328 Contracted Services	1,000

DESCRIPTION OF REVENUE	BUDGET
2180-340 Restitution Grant	\$1,000
Supreme Court Grant	1,400

BUDGET TRANSFERS

The Board of County Commissioners signed and approved the following budget transfers and adopted them as part of the FY'86 budget:

- ✓ 1. No. 860015, a request from the Library-LSCA Grant to transfer \$13,045.91 from the Contracted Services (\$10,645.91) and Operating Supplies (\$2,400.00) accounts to the Temporary Salaries (\$10,919.91) and Capital-Technical Equipment (\$2,126.00) accounts as the original budget does not reflect true expenditure patterns; and
- ✓ 2. No. 860016, a request from the Library LSC Grant to transfer \$1,500.00 from the Capital-Technical Equipment account to the Operating Supplies account as the original budget does not reflect true expenditure patterns.

NOVEMBER 4, 1985 (CONTINUED)

RESOLUTION NO. 85-131

The Board of County Commissioners signed Resolution No. 85-131, a resolution whereby Missoula County accepts right-of-way to rebuild the Roman Creek Road Bridge from adjacent landowners, Bruce F. Dailey and Norma W. Whittmayer. The Agreement to Grant Right-of-Way (acceptance of Resolution No. 85-131) was also signed by the Commissioners. The Resolution and Agreement were returned to the Surveyor's Office for further handling.

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

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NOVEMBER 5, 1985

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was on vacation from November 5th through November 8th.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION No. 85-132

The Board of County Commissioners signed Resolution No. 85-132, a budget amendment for FY '86 for the Health Department, including the following expenditures and revenue, and adopting it as part of the FY '86 budget:

DESCRIPTION OF EXPENDITURE		BUDGET	DESCRIPTION OF REVENUE	REVENUE
Permanent Salaries	2270-610-442500-111	\$2,508	Received additional funds to provide further work on Milltown project. Used to inform and solicit comments from members of public on results of ongoing study of arsenic contamination.	\$4,350.00
Fringe Benefits	2270-610-442500-141	542		
Office Supplies	2270-610-442500-206	150		
Postage	2270-610-442500-301	100		
Travel, meals, etc.	2270-610-442500-357	75		
Mileage-Cnty Vehicles	2270-610-442500-358	75		
Cnty Attorney Chrgbk	2270-610-442500-326	200		
Contracted Services	2270-610-442500-328	700		
		\$4,350		

RESOLUTION NO. 85-133

The Board of County Commissioners signed Resolution No. 85-133, a budget amendment for FY '86 for the Soil Conservation Service including the following expenditures and revenue and adopting it as part of the FY '86 budget:

DESCRIPTION OF EXPENDITURE		BUDGET	DESCRIPTION OF REVENUE	REVENUE
Salaries	7210-430-480010-111	\$10,000	7210-430-333190 Mt. Dept. of Agriculture Grant	\$44,600
Fringe Benefits	7210-430-480010-141	1,200		
Travel	7210-430-480010-356	6,000		
Supplies	7210-430-480010-206	2,000		
Gov't Services	7210-430-480010-328	16,200		
Veg. Analysis	7210-430-480010-294	3,240		
Vector Studies	7210-430-480010-293	2,250		
Supplies-MSU	7210-430-480010-283	2,250		
Contingency	7210-430-480010-259	1,460		
		\$44,600		

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Nikki Schielke, an independent contractor, for the purpose of assisting in the development of a computerized accounting program for the Health Department's use as a back-up system to the County's BARS Program, as per the terms set forth, for the period from September 26, 1985, to April 15, 1986, for an amount not to exceed \$1,500.00. The contract was returned to the Health Department for further handling.

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Bruce A. Bugbee and Assoc., an independent contractor, for the Open Space-Phase 2 Project, as per the terms and conditions set forth, for the period from September 1, 1985 to July 1, 1996, for a total amount not to exceed \$27,500.00

Other matters included:

The Commissioners met with County Surveyor Dick Colvill. The County Attorney will be requested to "speed up" the Kona Bridge right-of-way matters as these need to be settled by next spring; and the maintenance of the Placer Subdivision this winter will depend on whether or not the \$1,500.00 is received from the developers.

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

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NOVEMBER 6, 1985

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

AUDIT LIST

Commissioners Dussault and Evans signed the Audit List dated November 5, 1985, pages 3-26, with a grand total of \$522,164.20. The Audit List was returned to the Accounting Department.

PUBLIC MEETING

The meeting was called to order by Chair Ann Mary Dussault at 1:30 p.m. Also present was Commissioner Barbara Evans. Commissioner Janet Stevens was on vacation.

PROCLAMATION

A proclamation calling for the observance of Western Montana Reading Service for the Blind and Print Handi-

NOVEMBER 6, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

capped Day on November 10, 1985 was signed by the Commissioners

✓ BID AWARD

The Board of County Commissioners reviewed bids opened November 4, 1985 for the purchase of three single-axle dump trucks. The following bids were received:

	WITH HEIL BODY	WITH PERFECTION BODY	WITH CLEMENTS BODY
Demarios Olds-GMC	\$99,846.00	\$100,974.00	\$102,657
Missoula Truck Sales	\$101,399.00	\$102,499.00	\$104,999.00

County Surveyor Dick Colvill recommended that the Board of County Commissioners award the bid to the low bidder, DeMarios Olds-GMC, with the Perfection Body option for a total cost of \$100,974.00. He said there was \$100,000.00 in the current Road Budget for these trucks. He said his office would transfer the additional \$974.00 from Surplus Equipment Funds.

Commissioner Barbara Evans moved, and Ann Mary Dussault seconded the motion that the bid be awarded to DeMarios Olds-GMC for three single axle dump trucks with Perfection Body in the amount of \$100,974.00, in accordance with the recommendation by County Surveyor Dick Colvill. The motion passed by a vote of 2-0.

Since there was no further business to come before the Commissioners, the meeting was recessed at 1:40 p.m.

Daily Administrative Meeting

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

RESOLUTION NO. 85-134

The Board of County Commissioners signed Resolution No. 85-134, a budget amendment for FY '86 for the Extension Office, including the following expenditure and revenue, and adopting it as part of the FY '86 budget:

<u>Extension</u>	
<u>DESCRIPTION OF EXPENDITURE</u>	<u>BUDGET</u>
2290-420-450401-141 Fringe Benefits	\$1,172.00
<u>DESCRIPTION OF REVENUE</u>	<u>REVENUE</u>
2290-420-347030 Personal Chargebacks	\$1,172.00

✓ RESOLUTION NO. 85-135

The Board of County Commissioners signed Resolution No. 85-135, a resolution to prohibit the parking of motor vehicles on the Reserve Street right-of-way and the County property located west of Reserve Street and east of the Larchmont Golf Course fence between Fort Missoula Road on the north and Old Highway 93 on the south.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY '86 budget:

1. No. 860017, a request from the County Attorney to transfer \$197.00 from the Mileage-Private Vehicle Account to the Gas/Diesel account because of unanticipated expense; and
2. No. 860018, a request from the Health Department to transfer \$2,580.00 from one Rent Account (444900) to another Rent Account (444910) as the rent reimbursement from Ravalli County was incorrectly added into the State WIC Contract.

✓ RESOLUTION NO. 85-136

The Board of County Commissioners signed Resolution No. 85-136, a resolution to vacate the alley in Block 2, located in Section 29, T 13 N., R 19 W, Carline Addition, from Margaret Street to the irrigation ditch.

✓ QUIT CLAIM DEED

The Board of County Commissioners signed a quit claim deed from Missoula County to the following individuals for the following described real estate in Missoula County in conjunction with Resolution No. 85-136: to James L. and Vergi Cannon, 2323 Mount, Missoula, Montana for that portion of the alley in Block 2, Carline Addition, lying between Margaret Street and the irrigation ditch and adjacent to Lots 1-21 which was vacated by Missoula County Resolution No. 85-136.

✓ RESOLUTION NO. 85-137

The Board of County Commissioners signed Resolution No. 85-137, a resolution to vacate Livingston Avenue and the alleys in Blocks 39 and 44, located in Section 32, T 13 N., R. 19 W., from Reserve Street to Clark Street, all in Carline Addition.

QUIT CLAIM DEEDS

The Board of County Commissioners signed Quit Claim Deeds from Missoula County to the following individuals for the following described real estate in Missoula County in conjunction with Resolution No. 85-137:

- ✓ 1. to Margie A. Maclay 2415 Clark, Missoula Montana 59801 for that portion of Livingston Avenue between Reserve Street and Clark Street and that portion of the alleys between Blocks 39 and 44, Carline Addition, up to the centerline thereof and adjacent to Lots 1-7, W ½ Lot 20, all of Lots 21-24, and Lots 44-48 of block 39 and Lots 21 to 28 of Block 44, Carline Addition, said portions being vacated by Missoula County Resolution No. 85-137; and

NOVEMBER 6, 1985

✓ 2. Grant W. Maclay and Geraldine R. Maclay, 1015 Whitaker, Missoula, Montana for that portion of Livingston Avenue between Reserve Street and Clark Street and that portion of the alley through Block 39, Carline Addition, up to the centerline thereof, and adjacent to Lot 19, E ½ Lot 20, and all of Lots 25-29, Block 39, Carline Addition, said portions being vacated by Missoula County Resolution No. 85-137.

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

NOVEMBER 7, 1985

The Board of County Commissioners did not meet in regular session; Commissioner Dussault attended the District 10 & 11 Counties Meeting in Polson.

NOVEMBER 8, 1985  
\* \* \* \* \*

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

✓ Election Canvass

In the forenoon, Commissioners Dussault and Evans participated in the canvass of the City General Election, which was held November 5, 1985.

MONTHLY REPORTS

Chair Dussault examined, approved and ordered filed the monthly reports for Justices of the Peace, David K. Clark and Michael Morris, for collections and distributions for the month ending October 31, 1985.

Indemnity Bond

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Bourquin's Conoco as principal for Warrant #4746, dated May 20, 1985 on the Missoula County Fair Fund, in the amount of \$340.85, now unable to be found.

MONTHLY REPORT

Chair Dussault examined, approved and ordered filed the monthly report of the Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for month ending October 31, 1985.

Fern Hart  
Fern Hart, Clerk and Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair

\* \* \* \* \*

NOVEMBER 11, 1985

The Courthouse was closed for the Veterans Day Holiday.

\* \* \* \* \*

NOVEMBER 12, 1985

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

Daily Administrative Meeting

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

✓ RESOLUTION NO. 85-138

The Board of County Commissioners signed Resolution No. 85-138, a resolution of intent to sell votomatic equipment to Flathead County, resolving that the Missoula Board of County Commissioners will, after proper public notice, on the 25th day of November, 1985, sell to Flathead County the following property for the prices listed:

- 1 C.E.S. Votomatic ballot tabulator (as is)-----\$5,000.00
- 1 electric hinge crimper/mask puncher----- 1,000.00
- 75 C.E.S Model IIIA suitcase vote recorder----- 7,125.00
- 50 Model IV (without lamp) compact vote recorders----- 2,250.00
- TOTAL SELLING PRICE--- \$15,375.00

✓ LETTER OF AGREEMENT

The Board of County Commissioners signed a Letter of Agreement to the Flathead Board of County Commissioners confirming the details of the sale of property as described in Resolution No. 85-138.

✓✓ AGREEMENT

Chair Dussault signed an agreement dated October 1, 1985, between Missoula County and the Montana Highway Traffic Safety Administrator to allow funding for the following project through December 31, 1985: Highway Traffic Safety Contract 408-85-03-22 DUI Task Forces's State Conference. The agreement was returned to the Health Department for further handling.

The minutes of the daily administrative meeting are on file in the Commissioners Office.  
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NOVEMBER 13, 1985

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 McCullough Brothers, Inc., granting a two-year extension for the filing deadline for the first phase of the Rodeo Ranchettes Planned Unit Development, with all other conditions of the approval detailed in Resolution No. 81-193 remaining the same.

✓✓ NOTICE OF HEARING

The Board of County Commissioners signed a notice of a public hearing to be held on Wednesday, December 11, 1985 at 7:30 p.m. at the 9-Mile Community Center for the purpose of determining whether or not it is in the public interest to lease a portion of the Piney Meadow Park in the Piney Meadows Subdivision to the Frenchtown Rural District for the purpose of constructing a fire station thereon.

✓✓ RESOLUTION NO. 85-139

The Board of County Commissioners signed Resolution No. 85-139, a condemnation order, resolving that the Missoula County Attorney's Office be authorized, directed and empowered to procure the necessary right-of-way interest in the property described in the attachments to the Resolution by condemnation proceedings in the manner prescribed by law against the landowners and all others known or unknown claiming or owning any interest in the parcel of land to be traversed by the Kona Ranch Bridge and/or its approach roads.

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

PUBLIC HEARING

The meeting was called to order by Acting Chair Barbara Evans. Also present was Commissioner Janet Stevens.

✓✓ PUBLIC HEARING-PETITION FOR ANNEXATION TO THE FRENCHTOWN RURAL FIRE DISTRICT

Barbara Evans furnished background information which was supplied by Donna Cote, Recording Division Supervisor. The petition was brought to the Commissioners by Oscar Hauge and Gary Curtis. The petition requested the County to annex parcels of land located in the NW ¼ of Section 12, Township 15 North, Range 23 West in Missoula County, Montana, containing approximately 157 acres. The petition for annexation had been checked and verified by Fern Hart, Clerk and Recorder and by Donna Cote, Deputy Clerk and Recorder. It 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 described area, so it met the requirements of M.C.A. 7-33-2125 for annexation of adjacent territory. The Board of Trustees of the Frenchtown Rural Fire District have approved the petition for presentation before the Board of County Commissioners, and were notified of the hearing date. The notice of hearing was published in the Missoulian for two consecutive Sundays prior to the hearing date as required by statute.

Commissioner Evans opened the hearing for public comment. No one came forward to speak either in favor of or against the annexation. The hearing was then closed.

Commissioner Evans asked Deputy County Attorney Mike Sehestedt if it was true that if there was no opposition to the annexation, and if the petition signatures exceed 50%, the Commissioners had no choice but to grant the request.

Mike Sehestedt said yes, that was true. Given the receipt of the proper petition, the acceptance by the Fire District, and publication per statute, if the Commissioners have not received protest in writing by the owners of 50% or more of the property to be annexed, then they are obligated to proceed with the annexation.

Commissioner Janet Stevens moved, and Barbara Evans seconded the motion to annex the above mentioned parcel of land. The motion passed on a vote of 2-0.

✓✓ HEARING: PETITION TO VACATE INEZ STREET FROM WYOMING STREET TO DAKOTA STREET IN THE EDDY ADDITION

Commissioner Evans opened the hearing for public comment.

Ken Staniger, one of the property owners in Block 14 said he had owned this property for about eight years. He said the streets on either side of Block 14 have never been developed into a street. He said it is a very short street, and the property owners want to vacate the street to make better use of the land.

Barbara Evans asked if anyone else wished to speak on the issue. No one else came forward to speak, and the public hearing was closed. Barbara Evans said the law requires that the County Surveyor and a County Commissioner must go and view the property prior to taking action. She said that she and County Surveyor Dick Colvill would do that before the next Wednesday, and held the matter over until the next public meeting on November 20, 1985.

✓✓ HEARING: PETITION TO VACATE PRINCE STREET FROM WYOMING STREET TO DAKOTA STREET IN THE EDDY ADDITION

Barbara Evans opened the hearing for public comment.

Ken Staniger said Prince Street is on the west end of Block 14 and is in between Block 13 and the land that Champion Timberlands owns, and is much like Inez Street, in that it is in its natural state, and weed control is a problem, so the residents are requesting that the Commissioners vacate that street for better usage.

Barbara Evans asked if anyone else wished to speak on the issue. No one came forward to speak either for or against the issue, and the public hearing was closed.

Barbara Evans said the same thing applies with this street as with the one in the previous hearing. Prince Street will be viewed by a Commissioner and the County Surveyor, and the matter was held over until the next Public Meeting on November 20, 1985.

NOVEMBER 13, 1985 (continued)

PUBLIC HEARING (CONTINUED)

Ken Staniger asked if it was necessary for him to be at the November 20 Public Hearing.

Barbara Evans said it was not necessary, unless he wanted to be there to hear the decision.

Mike Sehestedt said if any serious questions arose, Mr. Staniger would be contacted and asked to come to the meeting.

Commissioner Ann Mary Dussault arrived at the meeting at this point.

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

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NOVEMBER 14, 1985

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

DAILY ADMINISTRATIVE MEETING

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

PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the transmittal sheet for payroll period #23 (10/20/85-11/02/85) with a total Missoula County payroll of \$342,268.73. The transmittal sheet was returned to the Auditor's Office.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers and adopted them, as part of the FY '86 budget:

1. No. 860019, a request from the Historical Museum at Fort Missoula to transfer \$150.00 from the Heat, Lights, and Water account to the Security Account as the security system required unanticipated service repairs; and
2. No. 860020, a request from Ad Staff to transfer \$722.35 from the Permanent Salaries-410401 (\$587.28) and the Fringe Benefits (\$135.07) accounts to set up activities for the Victim's Assistance Grant; and
3. No. 860021, a request from the Health Department to transfer \$1,717.00 from the Contracted Services Account to the Consultants Account to create a needed new code.

✓ CONTRACT AMENDMENT

Chair Dussault signed an amendment to the Contract for Professional Services between Hoven, Vervick, and Amrine, P.C., Certified, and the Missoula City-County Health Department, dated December 20, 1984 through March 20, 1985, amending the contract as follows:

3. Performance Schedule: That the Contractor shall commence performance of this contract on the 20th day of December, 1984, and shall conclude completion of performance by the 30th of November, 1984, and shall be responsible for specific days or hours of performance hereafter specified: Up to 28.25 hours at \$60/hour. If the job can be completed in less than 28.25 hours, the above rate applies. If more time is required, the contract maximum is \$1,693.00
4. Compensation for Services: The total compensation to be paid in response to appropriate written request for payment for service under this agreement shall not exceed \$1,693.00, and payment thereof shall be made at the time, in the amounts and to the parties hereinafter specified: as billed at the rate of \$60 per hour to a maximum of \$1,693.00.

The amendment was returned to the Health Department for further handling.

RESOLUTION NOS. 140-142

The Board of County Commissioners signed the following budget amendments for FY '86 in conjunction with the Board of Crime Control Grant for the Victim's Assistance Program, including the following expenditures and revenue, and adopting them as part of the FY '86 budget:

RESOLUTION NO. 85-140:

COUNTY ATTORNEY

<u>Description of Expenditure</u>	<u>Budget</u>
Cap-Tech Equip Terminal & Printer 1000-090-410420-946	\$1,850.00
Postage 1000-090-410420-301	3,500.00
Paper-Supplies 1000-090-410420-214	2,000.00
<u>Description of Revenue</u>	<u>Budget</u>
Board of Crime Control Grant 1000-090-333002	\$1,850.00
PILT 1000-090-337014	5,500.00

NOVEMBER 14, 1985 (continued)

RESOLUTION NO. 85-141

DATA PROCESSING

Description of Expenditure	Budget
Salary 1000-230-410420-112	\$4,989.60
Fringe Benefits 1000-230-410420-141	1,147.61

Description of Revenue	Revenue
Board Crime Control Grant 1000-230-333002	\$6,137.21

RESOLUTION No. 85-142

AD STAFF

Description of Expenditure	Budget
Salary 1000-020-410420-111	\$4,716.40
Fringe Benefits 1000-020-410420-141	1,084.77

Description of Revenue	Revenue
Board Crime Control Grant 1000-020-333002	\$5,801.17

✓ RESOLUTION No. 85-143

The Board of County Commissioners signed Resolution No. 85-143, a resolution annexing parcels of land located in the NW ¼ of Section 12, T. 15 N., R. 23 W., in Missoula County, Montana, containing approximately 157 acres, to the Frenchtown Rural Fire District, and are to be assessed for such district in accordance with the special tax for this purpose set by the Missoula Board of County Commissioners.

✓ BOARD APPOINTMENT

Commissioners Dussault and Evans voted to appoint Warren Little to a three-year term on the Missoula Planning Board, with his term expiring on October 31, 1988; the vote was 2-1, with Commissioner Stevens voting for Bill Clark.

The minutes of the daily administrative meeting are on file in the Commissioner's Office.  
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NOVEMBER 15, 1986


The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Great Falls, where she attended an Easter Seals Conference.

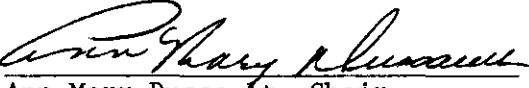
AUDIT LIST

Commissioners Evans and Stevens signed the Audit List, dated November 14, 1985, pages 4-38, with a grand total of \$109,750.50. The Audit List was returned to the Accounting Department.  
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NOVEMBER 16, 1985

On Saturday forenoon, Commissioner Evans participated in the ribbon cutting ceremony for the new Missoula General Hospital Building.

  
Fern Hart, Clerk and Recorder

  
Ann Mary Dussault, Chair

\*\*\*\*\*

NOVEMBER 18, 1985

The Board of County Commissioners met in regular session; a quorum of the Board met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena where she attended a Job Training Advisory Council Meeting.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 85-144

The Board of County Commissioners signed Resolution NO. 85-144, a budget amendment for FY '86 for the Health Department including the following expenditures and revenue and adopting it as part of the FY'86 budget:

Description of Expenditure	Budget
2270-610-447602-327 Consultants	\$500.00
2270-610-447602-365 Common Carrier	328.00
2270-610-447602-357 Travel, Meals, etc.	1,172.00
	\$2,000.00

Description of Revenue	Revenue
2270-612-333174	\$2,000.00

NOVEMBER 18, 1985 (CONTINUED)

✓ The Board of County Commissioners signed two encroachment permits from Missoula County to the University of Montana: one is to encroach upon a portion of the right-of-way of South Avenue in the NW/NW Sec. 35, T. 13 N., R 20 W.; and the other is to encroach upon a portion of the right-of-way of Reserve Street in the SW/SW Sec. 35, T. 13 N., R 19 W, for the purpose of drilling two monitoring wells on County road right-of-way for the University's groundwater study. The permits are effective for a period not to exceed twenty (20) years, renewable at the option of the County.

✓ GRS Certification Form

Chair Dussault signed the Revenue Sharing Funds Statement of Assurances Certification form EP 17 for Entitlement Period 17, which begins October 1, 1985 and ends on September 30, 1986. The form was returned to the Director of the Office of Revenue Sharing.

BOARD APPOINTMENTS

✓ The Board of County Commissioners made the following appointments to the newly created Animal Control Board:  
Glen Martyn to a two year term through December 31, 1987; and  
Byron Butler to a one-year term through December 31, 1986.

✓ APPROVAL OF POLLING PLACE CHANGE

The Board of County Commissioners signed approval of a request to change the polling place for Precints 18 and 34 from Sentinel High School to the Missoula County High School District Administration Building at 915 South Avenue West. The form was returned to the Elections Office.

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

NOVEMBER 19, 1985

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The Board of County Commissioners met in regular session; a quorum of the Baord was present. Commissioner Stevens was out of the office November 19th through November 22nd due to having surgery.

DAILY ADMINISTRATIVE MEETING

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

✓ RESOLUTION NO. 85-145

The Board of County Commissioners signed Resolution No. 85-145

The Board of County Commissioners signed Resolution No. 85-145, a budget amendment for FY '86 for the Historical Museum at Fort Missoula, including the following expenditures and revenue and adopting it as part of the FY'86 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2360-462-460454-367 Registration Fees	\$350.00
2360-462-460454-327 Consultants	200.00
2360-462-460454-361 Research Materials	75.00
2360-462-460454-356 Travel-Common Carrier	300.00
2360-462-460454-357 Meals, Lodging	75.00
	<u>\$1,000.00</u>

<u>Description of Revenue</u>	<u>Revenue</u>
Grant from the Institute of Museum Services for the Museum Assessment Program, part two (MAP II) (This program is a follow-up to MAP I which the Museum participated in in 1981. Notice of intent was approved in July 1985. MAP II focuses on institutional self-assessment and long-range planning related to collections management.)	
2360-462-331265 MAP II grant	\$1000.00

✓ RESOLUTION NO. 85-146

The Board of County Commissioners signed Resolution No. 85-146, a resolution annexing a parcel of land located on Mitten Mountain Road in Pattee Canyon Area, and more particularly described as follows: Lot D7' in the East ½ of Section 10, Township 12 North, Range 19 West in Missoula County, Montana, containing only one parcel of 5 acres within the boundaries of the Missoula Rural Fire District.

✓ CERTIFICATION OF ELECTION RETURNS

Commissioners Dussault and Evans who signed as members of the Board of Canvassers for the November 5, 1985 City General Election, signed the Certification form for the Abstract of Votes and write-in votes cast at the election. The form was returned to the Elections Office.

✓✓ SITE INSPECTION

Commissioner Evans accompanied County Surveyor, Dick Colvill on site inspections for the two street vacations in the Eddy Addition.

\* \* \* \* \*

NOVEMBER 20, 1985

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

AUDIT LIST

Commissioners Dussault & Evans signed the Audit List dated November 20, 1985, pages 6-33, with a grand total of \$114,856.23. The Audit List was returned to the Accounting Department.

NOVEMBER 20, 1985 (CONTINUED)

DAILY ADMINISTRATIVE MEETING

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

✓/CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Robert A. Martin, an independent contractor, for the purpose of performing temperature sonde pibal\* releases to determine temperatures and wind vector profiles of the atmosphere below approximately 10,000 feet, which is vital for the department's air quality forecasting capabilities, [\*pilot balloons (pibals) are weather balloons] for the period from December 1, 1985, through February 28, 1986, for a total amount not to exceed \$1,000.00. The contract was returned to the Health Department 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 '86 budget:

No. 860022, a request from the Library to transfer \$1,272.00 from the Salaries (\$1,001.00), Fringe Benefits (\$231.00), and Long Distance Phone (\$40.00) Accounts-460150 to the Salaries (\$1,001.00), Fringe Benefits (\$231.00), and contracted Services (\$40.00) accounts-460155 to set up activities for in-kind contributions to LSCA grant.

✓/APPROVAL OF AGRICULTURAL EXEMPTION COVENANT

The Board of County Commissioners signed approval of an Agricultural Exemption Covenant for a tract of land located in the NE ¼ of Section 31, Township 13 North, Range 15 West, Principal Meridian, Montana, Missoula County, Montana, the owner being Douglas M. Hall.

Other Matters Included:

- ✓1. The Commissioners voted unanimously to transfer \$30,000 from General Revenue Sharing Funds to Larchmont Golf Course; and
2. The Commissioners appointed Carole DeMarinis as the office representative to the Employee's Advisory Committee for the Energy Management Project.

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

PUBLIC MEETING

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

✓/BID AWARD

Bids to award a contract for snow plowing on County roads in the Seeley-Swan area were opened on November 19, 1985 with a single bid received from Western Montana Lumber at \$55 per hour for patrol plowing. This contract will provide backup snow plowing service in an area where Missoula County has limited crews. This is the fourth year the County has contracted for this service. County Surveyor Richard Colvill, who supplied the above information, recommended that the contract be awarded to the bidder for patrol plowing at \$55 per hour with a duty station in the Condon Area. The County has \$6,000.00 budgeted for this service, and the actual cost will depend on the severity of the winter. The last two years were mild winters that cost only \$500 a year for this service, according to Mr. Colvill.

Barbara Evans moved, and Ann Mary Dussault seconded the motion to award the bid for snow plowing on County roads in the Seeley/Swan area to Western Montana Lumber in the amount of \$55 per hour. The motion passed on a vote of 2-0.

✓✓/ PETITION TO VACATE INEZ STREET

A petition to vacate Inez Street from Wyoming to Dakota Street, located in Section 21, Township 13 North, Range 19 West, from Wyoming Street to Dakota Street, more particularly described as Inez Street between lots 14 and 15, south of R/W Wyoming Street and North of R/Dakota Street, in the Eddy Addition was recieved from Ken A. Staniger and K.W.S. Holdings, Box 4865 in Missoula, Montana, and Bud King. A hearing on the matter was held at 1:30 p.m. on November 13, 1985. Commissioner Barbara Evans and County Surveyor Richard Colvill inspected the street on November 19, 1985. Barbara Evans said that the street dead ends into the railroad and there appeared to be no residences or businesses that would be adversely affected by the closure.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the petition to vacate Inez Street from Wyoming to Dakota Street be found in the public interest to do so for the following reasons:

1. no businesses would be affected by the closure; and
2. the streets are dead-ended and are likely to remain so; and
3. the property will be added to Missoula County tax rolls;
4. Inez Street is currently not constructed or open; and
5. the vacation will eliminate any potential County maintenance

The motion passed on a vote of 2-0.

✓✓✓/ PETITION TO VACATE PRINCE STREET

A petition to vacate Prince Street from Wyoming to Dakota Street located in Section 21, Township 13 North, Range 19 West, more particularly described as Prince Street, between blocks 13 and 14, south of R/W Wyoming Street and north of R/W Dakota Street in the Eddy Addition was received from Ken A. Staniger and K.W.S. Holdings, P.O. Box 4865, Missoula Montana, and Champion Timberlands, 140 North Russell Street Missoula Montana. A hearing on the matter was held at 1:30 p.m. on November 13, 1985. Commissioner Barbara Evans and County Surveyor Richard Colvill inspected the street on November 19, 1985. Barbara Evans said that the street dead ends into the railroad and there appears to be no residences or businesses that would be adversely affected by the closure.

NOVEMBER 20, 1985 (CONTINUED)

PUBLIC MEETING (CONTINUED)

Barbara Evans moved and Ann Mary Dussault seconded the motion that the petition to vacate Prince Street from Wyoming to Dakota Street be found to be in the public interest for the following reasons:

1. no businesses would be affected by the closure; and
2. the roads are dead-ended and are likely to remain so; and
3. the property will be added to Missoula County tax rolls; and
4. Prince Street is currently not constructed or open; and
5. the vacation will eliminate any potential County maintenance

The motion passed on a vote of 2-0.

CONSIDERATION OF DURAN'S ADDITION-SUMMARY PLAT

Paula Jacques, Planner from the Office of Community Development, presented background information on the issue. She said Duran's Addition is the redivision of Lot 13, Mackintosh Manor, located west of Highway 93, south of Lolo. Proposed are two single family lots, each approximately five acres in size. The property is unzoned and located outside the jurisdiction of the Missoula Building Inspector. She said the Planning Board has recommended that the proposed subdivision be denied for lack of access. She said that the subdivision regulations require that there be sixty feet of right-of-way, which by definition is public right-of-way. The road leading into the subdivision was constructed on a private access median by individual landowners in the area. Without guaranteed public access as required by the regulations, the staff and Planning Board recommended that the subdivisions be found not to be in the public interest, and therefore, denied.

Commissioner Evans noted that this was not a hearing, but she asked if there was anyone in the audience who would like to comment.

Gerald Oster, who identified himself as an engineer and land surveyor, said he was acting on behalf of the owners of the property, Silviano and Denise Duran, who reside in California. He said the owners have legal access to the site, and the roads were originally set up for the purpose of eventually dedicating them to the County. There are already existing public utilities which have been built through the area. The roads in Mackintosh Manor have public rights-of-way which are not standard, but easements have been granted as part of the property which would eventually become County roads if the area was ever built up sufficiently to create a tax base large enough to warrant building a road. He said Certificate of Survey #2564, which is land adjacent and just east of Mackintosh Manor, shows that this property is subject to easements and rights-of-way of record of apparent and as shown, so there is sixty feet of private road and public utility easement, which boils down to a right-of-way which would give people access to the property.

Barbara Evans asked Mr. Oster if the plat covered the entire length of the road or if it just a segment of the road. Mr. Oster replied that the COS covers the entire length of the road from Highway 93 to Macintosh Manor limits.

Mr. Oster said he was requesting a variance from the public access provision on conditional approval which would depend on the owners demonstrating that this subdivision does have guaranteed access from Highway 93, and at such time that the population density would warrant paving, that it would be paved through LID or SID.

Ann Mary Dussault asked Mr. Oster if he was arguing that this was a legal public access.

Deputy County Attorney Mike Sehestedt said that there is no dispute that the landowners have the absolute legal right to use the access. The hang-up is that Subdivision Regulations require public access. His understanding is that Mr. Oster is asking for a variance for the public to have adequate access. He said the County has, in the past, approved subdivisions with the proviso that the interior roads are private.

Ann Mary Dussault asked if he were making a distinction between interior roads and the access roads to the subdivision. Mike Sehestedt said that was right, and the odd thing here was that the interior roads would be public and the access road would be private, in the sense that it is not dedicated to, or accepted by, any public entity.

Barbara Evans asked if the County had accepted those roads in the interior of the subdivision.

Mike Sehestedt said that perhaps the County had, on occasion, but he would have to check. He said they were platted in 1913 when the Macintosh Manor was put on record.

Mr. Oster said that he thought a note should be placed on the plat which indicates that the purchaser and/or the owner of this lot or parcels understands that road construction, maintenance and snow removal shall be the obligation of the owner or homeowners association, and that the County of Missoula is in no way obligated until the roads are brought up to standard and accepted by the County.

Paula Jacques said this is, of course, on the plat, and doesn't apply to the access road, which is the problem here. The solution is for the road to become public and she said that the County has been through some of the problems with that occurring at this time, without any standards for accepting a gravel road.

Ann Mary Dussault asked how the present homeowners in the subdivision get access to this road, which is private.

George Oster said that stipulation is written into a plat that has been recorded in the County and by a letter of permission from the owners of the road, Kenneth D. Hayes, Martin C. Moss and Douglas S. Johnson, which says, in part:

The easement from "Old Highway 93" to "Queen Ann Lane" is presently 60 feet in width, and additional easements were put on existing County road rights-of-way within Macintosh Manor Subdivision in order to someday give the County the 60 foot right of way, and as previous developers, we would consent to transferring our interests in any easements pertinent to Macintosh Manor Subdivision to the County of Missoula.

Mike Sehestedt said that what Mr. Oster was requesting was variance to the public for the right to use the private easement and given those conditions, it then comes down to the question of why, if there is adequate access which they had a right to use, there is a public policy reason for requiring that there be a public access to a private road. If it's public easement, no landowner would have a right to restrict its use.



NOVEMBER 20, 1985 (CONTINUED)

PUBLIC MEETING (CONTINUED)

If it's private easement, the homeowners association could say no one but those who have a lawful right (which would be property owners or sightseers, or hunters passing through to the Forest Service land) would be able to use the road.

Ann Mary Dussault said that it seemed to her that the difference here was that it was one thing to have a set of roads on the interior of a subdivision that are private and are privately maintained by the homeowners, and another to have access to that subdivision not in the public sector. She said she would need some very strong arguments to convince her that that should be a matter for consideration in the variance.

Mike Sehestedt said that the difference between the access to the front gate of the subdivision by public road and access to a lot by a private road really isn't much different in the practical sense for people in this subdivision than those one, two, three, or four lots back from the gate in the Double Arrow Subdivision. They can get to the edge of the subdivision by a public road, but, thereafter, access to their property, depending on its location, requires travel of varying distances over private roads, and due to the fact that there is a start point here that's on the exterior boundary, and you can make your way back. He wasn't sure if there was a practical difference from the view of a lot owner.

Fern Hart said this was like Buttrey's parking lot.

Mike Sehestedt replied that the question is that if you have to go a half mile on foot over your legal access, then it matters very little if the start point for that half-mile trek is the external boundary to the subdivision, or a point a half-mile away outside the external boundary of the subdivision. You are still faced with a half-mile trek on foot to the home that is your castle. If a fire truck had to come to one of the houses, and if the privately-maintained road becomes impassable, it matters very little if the fire truck is stopped a half mile from the edge of the subdivision, or at a point at the subdivision boundary a half mile from your property. The end result is the same.

Ann Mary Dussault said that from a public needs point of view, private roads within a major subdivision are not within the public interest and the experience with the Double Arrow would demonstrate that we can have landowner-versus-landowner fights, theoretically about access that should be available for ambulance, fire, etc. She said that she was very concerned that if we go the next step, and say that we do not have to have public access to a subdivision, we have gone one step further without dealing with the real problem. The real problem, she said, is that the standards within the subdivision regulations for roads may exceed the real necessity, but things are not being done in the public interest in order to get around that. She said it would be reasonable for the County to look at developing a gravel standard for roads because, in many cases, particularly outside of the urban area, in less densely populated areas, maintaining a paved standard is simply not a reasonable demand on developers.

George Oster said that at the present time in Macintosh Manor there is about one occupied house per 120 acres. West of Macintosh Manor, it's one occupied house for about every 75 acres, and it appears that east of Macintosh Manor, there is about one family for every 70 acres, which would indicate that a gravel road would be sufficient.

Ann Mary Dussault said she would agree with Mr. Oster on that, but she was having a problem with not providing public access to those lots, and if it is the paving standard that is inhibiting that, then we need to deal with the paving standard requirement.

Mr. Oster said that he did not know if that was a factor or not. He said that property owners east of Macintosh Manor had used means other than the subdivision and planning rules in order to subdivide. He said there are about 25 tracts that are in the neighborhood of 2½ acres, and added that he couldn't swallow that kind of stuff himself, because he personally had tried to comply with all applicable laws in this subdivision.

County Surveyor Dick Colvill said that if the County lowers gravel standards, it encourages development, and if it controls paving standards, it restricts development. He said the County should be asking if this is one place it wants to encourage or restrict development. He said that at one time there was a subdivision called Bitterroot Meadows that took in that whole area, but it was turned down, and there was a subdivision up there at one time with paved roads presented to the County that was also turned down. It was decided at that time that this was not a place that the County wanted to encourage development. He said that the first split up there is Macintosh Manor, and if the Commissioners let it go, they would be encouraging further development.

Ann Mary Dussault said she thought that eventually most of Missoula County is going to be developed, and that although using standards to discourage development may have been thought to be a good idea in the past, she didn't see it as being a very good idea for the present or the future. She said that the reality is that the valley is being subdivided like crazy with absolutely no review and the Commissioners are certainly not controlling subdivision review, and she thought some of the methodology employed in the past discouraged that.

Mike Sehestedt said that this area had been platted in 1913, and the County has a chance to look at this split that had already been divided by COS and had been turned down.

Barbara Evans asked if that encompasses the entire road from old Highway 93 clear up to Queen Ann Lane. She said if the case were that the road is dedicated access, then it would not be a difficult task for Mr. Oster to declare that that road would be open to the public. She said that then the question of public access would have already been answered and eliminated without having to address the gravel road standard or the paving road standard. She said the County would not maintain those kinds of roads until they are accepted, after they have met the requirements.

Mr. Oster said that was all indicated in the letter from the owners of the property.

Paula Jacques said there is still a problem with access for anybody who doesn't own any of the land in the subdivision.

Barbara Evans asked if it would be possible to get a statement from the people who own the land saying they will in no way deny public access.

Ann Mary Dussault said that she could foresee them coming back to the Commissioners in three years saying, "Now that we have granted the public access through here, we think you ought to maintain this road, because it is a public road."

NOVEMBER 20, 1985 (CONTINUED)

PUBLIC MEETING (CONTINUED)

Mike Sehestedt said that leaving everything aside,--good morals and everything--this is a platted subdivision, and the Commissioners have no choice but to look at the Subdivision Regulations.

Mr. Oster said the road has been in existence since 1978 and was built the same summer that the property was sold to the present owners. He said that there has never been a gate on the property that was closed, and should somebody try to close it up now, he would be out there right quick with a bolt cutter.

Barbara Evans asked if that was equal to prescriptive use.

Mr. Oster said that the road had been used by the public since realtors need to get in there and private people want to get in there and take a look around.

Mike Sehestedt said that as far as prescriptive use is concerned, the question could be litigated, as it is hard to decide. He said the use of the road is not necessarily prescriptive use.

Barbara Evans asked Dick Colvill if he were familiar with the quality of this road.

Dick Colvill said that it didn't look like a bad road.

Barbara Evans asked him if the present road would meet a hypothetical County standard for a County road.

Dick Colvill said it was just about as wide as it should be, but it was hard to determine how deep the gravel was. He said the surface looks good, and the width seems to be fine.

Barbara Evans said he was hopeful that the County would have a gravel road standard within a year.

Dick Colvill said it is tough to have a gravel standards without it being very complex.

Barbara Evans said she would be inclined to give Mr. Oster a year's conditional approval on this, but he could do nothing, no building, or anything else, until there is a gravel road standard in place and he met it, in which case the argument for public access would no longer be there.

Ann Mary Dussault said they would not be prohibited from doing that anyway. The County could, in fact, receive a petition to accept that road, totally outside of this process, and then make the decision at that point, realizing that this is part of the issue on whether or not to accept the road according to some either real or imagined standard. That would put the County in a position to make this a fairly automatic process.

Paula Jacques said there is another problem in that this doesn't comply with the Comprehensive Plan, of one dwelling unit per forty acres.

Ann Mary Dussault said that Planning has been working on this for three months, and there has been a good faith effort to find a solution, but, based on the principle of public access, there does not seem to be a solution until the issue of public access is resolved.

Barbara Evans said that since we are technically in the middle of winter, and it is not a good time to be doing any building, she would suggest that Mr. Oster tell whoever else is interested in this that the reason this is going to be denied today is the lack of public access, and there are a couple of ways they can go about overcoming that. They can come in and deed the land to the County, in which case there is a choice of accepting it or not, and she said that whether it will be accepted or not depends largely upon what Mr. Colvill recommends. Secondly, they can petition the County to take the road, in which case she understood the Attorney General's opinion to say that if the County is petitioned to take the road, it shall.

Mike Sehestedt said that that interpretation was not correct. He said that the ruling applies only if the County creates a road after a petition process, then the County must maintain it. He also said that he wished to bring to the Commissioner's attention the fact that if they failed to act on this particular petition by November 27, 1985, it would be granted by default.

Barbara Evans said that she always believes that unless there is a very strong, legitimate reason, she doesn't like to deny anyone the use of their property. On the other hand, she has to recognize that public access is a legitimate question, and responsible behavior would cause her to fall out on the side of agreeing to deny, but she was not personally in agreement with the denial.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to deny the Summary Plat for Duran's Addition, based on the following findings of fact and declaring it not to be in the public interest because it lacks public access. The motion passed by a vote of 2-0.

FINDINGS OF FACT:

Criterion 1: NEED--No market study is required for summary plats. In this situation, it has been the practice of the Planning Staff to evaluate the proposed development with the land use recommended by the Comprehensive Plan, which recognizes the need for a variety of land uses as well as appropriate locations for different uses. The 1975 Missoula Comprehensive Plan recommends that the land in question be used as "open and resource" land. Open and resource land is described as not being a primarily residential land classification, but one intended to protect resource areas, recognize development limitations resulting from characteristics of the land, and to reserve land for the future where development within the time frame of the 1975 Plan would be premature and costly. Residential density of one dwelling per forty acres is considered appropriate for this land use category.

It has been recognized that this designation may no longer be appropriate for all areas and a re-study of the Bitterroot Valley south of Morman Creek Road is planned. In fact, the open and resource designation and accompanying density was applied to an existing subdivision of ten acre parcels (Macintosh Manor). Nonetheless, one dwelling per forty acres is the density specified by the adopted plan, thus a determination of whether a "need" exists for this subdivision cannot be based upon a strict interpretation of the Comprehensive Plan's recommended use. However, the 1975 Comprehensive Plan further states that "because the map scale of the land capability analysis does not allow detailed evaluation of individual sites, it is recognized that there will be tracts of land within this open and resource classification that will be capable of supporting higher intensity development." In those cases, where on-site analysis reveals a higher carrying capacity, low density single family housing may be appropriate.

NOVEMBER 20, 1985 (CONTINUED)

PUBLIC MEETING (CONTINUED)

- Criterion 2: EXPRESSED PUBLIC OPINION--No public hearing is required for a summary subdivision and no public comment has been received to date.
- Criterion 3: EFFECTS ON AGRICULTURE--The primary impact on the agricultural potential of this land occurred with the initial platting of Macintosh Manor. The land's primary agricultural use as either ten or five acre tracts is limited largely to uses considered to be accessory to residences--gardens and limited grazing of stock. The covenants permit land owners to raise livestock (with the exception of hogs and goats) for non-commercial use. They also permit the declarants establishing the covenants to graze horses and cattle on the entire Macintosh Manor subdivision until a particular tract of land is fenced by the owner.
- Criterion 4: EFFECTS ON LOCAL SERVICES--Children residing in this subdivision will attend schools in the Florence-Carlton School District. Bob Lucas, Superintendent of the Florence-Carlton School District reported that the additional children posed no problem for the school system. Similar reports were received from utilities providing phone and electric service to the subdivision.

The problem with providing essential services surfaced as access into the subdivision was reviewed. Both lots proposed with Duran's Addition will have access onto existing roads, Queen Ann Lane, Rowan Street, and Dundee Road. These roads within Macintosh Manor are not up to County standards: they have dedicated forty foot rights-of-way (County standards require 60 feet), though an additional ten foot "private road and public utility easement" has been added to each side of all the streets so that combined public and private road easements add up to sixty feet. In addition, the roads have a gravel surface. As the County will not maintain a substandard road, they are now maintained by the Homeowner's Association.

If this were the only problem with the off-site access roads to Duran's Addition, the dedication of the ten foot "private road and public utility easement" and waiver of the right to protest a future R.S.I.D. for bringing the roads up to County standards would be sufficient for the density of development proposed. However, the gravel road leading from Old Highway 93 up to Macintosh Manor is a private road built on 60 foot "private road and public utility easement," owned for the most part by the three individuals who also own the majority of lots within Macintosh Manor. The County Subdivision Regulations require that off-site access roads have 60 feet of right-of-way; by definition, "right-of-way" is public. While dedicated public access into Macintosh Manor exists on paper via Manor road, it has never been constructed. The solution, therefore, appeared to be to have the existing gravel road dedicated to the County. However, the County has a policy of refusing to accept roads not constructed to County road standards, which include a 24-foot paved surface and drainage swales. The County Surveyor feels quite strongly about adhering to this policy because of the ramifications of accepting a gravel road. According to Mr. Colvill, there are over 200 miles of unpaved roads in the County which it may be forced to accept for maintenance if it takes this one.

The option of dedicating the road but not accepting it for County maintenance until it is constructed to County standards was also explored. However, the County Surveyor noted a 1958 opinion of the Attorney General involving the Van Ostrand Addition that the County could not approve conditionally upon bringing the roads up to certain standards. Colvill further noted a more recent opinion of the County Attorney that a court may still find a county responsible for maintaining county roads even though the right-of-way has not been "accepted for maintenance." Clearly, the proposed Duran's Addition is caught in the middle of a larger problem which the County has with gravel roads.

Another way of guaranteeing the right of residents of Duran's Addition to use the existing private gravel road is through the establishment of a prescriptive right--one which exists as a result of use over a period of time. However, prescriptive rights must be established in court and, to date, one does not exist.

The one remaining option disregards the issue of insuring access into an approved subdivision that is to grant a variance from the "public" aspect of the right-of-way requirement. It is the opinion of the planning staff that this is not advisable, since it would put the County in the position of adding its stamp of approval to a subdivision to which there is no guaranteed access.

In summary, the planning staff concluded that Duran's Addition does not have adequate access, an essential service.

- Criterion 5: EFFECTS ON TAXATION--Some increase in tax revenue can be anticipated as a result of this subdivision.
- Criterion 6: EFFECTS ON THE NATURAL ENVIRONMENT--This ten acre tract has a slope of approximately 10%, rising toward the mountains to the west. It is currently in pasture. The soils test results demonstrate that the entire area is suitable for septic systems. Well logs from a neighboring well meet Health Department standards for quantity and quality of water.
- Criterion 7: EFFECTS ON WILDLIFE AND WILDLIFE HABITAT--The addition of another building site to the ten acre parcel, accompanied by accessory structures, may reduce the vegetable cover available to wildlife.
- Criterion 8: EFFECTS ON PUBLIC HEALTH AND SAFETY--The Missoula Rural Fire District station is located on Highway 93 at Morman Creek Road. The District reported that it would not have any problems servicing the subdivision. Emergency medical service is available through Arrow Ambulance Service in Missoula. However, the lack of guaranteed access into the subdivision has the potential to limit the ability to secure emergency services.

NOVEMBER 20, 1985 (CONTINUED)

PUBLIC MEETING (CONTINUED)

✓ REQUEST FOR PAVING VARIANCE-RUSS BERE

Planner Paula Jacques said the request came from Russ Beree, a property owner in Grantland 13, and that it apply to lots 3 and 4. She said they actually own lot four, but, in order to gain access to their lot, they will need to cross from the cul-de-sac on Parkwood Drive across lot 3 to get to lot 4. The reason for this is the way Parkwood Drive is constructed. She said that there was a very steep bank about 8' in length, lying between the road surface and Mr. Beree's property. The logical way to get access into the lot is shared access on lots 3 and 4, and given the unusual circumstances and the length of the driveway, they have requested a variance from the paving requirements of the Subdivision Regulations.

The Planning Staff and Planning Board had recommended approval of the variance, subject to three conditions, which would help protect the County road surface on Parkwood Drive, limit the impact of dust on air quality and allow Mr. Beree to access the property. Also, Mr. Beree needs to get an easement to cross lot 3.

Ann Mary Dussault asked if anyone wished to speak on this matter. No one came forward to testify either for or against the variance, and the hearing was closed.

Barbara Evans moved, and Ann Mary Dussault seconded the motion to grant the variance subject to the following conditions:

1. The driveway shall be paved twenty feet back from its intersection with Parkwood Drive, and the remainder shall be surfaced with gravel.
2. An easement shall be filed with the Clerk and Recorder for joint access to lots three and four prior to obtaining a building permit.
3. The County Surveyor shall approve the driveway location.

The motion passed on a vote of 2-0.

There being no further business to come before the Board, the meeting was recessed at 2:25 p.m.

MEETING

✓ In the evening, Commissioner Dussault attended the meeting of the Seeley Lake Refuse Board in Seeley Lake.

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NOVEMBER 21, 1985

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 TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY '86 budget:

1. No. 860023, a request from the Energy Conservation Department to transfer \$100.00 from the Public Relations Material Account to the Dues and Memberships Account for funds needed for membership in an Energy Manager's Association; and
2. No. 860024, a request from the Library to transfer \$2,750.00 from the Transfer-Capital Account to the Remodeling-Capital Account to account for funds from the County to match contributions by the Friends of the Library to paint the interior public areas.

✓ MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a memorandum of agreement, dated July 1, 1985, between Missoula County and Missoula Youth Homes, whereby the County will purchase the service of providing a vital service to youths in urgent need of care in Missoula County, as per the terms set forth through June 30, 1986, for a total amount of \$11,000.00.

✓ APPROVAL OF GRANT APPLICATION

The Board of County Commissioners reviewed and signed approval of a grant application by the Historical Museum at Fort Missoula to the Institute of Museum Services (IMS) for General Operating Support (GOS). The application was returned to Wes Hardin, Museum Director.

✓ REQUEST FOR IDR BONDS (JOHN R. DAILY, INC.)

Regarding the above request for IDR Bonds by John R. Daily, Inc., the following are the minutes of the Administrative Meeting:

The Regular Administrative Meeting of the Missoula Board of County Commissioners, held in Room 201 of the Missoula County Courthouse Annex, was called to order by Chair Ann Mary Dussault at 10:30 a.m. Also present was Commissioner Barbara Evans. Commissioner Janet Stevens was absent. Deputy County Attorney Michael W. Sehestedt, County Executive Officer Howard Schwartz and County Clerk and Recorder Fern Hart were also present.

Under consideration was a resolution providing for the giving of notice of a public hearing on the proposed issuance by the County of Missoula Montana of Industrial Development Revenue Bonds in the maximum aggregate principal amount of \$1,500,000.00 for John R. Daily, Inc., a Montana Corporation, for the purpose of rehabilitating and remodeling its existing meat packing plant and acquiring approximately 10 acres of land for and constructing, equipping, furnishing and improving thereon a new 15,000 square-foot bacon processing facility. (The Project) and giving preliminary approval to the project and the issuance of bonds therefor.

NOVEMBER 21, 1985 (CONTINUED)

REQUEST FOR IDR BONDS-JOHN R. DAILY (CONTINUED)

Commissioner Barbara Evans moved, and Chair Ann Mary Dussault seconded the motion, to give notice of a public hearing on the above-referenced proposed issuance by the County of Missoula of Industrial Development Revenue Bonds in the maximum aggregate principal amount of \$1,500,000.00 for John R. Daily, Inc. to be held at 1:30 p.m. in Room 201 of the Missoula County Courthouse Annex on December 18, 1985. The motion passed by a vote of 2-0.

The following documents were signed:

✓ RESOLUTION No. 85-147

The Board of County Commissioners signed Resolution No. 85-147, a resolution providing for the giving of notice of a public hearing on the proposed issuance by the County of Missoula, Montana, of Industrial Development Revenue Bonds in the maximum aggregate amount of \$1,500,000.00 for John R. Daily, Inc., a Montana Corporation, for the purpose of rehabilitating and remodeling its existing meat packing plant and acquiring approximately 10 acres of land for and constructing, equipping, furnishing and improving thereon a new 15,000 square foot bacon processing facility and giving preliminary approval to the project and the issuance of bonds.

Chair Dussault also signed the Notice of Hearing on the IDR Bond request, setting the hearing date for December 18, 1985, at 1:30 p.m.

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

NOVEMBER 22, 1985

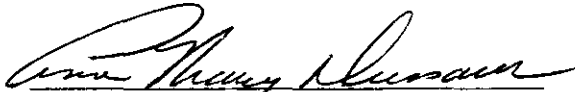
\* \* \* \* \*

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

MATHLETE AWARDS

In the afternoon, Commissioner Dussault presented the awards at the "Mathlete of the Year" Contest sponsored by the Superintendent of Schools Office.

  
Fern Hart, Clerk and Recorder

  
Ann Mary Dussault, Chair

\* \* \* \* \*

NOVEMBER 25 and 26, 1985

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was on vacation the week of November 25-29; Commissioner Evans was out of the office November 25th and 26th, and Commissioner Stevens was out of the office the week of November 25-29 recovering from surgery, but she was available for signatures as needed.

\* \* \* \* \*

NOVEMBER 27, 1985

The Board of County Commissioners did not meet in regular session; however, Commissioner Evans and Stevens signed the following items:

AUDIT LIST

Commissioners Evans and Stevens signed the Audit List, dated November 27, 1985 with a grand total of \$211,587.65. The Audit List was returned to the Accounting Department.

PAYROLL TRANSMISSION SHEET

The Board of County Commissioners signed the transmittal sheet for pay period #24 (11/03/85 through 11/16/85) with a total Missoula County payroll of \$341,597.90. The transmittal sheet was returned to the Auditor's Office.

RESOLUTION NO. 85-148

The Board of County Commissioners signed Resolution No. 85-148, a budget amendment for FY '86 for the Office of Community Development, including the following expenditures and revenue and adopting it as part of the FY '86 budget:

<u>Description of Expenditures</u>	<u>Budget</u>
2250-260-41400-111 Permanent Salaries	\$5,680.00
2250-260-41400-141 Fringe Benefits	1,697.00
<u>Description of Revenue</u>	<u>Revenue</u>
2250-260-337046 Contract City Intergovernmental	\$7,377.00

✓✓ RESOLUTION NO. 85-156

The Board of County Commissioners signed Resolution No. 85-156, a resolution to vacate Inez Street, located in Section 21, Township 13 North, Range 19 West, from Wyoming Street to Dakota Street, more particularly described as Inez Street between blocks 14 and 15, south of R/W Wyoming Street and north of R/W Dakota Street, all in Eddy Addition.

✓✓ RESOLUTION NO. 85-157

The Board of County Commissioners signed Resolution No. 85-157, a resolution to vacate Prince Street, located in Section 21, Township 13 North, Range 19 West, from Wyoming Street to Dakota Street, and more particularly described as Prince Street between blocks 13 and 14, south of R/W Wyoming Street and north of R/W Dakota Street, all in Eddy Addition.

NOVEMBER 27, 1985 (CONTINUED)

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers for the Office of Community Development and adopted them as part of the FY '86 budget:

1. No. 860025, a request to transfer \$9019.00 from the Contracted Services Account to the Temporary Salaries (\$7,339.00) and Fringe Benefits (\$1,680.00) accounts as the South Hills Study funded under contacted services within City zoning will be performed by temporary staff in the Comprehensive Planning Section; and
2. No. 860026, a request to transfer \$5,000 from the Contracted Services account to the Permananet Salaries (\$4,000.00) and the Fringe Benefits (\$1,000.00) accounts to staff the County Board of Adjustment.

\* \* \* \* \*

NOVEMBER 28, 1986

The Courthouse was closed for the Thanksgiving Day holiday.

\* \* \* \* \*

NOVEMBER 29, 1986

The Board of County Commissioners did not meet in regular session; Commissioner Evans was out of the office all day.

Fern Hart  
Fern Hart, Clerk and Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair

\* \* \* \* \*

DECEMBER 2, 1985

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

\* \* \* \* \*

DECEMBER 3, 1985

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

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Kalispell "Interlude" as principal for warrant #10970, dated September 12, 1985, on the School District No. 1 Claims Fund in the amount of \$17.82 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

✓✓ RESOLUTION NO. 85-149

The Board of County Commissioners signed Resolution No. 85-149, a resolution creating RSID No. 904 for the purpose of maintaining Canyon View Park, a park located in Canyon View #4 Addition, including irrigation system, playground, mowing and winterizing.

✓✓ RESOLUTION NO. 85-150

The Board of County Commissioners signed Resolution No. 85-150, a resolution creating RSID no. 905 for the purpose of creating monies to cover costs and expenses associated with repairs to the roadway known as Peninsula Place, located in Lakewood Estates Phase 2B, resulting from flooding caused by the Bitterroot River.

✓ STATE CERTIFICATE

The Board of County Commissioners signed a State Certificate certifying that the rural road mileage in Missoula County amounts to 1509.865 miles. The form was forwarded to the State Highway Department in Helena.

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget Transfer No. 860027 as follows, and adopted it as part of the FY'86 budget:

A request from Youth Court to transfer \$13,426.00 from the Salaries (\$8,799.00), Fringe Benefits (\$4,164.00) Computer Supplies (\$200.00), Copy Costs (\$100.00), and Long Distance Phone (\$163.00) accounts-410371 to the salaries (\$8,799.00), Fringe Benefits (\$4,164.00), Computer Supplies (\$200.00), Copy Costs (\$100.00) and Long Distance Phone (\$163.00) accounts-411840 to set up a grant program on court delay.

RESOLUTION NO. 85-151

The Board of County Commissioners signed Resolution No. 85-151 a budget amendment for FY '86 for Youth Court, including the following expenditures and revenue to set up the Crime Control Grant, and adopting it as part of the FY '86 budget:



DECEMBER 3, 1985 (CONTINUED)

RESOLUTION NO. 85-151 (CONTINUED)

<u>Description of Expenditure</u>	<u>Budget</u>
Salaries 2180-340-411840-111	\$9,626.00
Consultant 2180-340-411840-327	2,000.00
Travel 2180-340-411840-356	1,500.00
Equipment Rental 2180-340-411840-535	300.00

<u>Description of Revenue</u>	<u>Budget</u>
Crime Control Grant 2180-340-331010	\$13,426.00

RESOLUTION NO. 85-152

The Board of County Commissioners signed Resolution No. 85-152, a budget amendment for FY '86 for RSID No. 901 (Lolo Water and Sewer), including the following to finalize the revenue and expenditures associated with the EPA Grant for the Lolo Treatment Plant, and adopted it as part of the FY '86 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
As per attachment to the Resolution	\$31,335.00

<u>Description of Revenue</u>	<u>Revenue</u>
As per attachment to the Resolution	\$31,335.00

✓ RESOLUTION NO. 85-153

The Board of County Commissioners signed Resolution No. 85-153, a resolution to accept real property for a road easement for Woodworth Road (Seeley Lake) in a portion of NW¼ of Section 35, Township 16 North, Range 14 West, from John A. Willard, Jr.; this easement will match the existing road through the Willard property.

✓ AUDIT LETTER

The Board of County Commissioners signed a letter dated November 29, 1985 to Susan Reed, County Auditor, acknowledging receipt and review of the audit of Community Development Block Grant No. B-82-DC-30-0001, covering the period July 1, 1985 to October 24, 1985. The audit was forwarded to the Clerk and Recorder's Office.

✓ ANNUAL UPDATE

The Board of County Commissioners signed the forms for the FY 1987 County Chemical Dependence Plan Annual Update. the forms were returned to Gary Boe, Director of the Health Department, for further handling.

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

\* \* \* \* \*

DECEMBER 4, 1985

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

AUDIT LIST

Commissioners Dussault and Evans signed the Audit List, dated December 4, 1985, pages 4-27, with a grand total of \$99,026.91. 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:

✓ CONTRACT

The Board of County Commissioners signed a contract between Missoula County and Browning-Ferris, Inc., for the purpose of providing for the operation and maintenance of a permanent disposal site for the collection and storage of abandoned and junk vehicles collected by Missoula County or its duly authorized agents, as per the terms set forth, through June 30, 1986, at a rate of \$350.00 per calendar month.

QUIT CLAIM DEEDS

The Board of County Commissioners signed Quit Claim Deeds from Missoula County to the following individuals for the following described real estate in Missoula County in conjunction with Resolution No. 85-156, which was signed November 27, 1985:

- ✓ 1. To Ken A. Staninger and K.W.S. Holdings, Ltd., P.O. Box 4865, Missoula, Montana, 59806 for that portion of Inez Street located adjacent to Lots 1 and 24, Block 14, Eddy Addition, a platted subdivision of Missoula County, said portion being vacated by Resolution No. 85-156 by the Missoula County Commissioners up to the centerline thereof; and
- ✓ 2. To Hugh G. King, Box 408, Frenchtown, MT, 59834 for that portion of Inez Street located adjacent to Lots 12 and 13, Block 15, Eddy Addition, a platted subdivision of Missoula County, said portion being vacated by Resolution No. 85-156 of the Missoula County Commissioners, up to the centerline thereof.

DECEMBER 4, 1985

QUIT CLAIM DEEDS

The Board of County Commissioners signed Quit Claim deeds from Missoula County to the following individuals for the following described real estate in Missoula County in conjunction with Resolution No. 85-157, which was signed November 27, 1985:

- ✓ 1. To Champion International Corporation, 140 North Russell Street, Missoula, MT, 59801 for that portion of Prince Street located adjacent to Lots 1 and 20, Block 13, Eddy Addition, a platted subdivison of Missoula County, said portion being vacated by Resolution No. 85-157 of the Missoula County Commissioners, up to the centerline thereof; and
- ✓ 2. To Ken A. Staninger and K.W.S. Holdings, Ltd., P.O. Box 4865, Missoula, MT, 59086 for that portion of Prince Street located next to Lots 12 and 13, Block 14, Eddy Addition, a platted subdivision of Missoula County, said portion being vacated by Resolution 85-157 by the Missoula County Commissioners, up to the Centerline thereof.

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

PUBLIC MEETING

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

✓✓ HEARING: REZONING REQUEST-C-R2 TO C-C2 (GORDON SORENSON)

At issue was a request from Gordon Sorenson to rezone a portion of the Southwest  $\frac{1}{4}$  of Section 22, Township 14 North, Range 20 West, from C-R2 TO C-C2 Commercial.

Planner Mark Hubbell from the Office of Community Development said that the area in question is in the Wye Planned Community. The plan for this area was adopted in 1979. In 1980, the Wye area was rezoned C-R2. In 1984, the Missoula County Zoning Board of Adjustment approved a variance in paving and landscaping requirements for an automobile racetrack on the property immediately south of the applicant's property. He said that Mr. Sorenson is requesting that the west 10 acres of the property be rezoned to C-C2 to allow commercial uses. He said that on November 5, the Missoula County Regulatory Commission Planning Board conducted a public hearing on this request, and that recommendation was that the west ten acres of the property located in the SW  $\frac{1}{4}$  of Section 22, T. 14 N., R. 20 W., Principal Meridian, Montana be rezoned from C-R2 to C-C2, subject to the following findings of fact:

1. Whether the zoning is compatible with the Comprehensive Plan

The Wye-O'Keefe Plan, adopted subsequent to the 1975 Missoula Comprehensive Plan, is the document which relates to the subject property. As stated by the applicant, this plan was adopted in 1979. The following year, a master plan for the Valley West Development was drafted, and in June of 1980, the area was zoned to reflect the planned community concept for the area.

The applicant has suggested that a portion of the original zoning of this district may have been done in error. Specifically, it is questionable as to whether residential development bounded on three sides by commerical activity is desirable. This condition was worsened when a motor racetrack was proposed for the property immediately south of the subject property.

In 1984, the Community Development Staff issued a determination that the use of the property immediately south of this rezoning request for a racetrack was in substantial compliance with the Comprehensive Plan. The Wye-O'Keefe Plan includes a generalized "Planned Community" map, but the map is of a small scale, and is difficult to apply to specific parcels.

The planning staff concluded that since the lands immediately north, south, and west of the subject property have received commercial zoning and/or Comprehensive Plan determinations, this parcel would also substantially comply with the Plan.

2. Whether the new zoning will lessen congestion in the streets

The off-street parking requirements of the Missoula County Zoning Resolution provide protection against congestion in the streets.

The transportation and commercial standards of the Valley West Community Development District were adopted with the intent of providing additional safeguards against congestion in the streets.

The Missoula County Surveyor has stated that he has no objections to this rezoning from the viewpoint of roads.

The Planning Staff therefore concludes that the proposed rezoning will not have an adverse impact on traffic flow.

3. Whether the zoning will secure safety from fire and other dangers

Fire Investigator Creighton Sayles has notified the Community Development Office that the subject property is not within any organized fire district, and recommended that the property be annexed into a fire district.

The applicant has stated that he will annex into the appropriate fire district.

No other concerns have been expressed by reviewing agencies.

4. Whether the zoning promotes the health and general welfare

The current configuration of zoning districts within the Valley West Development was intended to provide for a planned community with an integration of residential, business, school, shopping, and recreation opportunities. Thus, the intent of the original zoning was to promote the health and general welfare of this community.

However, it would appear that a portion of the area designated C-R2 (that portion which is bounded on the north by a C-C2 district and on the south by the racetrack) should have been zoned as commercial property when the district was created. The impact of commercial development on three sides of this area could be expected to negatively affect residences in this area.

DECEMBER 4, 1985 (CONTINUED)

PUBLIC HEARING (CONTINUED)

Nevertheless, the Planning Staff does not feel that the entire 20-acre tract specified by the applicant should be zoned commercial. To do so would allow general commercial development to extend into the moderate density C-RR3 zone. Thus, no buffer would be provided between the general commercial development and the residential areas.

The Planning Staff has discussed this recommendation with the applicant, and has been assured that this would be an acceptable modification. The Planning Staff has therefore concluded that the proposed rezoning would promote the health and general welfare.

5. Whether the zoning will provide adequate light and air

Adequate light and air are assured through the provision of building setbacks and building height restrictions found in the County Zoning Resolution.

6. Whether the zoning will prevent overcrowding of the land; and

7. Whether the zoning will avoid undue concentration of population

These criteria are generally applicable to residential rezonings. The proposed rezoning will prevent overcrowding of the land and an undue concentration of population by promoting commercial rather than residential development on this property.

8. Whether the zoning facilities are the adequate provision of public services

Public services are installed and are readily available in the area.

9. Whether the zoning gives reasonable consideration to the character of the district

This criterion is the driving force behind this rezoning request. The applicant has expressed concerns regarding the impact of commercial development and the proposed racetrack on the subject property.

It is the Planning Staff's position that the rezoning of the western ten acres of the subject property would give reasonable consideration to the character of the district and better reflect the goals of the Valley West Development.

10. Whether the zoning gives consideration to the peculiar suitability of the property for particular uses.

Topographically, the property is well-suited to both commercial and residential land uses. However, the proximity of this property to the existing commercial areas and planned auto racetrack suggest that this parcel is better suited to commercial activities than residential land uses.

11. Whether the zoning was adopted with a view toward conserving the value of the building.

The applicant has stated that residential uses will be adversely impacted by the commercial development and unzoned property which bounds the subject property on three sides. The establishment of a racetrack adjacent to this planned residential area cannot be expected to improve the suitability of the parcel for residential uses.

Thus, the applicant is seeking to modify the zoning to better reflect the development pattern in the area. This, in turn, will allow the developer to construct buildings which are in keeping with the character of the area.

It is therefore, the Planning Staff's position that this rezoning is being proposed with a view toward conserving the value of buildings.

12. Whether the zoning will encourage the most appropriate use of land throughout the municipality

As previously stated, the existing zoning on the Valley West Development was intended to promote a cohesive planned community at the Wye. However, the adopted zoning created a "peninsula" of residential development in an otherwise commercial or unzoned area. The proposal of an automobile racetrack immediately south of this property has prompted the applicant to request a zoning change which would better reflect the original goals of the Valley West Community Development District.

The Planning Staff, in consultation with the applicant, is recommending that the west ten acres of the subject property be rezoned to C-C2 (General Commercial). This rezoning would accomplish the following:

1. The area bounded on three sides by commercial development would be rezoned to commercial uses, eliminating the potential conflict which exists between commercial and residential land uses.
2. A buffer between commercial uses and the moderate density single-family areas would be maintained.
3. Traffic on the future road would be limited to residential traffic only, thereby eliminating the potential of truck traffic in residential areas.
4. The goals set forth in the intent statement of the Valley West Community Development District (Section 6.02 (A) of the Missoula County Zoning Resolution) would be upheld.

It is therefore the Planning Staff's position that this rezoning will encourage the most appropriate use of land throughout the municipality.

Chair Ann Mary Dussault opened the hearing for public comment. She asked if anyone wished to speak in support of the request.

Nick Kaufman, representing Northview Development Corporation, the owners of the property, said he didn't have anything to add, but he would be glad to answer any questions.

Chair Dussault asked if anyone else wished to speak in support of the request. No one came forward. She asked if anyone wished to speak in opposition. No one came forward. The hearing was then closed.

DECEMBER 4, 1985 (CONTINUED)

PUBLIC HEARING (CONTINUED)

Commissioner Barbara Evans moved and Ann Mary Dussault seconded the motion that the rezoning request from Gordon Sorenson to rezone a portion of the Southwest ¼ of Section 22, T. 14 N., R. 20 W., from C-R2 to C-C2 be granted subject to the findings of fact set forth in the report from the Office of Community Development. The motion passed on a vote of 2-0.

The Commissioners then signed Resolution No. 85-154.

✓✓ RESOLUTION NO. 85-154

A resolution of intent to rezone the west ten acres of a tract of land located in the SW ¼ of Section 22, T. 14 N., R. 20 W., principal meridian, Montana from C-R2 (residential) to C-C2 (commercial)

✓ CERTIFICATE OF SURVEY REVOCATION OF AN AGRICULTURAL COVENANT (HEARING)

Under consideration was revocation of an agricultural covenant, created by COS 1232 on a parcel of land that L.M. Holt of 1800 Woodlawn wishes to create by occasional sale.

Jean Wilcox, Deputy County Attorney, presented some background information. She said that Mr. Holt purchased a two acre tract from Matthew and Mary Petrin in 1977 for horse pasture. The tract was created by agricultural exemption on COS 1232. Mr. Holt now wants to sell one acre to another party for a homesite, using the occasional sale exemption. In order to do so, Jean Wilcox said, the covenant has to be revoked by mutual agreement with the Commissioners and Mr. Holt.

Chair Ann Mary Dussault asked if anyone wished to comment on the revocation of the agricultural covenant.

Mr. Holt said he had no comments to make at this time.

Barbara Evans asked if the owners were paying minimal taxes on the land when it was under an agricultural exemption.

Mr. Holt said that the land had been taxed as residential property all along--approximately \$700 per year.

Mike Sehestedt, Deputy County Attorney, said that this particular parcel of land is too small to tax as agricultural land. There was, is, and has been a five acre minimum for a person requesting the agricultural tax classification. This is a two acre piece.

Barbara Evans said that this change would not benefit the taxpayers in any way, since the taxes will stay the same.

Chair Dussault said there would be improvements on the land.

Mr. Holt said that the people who want to build on that land would be making many improvements. His main concern here was to dispose of the land.

Ann Mary Dussault asked Jean Wilcox if the second half of that parcel would remain under agricultural covenant.

Jean Wilcox said that was up to the Commissioners. If Mr. Holt had the land surveyed, he could create a one-acre occasional sale. The rest of it would be a remainder, and the Commissioners could lift the covenant on the whole thing.

Chair Dussault asked if there would be access to all the land if the covenant were lifted.

Mr. Holt said there was a 50-foot access to the land, which is indicated in the survey.

Barbara Evans asked Mr. Holt if he wanted the agricultural exemption lifted on both parcels.

Mr. Holt said he did, as he wanted to eventually sell both parcels.

Chair Dussault said that, in essence, the Commissioners would be lifting the agricultural exemption on the two-acre parcel, and doing an occasional sale on the remainder.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the revocation of the agricultural covenant on the two acre parcel be granted. The motion carried by a vote of 2-0.

The Commissioners then signed Resolution No. 85-155

✓✓ RESOLUTION NO. 85-155

A resolution to revoke the agricultural covenant on a 2.008 acre portion of land in the N.W. ¼, S.E. ¼, Sec. 26, T. 13 N., R. 20 W., in Missoula County, which was created as a separate tract by Certificate of Survey No. 1232 through an exemption to the Montana Subdivision and Platting Act, was then signed by the Commissioners.

✓✓ REVIEW OF CERTIFICATE OF SURVEY-SECURITY INTEREST PARCELS-BOSSARD AND MADDUX (HEARING)

Deputy County Attorney Jean Wilcox said that Richard Bossard and Dr. James Maddux are the present owners of the property referred to on COS #2384, and have been attempting to get a loan on this property by using the security interest exemption, obtained in 1985 on lots filed under COS 3160 and COS 3156. She said Mr. Bossard and Dr. Maddux now want to create two more parcels by the use of the security interest exemption to construct a building for rental use. She said the reason this was before the Commissioners for review was because it has the appearance of creating a subdivision for rent or lease, which, under state law and the County Attorney's interpretation, is subject to subdivision review by the Planning Board and approval by the Commissioners, even though there are no plat filing requirements.

She said the question that needs to be examined is what Mr. Bossard and Mr. Maddux are doing with these parcels. Are they in fact building the buildings and renting them out, or are they in fact renting out and leasing the parcels? She said that if they are, in fact, renting out multiple buildings on the same tract, or multiple lots out of the same tract, then they are subject to subdivision review.

Eldon Inabnit of Eli and Associates, said he was representing Mr. Bossard in this matter, and stated that Mr. Bossard had been called out of town and would not be able to be at the meeting. He said it is his under-

DECEMBER 4, 1985 (CONTINUED)

PUBLIC MEETING (CONTINUED)

standing that Mr. Bossard wants to set up a business on one of these tracts for himself, and that was about all Mr. Bossard had told him. He said Mr. Bossard did hint about some more employment for the area, but did not elaborate, except to say that the business could be located in Missoula or in Plains, Montana.

Mr. Inabnit said that he would like to see Missoula grow and have the business stay here. He said he would like the Commissioners to approve one of these requests, and send Mr. Bossard a letter saying that the County would not go along with another if he operates in good faith. Also, he suggested that the Commissioners tell Mr. Bossard to go ahead with the subdivision review in phases, do phase one up to the road, and then a master plan on the land behind the road.

Chair Dussault asked if it would be more feasible to postpone this matter until Mr. Bossard is able to be present at a meeting.

Mr. Inabnit said that would be fine with him.

Chair Dussault said that would give the Commissioners a chance to talk with Mr. Bossard to determine exactly what his plans are.

Barbara Evans asked Jean Wilcox if the court rules that condominiums are not subject to subdivision review, would that affect this situation.

Jean Wilcox said not condominiums, but multiple buildings for rent on the same lot, and it could affect the situation depending on what Mr. Bossard is doing. There is still a provision in the subdivision laws for subdivisions for rent or lease. She said that it could be a year before the court rules on this.

Barbara Evans said Mr. Bossard should be prepared to answer many questions when he comes to a public meeting.

Chair Dussault said if Mr. Bossard is looking at relocating a business or looking at a new business venture, there are some other things that the Commissioners should talk with him about, in terms of other things available to him.

Barbara Evans moved and Ann Mary Dussault seconded the motion to postpone further action on this issue until the Commissioners have a request from Mr. Inabnit, or Mr. Bossard, to reopen the discussion. The motion passed on a vote of 2-0.

Chair Dussault asked if there was any other business to come before the Commissioners. Hearing none, the meeting was recessed at 1:58 p.m.

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DECEMBER 5, 1986

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

MONTHLY REPORTS

Chair Dussault examined, approved, and ordered filed the monthly reports of Justices of the Peace, David K. Clark and Michael D. Morris, for collections and distributions for the month ending November 30, 1985.

DAILY ADMINISTRATIVE MEETING

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

✓ CONTRACT

The Board of County Commissioners signed a contract between Missoula County and Western Montana Lumber, the lowest and best bidder, for Contractor Snow Plowing in the Condon area, as per the terms set forth, for the period from December 26, 1985, to March 15, 1986 at a rate of \$55.00 per hour for motor patrol plowing. The contract was returned to Centralized Services for further handling.

✓✓ EXTENSION LETTER

The Board of County Commissioners signed a letter to Andrew C. Fisher of Eli and Associates approving a 30-day extension for the filing of the summary plat of Dailey Estates, making the new deadline January 13, 1986.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers for the Health Department and adopted them as part of the FY '86 budget:

1. No. 860028, a request to transfer \$1,380.00 from the contracted services account to the Data Gathering/Analysis account as a new code was needed;
2. No. 860029, a request to transfer \$1,050.00 from the meals, lodging, and incidentals (\$750) and tuition (\$300.00) accounts to the Equipment Maintenance (\$750.00) and Books (\$300.00) accounts as additional codes and amounts were not anticipated when the budget was first developed for animal control;
3. No. 860030, a request to transfer \$600 from the Meals, Lodging, and Incidentals (\$300.00) and Common Carrier (\$300.00) accounts to the Phone-Basic Charges (\$300.00) and Equipment Maintenance (\$300.00) accounts as additional codes and amounts were not anticipated when the budget was first developed for criminal control; and
4. No. 860031, a request to transfer \$775.00 from the Permanent Salaries (\$575.00) and Copy Costs (\$200.00) accounts to the Work Study (\$575.00) and Office Supplies (\$200.00) accounts as additional codes and amounts were not anticipated when the budget was first developed for animal control.

✓ BOARD APPOINTMENT

The Board of County Commissioners appointed Sonia Zenk, who was an alternate member, to serve as a regular member on the Board of Adjustment to fill the unexpired term of Libby Sale through December 31, 1986.

DECEMBER 5, 1985 (CONTINUED)

Other matters included:

The Commissioners met with Dennis Engelhard, Personnel Director, and approved a Justice of the Peace Training Session to be held in Reno, Nevada.

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

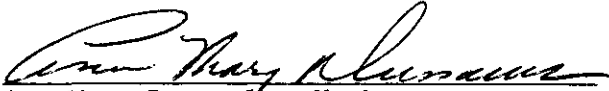
DECEMBER 6, 1985

The Board of County Commissioners did not meet in regular session, Commissioner Stevens was in Helena attending a Youth Services Study Advisory Council meeting; Commissioner Evans was out of the office all day; and Commissioner Dussault was out of the office until noon.

✓✓ CONTRACT EXTENSION

Chair Dussault signed an extension of the contract between Missoula County and Montana Highway Traffic Safety for the Seat Belt Program as per the terms set forth, to February 1, 1986. The contract was returned to Ellen Leahy in the Health Department for further handling.

  
Fern Hart, Clerk and Recorder

  
Ann Mary Dussault, Chair

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DECEMBER 9, 1985

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

INDEMNITY BOND

Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Norma Hargis as principal for Warrant # 8786, dated September 26, 1985, on the Missoula County Jury Duty-Criminal Fund in the amount of \$24.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

✓✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Andrea Jo Wohlenberg Shannon, an independent contractor, for the purpose of performing a feasibility study for the Out-Patient Care Center as per the terms set forth, for the period from December 1, 1985, to January 10, 1986, for a total amount not to exceed \$2,000.

✓✓ MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement between the Missoula City-County Health Department and the Missoula County Humane Society, whereby the Health Department will purchase the service of providing a facility where the large numbers of stray, abandoned, and lost cats in the community may be sheltered, as per the terms set forth for the period from December 1, 1985 through June 30, 1986, for a total payment of \$10,000.

✓✓ CONTRACT

The Board of County Commissioners signed a contract between Missoula City-County Health Department and Child Care Resources, whereby the Health Department will provide a Public Health Nurse to be at Child Care Resources approximately 3 hours per day to accomplish the objectives attached to the contract for the period from September 3, 1985, through June 30, 1986, for a total amount not to exceed \$26,310.00.

✓✓ MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a memorandum of agreement between the Missoula City-County Health Department and Pruyn Veterinary Hospital, whereby the Health Department will purchase the service of providing a facility to impound, house, or care for quarantined cats or kittens; as per the terms set forth for the period from December 1, 1985, through June 30, 1986, for a total amount of \$3,000.00.

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

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DECEMBER 10, 1985

MONTHLY REPORT

The Board of County Commissioners examined, approved, and ordered filed the monthly report of Clerk of the District Court Bonnie Henri, showing items of fees and other collections made in Missoula County for month ending November 30, 1985.

AUDIT LIST

Commissioners Dussault and Stevens signed the Audit List dated December 10, 1985, pages 4-27, with a grand total of all claims of \$195,701.61. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

✓✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and OMNI Environmental Services, Inc., an independent contractor, for the purpose of conducting emissions and efficiency tests according to the "Oregon Standard Method for Measuring the Emissions and Efficiencies of Residential Woodstoves", as per the terms set forth, for the period from December 1, 1985 to January 1, 1987



DECEMBER 10, 1985 (CONTINUED)

for a total amount not to exceed \$4,000. The contract was returned to the Health Department for further handling.

✓ RESOLUTION NO. 85-158

The Board of County Commissioners signed Resolution No. 85-158, a resolution of intention to create RSID No. 415 for the purpose of constructing approximately four force-main distribution systems (each to include a lift station) and three gravity distribution systems with a total of 1,220 lineal feet of absorption trench (community sewer system) in the Orchard Court Addition. Chair Dussault also signed the Notice of Passage of Resolution of Intention to create Rural Special Improvement District No. 415, setting the hearing date for January 8, 1986 at 1:30 p.m.

DECEMBER 10, 1985 (CONTINUED)✓ AGREEMENT AMENDMENT

Chair Dussault signed Amendment #3, dated November 22, 1985, to the standard form of agreement between Missoula County and Christian, Spring, Sielback & Associates, Engineers, for professional services, dated June 30, 1983, under the EPA grant for the Lolo Water & Sewer Plant, amending the agreement as follows:

Section 8.1.1 Replace the Appendix C-1 referenced in this section with CFR 40 Part 33.1030 as attached to this Amendment 3 (three pages).

The amendment was returned to John DeVore, Operations Officer, for further handling.

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

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DECEMBER 11, 1985

The Board of County Commissioners met in regular session. A quorum of the Board was present. Commissioner Dussault attended a Job Training Advisory Council Meeting in Helena during the day.

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 Dailey Estates, an amended subdivision plat of Lot 48, Sorrel Springs, located in the W ½ of Section 21, T. 15 N., R. 21 W., P.M.M. the owners being Lloyd A. and Suzette Dailey.

Other matters included:

1. Lt. Mike McMeekin will be requested to make a recommendation as to the location of the non-traffic signs requested by Lolo residents; and
2. A revision to the travel policy regarding the use of the motor pool cars, use of signal cars, and insurance coverage--the policy statement will be modified after further investigation as completed; and
- ✓ 3. The Larchmont Golf Course refinancing issue was discussed in detail. The Commissioners voted to authorize the following:
  1. To have Evensen-Dodge act for the County in the Larchmont IDR Bond defeasance;
  2. The issuance of Revenue Bonds and a General Obligation Note to defease the IDR Bonds;
  3. To have Howard Schwartz, County Executive Officer, negotiate with Seattle First Bank on the terms of the G.O. note and other related matters.

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

PUBLIC MEETING

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

✓ BID AWARD

Bids for a crew cab pickup truck for the Surveyor's Office were opened December 9, 1985, with the following bids received:

DeMarois Olds-GMC	\$11,497.00
Bitterroot Motors	11,999.00

County Surveyor Richard Colvill recommended that the Commissioners award the bid to the low bidder, DeMarois Olds-GMC, in the amount of \$11,497.00. He said the Surveyor's Office has \$15,000 in the current road budget for this truck.

Barbara Evans asked if there was anyone who wished to speak on this matter. No one came forward to speak.

Janet Stevens moved, and Barbara Evans seconded the motion, to award the bid to DeMarois Olds-GMC in the amount of \$11,497.00. The motion passed on a vote of 2-0.

✓✓ CONSIDERATION OF KLEPPER'S RV PARK-EVARO-SUMMARY PLAT

Planner Paula Jacques from the Office of Community Development said Donald and Vivian Klepper are requesting approval of a five-space recreational vehicle park on the property located in the North ½ of section 26, T. 15 N., R. 20 W., in Evaro. The 1.13 acre tract now contains a service station/store known as Klep's Cache. A variance from the requirements for paved roads has been requested.

DECEMBER 11, 1985 (CONTINUED)

PUBLIC MEETING (CONTINUED)

Paula Jacques said the Planning Board adopted the recommendation from the Missoula County Regulatory Commission that the Summary Plat of Klepper's Recreational Vehicle Park be approved subject to the following conditions:

1. The changes recommended by the County Surveyor to improve the accessibility of the spaces to large vehicles shall be incorporated into the design of the subdivision; and
2. Sanitary restrictions shall be lifted by state and local health authorities

Barbara Evans moved and Janet Stevens seconded the motion that the variance from the paving requirements be approved and that the Summary Plat of Klepper's Recreational Vehicle Park be declared to be in the public interest based on the findings of fact. The motion passed on a vote of 2-0.

FINDINGS OF FACT:

The Missoula County Regulatory Commission recommends that the Summary Plat of Klepper's Recreational Vehicle Park be declared to be in the public interest based on a review of the following criteria:

Criterion 1: NEED--no market study is required for a summary plat. The Comprehensive Plan designates Evaro as one of several areas encompassed by "activity circles." These delineate "areas not now developed sufficiently to indicate actual locations of local commercial areas." Given the use of land within the immediate area (a state highway, the Evaro Bar, the Silvernale Cafe, the existing service station on the applicant's property) it is apparent that the land under consideration can be appropriately used for commercial development. Care should be taken to approve commercial subdivisions only within designated activity circles to prohibit the continuous commercialization of all highway frontage.

Criterion 2: EXPRESSED PUBLIC OPINION--No public hearing is required for a summary plat. Staff has had one discussion with an adjacent property owner regarding a similar proposal.

Criterion 3: EFFECTS ON AGRICULTURE--The parcel currently contains a service station/store; thus, the agricultural potential of the land is limited.

Criterion 4: EFFECTS ON LOCAL SERVICES--The existing access to the service station from Highway 93 has been approved by the Department of Highways for recreational vehicles as well. Utilities are already in to serve the existing structure. Water and electricity will be extended to the individual sites. The proposed R.V. park is located in the Evaro service area. There will be no impact on the school system as a result of this recreational subdivision.

Criterion 5: EFFECTS ON TAXATION--Little additional demands on local tax-supported services will be created as a result of this subdivision.

Criterion 6: EFFECTS ON THE NATURAL ENVIRONMENT--The major impact on the natural environment occurred with construction of the highway and development of the parcel for its current use as a service station.

Criterion 7: EFFECTS ON WILDLIFE AND HABITAT--See "Criterion 6" above.

Criterion 8: EFFECTS ON PUBLIC HEALTH AND SAFETY--The Health Department has approved the applicant's plans for water supply and sewage disposal, and sanitary restrictions must be lifted. Health and emergency services are available in Missoula. The R.V. park is in the Frenchtown Fire District.

Since there was no further business to come before the Board, the meeting was recessed at 1:40 p.m.

✓/ PUBLIC HEARING: PINEY MEADOWS PARK

In the evening, Commissioners Dussault, Evans and Stevens travelled to the Nine-Mile Community Center for a public hearing for the purpose of determining whether or not it would be in the public interest to lease a portion of the Piney Meadows Park in the Piney Meadows Subdivision to the Frenchtown Rural District for the purpose of constructing a fire station thereon.

Commissioner Janet Stevens opened the hearing at 7:30 p.m. She asked if there were any proponents to speak.

Deputy County Attorney Mike Sehestedt gave a brief outline of what had been asked of the Commissioners in regard to the fire station. He described the Piney Meadows Park, which is located just past the junction of the upper and lower 9-Mile roads. He said there is a 60-foot access strip which is basically level until it drops off at a fairly steep bank near the creek. He said neither the access strip nor the park (which is mostly floodplain) have been developed. The Fire Department has asked the County for a lease on the 60-foot access strip in order to construct a 30-foot wide fire station on the property with a 20-foot wide parking and vehicular access strip on one side of the building. He said the Fire District will preserve access past the fire station to the park for those people who want to use the park. He said neither the park nor the access have been developed they are basically in their natural state.

He said when the Fire Department first raised the question, he remembered that in 1977 or 1978, someone had asked him to buy the park. He said the Commissioners had held a public hearing on the sale, and it was immediately apparent at that hearing that there was no public support for the proposal. In view of that, he said that when this new proposal was submitted, the Commissioners asked the Fire District to show some support on the part of the residents. He said the Commissioners had been presented with a petition signed by well over one hundred Nine-Mile residents, and that certainly justified bringing the matter to a public hearing.

Bob Jacks, a Nine-Mile resident, said that the Fire District had presented the matter to the Commissioners because there were people in the Nine-Mile area who felt that they needed a fire hall in the area to get faster fire service. The residents looked at several different options, some of which were in floodplains, and since he is the County Road Supervisor, he knew that the County owned this particular section of ground, so he brought it to the attention of the residents. He said the Fire District would not have been able to budget enough money to buy land and build a fire station.

Bruce Zemlinsky said he was one of the people responsible for circulating the petitions. He said they tried to keep it in the Nine-Mile area as much as possible.

Bob Jacks said another reason he thought the Piney Meadows location was a good one was because the County had already maintained that road in the past, because it is a school bus route and a mail route, so the

DECEMBER 11, 1985 (CONTINUED)

PUBLIC HEARING: PINEY MEADOWS PARK (CONTINUED)

fire station road would be plowed.

Janet Stevens said the Commissioners had brought a map of the Piney Meadows Subdivision with them, and said that if anyone was interested in looking at the map to see exactly where the proposed fire station would be located, they could come up to the front of the room and look at it.

Gary Curtis asked if the County wanted to develop the park after the fire station is built, would the County balk at development because there would only be 20 feet of access?

Mike Sehestedt said he didn't think it would be any kind of unsurmountable obstacle to development of the Park. He said he remembers it being basically floodplain land and any kind of substantial improvements on it would be subject to flooding and other problems. He said just having a 20-foot access would not be a barrier to any development, however unlikely it is to ever come about.

Gary Curtis asked what kind of figure the Commissioners would be looking at to charge for the lease.

Mike Sehestedt said the County would be looking at a ten year lease with some built-in options to renew, and provision for buy-out of the improvements at the end of the term if the County terminates the lease. He said it would be a real nominal dollar amount like a dollar a year, depending on what the Commissioners decide. Other requirements or restrictions would be up to the Commissioners. He said the County had not done any preliminary planning on the lease, because they did not know where the proposal was going to go before the hearing.

Janet Stevens said the Commissioners wanted community input before any decisions were made.

Fred Hager asked if the area was subject to floodplain regulations concerning septic tanks.

Mike Sehestedt said there were a couple of problems; one, the property in question which is being leased to the Fire Department was pretty clearly out of the floodplain, and as to whether or not there was sufficient ground to put in a septic system, he would be dubious, and if, in addition to having a heated structure on the site, with running water and septic, it would be an issue that would have to be addressed by the Health Department. He said that it was his opinion that there may not be enough ground there to install a septic system.

Chuck Gaughn said it was his understanding that the park ground was not suitable for any type of building, and, furthermore, filling in the ditch would cost more than the land would ever be worth. He said he has lived in the area for ten years, and his taxes have tripled, and his telephone bill went from \$3.59 to \$22 a month for the same service, and it would be a pleasure to have a fire station in the area, so he could save on his insurance. He said it would be the first thing that had gone right for him since he moved up there. He said there are 40 homes within a mile and a half of the station, and more very close by, so the fire station would serve a great many people. He said it was a pleasure to have the Commissioners come up to the area.

Janet Stevens asked if there was any further testimony.

An unidentified resident asked if there was a Piney Meadows group who opposed the fire station, and, if not, could they take it for granted that there was no opposition.

Mike Sehestedt said when he looked at the petition, there were a number of people in the Piney Meadows Loop who had signed the petition in favor of the fire hall. He asked if the people who immediately join the access were present to give their views.

Roy Robinson said that when they circulated the petition, that was the area they tried to canvass the heaviest, and they had gotten just about everybody in the Piney Meadows area to sign the petition. He said they have received no opposition from any of the residents. He said the person who lives the closest to the proposed fire station had no opinion, because he was selling his property soon.

Hazel Harley said there are only about ten houses on that loop, and she lives about a half mile further up from the area, and she knew of no opposition in that area, and she said a fire station would help the residents get insurance.

Janet Stevens asked if there was any more testimony. No one came forward to speak.

Barbara Evans moved, and Ann Mary Dussault seconded the motion that the fire station lease be found to be in the public interest, and that the County negotiate a lease with the Frenchtown Rural Fire District for the portion of Piney Meadows Park in the Piney Meadows Subdivision for the purpose of constructing a fire station. The motion passed on a vote of 3-0.

The hearing was declared closed at 8:15 p.m. The Commissioners then opened the meeting to all public comment, and discussed such issues as the Nine-Mile road, the jail, the proposed lease for the fire station, the road budget for the next fiscal year, the Capital Improvement Program, the insert that was sent out with the County tax bills, the Comprehensive Plan, planning and zoning for the Nine-Mile area, and water quality.

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DECEMBER 12, 1985

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. 85-159

The Board of County Commissioners signed Resolution No. 85-159, a budget amendment for the Health Department for FY '86, including the following expenditures and revenue, and adopting it as part of the FY '86 budget:

DECEMBER 12, 1985 (CONTINUED)

RESOLUTION NO. 85-159 (CONTINUED)

Description of Expenditure	Budget
2270-610-447401-202 Audio Visual Materials	\$1,000.00
2270-610-447401-211 Printing	500.00
2270-610-447401-328 Contracted Services	7,760.00
2270-610-447401-362 Curriculum Materials	1,400.00

Description of Revenue	Revenue
2270-612-331327 Received New Seat Belt Contract II	\$10,660

✓ RESOLUTION NO. 85-160

The Board of County Commissioners signed Resolution No. 85-160, a Resolution of Intention to create RSID No. 908, for the purpose of creating monies to cover costs and expenses associated with maintenance and repairs to the Orchard Court Community Sewer System located in Orchard Court, in the event system users or Orchard Court Homeowners Association fail to maintain or repair the sewer system.

Chair Dussault also signed the Notice of Passage of Resolution of Intention to Create Rural Special Improvement District No. 908, setting the hearing date for January 8, 1986 at 1:30 p.m.

BOARD APPOINTMENTS

The Board of County Commissioners made the following Board appointments:

- ✓ 1. David Tonning was reappointed to the Lolo Mosquito Control Board for a three-year term through December 31, 1988; and
- ✓ 2. Karen Foster was appointed to the Area Agency on Aging Board for a three-year term through December 31, 1988; and
- ✓ 3. Earl Lory, Joan Christopherson, and Bill Potts were reappointed to the Area Agency on Aging Board for three-year terms through December 31, 1988.

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

MEETING

In the evening, Commissioners Dussault and Stevens attended a Montana People's Action Meeting at the East Missoula Community Center.

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DECEMBER 13, 1985

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

Fern Hart  
Fern Hart, Clerk and Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair

\* \* \* \* \*

DECEMBER 16, 1985

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 and adopted it as part of the FY '86 budget:

No. 860032, a request from the Auditor to transfer \$4.75 from the Meals, Lodging and Incidentals account to the Mileage-Private Vehicle account as it was charged to the wrong line item.

✓ AGRICULTURAL EXEMPTION COVENANT

The Board of County Commissioners signed approval of an Agricultural Exemption Covenant for tracts of land located in the NW ¼ of Section 36, Township 14 north, Range 21 west, Principal Meridian, Montana, Missoula County, Montana, being portions of Certificate of Survey Number 3131, Tract a, the owner being Tami J. Ratliffe.

✓ APPROVAL OF PLANNING BOARD PRESIDENT

The Board of County Commissioners signed approval of John Wick's reelection as President of the Missoula Consolidated Planning Board, as per the terms of the Interlocal Agreement.

BOARD APPOINTMENT

The Board of County Commissioners made the following Board appointments:

- ✓ 1. Zane Sullivan was reappointed to the Airport Authority for a five-year term through December 31, 1990;
- ✓ 2. David Schroeder was reappointed to the County Tax Appeal Board for a three-year term through December 31, 1988;

DECEMBER 16, 1985 (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

- ✓3. J. Edwin Gilchrist was reappointed as an ad hoc member of the Fair Commission through December 31, 1987.

Other Matters included:

- ✓1. Chair Dussault was authorized to execute the documents required for redemption of the 1971 and 1978 Champion IDR Bonds; and
2. Finding a suitable location in the Courthouse for the bust of Allen Kimery was referred to John DeVore, Operations Officer.

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

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DECEMBER 17, 1985

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

AUDIT LIST

The Board of County Commissioners signed the Audit List dated December 17, 1985, pages 4-34, with a grand total of \$173,491.13. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

✓✓ CONTRACT

The Board of County Commissioners signed a Professional Services Contract with Robin Vallie, an independent contractor for the purpose of designing, coordinating, implementing, and evaluating a public health education program in the area of seat belt promotion, as per the terms set forth, for the period from December 1, 1985 to February 1, 1986, for an amount not to exceed \$2,500.00.

BOARD APPOINTMENTS

The Board of County Commissioners made the following Board appointments:

- ✓1. Bob Schuyler was appointed as first alternate member and Thaddeus A. Harrington as second alternate member on the Missoula County Board of Adjustment for two-year terms through December 31, 1987.
- ✓2. Bille Janssen was appointed as a member of the Area Agency on Aging Board for a three-year term through December 31, 1988; and
- ✓3. Robert R. Coffman was appointed as a member of the Clinton Rural Fire District Board of Trustees to fill the vacancy on the Board, due to the death of Richard Dunn; Mr. Coffman will serve until the School Election in April, 1986, at which time the residents of the District will elect the trustees.

Other matters included:

1. Commissioner Stevens will serve as a judge at the County Spelling Bee on February 21, 1986; and
2. The Commissioners authorized proceeding with the recovering of their chairs as per the fabric selection;
- ✓3. The Commissioners voted unanimously to accept the Park Board's recommendation on the Batting Cages lease.

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

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DECEMBER 18, 1985

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:

PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the transmittal sheet for pay period #25 (11-17-85-11/30/85) with a total Missoula County payroll of \$357,832.21. The transmittal sheet was returned to the Auditor's Office.

Other matters included:

The Commissioners voted unanimously to proceed with the Larchmont Golf Course refinancing.

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

PUBLIC MEETING

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

✓✓ PROPOSED ISSUANCE OF IDR BONDS-J.R. DAILY, INC.

Chair Ann Mary Dussault said that John R. Daily, Inc. has requested Missoula County Industrial Development Revenue Bonds in the amount of \$1,500,000 for the purpose of rehabilitating and remodeling its existing meat packing plant and acquiring approximately ten acres of land for and constructing, equipping, furnishing and improving thereon a new 15,000 square foot bacon processing facility.

DECEMBER 18, 1985 (CONTINUED)

PUBLIC MEETING (CONTINUED)

Chair Dussault said the Office of Community Development has reviewed the application in accordance with the County's Industrial Development Revenue Bond Policy. The staff report indicates that the project will be able to meet the mandatory criteria, listed below, and that it conforms to the eligibility criteria for issuance of IDRB's.

MANDATORY CRITERIA

1. The property is zoned C-I2 which permits the intended use. No subdivision plat will be required. A portion of the property is within the floodfringe; a floodplain permit will be required prior to construction. This should be considered routine. Additionally, the structure will be required to conform to the adopted building codes.
2. All activities indicated in the applicant's packet are eligible for bond funding.
3. The subject site is located on Mullan Road near Reserve Street, which is within Missoula County.

Chair Dussault opened the hearing for public comment. She asked that proponents speak first.

Warren Wilcox of John R. Daily, Inc. said the company is in the meat processing business and has been in existence since 1893. Its current primary business is bacon processing, with approximately two-thirds of the company's sales exported to the States of Washington and Oregon. The project will consist of real property located at 2900 Mullen Road, Missoula, Montana, rehabilitation and remodeling of existing facilities thereon, and the construction, equipping and furnishing of an additional facility of approximately 15,000 square feet. The current facility consists of approximately 20,000 square feet, and with the addition, approximately 35,000 square feet of plant will be utilized in the business.

Upon completion, the project will have complied with all applicable local, state and federal laws and regulations.

He said that John R. Daily, Inc., will utilize the proceeds from the bond sale for the purpose of rehabilitating and remodeling existing facilities, land acquisition, construction, equipping and furnishing an additional facility and fees associated with the project as described in Section 90-5-109, Montana Code Annotated. The proposed project is an industrial enterprise located in Missoula County, Montana, and will have a definite positive impact on the County's economic base. The products sold by John R. Daily, Inc., are marketed primarily outside Missoula County, which makes the project both a primary industry expansion and an export industry expansion. Neither the business operation nor the product produced is in direct competition with other local enterprises. Thus, the project would result in a positive long-term impact on the local economy and tax base and does not result in a redistribution of the existing economic base.

He said John R. Daily, Inc., currently employs some 80-85 employees, with an estimated 1985 annual payroll of approximately 1.5 million dollars. It is anticipated that upon completion of the project the number of employees will be increased by approximately fifty percent, with a substantial increase in efficiency of operation and productivity.

As a practical matter, they do not foresee any measurable impact on new and existing public services as a result of the project, nor do they foresee any measurable impact on the environment, including air and water quality. He said the rehabilitation of the existing facility and new construction and equipment should have the effect of not only conserving energy but substantially increasing productivity.

Wilcox said the project presents an excellent potential for employment of area residents, both during the construction phase and in the business operational phase upon completion. As previously stated, the company estimates a fifty percent increase in employees will be needed following completion of the project. He said John R. Daily, Inc., is a locally owned and operated corporation, which has been a part of the Missoula community for many years. It is a basic industry in the truest sense of the term in that it takes a product, adds value to that product by converting it with the application of labor from the local community, and markets the finished product.

He said this project is the type of project that was anticipated by the drafters of the law which created industrial development revenue bond legislation.

David Owen, Executive Vice President of the Missoula Chamber of Commerce, said he didn't think the Commissioners could find a better use for Industrial Development Revenue Bonds if they went shopping for it long and hard. He said the Chamber feels that the majority of job expansion in the Community will be local firms, and this is a local firm. He said primary industry is the place for industrial bonds, and this is a primary industry. On those two basis, he said the Chamber Board wholeheartedly encourages the Commissioners to vote for the issuance of the bonds. He said it was real hard to resist the temptation to jump up and say, "This is it, this is the use that these were designed for. It is primary industry, it is local, and it's a solid corporation that has a good standing in this community and you couldn't find a better use."

Chair Dussault asked if anyone else wished to speak in favor of the Bonds. No one came forward. She asked if anyone wished to speak in opposition. No one came forward to speak. The hearing was closed.

Howard Schwartz, Executive Officer for Missoula County asked Mr. Wilcox about an article in the Missoulian several weeks ago, indicating that John R. Daily was not necessarily committed to building on this site, or even expanding in Missoula, and he asked for clarification.

Warren Wilcox said that unfortunately, when the Commissioners pass on the bonds, the company does not automatically have the money. One of the key ingredients to a project like this is the ability to sell the bonds. He said meat packing plants aren't exactly at the top of the list for tax-free investments by bond holders, so the company anticipates that part of the answer will hinge on the bond sale.

Howard Schwartz asked if once the Commissioners authorize the bonds, the company would start negotiating with underwriters, and if they think they can get the company a favorable rate, would then then go ahead with the expansion plans?

Warren Wilcox said that was correct, if the company were to use these bonds. He said that the Missoulian had asked him whether they had looked at other sites, and he said he had told them that they had looked at Spokane and Billings, and the facilities that they looked at would not have been suitable. He said at this point in time, they were still looking at the question of whether they should expand where they are now, or maybe move to a new site and build a new facility. He said they were looking at maybe three or four options and financing methods.



DECEMBER 18, 1985 (CONTINUED)

PUBLIC MEETING (CONTINUED)

Howard Schwartz asked if the Commissioners do issue the bonds, then could the company then go out into the capital market, knowing that they had the bonds as an option.

Warren Wilcox said yes, this would be a very positive step for the company and a very positive step to consider the project as they had submitted it to the Commissioners, which would be, in essence, an expansion on the site where they now have the packing house.

Barbara Evans said she wanted to make it real clear that she would have no problem with John R. Daily using Missoula Revenue Bonds to build on a different location in Missoula, but she does want the Company to stay in Missoula.

Janet Stevens said that this issue partially came about as a result of a conversation that she had with Warren Wilcox a month or so ago, when he indicated that he had been looking in Billings at the meat packing plants there, and it concerned her a great deal. She said Howard Schwartz deserves credit for contacting Warren about the Industrial Revenue Bonds, and indicating to him that a deadline was approaching.

Janet Stevens moved, and Barbara Evans seconded the motion that the request for Industrial Revenue Bonds for John R. Daily Inc., be approved in the amount of \$1,500,000.00 as it has been found to be in the public interest, with the understanding that this approval is subject to withdrawal if the final project does not meet the criteria established in the County's Industrial Development Revenue Bond Policy. The motion passed by a vote of 3-0.

PUBLIC HEARING: USE VARIANCE AT LINDBERGH LAKE-JIM BUSCH

Chair Ann Mary Dussault gave some background to the request of Mr. Jim Busch that a use variance be granted to allow Tranquility Lodge to be used as a commercial resort. The subject property is described as Tracts D, E, F, and G of Certificate of Survey No. 999. This request involves a zoning violation which has occurred in Planning and Zoning District No. 25 A. This zone is one of several "citizen-initiated" zoning districts in Missoula County and was established in 1970. The districts are created when 60 per cent or more of the freeholders within a forty-acre or larger parcel petition for the creation of a district, and the adoption of regulations governing the district. Enforcement of the adopted zoning regulations is the responsibility of the Missoula Office of Community Development.

This variance request was precipitated by a number of complaints in 1983 by landowners of property around Lindbergh Lake that a large commercial lodge was being constructed at the lake, in apparent violation of the adopted zoning for the area. The Community Development Staff initiated a zoning investigation into the matter in cooperation with the County Attorney's Office, and determined that the new lodge was, in fact, a commercial development disallowed by the Planning and Zoning District No. 25 A regulations.

The Missoula County Attorney's Office wrote to Mr. Busch, and advised him that Tranquility Lodge was being operated in violation of the adopted zoning. He was then advised that two options were available for resolving the situation: to obtain a use variance from the Board of County Commissioners to allow the lodge to be operated as a commercial business, or ceasing the commercial use of the lodge.

Next, in November of 1985, Mr. Busch, represented by Datsopolous, MacDonald, and Lind, submitted a request for a use variance to allow Tranquility Lodge to operate as a commercial resort.

Mark Hubbell from the Planning Office said the recommendation was for denial of this use variance request based on the following findings of fact:

FINDINGS OF FACT

Section II (2) of the Planning and Zoning District No. 25A Regulations states, "The Board of County Commissioners may authorize variances that are not contrary to the public interest, where owing to special conditions literal enforcement would result in unnecessary hardship."

Thus, in order to review this variance request, attention must be directed to two criteria:

1. Whether the variance would be contrary to the public interest.
2. Whether there are special conditions present which would create unnecessary hardship if the zoning is literally enforced.

I. Whether the variance would be contrary to the public interest

On February 10, 1970, Planning and Zoning District No. 25A, A citizen-initiated zone, was established. This zoning district was created following a petition drive which yielded the signatures of 64.2 percent of the freeholders within the affected area.

Under the provisions of District 25A, the only permissible land uses are recreational and residential. In November of 1983, a number of Lindbergh Lake landowners contacted the Community Development Office regarding Tranquility Lodge. It was their contention that this new structure was being constructed and operated in conflict with the adopted zoning and the public interest.

Upon hearing of the applicant's request for a use variance, many area residents telephoned, visited, or wrote to the Community Development Staff, urging that this variance request be denied. Thus, the public interest, as expressed in the creation of Planning and Zoning District 25A, and in comment expressed with regard to this request, is overwhelmingly in favor of preserving the non-commercial character of Lindbergh Lake. The Community Development Office and Planning Staff concludes that the proposed variance request would be contrary to the public interest.

II. Whether special conditions exist which create unnecessary hardship if the zoning is literally enforced.

APPLICANT WAS AWARE OF ZONING

On his letter of application, Mr. Datsopolous, representing the developer, states that Jim Busch was "unaware of the zoning designation at the time the facility was conceived and built." The Community Development Staff takes exception to this claim. The petition to zone this property was signed by Jim Busch. Further, Mr. Busch posted the Notice of Public Hearing on Adoption and Planning and Zoning at Lindbergh Lake. Thus, it would be unreasonable to assume that Mr. Busch was unaware of the zoning of this property.

DECEMBER 18, 1985 (CONTINUED)

PUBLIC MEETING (CONTINUED)

Hardship self-imposed

Another conflict in information occurs at the point of discussion as to the intended use of Tranquility Lodge. Area residents have stated that upon inquiring of Mr. Busch, they were told the structure was to be a home. It is their contention that Mr. Busch was promoting the new structure as a large single-family dwelling, which would also serve as a "model home" for Mr. Busch's log home construction business.

But the fact that Tranquility was not being used as a single-family residence became evident as news articles and advertisements appeared in both local and national periodicals. In February of 1983, advertisements were run in the Wall Street Journal offering food, lodging, and transportation from the airport for individuals or groups (limited to 18 people) for a firm \$150.00 per day.

In November of 1983, Previews, Inc. was listing Tranquility for sale as a "Spectacular New Guest Lodge", in an area with no zoning. On January 16, 1985, the Business Briefing column in the Missoulian highlighted Tranquility Lodge, mentioning that rates were \$150 per night for a single room, \$225 for a double, with group rates available. The article also stated that the lodge had received good reviews in Hiway Report.

The Missoula County Attorney's Office found that this use of Tranquility Lodge is commercial land use, and is therefore prohibited under the regulations of Planning and Zoning District No. 25 A.

It is the Planning Staff's position that any hardship experienced by Mr. Busch is self-imposed, as he was fully aware of the adopted zoning for the area, and has moved ahead with the development of what now is being termed a commercial lodge. Further, Mr. Datsopoulos has made reference to a "three to four bedroom addition" which is proposed for Tranquility Lodge. Thus, the variance request will not only continue a use neighbors consider unacceptable, but will actually expand the use.

Area residents have consistently called for non-commercial development along Lindbergh Lake. They successfully petitioned for the establishment of Planning and Zoning District No. 25A. They have complied with the terms of the zoning, and prudently contacted Mr. Busch when it appeared that his plans were in conflict with the adopted zoning. It was also the area residents who contacted the Community Development Office when the use of Tranquility Lodge as a commercial business became apparent. Finally, the area residents have raised a unified call for the denial of the applicant's request for a use variance. In the staff's view, an approval of Mr. Busch's request would fail to honor the consistent position and sentiment of these landowners.

Chair Ann Mary Dussault said that as a matter of note, all testimony, and all of the letters and calls received in the Commissioner's office have been noted, and will be entered as part of the normal record in addition to a comment from Albert Muskett on behalf of Frank Harrison which was turned in to the Commissioners at the beginning of this meeting.

Chair Dussault opened the hearing for public comment. She asked that proponents of the zoning variance speak first.

Ronald MacDonald said he was going to do something reluctantly, because it has some sense of unfairness to it, but he had received Mr. Hubbell's report two days ago, and has since conveyed this to his client, Mr. Busch, and Mr. Busch has also received copies of all the correspondence to date. He said it was his perception that there was a great deal of misunderstanding, partially as a result of the broadness of Mr. Datsopoulos' letter, in terms of this application, due to the reaction that one has to the word, "commercial", which has been interjected into the hearing rather freely, and as a result of that, he was of the opinion that this was going to be a rather difficult and contested hearing. He said Bob Minto has been retained by the Homeowner's Association, and he said Mr. Minto contacted him yesterday, and said that there are a number of people, including the executive portion of that organization, that would like to sit down with Mr. Busch and more precisely define exactly what Mr. Busch would like to do, and also, define what it is that he would not like to do, and possibly amend the variance request, or come to this Commission with a very specific proposal in terms of language so it might subside some of the very real fears that have been expressed in this correspondence. He said that Mr. Minto and he were mutually requesting a continuation of this hearing until January 8 to give them the opportunity to sit down in a forum where reason may prevail a little more readily than it might in this public forum. He said he recognizes that this request is unfair for two reasons. One, because the Homeowner's Association does not necessarily represent all of the people that have something to say, and two, he is confident by the attendance at the meeting today that the Homeowner's Association has not been able to contact all of the people that have an interest in this. He said that he would propose that in the continuation request that the Commission advise those people that would not be able to attend, or would find it grossly inconvenient to attend on January 8, that the record would be open for those people to make their statements and unless the Commissioners object, he and Mr. Minto would not be presenting any portion of their testimony until the next hearing. He apologized to the people who were at the hearing, and said he was making this request in the hope of being able to take a rather complicated issue and refine it either to a workable solution or a solution that will be more readily presentable both in definition and in legal language.

Commissioner Barbara Evans asked Mr. MacDonald if he was asking the Commissioners not to accept any testimony on the matter today.

Ronald MacDonald said no, he was merely suggesting that if there were people here who are inconvenienced by returning, or if there are people who would not be able to return, that in fairness, the Commissioners should take their testimony and leave the record open, so that those people who are in favor of this would be able to testify at the later hearing, and those people that are opposed would also be able to testify at a later hearing.

Chair Dussault asked Mr. Minto if he had any comments to make.

Robert Minto said he had been retained by the Homeowner's Association to represent them in this matter. He said that in trying to analyze the issue or issues, and he thought there were more than one, it became clear to him that there were a number of things that were simply not clear. He said he spoke with Mr. MacDonald late yesterday afternoon, and they were both in agreement that it was important that everybody understand what they were arguing about before they starting arguing about it, and that if there are some resolutions that are available that they be explored fully before it is laid on the Commissioners desks and ask them to make the decision. He said he concurs in Mr. MacDonald's request that this matter be postponed or continued until the 8th of January, and that formal presentation of the Homeowner's Association and Mr. Busch's testimony be taken then. He also apologized to those people who were inconvenienced by the postponement and agreed that the record should be kept open until the closure of the formal hearing.

DECEMBER 18, 1985 (CONTINUED)

PUBLIC HEARING (CONTINUED)

Chair Dussault said the Commissioners would begin taking testimony on this matter from those who were there and would like to comment. Then, the record would be left open until January 8, and the hearing continued until that time. She said she would be sure that everyone is notified of a potential compromise on this matter. She said it would only be fair that everyone involved be aware of what the compromise is, and have an opportunity to comment on it, before the decision on the variance is made.

Ronald MacDonald said it was his understanding that the Homeowner's Association and Mr. Busch do not have the unilateral capacity to reach a resolution of this issue. The Homeowner's Association does not have the legal authority to find, as individual members, or as residents. It is merely his intention to find out what they do have in common and further define the issue. He said he anticipates that there will be some people who will protest or have comments in any resolution, and it ultimately will have to be the decision of the Commissioners. He said it is not his intention to go into some back room and then announce to the world that this issue has gone away somehow.

Bob Minto said he would like to make it clear to everyone that there is no currently pending compromise. There are simply too many issues left unresolved, and they need to explore all those avenues. There is nothing specific on the table, he said.

Chris Rockey, Director of Community Development, said he would circulate a sign-up roster, and asked that people in the audience place their name, address and phone number on the roster, so that the attorneys involved could contact everyone.

Chair Ann Mary Dussault said that persons could either testify or ask questions at this point, but she asked that each person speak only once today. She said that everyone who testified today would receive notice that there is a proposed compromise and they would know as much about it as the Commissioners know about it, and they would be given an opportunity to comment on that compromise before a decision is made.

Commissioner Stevens noted that the Commissioners would not be bound by any compromise.

Stacey Good said she was contacted by phone the night before and told that there would be no hearing the next day, that it was postponed, and that there would be a compromise today.

Ann Mary Dussault said that the Commissioners were contacted the day before and asked if they would postpone the hearing. The Commissioners, in essence, said no, they wanted to proceed with today's hearing because notice had been given and the Commissioners thought that people had the right to comment on the proposed variance. The attorneys for Mr. Busch and for the Homeowner's Association have asked for time to reach a compromise. They will come back with that on January 8 and present their testimony. At that time, the Commissioners will allow time for other people to comment on how they feel about that proposed compromise. She said no decision will be made either today or on January 8.

Art Sherer, M.D., 1421 Khanabad Drive, said he had a second residence at Lindbergh Lake. He said Mr. Minto has been retained by some members of one homeowner's association, and it has not even been established that he represents all of those people, and he said he could tell the Commissioners for one hundred percent sure that Mr. Minto does not represent more than a small fraction of those when he asks for a compromise. He also does not represent, in any way, the homeowners association to which he (Dr. Sherer) belongs, which happens to be called the Diamond L Bar Ranch Homeowner's Association. He said he had contacted eight of those nine members, all of whom are opposed to the project, so that any intended compromise that might be reached by the two attorneys and whomever they propose to represent will hardly be representative of the majority of the homeowners. He said he did not know who was paying the fee to Mr. Minto, and even if that does come from the Homeowners Association, he would submit that it has not been brought to a vote by a majority of those homeowners.

Chair Dussault asked if anyone else wished to testify in support, in opposition, or in confusion.

Jay Ottman, who said he had a summer home on Lindbergh Lake, and is well aware that the Commissioners have the power to grant a use variance, said the question is not the use variance, the question is did they create a valid zoning district in 1970, or did they not create a valid zoning district? If not, then he didn't know why the meeting was being held, because Mr. Busch could build anything he wanted up there. If it is a valid zoning district, he did not know what they were doing at this meeting, as a majority of those people living on the lake said they did not want these things, and he thinks that the Commissioners would recommend that if the residents want to change the zoning, they should get a majority to change it. He said he hoped the Commissioners will look at that aspect, rather than the use variance. He said the Commissioners should find out what the majority of people in the area want.

Ann Mary Dussault asked if anyone else would like to testify. No one came forward to testify. The hearing was recessed until January 8, 1986, and the record was left open to receive comment until that time.

HEARING: CERTIFICATE OF SURVEY-OCCASIONAL SALE: NORTHVIEW DEVELOPMENT CORPORATION

Deputy County Attorney Jean Wilcox said Northview Development Corporation was proposing an occasional sale out of a large tract of land of 345 acres, located adjacent to Highway 93 north, just north of the Wye. She said out of the same tract, there is also the Bay Meadows Subdivision, also done by Northview Development. Also, out of the same tract, there was a prior occasional sale by Northview which was transferred to Gordon Sorenson over a year ago, in August of 1984. Then, there were two twenty-acre parcels that were transferred to Waldo and Doris L. Williams, then there was a parcel that was transferred that became Jim and Mary's R.V. Park, which was a R.V. park that went through subdivision review. There was also a mortgage exemption taken by Northview Development in August of 1984. She said the reasons this proposal has come before the Commissioners are that the same applicant has divided other property using exemptions, and the individual who is president of Northview Development is also related to, in a partnership capacity, Hall 'O Fame, which has done other divisions in the area, and that partnership is with Waldo Williams who is one of the parties using exemptions out of this tract.

Commissioner Barbara Evans asked if there was any record of these people transferring back and forth to each other.

Jean Wilcox said that the only back and forth transfer would be the original parent parcel that was owned by the Williams', and they had ended up taking two 20-acre parcels back.

Chair Dussault opened the hearing for public comment.

DECEMBER 18, 1985 (CONTINUED)

## PUBLIC MEETING (CONTINUED)

Nick Kaufman, of Sorenson and Company, gave some back-ground on the property and all the divisions that have taken place on the property. He said Gorden Sorenson is a partner in Hall 'O Fame, with Walter Williams, and is also president of Northview Development Company. He said the first Certificate of Survey on the property occurred in 1979, and was #2204, a boundary retracement of the large tract of ground. He referred to the Wye Planned Community and Master Zoning Plan for the area done by the Planning Office in 1979.

He said that in 1981, the Preliminary Plat called Belmont and Churchill Downs Addition, which was approved by the County Commissioners, was never filed, due to poor interest rates. The plat was then withdrawn, and a subsequent subdivision was replatted, called Bay Meadows. But in 1981 when Belmont and Churchill Downs was being reviewed as a subdivision, the two 20-acre tracts which coincide identically with the CC2 Commercial Zone were created. The next thing that happened was an 8-acre occasional sale, COS #3109, to Jim and Mary McFarland, who platted it as Jim and Mary's R.V. Park in 1984. Also in 1984, a mortgage release was taken for a home being constructed for and by Joe Sorenson, Gorden Sorenson's son. Three months later, Gorden Sorenson obtained an occasional sale exemption for that property. In 1985, the Bay Meadows Plat was recorded. He said that the streets will be improved in the Bay Meadows Subdivision this year, with the improvements of Highway 93. He said the contractor working on the highway is currently excavating gravel on a portion of the Bay Meadows Addition, and has lowered the ground about 7 feet. When he is finished, the streets will be redesigned, and will be paved in exchange for the gravel, and in exchange for the five acres that is being proposed for occasional sale in the commercial zoned area. He said there is no pattern of attempt to evade the subdivision platting act, and the owners have gone to great lengths to work with the Community Development Office and the County Commissioners to change the Comprehensive Plan. He said this sale is proposed solely to finance the development of the property.

Commissioner Dussault said she would agree that there does not appear to be a pattern here, but she was curious about the rezoning and then the submission for the occasional sale, two weeks later.

Nick Kaufman said that the rezoning should have been requested and taken place immediately after the Planning Office made the determination that the race track was a recreational use in a residentially designated comprehensive planned area adjacent to residentially zoned land. That's when it should have happened, he said; however, Northview Development is not triple A rated credit-wise and that was postponed until now, which was a more opportune time to do it.

Commissioner Dussault said that what was bothersome to her was that when it appears that the County is going to rezone a piece of property and then a plat for an occasional sale is going to be submitted, why isn't it all being done at the same time? She said the second issue is that when Bay Meadows was platted, the County was given deeds to two pieces of property and those deeds are missing. She asked Mr. Kaufman if the County could get copies of those deeds.

Nick Kaufman said his company is in the process of trying to locate or replace the deeds. He said the deeds may have been misplaced in the County Attorney's Office. He said he would ask the County to file Quit Claim Deeds on all the previous deeds that were lost in case they were ever found and recorded, and then he would provide new deeds to the County for the guarantee of improvements. He said if everything goes as planned, and the streets are paved this spring, the County would never have to receive any property out there.

Ann Mary Dussault asked Mr. Kaufman how the contractor could be taking gravel off the Bay Meadows Subdivision if Missoula County was holding the deeds to the property.

Nick Kaufman said he didn't think Missoula County was holding the deeds.

Ann Mary Dussault said that was obvious, as the deeds were lost however, she wanted to know if by record, Missoula County was holding the deeds.

Nick Kaufman said his company had reviewed the plan for the gravel extraction operation, and they don't consider it detrimental, because the long-term value of that property will result from the planning and zoning that will take place there. He said that one corner is just being dropped seven feet.

Ann Mary Dussault asked that the assumption that the County had lost the deeds be set aside for a minute. She said that if, in fact, signing over these properties to Missoula County until the improvements were made was part of the Bay Meadows Agreement, then Sorenson, Inc. was using Missoula County land for the extraction of gravel in order to complete the agreement. She said she had trouble with that.

Nick Kaufman said there were two questions here- 1., is gravel extraction occurring on what may be Missoula County's property, and 2., is what is being done enhancing the value of Missoula County's property by allowing the improvements to take place.

Barbara Evans asked if the deeds were given to Missoula County to hold as a guarantee that the improvements would be done on Bay Meadows. The County was not being given the land forever, it was like a letter of credit at the bank.

Nick Kaufman said the County was holding the deeds in security.

Jean Wilcox said that when the gravel is being removed, there may be some erosion or devaluation of the security.

Nick Kaufman said in this case, he couldn't see how it would be devaluing the property, nor can he see how it is the taking of anything that is Missoula County's that was value without compensation.

Jean Wilcox said if, for some reason, the improvements are not made, then that land has been devalued.

Nick Kaufman said that was correct; however, he did not want the Commissioners to have the impression that this had been done under the shadow of darkness. He said Mr. Sorenson himself went into the County Surveyor's Office and showed Dick Colvill what was going to happen with the gravel extraction and the road plans. He said if the developers don't do the improvements, then Missoula County will sell the lots and do the improvements. He said he had been told by Deputy County Attorney Jean Wilcox in no uncertain terms to get the deeds replaced, or the County would vacate the plat, so he is having the deeds re-recorded, as soon as the County files a quit claim on the previous deeds.

Chair Ann Mary Dussault asked if anyone else wished to speak. No one came forward, and the hearing was closed.

DECEMBER 18, 1985 (CONTINUED)

PUBLIC MEETING (CONTINUED)

Barbara Evans moved, and Ann Mary Dussault seconded the motion, to allow Northview Development Company to file the Certificate of Survey, based on the following reasons:

1. There is no clear pattern of subdivision evasion
2. The law allows an occasional sale once every twelve months.

Janet Stevens said she would abstain from voting on this issue because of a potential conflict of interest. The motion passed by a vote of 2-0, Janet Stevens abstained.

✓ HEARING: PROPOSED OCCASIONAL SALE AND REMAINDER DIVISIONS OF COS #2916A-DEAN TURNER

Deputy County Attorney Jean Wilcox said the property in question was located across the street from Lakewood Estates in Lolo, and this is an occasional sale of almost 16,000 square feet. The reason this issue was brought before the Commissioners is because the owners are using both the occasional sale and platting a remainder on the same survey, and the arrangement suggests that there could be a pattern established in the future for other small lots with access from Red Fox Road.

Chair Ann Mary Dussault opened the hearing for public comment.

Dick Ainsworth, representing the firm of P.C.I., said he was representing Dean Turner. He said this proposed occasional sale is the only piece of ground in the parcel that Mr. Turner owns that is not in the 100-year floodplain. He said Mr. Turner has a buyer interested in building a house on this particular parcel, which will connect to the Lolo Sewer and Water District, which they have already gotten approval for from the 901 Board, but Mr. Turner has no intention of continuing to sell any other lots along the road. He said Mr. Turner has not had a history of using exemptions for sale.

Chair Dussault asked if anyone else wished to speak on this issue. No one came forward, and the hearing was closed.

Janet Stevens moved, and Barbara Evans seconded the motion, to approve the Occasional Sale and remainder divisions of COS #2916A of Dean Turner based on the following reasons:

1. There does not appear to be an attempt to evade the Montana Subdivision and Platting Act; and
2. The applicant has not had an occasional sale within the last twelve months on this property; and
3. The property does not appear to be a likely location for a subdivision.

The motion carried by a vote of 3-0.

Hearing no other business to come before the Commissioners, the meeting was recessed at 3:05 p.m.

\* \* \* \* \*

DECEMBER 19, 1985

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 and adopted it as part of the FY '86 budget:

No. 860033, a request from the Sheriff-Drug Forfeiture Department to transfer \$1,050.00 from the Overtime-Full-Time Salaries Account to the Special Operations and Research Account to create a new needed line item.

✓ AMENDED CONTRACT

The Board of County Commissioners signed an Amended Contract between Missoula County and the Recovery Foundation, Inc., for the purpose of the coordination of comprehensive alcohol services, including out-patient care, preventive public education services, emergency care and consultation to residents of Missoula County, as per the terms set forth, for the period from July 1, 1985, through June 30, 1986, with payment as follows:

1. \$109,735.00 for outpatient and advocate services
2. \$ 7,500.00 for transportation from Missoula to approved treatment facilities
3. \$ 24,697.00 for operation of indigent care system.

The changes made in the amended contract accomplishes the following:

1. Closes the Transitional Living Facility;
2. Covers anticipated house expenses until it is sold
3. Adds one (1) full-time alcohol counselor.

\* \* \* \* \*

DECEMBER 20, 1985

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 all day, and Commissioner Dussault was out of the office until noon.

✓✓ PLAT

The Board of County Commissioners signed the plat for Orrsdale No. 1, a resubdivision of Lot 1, Orrsdale, the owners of record being Conrad O. and Mary Pat Orr.

Fern Hart  
Fern Hart, Clerk and Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair

\* \* \* \* \*



DECEMBER 23, 1985

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was on vacation from December 23rd through December 26th.

JAIL INSPECTION

In the forenoon, Commissioners Dussault and Stevens and Health Department Personnel conducted the quarterly inspection of the Missoula County Jail.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the afternoon, 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 '86 Budget:

No. 860034, a request from the Health Department to transfer \$200.00 from the Other Equipment Maintenance Account to the Books and Subscriptions Account as additional funds were needed.

✓ RESOLUTION NO. 85-161

The Board of County Commissioners signed Resolution No. 85-161, a resolution whereby Missoula County accepts an easement from Northview Development Corporation for public road and all other public purposes, along Mill Creek Road near Frenchtown for the purpose of future construction along Mill Creek Road. The Resolution was returned to the Surveyor's Office.

✓ ✓ Dissolution of Trust

The Board of County Commissioners signed a Dissolution of Trust for the Emergency Power Trust Pay-Out Fund which was formed on May 9, 1984, for the purpose of providing power deposit funds for people in unfortunate circumstances which prevent them from being able to pay power deposits. L.I.G.H.T. (Low Income Group for Human Treatment) was designated as the agency responsible for administering the program; however, in February of 1985, they requested that the County relieve it of administrative responsibility for the Power Deposit Trust Fund. This trust has been administered by District XI Human Resource Council for use in the Energy Deposit Program to pay power deposits as stated above. Since there is no longer a need for the Emergency Power Trust Pay-Out Fund at First Bank Western Montana, Missoula, the Emergency Power Trust Pay-Out Fund as described above is hereby dissolved.

✓ ✓ MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and District XI Human Resource Council regarding the Energy Deposit Program, resolving that the assets placed in the Power Deposit Trust Fund previously administered by L.I.G.H.T. (Low Income Group for Human Treatment) be transferred to the Energy Deposit Program to be administered by District XI Human Resource Council desires to continue administering it.

✓ Other Matters Included:

The Commissioners approved a request from the Investment Advisory Committee to change the department policy to allow the County to invest in government securities.

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

DECEMBER 24, 1985

The Board of County Commissioners did not meet in regular session. Commissioner Stevens was out of the office all day.

DECEMBER 25, 1985

The Courthouse was closed for the Christmas Day holiday.

DECEMBER 26, 1985

The Board of County Commissioners did not meet in regular session; Commissioner Stevens was on vacation December 26th and 27th.

DECEMBER 27, 1985

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, pages 4-30, with a grand total of \$989,243.23.

PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the transmittal sheet for pay period #26 (12/01/85-12/14/85) with a total County payroll of \$346,293.08. The transmittal sheet was returned to the Auditor's Office.

✓ CONTRACT AMENDMENT

The Board of County Commissioners signed an amendment to a personal services contract between Missoula County and Don Evans, an independent contractor, amending the contract as follows:

Performance Schedule: That the contractor shall commence performance of this contract on the 1st day of July, 1985, and shall complete performance by June 30, 1986; and shall be responsible for an average of 12 hours per week, as specified in the contract.

Compensation for Services: The total compensation to be paid in response to appropriate written request for payment for service under this agreement shall not exceed \$5500 and payment thereof shall



DECEMBER 27, 1985 (CONTINUED)

CONTRACT AMENDMENT (CONTINUED)

be made at the times, in the amounts and to the parties hereinafter specified. A description of the project hours and work elements completed shall be submitted to the contract manager twice each month for a payment not to exceed \$500.00, based on actual progress toward completion of the project.

✓ INTERLOCAL AGREEMENT

The Board of County Commissioners signed an Interlocal Agreement between the City of Missoula and the County of Missoula to cooperate in the provision of planning, building inspection, zoning services, and floodplain administration to the residents of Missoula, as per the terms set forth. This agreement supercedes the planning agreement jointly executed by the City and County of Missoula on May 31, 1973, and on March 30, 1981, and September 17, 1982, but includes the amendment of June 17, 1985. The agreement will be forwarded to the Attorney General's Office for approval.

GRS TRANSFER

✓ The Commissioners voted to transfer \$17,000.00 of General Revenue Sharing Funds to Larchmont Golf Course.

Fern Hart  
Fern Hart, Clerk and Recorder

Ann Mary Dussault  
Ann Mary Dussault, Chair

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DECEMBER 30, 1985

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was on vacation December 30th and 31st.

AUDIT LIST

Commissioners Evans and Stevens signed the Audit List, pages 4-26, with a grand total for all funds of \$884,103.94. The Audit List was returned to the Accounting Department.

✓ SPECIAL MEETING (LARCHMONT GOLF COURSE BOND CLOSING)

Commissioners Barbara Evans and Janet Stevens convened at 1:30 p.m. for the purpose of signing documents necessary to close the bonds for the refinancing of Larchmont Golf Course. Also present were Deputy County Attorney Michael Sehestedt, Executive Officer Howard Schwartz, Deputy Clerk and Recorder Donna Cote, Bond Counsel Mae Nan Ellingson, Susan O'Neil from First National Montana Bank Trust Department, Kreg Jones from D.A. Davidson, and Larchmont Manager Bob Schuyler.

Janet Stevens moved and Barbara Evans seconded the motion that Barbara Evans assume Chairmanship of the Board of County Commissioners two days early in order to sign the bond documents. The motion carried 2-0.

Janet Stevens moved and Barbara Evans seconded the motion to authorize the chairman to sign all closing documents and certificates necessary for the transition. The motion carried by a vote of 2-0.

Janet Stevens moved and Barbara Evans seconded the motion to adopt Resolution No. 85-162. Motion carried 2-0.

Janet Stevens moved and Barbara Evans seconded the motion to adopt Resolution No. 85-163. Motion carried 2-0.

The following documents were signed by Chairman Barbara Evans:

1. Escrow Agreement
2. Golf Course Refunding Revenue Bond, Series 1985
3. General Obligation Golf Course Notes, Series 1985

RESOLUTION NO. 85-162

4. Resolution No. 85-162, a resolution relating to \$830,000.00 Golf Course Refunding Revenue Bonds, Series 1985; authorizing the issuance and fixing the terms and conditions thereof.

RESOLUTION NO. 85-163

5. Resolution No. 85-163, relating to \$500,000.00 General Obligation Golf Course Notes, Series 1985; determining the forms and details, authorizing the execution and delivery and levying taxes for the payment thereof.

Then the following was signed by Chairman Barbara Evans and Commissioner Janet Stevens:

6. Request and Authorization to execute the Certificate of Authentication printed on the \$500,000.00 General Obligation note of 1985, initially dated as of December 30, 1985, of Missoula County, Montana, and to deliver the Note Certification to SeaFirst Incorporated, Seattle, Washington, as purchaser thereof, all in accordance with the resolution adopted by the Missoula County Commissioners on December 30, 1985, relating to said note.

The documents will be filed in the Clerk and Recorder's Office.

Barbara Evans moved and Janet Stevens seconded the motion that Missoula County accept ownership of Larchmont Golf Course. The motion carried on a vote of 2-0.

The Board recessed at 2:30 p.m.

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DECEMBER 31, 1985

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

DECEMBER 31, 1985 (CONTINUED)

✓ SPECIAL MEETING (COMPLETION OF LARCHMONT BOND CLOSING)

Commissioners Barbara Evans and Janet Stevens convened at 2:45 p.m. for the purpose of completing the bond closing for the refinancing of Larchmont Golf Course. Also present were Deputy County Attorney Michael Sehestedt, Executive Officer Howard Schwartz, Bond Counsel Mae Nan Ellingson, and Fred Springsteen of First Trust Company's Missoula Division.

Chairman Evans signed the following documents:

Signature and No-Litigation Certificate  
Affidavit As To Facsimile Signatures  
Arbitrage Certification

The documents will be filed in the Clerk and Recorder's Office.

The Commissioners recessed at 3:15 p.m.

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JANUARY 1, 1986

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

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JANUARY 2, 1986

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was on vacation January 2nd and 3rd.

JANUARY 3, 1986

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

Fern Hart  
Fern Hart, Clerk and Recorder

Barbara Evans  
Barbara Evans, Chairman

\* \* \* \* \*

January 6, 1986

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 MPC Educational Publishers as principal for Warrant #10031, dated August 6, 1985, on the Missoula County High School General Fund, in the amount of \$100.16, now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFER

- ✓ The Board of County Commissioners approved and signed the following budget transfer for the Historical Museum at Fort Missoula and adopted it as part of the FY '86 budget:

No. 860035, a request to transfer \$275.00 from the Buildings and Grounds Maintenance Account to the Security Account for unanticipated costs related to fixing a problem with the security panel occurred.

EXTENSION LETTERS

- ✓ The Board of County Commissioners signed the following extension letters:

1. To Robert C. and Sherree Rechtsteiner, approving a 60-day extension for filing the summary plat for Sherree Acres, making the new filing deadline March 17, 1986; and
2. To Nick Kaufman of Sorenson and Co., granting one more extension for the plat filing deadline for Overlook Addition, making the new filing deadline February 3, 1986.

✓ JOINT PROCLAMATION

The Board of County Commissioners signed a joint proclamation of the City and County of Missoula in regard to Clean Air Week, proclaiming the week of January 13-19, 1986 as Clean Air Week in Missoula, asking that Missoulians cooperate with the Chamber of Commerce in the programs planned to help clean up our air.

RESOLUTION NO. 86-001

- ✓ The Board of County Commissioners signed Resolution No. 86-001, a resolution accepting an easement for public road and all other public purposes on a parcel of land located in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 14, Township 16 North, Range 15 West, Principal Meridian, Montana, Missoula County, Montana, near Seeley Lake, Montana, along State Highway No. 83, owned by the State of Montana, for right-of-way for Double Arrow Road. The Board of County Commissioners also signed a letter accepting a Quit Claim Deed from the State which transfers the ownership of a 100' strip of land to Missoula County. The letter was forwarded to the State Highway Department.

JANUARY 6, 1986 (Continued)

MEMORANDUM OF AGREEMENT

✓ The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Bitterroot Resource Conservation and Development Area (RC&D) whereby the County agrees to provide funding in the amount of One Thousand Eight Hundred Dollars (\$1,800) to the RC&D to be supplemented by funding from the City of Missoula and the RC&D, to assist in the work program conducted by the RC&D designed to determine the feasibility and need for a small business incubator in the community, as per the terms set forth in the agreement.

Other Matters Included:

The Commissioners voted to authorize up to \$1,000.00 for the NIC PONI meeting to be held on January 21, 1986, including hosting a lunch for all participants.

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

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JANUARY 7, 1986

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

AUDIT LIST

Commissioners Evans and Dussault signed the Audit List dated January 6, 1986, pages 4-23, with a grand total of \$88,314.97. The Audit List was returned to the Accounting Department.

MONTHLY REPORT

Chairman Evans examined, approved and ordered filed the monthly report of Justice of the Peace, Michael D. Morris, showing collections and distributions for month ended December 31, 1985.

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 '86 budget:

1. No. 860036, a request from the Superintendent of Schools to transfer \$70.00 from the Office Equipment Maintenance Account to the Other Equipment Maintenance Account because of unanticipated expense; and
2. No. 860037, a request from the Auditor to transfer \$4.75 from the Mileage-Private Vehicle Account to the Meals, Lodging and Incidentals Account as the amount was charged to the wrong account.

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

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JANUARY 8, 1986

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 for Justice of the Peace, David K. Clark, showing collections and distributions for month ending December 31, 1985.

Daily Administrative Meeting

✓ At the daily administrative meeting held in the forenoon, the following appointments to the Seeley Lake Refuse Disposal District Board of Directors were made:

1. Dan Cainen's term on the Board was extended for one year, through December 31, 1986;
2. Dan Mizner was appointed as the summer-resident member for a three-year term, through December 31, 1988; and
3. Merle Ann Loman was appointed as an alternate member of the Board for a three-year term through December 31, 1988.

Other matters included:

✓ A letter will be sent to Eagle Communications denying their request to waive penalty and interest charges on their late tax payment, based on an Attorney General's opinion.

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

PUBLIC MEETING

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

BID AWARD: DEMOLITION OF THE CALIFORNIA STREET BRIDGE

✓ The following bids were received at 10:00 a.m. January 6, 1986 for the demolition of California Street Bridge:

Gordon Construction Company	\$39,950.00
Western Excavating	19,272.00
Binkerd Construction Co.	16,160.00
L.S. Jenson & Sons	11,957.00
Russell & Sons Excavating	5,789.00

JANUARY 8, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

BID AWARD: DEMOLITION OF THE CALIFORNIA STREET BRIDGE (CONTINUED)

Chairman Barbara Evans said that the fiscal 1986 budget contains \$6,000.00 for this project. She said the County Surveyor's Office had recommended that the Commissioners award the contract for the demolition of the California Street Bridge to the low bidder, Russell & Sons Excavating, in the amount of \$5,789.00.

Janet Stevens moved, and Barbara Evans seconded the motion, that the contract for the demolition of the California Street Bridge be awarded to Russell & Sons Excavating in the amount of \$5,789.00. The motion passed on a vote of 2-0.

✓/ BID AWARD: FACTORY NEW SHEET-FED OFFSET DUPLICATOR

One bid was received January 6, 1986 from Multigraphics in the amount of \$18,805.33 for one factory new sheet-fed duplicator.

Chairman Barbara Evans said that Billie Blundell, Manager of Centralized Services, had recommended to the Commissioners that they award the bid to Multigraphics. The amount allowed in the budget is \$18,806.00.

Janet Stevens moved, and Barbara Evans seconded the motion that the County award the bid to Multigraphics in the amount of \$18,805.33 for one factory new sheet-fed offset duplicator. The motion passed on a vote of 2-0.

Commissioner Ann Mary Dussault arrived at the meeting at this point.

✓/ CREATION OF RSID #415

Chairman Barbara Evans said the purpose of this RSID is to construct a Community Sewer System to serve the Orchard Court Addition. One hundred percent of the freeholders signed the petition.

Chip Johnson, Engineer from Stensatter, Druyvestein and Associates, said that in the latter part of 1984 the County approved the platting of Orchard Courts Subdivision, and a condition of this plat was that the sewer systems that were in that area had to be modified into central sewer systems. He said this RSID would accomplish that. The concept of this proposal to combine or modify these systems has been reviewed and approved by both the local and the state health departments, and as soon as the RSID is approved, the funding will be set up and the project will be constructed this summer.

Barbara Evans opened the hearing for public comment. She asked if anyone cared to speak in favor of or in opposition to this RSID. No one came forward to speak, and the public hearing was closed.

Commissioner Janet Stevens moved, and Ann Mary Dussault seconded the motion, to create the RSID to construct a Community Sewer System to serve the Orchard Court Addition. The motion passed on a vote of 3-0.

✓/ CREATION OF RSID #908

Chairman Barbara Evans said RSID #908 is a maintenance district to be activated in case of problems in the future with the sewer system constructed under RSID #415.

John DeVore, Operations Officer, said this is consistent with County policies in terms of the construction of independent sewer systems and provides a method of financing repairs in the future if needed. He said 100% of the freeholders signed the petition.

Barbara Evans opened the hearing for public comment. She asked if anyone wished to speak either in favor of or in opposition to the creation of RSID #908. No one came forward to speak. The public hearing was closed.

Ann Mary Dussault moved and Janet Stevens seconded the motion that the Commissioners authorize the creation of RSID #908. The motion passed on a vote of 3-0.

✓/ COS REVIEW: OCCASIONAL SALE-EVERSOLE

Deputy County Attorney Jean Wilcox said this is a proposal to divide Tract 18B-4 of Certificate of Survey #2572, and the exemptions that the Eversoles are proposing to use are the occasional sale and remainder exemption. The matter was referred to the Commissioners because several criteria are present in the request:

1. More than one type of exemption is being used to divide a tract of land created after July 1, 1974.
2. This tract appears to be part of the area included within the Bitterroot Meadows Subdivision which was denied in 1977.
3. The proposed division is connected by a common road system used by other numerous other exempt divisions of the same parent parcel.
4. The size of the proposed divisions and the intended development density is not in substantial compliance with the comprehensive plan which recommends a density of one dwelling per forty acres.

Chairman Barbara Evans opened the hearing for public comment, and asked proponents to speak first.

Greg Martinsen, of Martinsen Surveys said the Eversoles purchased this parcel along with Duane and Penny Nord. Now, each party wants a part of the parcel for their own use. The Eversoles are asking for an occasional sale and remainder to accomplish this division. He said the parcels are served by private access and public utilities, and they don't mind taking care of their own roads.

Janet Stevens asked if the Eversoles would be living on one section and the Nord's on the other section.

Greg Martinsen said yes, that was the case. There is no intent to sell any of the property to anyone else.

Barbara Evans asked if anyone else wished to speak. No one came forward. The public comment portion of the hearing was closed.

JANUARY 8, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

COS REVIEW-OCCASIONAL SALE-EVERSOLE (CONTINUED)

Ann Mary Dussault said the difficulty with this particular Certificate of Survey as she saw it was that historically, this was a proposed subdivision that was turned down by the County in the past, and since that time, there have been numerous splits in the properties through the use of Certificate of Survey, but in her opinion, that has been done through evasions of the Subdivision and Platting Act.

Ann Mary Dussault moved that this Certificate of Survey not be allowed to be filed in its present form. The motion died for lack of a second.

Janet Stevens moved, and Barbara Evans seconded the motion to approve the Certificate of Survey #2572 for the following reasons:

1. The split of the property will still be used by the owners as residents;
2. The split is not being used for a future sale;
3. There has not been a split of this particular property in the last twelve months;
4. There does not appear to be an evasion of the Montana Subdivision and Platting Act;

The motion passed on a vote of 2-1. Commissioner Dussault voted no.

COS REVIEW-OCCASIONAL SALE-LAMOREOUX TO TRIPP

Deputy County Attorney Jean Wilcox said this request is a proposal to divide one acre from a larger tract, which is owned by Maynard Lamoreoux, and his intention is to transfer this one acre to his grandson, Ray Tripp. He had made a previous request a few months ago for a half-acre occasional sale out of the same parent parcel, and this particular request is a substitution for that, because they found they could not get sanitary restrictions lifted on a half-acre parcel. She said Mr. Lamoreoux had used exemptions in the past to create two prior occasional sales out of the same tract. One was in 1976, and one was in 1979, and in both those cases, there were no remainder tracts set up for immediate sale. She said the parent parcel has a common road running through it which services the other tracts, as well as an existing home, and the pattern of divisions suggests an intention to create a subdivision.

Ray Tripp said he already had a septic system approved on that plot of ground, and he would be the person living on the proposed tract.

Barbara Evans asked if anyone else wished to speak on this matter. No one else came forward to speak, so the hearing was closed.

Janet Stevens moved, and Ann Mary Dussault seconded the motion to accept the Certificate of Survey based on the following findings:

1. That there is no evidence of intent to evade the Montana Subdivision and Platting Act;
2. That the applicant is allowed one occasional sale every twelve months; and
3. That only one tract is being created for sale to a family member; and
4. That there is already a house constructed on the tract, thus no additional impact is being created; and
5. Although the original tract was created prior to July 1, 1974, and has twice been divided by occasional sale exemption, no separate remainder parcels were set up for resale. Thus, there is no pattern of exemption transactions occurring.

These findings are contingent upon the following language being printed on the face of the survey:

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

The motion passed on a vote of 3-0.

✓ CONTINUATION OF HEARING: ZONING VARIANCE TO ALLOW RESORT IN ZONING DISTRICT #25-A-LINDBERGH LAKE (JIM BUSCH)

Chairman Barbara Evans said the hearing, recessed on December 18, 1985 would be re-opened at this time. She said that anyone who wished to speak in favor of this request would be heard at this time.

Ronald MacDonald, attorney for Mr. James Busch, said this was a very sensitive subject. He said he was personally attuned to people's investments, particularly in Montana recreational property, and he said this issue raises a lot of sensibilities, and people are very sensitive about it. He offered a brief history of the property: He said this was a request for a zoning variance, and essentially, there are three things that are being requested, that:

1. The Tranquility Lodge facility be allowed to construct two 4-bedroom facilities, or one 4-bedroom facility which would house 8 people, which would increase the occupancy for those people who reside in the facility from 16 to 18, plus that 8;
2. The Commissioners review the zoning that's applicable, review whether or not the zoning applies to this particular parcel, and, to the extent that it does, the Commissioners grant a variance for the use which he would later describe;
3. The Commissioners consider this variance subject to the recordation of the restrictive covenants which would be in effect as long as the use which is being requested is being allowed.

He said in 1979, Mr. Busch was married, and had the plans to build a rather luxurious family home, and he started construction. In 1980, he was divorced, which changed the plans significantly. He said a lot of the correspondence the Commissioners received indicated that Mr. Busch misrepresented what he was going to

JANUARY 8, 1986 (CONTINUED)

## PUBLIC MEETING (CONTINUED)

## ZONING VARIANCE REQUEST JIM BUSCH (CONTINUED)

do with this property because he told the residents that he was building a family home. He said in 1979 those statements were true. In 1980, he then sold the property. The property remained sold for approximately 9 months; there was a default, a voluntary repossession, and Mr. Busch had the property back without any further improvement from the time he had sold it. Due to the circumstances of the divorce, and his finances, he then looked for further uses. He designed and created what is known as Tranquility Lodge. Tranquility Lodge was completed in the fall of 1983, and has operated as a private retreat for the owners and for a select number of private guests that are solicited through corporate retreat advertising from that time to the present. The Lodge houses currently 16 guests. All the guests stay on the premises, it is not open to the general public, it does not advertise as being open to the general public, and it has no roadside or curbside business.

Mr. MacDonald then offered a history of the zoning. He said in 1969, the zone that was in effect was zone 25 which for all practical purposes is identical to 25A, except for the legal description. What had occurred is that when 25 was passed, it included a great deal of property that is adjacent to Lindbergh Lake, which was owned by the Northern Pacific, then Burlington Northern. Apparently, those people that participated in the creation of the zone felt with a sense of humor that it was a pretty good deal to include all of the Burlington Northern's property, yet they knew at the time that the zone was created that if the Burlington Northern found objection to all of their property being included, they would have "problems". A lawsuit was filed by Ty Robinson in Judge Emmet Glore's court, and the Burlington Northern attempted to have their property excluded from the zone. He said it was his understanding that Judge Glore, through the process of the lawsuit communicated in his inimitable way that the parties would be well served if they got together and came to some resolution of the matter. While the lawsuit was pending in June of 1969, a petition was passed among the residents to recreate a zone in anticipation of a negative result in the court case. So, in June of 1969, a petition was prepared. Jim Busch and his then wife signed the petition. They were residents of Lindbergh Lake, they had two 100-foot lots; they did not own the property in question at the time that they signed the petition. In the early portion of 1970, the Burlington Northern reached an agreement with those representatives, many of whom still live on the lake, that were dealing with the lawsuit and the zoning question, and a compromise was reached whereby they came to the then Commissioners, and proposed that the Burlington Northern Property adjacent to the Lake would be included to the extent that it was within 200 feet of the Lake, and that the remaining Burlington Northern property would be excluded from the zone. He said if you read the record, you would see that there was considerable amount of testimony with regard to the 200 foot settlement, and what this meant to existing residents and particularly what it meant to a Mr. Norris, who was the then owner of the parcel that Tranquility Lodge now sits on. At the original hearing, the matter was taken under advisement, there was testimony in terms of grandfathering, there was testimony in terms of the effect of the zone, there was testimony with regard to commercial bar use, etc. He said the long and the short of it is, at a later date, the Commissioners passed a resolution which created 25A. One of the important aspects of his argument, he said, has to do with the passage of that zone. Mr. Busch's property is in the west half of section 13, which is included in the legal description of the resolution which created this zone.

He said he would like to refer to the resolution which was adopted on March 2, 1970, and the legal description which reads in part, "property located in the west half of section 13, which is the section and the half of the section on which this property lies". And to a 200-foot strip of land measured from the shore line in sections 27 and 35 refers to the township and section, and in section 3, it has a semi-colon which reads, "on or near Lindbergh Lake." He said unless you would have attended the meeting, you would have to put yourself in the place of those people who were hearing about, reading about, and to some extent, participating in the resolution which was ultimately adopted. Mr. Busch's testimony is, and would be, that he knew the zoning was going to be reconstituted because of the dilemma with the railroad property. He knew that there was going to be a compromise which involved 200 feet within the lake. He knew that ultimately, the zoning would apply to property on or near Lindbergh Lake. He states, unequivocally and emphatically, regardless of what anyone in this room might say, and he will stand in front of you and say it, that at the time that he changed his use from a single family dwelling to a Lodge such as the one that exists, he did not know that there was even the argument that this property was zoned to restrict his use. Mr. MacDonald said he didn't think that that was particularly germane, other than it's important in terms of the equity question as to whether or not an individual intentionally went out and built a \$500,000.00 piece of property in contravention of zoning, and the Commissioners would have to weigh the argument of whether or not Mr. Busch knew it was zoned. He said that if it is appropriately zoned, his lack of knowledge is not a basis for a variance. He said that is why he does not think it is particularly germane. If it isn't within the zone, it doesn't matter either, because it simply isn't there as a legal matter. But to the extent that the Commissioners are motivated in their determinations of what is fair here, he would hope that they would consider this testimony and consider the fact that this occurred in 1970, it occurred before he even owned this particular parcel, and it occurred at a time when, quite frankly, he didn't think many people, unless they participated in the hearings, would know exactly the nature and extent of the zoning when it was finally adopted, due to the 200 foot controversy surrounding the Burlington Northern property.

He said Mr. Busch essentially has a use right now, which has been in existence since 1983. Certain individuals have protested to the County Attorney's Office that use, and he would say that that consists of one or two people who have written letters, or have contacted the County Attorney's Office having not only objections with regard to the zoning, but just a general plethora of objections to the facility. He said he thought it was fair to say that no one has objected to the facility other than those isolated objections. Mr. MacDonald said there hasn't been a groundswell movement such as is present in this room today. He noted that Mr. Busch received a letter from the County Attorney's Office essentially as a result of a protesting letter saying that the property was in non-compliance with the zone. That is, it was commercial activity in a zone that was defined as residential and recreational. And the letter from the County Attorney's Office suggested that either the use was going to have to terminate, or Mr. Busch would have to proceed with the seeking of a variance. He said Mr. Busch then filed, assuming erroneously, and it was a major mistake on his part, a request for a variance, that the people in the area were pleased with his use and were pleased with the way that he had operated his facility. He was wrong. He filed the request for the variance, he came before the Commissioners, and he essentially saw that there were a number of reasonable people who had a serious objection to any kind of variance. To some extent, he said, their objection at that point in time was a result of some verbiage with regard to "this was going to be a wide-open commercial use. What kind of precedence is this going to set, what is it going to mean in terms of the remainder of the property", and the people at the meeting had a lot of questions about what exactly he was requesting. He said the meeting was then adjourned, and he decided that rather than come and have this handed to the Commissioners in a political forum, where it wouldn't be understood very well, he would attempt to ascertain where the concerns were, because he thought, quite frankly, that Tranquility Lodge and the way that it was run was a "pretty damn good facility for Montana." Mr. MacDonald said that being reasonable people, they might be able to come



JANUARY 8, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

ZONING VARIANCE REQUEST- JIM BUSCH (CONTINUED)

to an approach that would address their concerns and at the same time allow Tranquility Lodge to continue. He said it was Mr. Busch's thought that Tranquility Lodge does not affect Lindbergh Lake very much. It is not on the Lake, it's not constructed or even developed in a way that the people are even encouraged to utilize the Lake except in the winter months, and he didn't think that the fears that the people had with regard to their own homes were such that his lodge was directly involved in them.

As a result of that, he said he and Mr. Busch met with Mr. Minto, representing the Homeowners Association and four representatives of the various homeowners groups, and they proposed a list of restrictive covenants. He said these restrictive covenants and a proposed resolution so that the parties could see exactly what it was that they were requesting was also prepared. He said they attempted in the restrictive covenants to address the concerns that they knew they were going to hear at the earlier meeting, and it was agreed that they would mail these restrictive covenants and the proposed resolution with letters from himself and Mr. Minto to all of the Lindbergh Lake homeowners association members and that they would essentially vote and make some determination of whether or not they were in concurrence or in disagreement with this variance. He said they were apparently in disagreement with it. In fact, he said the Commissioners would be hearing some rather vociferous disagreement with regard to this request. So he said he was there to ask, "Why should you grant this variance?" He said he had had a number of reasons:

There is a strong legal dilemma with the situation which surrounds Tranquility Lodge. He said he didn't know who drew the legal description, but when you add the language "on or near Lindbergh Lake" and you don't otherwise define it, particularly within the legal description, is a limitation of 200 feet as to some sections, there is a question here as to whether or not Tranquility Lodge, where it is constructed, is "on or near" Lindbergh Lake, and whether or not the residential restrictions, which are contained in this zoning are applicable. He said he was not going to spend a lot of time arguing that point. He said the Commissioners could consult with their attorney regarding the dilemmas associated with that, suffice it to say that he thought there was a general ambiguity and potential error in the legal description which gives rise to a question as to whether or not this zone applies to this property. He said Tranquility Lodge, is, in fact, about a quarter of a mile from Lindbergh Lake, and he showed an aerial photograph of the area which showed the lodge, the lake, the roads, and other identifying marks.

Ronald MacDonald said the second reason why the Commissioners should grant the variance is the dilemma of the general language which creates a zone limited to "residential and recreational use." This particular property was used partially as a dude ranch by the Norris family and others prior to the zoning, and specifically in the minutes of the adoption of 25A, there is the language that it would not restrict Mr. Norris's use. He said he was not arguing, nor does he think it is a viable argument, that this lodge is grandfathered. He said it simply is not, it's new construction. The facility that was used by the Norris family which would have been construed as a guest ranch was actually sitting on Lindbergh Lake, and was the grandfathered part of that. He said he did think it was important, with regard to what the intent was at the time, to determine whether or not it was the intent of the Commissioners to zone all of the portion of the property of Mr. Norris which was particularly some distance from the lake. He said he would like to be able to stand there and say that Jim Busch looked at this legal description, and he went and hired some hot-shot lawyer and the hot-shot lawyer said, "You're excluded from this. You don't have to worry about it." But the fact is, Jim Busch didn't do that, because he honestly did not feel that his property was even within the zone. So the argument that it is outside of the zone is purely after the fact, after the seven heads of this snake had raised themselves, and everyone is looking for a basis on which they can prevail here. He said he left it for the Commissioners to consider the dilemmas with the legal description. He said in terms of Mr. Busch's reliance, if it in fact was his good faith thought that he was outside of this zone and his property was not on or near Lindbergh Lake and that the intent was not to zone his property, that can be utilized in the Commissioner's determination of hardship.

He said that the next point he would like to make in terms of granting this use is that he didn't think that the continued use of this property as it has been defined to date, particularly with the restrictive covenants that he was proposing, is as detrimental to Lindbergh Lake, nor did he think that this use with its guarantees is as detrimental to the recreational and residential use that is present, nor does he think that this use is as detrimental as the potential uses which are allowable even if the property falls within the zone. He repeated that statement, as he said he felt that it was a difficult point for people to comprehend. He said the Commissioners have had experience, and when you have a strong legal zone, there are many abuses that can be made of property which falls in an ill-defined zone, and that is a real dilemma here, because he could state, unequivocally, and Mr. Busch has authorized him to do this, that if Mr. Busch cannot operate this facility as it has been operating for the last two years, he will no longer own it. It will have to be sold. He said that if he were representing the other homeowners, he would be very concerned about an 80 acre parcel, a portion of which lies on Lindbergh Lake, which is in this zone which has the only restriction of being subject to residential, recreational, and some specific language in terms of no bars and taverns. He said it does not take much imagination to figure out what some white-shoed, polyester pant-suited, gold-chained developer could do with this property within that zone. He said he was not speaking out of a sense of humor. He said he has pleaded with the homeowners to understand that they may have a benefit here by the guarantees associated with this request that far outweighs the ambiguities and dilemmas that are present if this request is not considered. He said sometimes that it is very difficult to communicate to a group, particularly when a number of them listen to what the neighbors say, listen to the word, "commercial", listen to this, listen to that, and don't have a particular feeling for Mr. Busch. He said that is why they give elected officials the capacity to rise above the rhetoric; his, as well as the homeowners, and look at the real issue, and quietly determine the potential detriment to this property if it is sold. It will have to be sold, he said. He then read the proposed covenants which he said he considered to be essentially a good faith attempt. He said there are a lot of people who are suspicious of lawyers and are suspicious of what lawyers do, and they don't like the verbiage and he sometimes has a hard time getting out of that. But he said he sat down and listened to Mr. Busch and to the objectors of this variance to try to find out what their real concerns were about Tranquility Lodge and to write restrictive covenants which would address those fears and still be reasonable. He said there isn't a zone in Missoula County that gives the guarantees that these restrictive covenants do.

#### RESTRICTIVE COVENANTS

The following restrictive covenants shall govern the development and use of the herein described parcel in perpetuity as long as the existing structures are utilized for any purpose other than a single family residence.

These covenants shall apply to and control the use of the following described parcel:

Tracts D,E,F, and G of Certificate of Survey No. 999 all in Section 13, Township 19 N., Range 17 W., Missoula County, Montana.

JANUARY 8, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

ZONING VARIANCE REQUEST-JIM BUSCH (CONTINUED)

1. No more than twenty-four (24) persons plus staff shall utilize the premises as a temporary or permanent guest/residential facility.
2. Upon completion of an additional four bedroom unit or units, no further building construction shall take place on the premises other than maintenance of the existing structures.
3. No subdivision of the parcels shall be allowed.
4. No dock, boathouse, or other structure shall be constructed on the described parcel or any other parcel to provide access to Lindbergh Lake for the guests or residents of the described premises.
5. No motorized boats, or sail powered boats shall be used on Lindbergh Lake by the residents or guests utilizing the described premises.
6. The existing kitchen and dining room facilities will not be enlarged, expanded, or redesigned to increase the existing use.
7. No roadside signs or roadside advertisement other than the existing sign over the entrance to the parcel shall be allowed within the State of Montana.
8. No media advertisement describing the facility or uses associated therewith shall be purchased from any television station, radio, newspaper or magazine which broadcasts or is published in Western Montana.
9. No more than ten (10) vehicles shall be located on the premises at any one time.
10. The gate located at the entrance to the facility shall be closed except for ingress and egress during the months of June, July, August and September of each year.
1. At no time shall the premises be open to or utilized by the general public. This restriction shall not apply to residential guests with reservations.
12. All persons utilizing the premises shall be discouraged from travel in the vicinity of private residences located on Lindbergh Lake.
13. All snowmobiles utilized by residents or guests utilizing the premises shall be returned to the premises by 8 p.m. each night. All snowmobile use on Lindberg Lake will be limited to crossing the lake to gain access to the Forest Service road on the West side of the lake. Guests will lose snowmobile privileges if they trespass on private property.
14. The owners of the premises shall plow the access road from the bridge to the facility entrance within 8 hours of any snowfall over two inches in depth.
15. The owner of the premises shall grade the road from the bridge to the entrance by June 1st of each year.
16. No alcoholic beverages shall be served to persons by owners or their guests except to registered residential guests and staff.
17. No resident or guest utilizing the premises shall discharge any firearm within  $\frac{1}{4}$  mile of the shore line of Lindbergh Lake and all uses of firearms shall be limited to a designated skeet shoot area located so that all shooting will be in a direction away from Lindbergh Lake and the adjacent residences. No hunting shall be allowed on the parcel, and guests and residents will not be allowed to hunt within two miles of Lindbergh Lake.
18. The owners shall allow access to all premises during the month of August each year with reasonable notice to the duly elected president of the two homeowner associations on Lindbergh Lake for the purpose of inspection to insure compliance within.
19. In the event the owners of the premises allow any use of the premise in direct violation of these provisions, any resident of Lindbergh Lake and/or the Missoula County Attorney's Office shall have the right after ten (10) days written notice to owners to enjoin such use. In the event the owners do not agree to terminate such use within ten (10) days of receipt of written notice, any Lindbergh Lake resident or the Missoula County Attorney's Office who thus files a petition or complaint in injunction shall be entitled to reasonable attorney's fees and court costs upon a finding by the District Court Judge in jurisdiction that the owners had no reasonable defense which justifies the refusal to agree to such abatement. The intent of this provision is to allow attorney's fees and court costs if the owner fails within ten (10) days written notice to abate such use or fails to act in accordance with these provisions if such use is clearly prohibited herein or such affirmative act is reasonably required.
20. These covenants shall be null and void at any time the owner of the premises shall apply to the Missoula County Commissioners for a waiver of the zoning variance granted on January \_\_\_\_\_, 1986, and the variance is withdrawn. Further, the owner must acknowledge in a sworn affidavit filed with the Missoula Clerk and Recorder that the premises will be utilized as a residential parcel within the provisions of Zoning District 25 A.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1986

OWNERS: \_\_\_\_\_

Ronald MacDonald continued his testimony by stating that he thinks Mr. Busch has essentially brought to Western Montana a facility that unfortunately is on the fringe of a zone that might not allow it. And he said he didn't think there was anyone that would say that this kind of use of Montana property in and of itself is not good. It brings people into the state, it's quiet recreational use, it brings people who quite frankly might be attracted to the lifestyle that's here, and might also be beneficial to other purposes to which the Commissioners have to be concerned with. He said his use has been admirable as a resort use, and he said he didn't think there was any resort within the State of Montana that is as exclusive and as private as this is, and non commercial. He said it was unfortunate that it is where it is, and that

JANUARY 8, 1986 (CONTINUED)

## PUBLIC MEETING (CONTINUED)

## ZONING VARIANCE REQUEST-JIM BUSCH (CONTINUED)

it so close to the hearts of the other homeowners. He said if it wasn't exactly where it is, he is sure the Commissioners would be going out and looking for these kinds of uses. He said his final point was that he understood why some people didn't want to have this facility, and he understands that some people don't like Jim Busch, and don't like what they think Jim Busch is, and he understood that some people just don't like Californians, and they just don't give a (expletive deleted) whether another person comes here on a retreat basis or not, but it really comes down to one thing: You have a poor zone here. It's not legally well defined. To essentially allow this precious property to be defined by a zone that restricts it to two things, recreational and residential, is a dilemma and anyone that is familiar with development and zoning can see that. He said at the moment, the other homeowners see Jim Busch as someone who is going to take advantage of the furthest extremes of those ambiguities. He said that is not what Mr. Busch is doing here. He said Mr. Busch is willing to far again restrict his property, more than any person who owns property on this lake has restricted their property. If he can simply have a use which he thinks is o.k., and which he thinks does not interfere with the use that these people have on the lake. He said Mr. Busch is willing to do everything reasonably possible to insure that the privacy that he is trying to create will be beneficial to what he wants to do and the privacy that these people want.

Chairman Barbara Evans asked if anyone else wished to speak in favor of the variance.

Jim Busch said he agreed with most of what Mr. MacDonald had said, except for the fact that in 1976, when he bought this property, he purchased it from the original owner, Mr. Hickey; not the Norrises. He said that when Mr. Norris purchased the Diamond L Bar, he bought only a portion of the property, and he then, bought the remainder.

Chairman Evans said that for the record, she would like to note that several letters in support of the variance were received in the Commissioners Office.

Marty Cooks who said he was one of the very few year-round residents of the Lindbergh Lake area, said he had lived there for seven years, and had owned property there for eight years. He said at the present time, Tranquility Lodge was operating on a low-key, low-impact basis, with its guests' activities having little or no effect on the peaceful life-style he enjoys. He said of the Tranquility guests that he has encountered, almost all of them hold the same values that brought many of his neighbors and him to the area; that is, appreciation and enjoyment of the natural resources, and that desirable feature embodied by the very name of the lodge, Tranquility. He said for the most part, he has no objection to the way Tranquility is currently operating, and he is in favor of its continuation on the same basis in the future. He said Tranquility has been an especially good neighbor in several ways: It is an economic asset to the Swan Valley, to Missoula County, and to the State, in that it attracts affluent out-of-state clients. When operating at, or near capacity, it provides employment for several Swan Valley residents. Most guests fly in and leave from Missoula's airport, and during their stay, they are taken on trips to Missoula, Kalispell, Glacier National Park, Moise, Big Mountain, and other nearby attractions. The lodge buildings are log structures, handcrafted by a local company in the Swan Valley, Rustics of Lindberg Lake, Inc. As comptroller for Rustics, he said he could attest to tens of thousands of dollars of payroll and payroll taxes being earned and paid as a result of the exposure his product has had in Tranquility Lodge. He said the most notable spinoff of this nature is Dr. Bruce Vorhauer's project on Salmon Lake. His decision to build log structures from his company was a direct result of his stay. He said he had received several other contracts following the impact and hospitality of Tranquility on the clients. He said the Tranquility Lodge had brought many other economic benefits to the area, including jobs. In addition, he said the roads were plowed and graded thanks to Tranquility Lodge. He said the alternative to Tranquility Lodge and the alternative if it was not permitted to allow the lodge to operate as it does at present, could have far greater impact on the area's way of life than the present use. He said if the ownership changed hands, and a high-profit use of the land would be desired by the new owners, the population density on the 80 acres of land would have to increase. He said he urged the Commissioners to grant the requested variance for the duration of Mr. Busch's ownership, as long as such operation follows the present pattern and philosophy, and as long as he is willing to guarantee this with restrictive covenants. Also, he requested that the Commissioners devise some provision to preclude a high-density, high-traffic operation whenever the ownership does change. He said if the request for the variance is denied, and if Tranquility has to sell out to a private individual, the question would be if the area residents would be better off five years from now than they are now. He said he did not believe so, as the new owner would not be bound by the restrictive covenants.

Barbara Evans asked Mr. Cooks where he lives. Mr. Cooks replied that he lives at Cygnet Lake, which is just above Lindbergh Lake and he owns 22 acres of property.

Sharon Hickey MacQuarrie said Mr. Busch bought the property in question from her father. She said she lives on Cygnet Lake, and has lived there longer than anyone in the room, having moved there when she was six years old. She said her family has watched the development of this particular area for years, and when her father started selling property, there was a great hue and cry in some corners that he was ruining the Lake at that time. And she, herself, has felt at times that the methods that he used could have used a little more foresight. But the covenants that were put in place on Lindbergh Lake were good covenants, in her opinion, in that they restricted the type of buildings that could go on that lake. There were to be no trailer houses, buildings had to be set a certain number of feet back from the lake, and no steel boathouses were allowed. Everything had to have a natural look. She said those restrictive covenants have maintained the property values of Lindbergh Lake. She said when she first met Mr. Busch, he was a guest of her family's at the Diamond L Bar, and she has known his family for years. She said his business brought great business to the Swan Valley. He put people to work that often live on welfare during the winter. She said when she received her ballot, she and her husband discussed all the options, and decided that Tranquility had not hurt them in any way, and if the covenants are enforced, they would far rather see this type of business than having the property sold to people who don't care about the quality of life there.

Fred Magahee said he bought lot 9 of the Hackamore Subdivision in June of 1983. He said he has lived there for most of that time. He said he didn't even know Tranquility existed for two or two and a half months after he purchased his property, and he couldn't see any problems with it. He indicated that he lives on the road that leads directly to the Lodge.

Dick Bardo said he lives directly northeast of Tranquility Lodge, directly adjacent to the Lodge. He said he purchased his lots in 1977, and he lived there before Mr. Busch started building on that property, which was to be a private house. He said in the time he has lived there, which has been full-time, he has had no problem whatsoever with anything that has occurred at Tranquility Lodge. He said snowmobilers have always gone around his land, and he has never had any trouble with snowmobilers or other access. He said the greatest asset as far as Tranquility is concerned is the road maintenance, and he favored the variance.

JANUARY 8, 1986 (CONTINUED)

## PUBLIC MEETING (CONTINUED)

## ZONING VARIANCE REQUEST-JIM BUSCH (CONTINUED)

Chairman Barbara Evans asked if anyone else would like to speak in favor. No one came forward. She asked if anyone wished to speak in opposition to the variance.

Robert Minto, an attorney representing the Lindbergh Lake Homeowners Association, which he said was a group of 50 or 60 homeowners who live on or around Lindbergh Lake, said that on December 18, 1985, he concurred with Mr. MacDonald's request that the matter be continued so they could have an opportunity to pursue discussions about what Mr. Busch is doing and proposes to do with the property. He said part of his motivation for requesting that continuance was that he had been requested to represent the owner's association on somewhat short notice, and he had not had an opportunity to discuss with many of the owners, or get a feel for the feelings of many of the owners, nor did he have an idea of what kinds of issues they would be facing. He said one of the things they had done after the meeting on the 18th was that the officers of the Lindbergh Lake Homeowners Association, himself, and Ray Opp from the Diamond L Bar Owners Association went to Mr. MacDonald's office for a meeting with Mr. Busch and heard the proposals and the covenants. He said as a result of that meeting, it was decided that the Homeowners Association should distribute the covenants to all its members, along with a copy of the variance, and correspondence from both attorneys, and a questionnaire on which they could make comments and express their approval or disapproval of Mr. Busch's request for a variance. He then gave the Commissioners several documents, including an agenda of who was going to speak next at this hearing. He asked that everyone in the room who was opposed to the variance to stand, and a vast majority of the persons in the audience stood. He said he would like to commend the Planning Staff for doing such a good and thorough job on this project. He said he felt comfortable that the zoning was done correctly, and he agreed with Mr. MacDonald that the covenants that were drawn up were good, but hard to enforce. He said it would be particularly difficult for ordinary citizens to enforce the covenants, since Jim Busch lives in California and relies on his staff to run the Lodge and therefore to comply with the covenants. He said the Homeowners did not want to be running to the Courthouse every time one of the covenants was broken. He said he was comfortable with the legal description on the current zoning, and felt that Tranquility Lodge was well within the current zone.

In regard to lodge guests trespassing on private property, Mr. Minto said that some residents are year-round residents, and some are only at the lake on weekends during the winter. He said the covenants address that, but are not readily enforceable.

Duane Wright, President of the Lindbergh Lake Homeowners Association said 65 ballots had been sent out to Lindbergh Lake property holders, and 52 had been returned, which represented 80% of the landowners. 44 of them were against the variance, and 8 were for the variance. He said there were many concerns about the covenants, the quality of life in the area, and the credibility of Mr. Busch.

George McCabe, a member of the Lindbergh Lake Homeowners Association, said that the proposed restrictive covenants were wanting by way of clarity, description, and definition. He said they were given to the landowners in a hurried fashion, and most people had less than a week to complete the survey. He said he thought the ballots were drafted in a hurried fashion, too. He said the primary objection he has to the variance are the restrictive covenants. He said a change is being asked for a use of property, and if a variance is offered or proposed, it should define what the intended use is going to be in the property involved. He said the restrictive covenants do not define what Mr. Busch has in mind for the future use of the lodge. He said the burden should be on Mr. Busch to present intended uses to allow the other homeowners to make a considered decision as to whether or not they agree or disagree with them.

Bob McCue, a resident of Lindbergh Lake for nearly 30 years, addressed specific concerns about the current use of the lodge. He said one particular concern was firearms control. He said firearms present a danger to the residents, children, and to the forests, as well as to the homes in the area. He said firearms are used for trapshooting and skeetshooting, as well as big game hunting. He said another fear expressed was about setting a precedent if this is done with spot zoning, and what future requests may be, by whom, and for what purpose. Another concern was snowmobiles, trespass, and dangers present with the operation of snowmobiles at night. He said other concerns include wetlands, altering waterways, creating impoundments of water, stocking the impounded waters with fish that are predators on the native trout, and others. He said the timing of this variance request was inappropriate and there has not been adequate time to study the situation.

Jay Ottman said that 16 years ago, a group of Lindbergh Lake homeowners had been attempting to come up with some zoning restrictions or regulations for the area. He said what they had in mind was single-family dwellings. He said everyone involved agreed with the zoning that was finally adopted. He said he did not believe that Mr. Busch did not realize that this was commercial zoning. He also did not believe that what was known as the KOA on Cygnet Lake was in the west half of section 13, but Mr. Busch owned that, and to have himself and Fred Norris with the lodged zoned against commercial use grandfathered and protected their commercial uses.

Gordon Reynolds said he was chairman of the committee that established the zoning, and had contacted everyone involved and they all wished to create a zoning, except for one person who owned a different lodge. The original purpose of the zoning was to establish one-family dwelling units, but underneath it was an undercurrent to create a permanent atmosphere of recreational control, void of alcoholic beverages and excessive commercial venture. He said they were successful in getting the zoning created, and the Northern Pacific Recreational Department approved the concept of family oriented recreation. He said he had heard quite a bit about how effective the variance might be, and how this lodge would be operated in such a manner that it would be an advantage to the community and it would in no sense interfere with the people on the lake, and would probably be in sympathy with the fundamental, underlying principle of zoning. He said this was rather like saying that if a cat had kittens in the oven, they'd be bisquits. He said if the Commissioners granted this variance, they would be saying, "The camel has his foot in the tent already, so we'll let him in", and they would be establishing a precedent. He said if this variance were granted, someone may begin a dancing club for the kids on the lake, then enlarge the facility because it was so popular, then have the kids from the Swan Valley down there, then because the kids are there, the parents would come, then they would get a beer license, and they could call the structure "Harmony Pavillon". He said there had been suggestions that Jim Busch is a scoundrel and a rascal, but he didn't believe that. He said he had known Jim Busch for many years, but he would have to weigh in the balance the concern and the benefits that accrue to this zoning position. He said he speaks for the people who began the zoning, and they are unfavorably inclined to the granting of the variance.



JANUARY 8, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

ZONING VARIANCE REQUEST-JIM BUSCH (CONTINUED)

Ray Opp, President of the Diamond L Bar Homeowners Association, which has nine members, said he has talked to the members, and 8 of the 9 would like to see the Commissioners turn the variance down. He said the two reasons for their request are a fear of what will happen in the future if this is granted, and most of them had bought their property based on the present zone with the recreational aspects and they do not desire to see it changed in any way.

Dr. Art Scherer said he wished to point out some things in Mr. MacDonald's testimony that were not accurate. He said that Mr. Busch bought from Hickey, not Norris, and that would take care of any possible grandfathering, which stretches the imagination quite a bit. He said the grandfather clause would refer to the Diamond L Bar Ranch, which has since been split into homes, and has not been, and is not being, used as a resort. He said another error Mr. MacDonald made was that the advertising was corporate advertising. He said that issue has been laid to rest by the research done by the Homeowners and by the Planning Staff. He said it was advertised to individuals, including a personal friend of his who attended a function at the Lodge, and was invited by another guest. He said other people at that function had responded to an individual ad, and were not there under a corporate plan. He said that when Mr. MacDonald said that if the variance isn't granted, the Lodge would have to be sold, that was inaccurate, since it has been for sale for quite some time. He said if the variance is granted, the lodge is going to be sold anyway. He said the new buyer could come to the Commissioners and say they don't want the variance any more, and do just what the attorney is threatening them with; that is, something even worse, which is a common threat in these types of operations. He said another point he would like to make is that the zoning, in general, in rural areas is at least 40 years old, and this particular area has been zoned for nearly twenty years. He said zoning is usually done to protect and prevent things; in this case, they were trying to prevent non-conforming uses. He said when variances are granted in most cases, they are granted as to height, placement, setbacks, whether it is in harmony with the other things in the area, etc. He quoted from Rural and Small Town Zoning, copyright 1979, which was done at the request of, and for the Old West Regional Commission headquartered in Billings. "Use variances almost never meet the requirements for a variance and should not be granted. Things to consider in granting variances are: natural resources, natural restraints, water, septic, use of a special area, unique natural features, fish and wildlife". He said he would like to bring up another matter: water pollution. He said that the area was bull trout spawning ground--both the lake and the rivers around it. The Swan River and its tributaries are probably the most important spawning ground for bull trout in this area. He said that species requires very clear water, and Lindbergh Lake is very clear. He said the residents all drink it without any ill effects. He then quoted Pinchot, the first Director of the Forest Service, who said, "Every river is a unit...no section can be controlled without at least partial control of all the other sections". He said this unit would probably, depending on how many person-days were calculated, generate something like 4,800 person days. He said that some years on that lake, all the cabins might not generate 4,800 person days, as a lot of people go up there only half the weekends of the summer, and maybe one in the winter. He said this one commercial unit makes a lot more impact than many, many summer cabins, which affects sewer, septic, solid waste disposal, etc. Dr. Scherer said that twenty years ago, the homeowners tried to strike a balance between the use and preservation, and to change it is not legal, much less moral. He asked what then, are the legal questions here? First of all, is the zone there. He said that was obvious. Secondly, was it set up legally? He said it was done in this body with public hearings. Thirdly, did Mr. Busch know about the zoning? He said the testimony here is clear on that, the answer is yes. Fourth, did he operate a commercial resort in violation of the zone? Maybe even in defiance of the zone? He said the answer is yes. Fifth, is he asked to assume a hardship not imposed on the other residents other than of his own making? He said the answer is clearly no. Sixth, is it in the public interest? He said from the testimony today, at least 85% say "no". Seventh, can he then be rewarded for his actions with a variance? He said the only people who have testified in favor, who are all good people, are the attorney with financial interest; Mr. Cooks, who works at Rustics, who has financial interest; Mrs. McQuarrie, who does not have financial interest, but since the property was bought from Mr. Hickey, her father, and Mr. Busch is still some thousands of dollars in debt and will have to sell; and Mr. Maghee, who is a member of the Homeowners group.

Chairman Barbara Evans said she would appreciate it if Dr. Scherer let the Commissioners determine the motivations of the people who were testifying.

Dr. Scherer agreed, and said that his final point was that the zoning district that Mr. MacDonald keeps referring to with semi colons "on or near Lindbergh Lake", was in the petition to create zoning. He said the actual zoning district as established reads as follows: The west ½ of section 13; and the shoreline in Sections T. 3., etc. Section 25, 35, whatever...so all the western half is included. He said he was in opposition to granting this variance.

Ronald MacDonald asked Dr. Scherer to identify the document he was reading. He said he had handed the Commissioners the actual resolutions adopted by the County Commissioners.

Dr. Scherer said the document he was reading from came from Mr. Hubbell of the Planning Office.

Ronald MacDonald said he would like to point out to the Commissioners that the document that he handed to the Commissioners was the document that was signed by the County Commissioners, and the document that Dr. Scherer was referring to is a synopsis of the zone, prepared by someone on the zoning staff.

Barbara Evans said that Mark Hubbell indicated to her that that was correct.

Dr. Scherer said in closing he would like to say that he doesn't dislike Californians, as he used to be one, and he would also like to say that as Mr. MacDonald said, "those folks in white shoes, polyester pants, and gold chained developers" may have possibly referred to people who could possibly reside in the state of California.

Mark Hubbell, Planner with the Office of Community Development, said in order to add clarification to the legal description was that in the original zoning document there was a section 3 which states that, "Reference is hereby made to the descriptive material contained in the petition filed in connection with Missoula County Planning and Zoning District 25A, and to the map of said District which is on file at the Office of Clerk and Recorder, Missoula County, Montana." He said this issue came up during this hearing, and he had gone and gotten the map. Then he distributed copies of the map.

Stacey Good said she lives on Lindbergh Lake, right in front of Tranquility Lodge. She said her attorney asked her to ask the Commissioners to stick with the findings of fact that the Planning Department had found, and to the facts that the County Attorney had found. She said that Mr. Busch had had since February to legally communicate with the County Attorney and with the planning department and she had only known about the issue since December. She said there was a lot of opposition to granting the variance. She said the Department of Revenue said Mr. Busch was in violation of his liquor license, which is a felony, and they

JANUARY 8, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

ZONING VARIANCE REQUEST-JIM BUSCH (CONTINUED)

had told Mr. Busch in June that he was in violation, and they put him on hold until the variance had been ruled on by the Commissioners. She said their reasoning was that if he didn't get a variance, then he won't get a liquor license. She said that her fear was that if he gets a variance, then the other homeowners would have no recourse about the liquor license.

Carey Good said there was a 350-400 acre area near Lindbergh Lake which is classified by the Corps of Engineers as waters of the United States, under the Clean Water Act. He said all the waters of Lindbergh Lake and the adjacent wetlands are waters of the United States, and he said he hoped that what was being done today isn't going to usurp this. He said Mr. Busch, as a developer or contractor, is under several permits in the Swan/Clearwater drainage, and one of those permits states that Mr. Busch is supposed to take the dam out and drain Tranquility Lake. Another one is that he is not supposed to have certain aquatic species. He indicated several water features on the map, and said the Corps of Engineers and the Department of Fish, Wildlife and Parks are very interested in the development and Mr. Busch has ten violations of the permit currently pending.

Barbara Evans asked Mr. Good for clarification of what he was trying to say. She asked if he was concerned about the wetlands, and if Mr. Busch is no longer allowed to function would Mr. Good feel better about the wetlands?

Mr. Good said no, he was just trying to establish facts. He said he was just trying to say, "What are we doing here? This is a Federal Wetlands site." The Corps of Engineers has said that it is not good for the County to be authorizing or granting further development in wetlands, unless it is permitted by the Corps.

Barbara Evans asked when the Corps of Engineers relayed this information to the Commission.

Mr. Good said the letter was sent May 3, 1984 to Missoula County Conservation District and to the Board of County Commissioners, to Jim Busch, and to himself. He said it is not a letter, per se, it is a permit. He said that basically, the Tranquility Lodge site is under federal jurisdiction as far as the wetlands are concerned. He said also that he is a second generation resident of the area, and he is disturbed that the worst possible zoning imaginable is being proposed. He said Mr. MacDonald is wrong about the lodge only being advertised commercially, as he has a letter from 1981 from Century 21 where they were soliciting renting a guest cabin, and the main lodge was being rented for \$250 per month. He said in addition, Century 21 sent information about the benefits of the area, and about a private lake that could be purchased in its entirety, which is stocked with Pike. He said he was hearing about covenants and whether or not they would be abided by, and he was concerned about whether or not everyone would play by the rules. He said Mr. Busch's track record so far indicates that he would not.

Michael Kellner said she had been a resident of Lindbergh Lake for over 30 years, and she had a couple of environmental concerns she would like to address. She said she disagreed that there has not been, and would not be, any environmental impact if the variance was granted. She said there used to be one small road winding behind the cabins. Now there is a very large road, and a very large corridor with many trees gone, piles of wood, more traffic, and more dead animals on the road. She said she very seldom sees deer in the area anymore. The meadow behind the lodge used to be a very pristine meadow, and is now full of four-wheel drive tracks. She said since Tranquility has gone in, there is very frequent shooting, not just trap shooting, but during grouse season as well. She said there are many wetlands in the area, loons are in the area, and they are an endangered species. She said she has heard of pike being stocked in the lake which eat the native trout, which she understands is against the law. She said Mr. Busch talks about keeping things in their natural state. There were a group of homeowners who wanted to buy a large section of property from him so there would not be more subdivisions in the area, and Mr. Busch refused, unless each of these plots were surveyed and roads built into each lot. She said if he was truly concerned with keeping things in their natural state, he would have considered selling that land to the other homeowners. She said she didn't think the covenants would cover everything, and she cited an incident in which a hot air balloon was launched from the lodge and it crashed into a cabin, and could have caused a forest fire.

Chairman Barbara Evans asked if anyone else wished to speak, and no one came forward. She then offered Mr. MacDonald an opportunity to make closing statements.

Ronald MacDonald said the discussion of the covenants being unenforceable was frustrating, and the comments of some of the prior speakers in reference to fear of the future and the credibility of Mr. Busch was also frustrating. He said as an attorney, there were just a few things he could do to guarantee tranquility of the organization of one's neighborhood, and he has taught land-use planning at the Law School and considers himself to be someone that is very concerned with the development of how you restrict property. He said there were two ways which are effective: zoning and restrictive covenants. He said the third way was taxation. He said he met with the homeowners to ascertain their concerns; then wrote the covenants trying to address those concerns. He invited them to add to the covenants, which they have chosen not to do. He said the homeowners have taken the position that they don't like what's there, and there is a fear of the future. He said he thinks the restrictive covenants will guarantee the future of this property more so than any zone that could be created, and it guarantees the future of the property more so than any other property on the lake. He urged the Commissioners to look to the real issue here, and look to what is being offered compared to the objection to it. He said in terms of Mr. Busch's credibility, and he was surprised at Mr. Minto's comments that Mr. Busch lives in California and therefore these covenants would be less effective, that he owns a couple of businesses himself that he does not participate in on a day-by-day basis, but he sure knows what his liability is if the employees don't take care of it. And if he had a restrictive covenant that says he pays all the court costs, he would be more attuned to that than he would be otherwise. He said he may have made an error in trying to address the problems as they were addressed to the Tranquility Lodge people, possibly, he should have spent more time in defining the uses. However, he said he had sat down and listened to every objection that had been tendered in the process, and they were written quickly because they had to be mailed quickly. But he said those covenants are an honest, good-faith attempt to guarantee the future of this property.

Chairman Barbara Evans closed the public hearing, and asked Mr. MacDonald to show her, on the map, exactly where Tranquility Lodge sits in relation to section 13. After he did so, she said this was not an easy issue to address, it was not easy to hear everyone who wants to protect their values, and she could appreciate that. She said it was difficult when the Commissioners were working hard to provide economic advancement for the community to take what appears to be a business that has contributed to the area, specifically, Rustic Log Homes which has benefited greatly by Mr. Busch's establishment, and she said that it was a



JANUARY 8, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

ZONING VARIANCE REQUEST-JIM BUSCH (CONTINUED)

beautiful establishment, and it would be a real shame if it had to close down. But, she said that doesn't mean that she doesn't appreciate the concerns of the homeowners, because she does. She said when Bob Palmer first came to the Commissioner's Office, they had a subdivision come before them that was a very difficult one and he pushed very hard for the Commissioners to do nothing for a couple of months, until people could spend more time together and perhaps work out some sort of agreement. She said she thought at the time that that was sort of a wasted effort, but it turned out that Bob was right and she was wrong. The people were able to work out a satisfactory arrangement among themselves, and it ended in a reasonable compromise. She said if she were to get her druthers today, she would druther do nothing for two months and allow both sides to work together with Mr. Busch to take these covenants that the people say they have not had enough time to work on, and have some input into them.

Ann Mary Dussault asked Jean Wilcox, Deputy County Attorney what her opinion was as to the legal description of the property, as the two attorneys seem to have some disagreement about whether or not the lodge is within the zoning area.

Jean Wilcox said she asked the Planning Staff to ascertain whether or not Tranquility Lodge is in Zoning District 25A, and they had determined that the entire west half of Section 13 is in Zoning District 25A, and the Certificate of Survey which describes Tranquility Lodge is entirely within the west half of Section 13, so she said there was no question in her mind that Tranquility Lodge is in the zoning district, and the Commissioners have jurisdiction to either grant a variance or deny it. She said she is not confused about the legal description at all.

Robert Minto said he would like to respond to Barbara Evan's comments about postponing and trying to get together with all parties again. He said he had discussed that option with the Homeowner's Association, and aside from the economic issues and the costs involved with having to pay him for his time, they feel that it is not a practical approach at this time. They feel that if the zoning is denied, they will certainly talk with Mr. Busch and see what can be arranged, but they do not want to indiscreetly postpone the issue any further.

Barbara Evans said she anticipated that that would be the Homeowner's position. She had asked Mark Hubbell if there would be any time constraint on when another request for consideration could be submitted and she said he had told her that to his knowledge, there is no such time constraint in this matter.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to deny the request for the following reasons:

1. This Commission cannot and has not in the past, accepted ignorance of the fact as an excuse for action. She said she was willing to accept Mr. MacDonald's statements that Mr. Busch was not aware of the zoning, but she said the Commissioners could not accept that as an excuse. She said it was the individual property owner's responsibility to be aware of zoning limitations.
2. This Commission has tried to be extremely consistent in its support of citizen-initiated zoning. She said zoning is a very controversial matter in this County, particularly in rural areas, and she said they have tried to maintain the position that where citizens have acted, and acted reasonably, that the Commission would support their actions. However, she issued a word of caution: A lot of what Mr. MacDonald said about the zoning in the area was true. The zoning that was adopted twenty years ago does not address some of the issues the residents of Lindbergh Lake are afraid of today. That zoning does not prohibit skeet shooting, does not prohibit the launching of a hot air balloon from private property, and most particularly, she respected the desire to protect the natural environment in the area. There is nothing in the zoning that talks about density, and density in the end is going to degrade the area in Lindbergh Lake. She cautioned the homeowners not to walk out of the meeting thinking that the problems of the future are solved, because they were not. And she encouraged them, as a group to look at their zoning and to update it to what they really want it to be now, as there are many holes in it.

Janet Stevens said it had been her position since she had been a Commissioner, to try to allow the citizens of Missoula County to be more involved in their particular property rights. One of those kinds of participation is citizen-initiated zoning, which the homeowners had the foresight to do fifteen or sixteen years ago. She said if there are loopholes, it would be up to the residents to clean them up. She said the hearing has served as a way to wake them up, and had better heed the warning.

Barbara Evans said that earlier in the meeting, the Commissioners had done a Certificate of Survey split, and she wanted the Lindbergh Lake homeowners to know that that Certificate of Survey was in what was proposed in 1977, the Bitterroot Meadows, which was denied by the Commissioners just prior to her coming into the office. She said since that time, the land has been split repeatedly, through the Certificate of Survey process, and the people who did not want Bitterroot Meadows, for a variety of reasons, now have probably as much or more density, through no subdivision review at all, and they have, in essence, subdivisions that nobody had any say over. She said that was what the other two Commissioners were trying to tell them, that the fact that Mr. Busch has denied this variance may put him in the position of selling, and those people may then use the legal means of splitting this, and the homeowners could all end up with exactly what they don't want.

Ann Mary Dussault said that if there was no objection, she would like to add two items to her motion: That the variance be denied based on the findings that the variance would be contrary to the public interest; and that no unnecessary hardship would be created if the zoning is literally enforced, based on the findings of fact presented by the Office of Community Development at the public meeting on December 18, 1985.

Since there was no further business to come before the Commissioners, the meeting was recessed at 4:20 p.m.

\* \* \* \* \*

January 9, 1986

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 9, 1986 (CONTINUED)

DAILY ADMINISTRATIVE MEETING (CONTINUED)

CONTRACTS

✓✓ The Board of County Commissioners signed the following professional services contracts between Missoula County and the following independent contractors:

1. Joan Schweinsberger, for the purpose of entering land base data on the Environmental Health Division's computer, as per the terms set forth, for the period from January 3, 1986 through June 30, 1986, for a total amount not to exceed \$4,000.00; and
2. CK Computers, for the purpose of computer system analysis and programming for the Health Services Division, as per the terms set forth for the period from January 7, 1986 through May 7, 1986, for a total payment not to exceed \$2,400.00.

CERTIFICATION OF AMENDED ELECTION RETURNS

The Board of County Commissioners, signing as County Canvassers, signed a Certification of Amended Election Returns for the General Election held November 6, 1984, for the purpose of correcting a transposition of votes in one precinct only and did not change any outcome. The Certification was returned to the Elections Office.

CONTRACT AND SUBCONTRACT AMENDMENTS

✓✓ Chairman Evans signed Amendment No. 2 to Contract 86-012020032-0 between Missoula County and the Montana Department of Social and Rehabilitation Services and Amendment No. 1 to Subcontract No. 86-012-20032-0 between Missoula County and District XI Human Resource Council for the issuance of food stamps, thereby deleting Section 3, Part E in its entirety as follows:

- E. The contractor shall be responsible for repayment of all Food Stamp mail losses in excess of \$1,500.00 each fiscal year quarter.

The Amendments were returned to the SRS Office in Helena.

OTHER MATTERS INCLUDED:

1. The request from the Sheriff to call for vehicle bids was put on hold until Bitterroot Motors decides what to do about the problems with the present cars;
2. Dan Cox, Budget Officer, met with the Commissioners regarding the CK Computer Consultants retainer. The money was not budgeted for this year, but may be put in next year's budget, provided a savings can be shown from using separate contracts to the retainer; and
3. The Training Leave/Reimbursement Policy was reviewed and sent back to Personnel for a final draft including the changes made.

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

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January 10, 1986

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

Fern Hart  
Fern Hart, Clerk and Recorder

Barbara Evans  
Barbara Evans, Chairman

January 13, 1986

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 for Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for month ending December 31, 1985.

INDEMNITY BONDS

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

1. Naming Laurie D. DuPree as principal for Warrant #13244, dated November 20, 1985, on the Lolo School District #7 payroll fund in the amount of \$62.20 now unable to be found;
2. Naming Laurie DuPree as principal for warrant #03539, dated November 20, 1985, on the Wellgate Elementary School Payroll fund in the amount of \$16.44 now unable to be found; and
3. Naming Christine M. Everett as principal for warrant #45863, dated December 18, 1985, on the Missoula School District #1 payroll fund in the amount of \$77.39 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 between Missoula County and Russell and Sons Excavating, the lowest and best bidder for the demoliton and removal of the superstructure of the California Street Bridge, as per the terms set forth. The contract was returned to Centralized Services for further handling.

JANUARY 13, 1986 (CONTINUED)RESOLUTION NO. 86-002

The Board of County Commissioners signed Resolution NO. 86-002, a resolution authorizing the Chairman of the Board of County Commissioners to execute on behalf of Missoula County all documents required to effect the redemption of the 1971 Bonds and the 1978 Bonds and to convey to Champion International Corporation all real and personal property acquired with Bond proceeds.

RESOLUTION NO. 86-003

The Board of County Commissioners signed Resolution No. 86-003, a resolution to rezone the west ten acres of the property described in "attachment 1" from C-R2 (residential) to C-C2 (commercial).

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY '86 budget:

1. No. 860038, a request from the County Attorney to transfer \$197.00 from the Gas/Diesel Account to the Mileage-County Vehicle Account to correct a budget error; and
2. No. 860039, a request from Ad Staff to transfer \$2,446.00 from the Financial Administration Contracted Services Account to the Ad Staff Temporary Salaries (\$2,086.00) and Fringe Benefits (\$360.00) Accounts for funding Cynthia Klette's quarter-time temporary employment for the balance of the fiscal year as staff to the joint County/City/United Way Blue Ribbon Commission on Human Services.

Other Matters Included:

1. The Commissioners signed approval of an arrangement to lease dictaphone equipment for the 9-1-1 Center as per the terms set forth in the memo, dated January 13, 1986 from Iona Baertsch, 9-1-1 Center Manager; and
2. A discussion was held on the issue of Deputy County Attorney salaries. The matter was taken under advisement pending more information on salary ranges.

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

BOOKMOBILE DEDICATION

The Board of County Commissioners participated in the dedication of the Bookmobile held at the Library in the afternoon.

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JANUARY 14, 1986

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 14, 1986, pages 4-32, with a grand total of \$495,957.27. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

1. Commissioner Stevens was appointed Acting Chairman while Commissioner Evans is out of town from January 15th through the 17th;
2. The Commissioners voted unanimously to appoint Dennis Veleber as Steve Waldron's replacement for Representative in District 58, to be effective February 1, 1986;
3. It was decided that Commissioner Dussault will continue to represent the County on the MEDC (Missoula Economic Development Corp.) Board;
4. Commissioner Dussault will pursue legal research with Deputy County Attorney Mike Sehestedt, regarding the Extension-Weed merger and draft a proposal to Montana State University; and
5. The Commissioners made the following decisions regarding the Deputy County Attorney salaries:
  - a. Betty Wing should be reclassified, if appropriate;
  - b. Diane Conner will receive a 5% increase retroactive to July, and be eligible for a 4% raise on the one-year anniversary date;
  - c. Fred Van Valkenburg may get a merit increase to the top of the pay plan (which remains as is); and
  - d. Resolution No. 85-084 will stand for the rest of the Deputy County Attorneys.

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

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JANUARY 15, 1986

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans left for Montgomery, Alabama where she will attend the NACo Justice and Public Safety Steering Committee Meeting January 16th and 17th.

DAILY ADMINISTRATIVE MEETING

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

JANUARY 15, 1986 (CONTINUED)

LETTER OF AUTHORIZATION

The Board of County Commissioners signed a letter of authorization to the Montana Power Company certifying that Missoula County assumes responsibility for electrical service for the Public Defender's Office at 317 Woody, as per a request from Margaret Borg, Chief Public Defender.

√ BOARD APPOINTMENTS

The Board of County Commissioners made the following appointments to the Loan Review Committee:

1. Terry Sehestedt, Bill Carey, Ed Mosier, and Julie Cummings-Motl were reappointed for one year terms through December 31, 1986; and
2. Kevin Randles and James "Ritt" Bellis were appointed as members of the Committee for one year terms through December 31, 1986.

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

PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Acting Chair Janet Stevens. Also present was Commissioner Ann Mary Dussault. Commissioner Barbara Evans was out of the state on official business.

√ BID AWARD

Bids for a Rubber-tired Roller were opened January 13, 1986 with the following bids received:

Hall-Perry Machinery Co.	\$27,908
Western Equipment Co.	\$29,978
Tri-State Equipment Co.	\$33,444
All West Tractor, Inc.	\$33,789
Davis, Inc.	\$34,394
Arnold Machinery	\$36,137
McDonald Industrial, Inc.	\$37,965
Mountain View Equipment Co.	\$39,000

Information provided by County Surveyor Dick Colvill indicated that his department had \$30,000 budgeted for the roller. The first three low bidders and six of the eight bidders did not meet the specifications, and the lowest acceptable bid was \$3,789.00 over the budget. The Surveyor's Office recommended that all bids be rejected, and the specifications be rewritten to allow more bidders to qualify, and the roller rebid.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to reject all bids and refer the matter back to the Surveyor's Office for the purpose of rewriting the specifications. The motion passed on a vote of 2-0.

BID AWARD

Bids for the sale of a Caterpillar 10 Tractor from the Historical Museum at Fort Missoula were received from the following:

Byrne Machinery	\$2,525.00
Roger Bennett	408.00
Andy Logozzo	526.00
Dominic S. Job	510.00

Information provided by Wes Hardin, Museum Director, indicated that recently the decision was made to deaccession one artifact from the Historical Museum's collection, a 1928-vintage Caterpillar No. 10 tractor. The vehicle was offered for sale via a sealed bid and the high bidder, Byrne Machinery, offered \$2,525.00. In addition, this particular individual will be able to provide better care than the Historical Museum because he wants to put the vehicle on display inside his farm machinery dealership in Spoke. He said that once the sale is approved, the \$2,525.00 will be deposited into the County Memorial Fund, as was done with proceeds from the last two County Surplus Auctions.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to award the bid to the highest bidder, Byrne Machinery to buy the equipment from Missoula County Historical Museum in the amount of \$2,525.00. The motion passed on a vote of 2-0.

√ PUBLIC HEARING: CERTIFICATE OF SURVEY REVIEW-SECURITY INTEREST PARCELS-RICHARD BOSSARD

At issue was a determination of whether a rental subdivision was being created. Acting Chair Janet Stevens noted that on December 4, 1985, a hearing was held to determine whether a rental subdivision was being created. Mr. Bossard was unable to attend the meeting, so the hearing was continued until this date.

Jean Wilcox, Deputy County Attorney said Mr. Bossard had submitted two affidavits to use security interest exemptions to create two parcels from the same tract, (Tract A-COS 2384) along Highway 10 West, in an area where he had created two other security interest parcels; (COS 3156 and 3160) and the four of them together are creating a pattern of division which has the appearance of a subdivision. She said under the Attorney General's interpretation of the Subdivision Act, and the County Attorney's interpretation, when separate parcels of land are leased, you have a subdivision, which is subject to review by the Planning Board, and approval by the governing body. In addition, if ownership of the parcel is retained, but portions of, or entire buildings are rented where there are multiple buildings on the same tract, that is a subdivision, which is subject to review. She said the question here is just exactly what is being transacted.

Richard Bossard said his intent was to utilize the property with business or businesses that he currently is involved in, and one of those businesses would be relocated to the property in question, in the immediate future. He said the ownership of the property would be retained by him, and the location will be used for businesses that he is involved in. The businesses are separate entities. For loan purposes, he said he does not wish to encumber the entire acreage with a single loan, and because they are separate businesses, they will be totally separate entities.

JANUARY 15, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

COS HEARING-BOSSARD (CONTINUED)

Janet Stevens said she noticed that there was a sixty foot section left between the COS's that were granted previously and the one under consideration now. She asked what the purpose of this sixty foot section was.

Richard Bossard said that would provide access to all the lots, as access from the highway was restricted.

Ann Mary Dussault asked if it were true that two other parcels had been created earlier, and if at least on one of those parcels, there was a business currently operating.

Richard Bossard said that was true, but on the other parcel, it would not be feasible to use the land for a business, as it is quite low and sloping.

Ann Mary Dussault asked if Mr. Bossard was a partner in the business that is currently operating.

Richard Bossard said he was, but not in an active, open way. He said it was just a financial interest.

Ann Mary Dussault said there were some advertising signs on or around the property that would indicate that he would lease or sell the properties, and she wanted to know how that would fit in with his intent to relocate businesses on this property.

Richard Bossard said it was a matter of economics. He said it is a situation where the economic climate is not very good, and his original intention was to develop the properties into the subdivision, or sell them, and he had made no pretense to the contrary. But due to the interest rates, and the prohibitive costs of subdividing, he had just had to hold on to the property. He said if people approached him and wanted to buy parcels of land, he would go the subdivision route to satisfy the requirements.

Ann Mary Dussault asked him if he was anticipating that the four parcels that would be in place as a result of this Certificate of Survey would be part of the property that is currently being advertised on the signs around the property.

Richard Bossard said no, those are separate parcels that he is developing to survive with. He said he is investing money to build up equities and annuities.

Ann Mary Dussault asked Jean Wilcox if, in terms of the County Attorney's opinion and/or the Attorney General's opinion, is it different from a factual point of view if the owners of a property are dividing a piece of property using a security interest exemption for the purpose of locating a business of their own on those parcels.

Jean Wilcox said the thing that would trigger the subdivision review is if there is a transfer of possession or title in a portion of a tract. She said she was still confused about the nature of Mr. Bossard's interest in these businesses. She said he says they are separate entities, and she felt that there must be some sort of transfer taking place, even though he has partial interest in the business.

Ann Mary Dussault said the problem is, as long as it is a separate entity, then the Attorney General's opinion and the County Attorney's opinion apply.

Richard Bossard said the people he is involved with financially are different than he and his partner, who own the property. He said it was a borderline question, and he was unable to explain it or clarify it any further. He said his partner is not particularly interested in involving himself in these other businesses.

Janet Stevens asked if he and his land partner would be receiving some kind of lease agreement.

Richard Bossard said he would be paying himself and his partner from the profits he would be receiving from his business for the use of the land and the building.

Ann Mary Dussault said she would like to ask Jean Wilcox a hypothetical question. She asked if, for example, Ann Mary Dussault and June Dussault in partnership, own a parcel of property, and wanted to lease a portion of it to a company owned by Ann Mary Dussault and three others doing business under a different entity, would that be the same as this situation?

Jean Wilcox said that was correct.

Ann Mary Dussault said she would like to take the same circumstances one step further and ask if, in that same situation, Ann Mary Dussault and June Dussault, doing business as a partnership, owning the land, would construct and operate a business on that land, would there be no triggering of the review requirements?

Jean Wilcox said that was correct.

Ann Mary Dussault asked if, in the same situation, would obtaining a security interest in the parcel to finance the construction of that facility be acceptable?

Jean Wilcox said that would be acceptable. She said if Mr. Bossard was maintaining ownership of all of his property, and in all of the entities that are operating businesses in these buildings, the question becomes a gray area. She said this was an issue that would probably be answered in a court of law. She said there is a similar suit being heard in District Court at this time.

Ann Mary Dussault said she would like to ask Mr. Bossard if the situation she just described is close to the situation that is under consideration,

Mr. Bossard said yes, but he felt that the regulations were starting to split hairs rather finely, in a sense that he is still remaining in the businesses, and what Jean Wilcox is saying is that there are a certain amount of restrictions placed on him because he is doing this with other people.

Ann Mary Dussault said she would like to share the irony of this situation. She said the County owns various lands throughout the County, and they have done different things with those lands in the past, and on a particular parcel they viewed as one that could be developed in the public interest, they divided the property into different tracts, and then leased them to Community Organizations that were utilizing the parcels for generally recreational purposes. She said the County got caught in the same thing, and couldn't do that. She said they had, in essence, created a subdivision through a lease mechanism, and are now in the

JANUARY 15, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

HEARING: COS-RICHARD BOSSARD (CONTINUED)

process of going through subdivision review now. She said unfortunately, we all find ourselves in awkward positions sometimes, not always through our own intent, and the difficulty the Commissioners have is that they have to interpret legal opinions and Attorney General opinions, while trying to appreciate economic circumstances at the same time. She said none of the Commissioners were unaware of what the current economic climate is. She said that her own view, in this circumstance, is that based on the Attorney General's opinion, and the County Attorney's opinion, that this does, in fact, constitute an evasion of the subdivision act, and that she would move that that is, indeed the Commissioners findings, and she would encourage him to go through the subdivision process in order to create these parcels.

Ann Mary Dussault moved, and Janet Stevens seconded the motion that the Security Interest Parcel Division of COS 2384 be denied for the following reason:

1. There appears to be an intent to evade the Montana Subdivision and Platting Act; based on the following finding of fact: based on the opinions of the County Attorney and the Attorney General, when transfer is made in some form to another entity, that is not within the scope or purpose of the use of the Certificate of Survey.

Ann Mary Dussault said the Commissioners understand, and they are attempting to resolve some of the issues around the subdivision review process, that as the regulations have been developed over a period of years and have been changed and modified, that in some cases, they might be more cumbersome in impeding appropriate development than they were ever intended to be. She said again, they were sensitive to that fact, and are attempting to go through the process to resolve some of those issues, which is a good faith attempt on the Commissioners' parts to resolve some of the reasons why these methodologies are used, instead of the long, expensive, complicated subdivision review process.

Janet Stevens said she agreed with what Commissioner Dussault had told him, but she had something to add. She said she would encourage him to be involved in the process of reviewing the subdivision regulations, which is going on now. She suggested that he contact Chris Rockey, Director of the Office of Community Development for further information.

The motion passed on a vote of 2-0.

HEARING: OCCASIONAL SALE-STEVENSON

Deputy County Attorney Jean Wilcox said Charles Stevenson proposes to divide property which was the subject of an occasional sale/remainder division within the last twelve months by a previous owner. She said the property was located near the intersection of O'Brien Creek Road and Big Flat Road, and the parcel was previously owned by Roy Norgaard, who divided the property into two parcels in March of 1985, so another division of this property would have to be deferred until after March 1986; that is, no deed could be filed until then. She said the other circumstances present that triggered review was that the tract being divided was created after July 1, 1974, and this particular proposal includes more than one type of exemption. In addition, the tracts will be served by a common road and are subject to the same covenant.

Ann Mary Dussault asked Jean Wilcox to indicate the original parent parcel and this particular property on the map.

Nick Kaufman who said he was representing Mr. and Mrs. Stevenson said what the issue was here, is intent; that is, is there an intent to evade the Subdivision and Platting Act? He said it was important to note the history of the area and the history of this particular piece of property. He indicated the property on a map, and said the property in question is on the northwest corner of the intersection of O'Brien Creek and Big Flat Road. He indicated that the Comprehensive Plan of the area calls for a medium density and the zoning is CRR-1, which is one dwelling unit per acre. He said as you move farther back on the property, toward a steeper, rockier, timbered area, the zoning then changes to CA-1. He said O'Brien Creek is not dissimilar to Pattee Canyon, in that it is a rural area and it was developed slowly, over a period of time. He said the people who live in the area would probably object to a major subdivision, yet they seem to be satisfied with, and have no problem with, a gradual developmental process.

He said that in 1978, Bill Maclay, who owns the Maclay Ranch, decided to do some estate planning, and he initiated a subdivision process called Hidden Heights on Big Flat Road, and he created the parcel under question, which was a 23 acre parcel. At the time he did Hidden Heights, he prepared covenants for that subdivision, and applied them to this 20-acre tract. Then in 1978, the 20-acre tract survey was created in November, and in December, the property was transferred to Alan Pegelow who had it for a very brief time, about an afternoon, and Mr. Pegelow transferred it to Dr. Norgaard. Nick Kaufman said Dr. Norgaard's intent was to do estate planning and manage his ranch in such a way as to keep a portion of his ranch for himself and his family. The fact that he did a major subdivision just down the road and the fact that he negotiated with Missoula County for right-of-way along O'Brien Creek Road, shows his intent was not to evade the Subdivision and Platting Act.

Ann Mary Dussault asked Mr. Kaufman if Hidden Heights was a subdivision that was submitted and approved, and she asked Mr. Kaufman to discuss the covenants.

Nick Kaufman said the covenants restrict the size and the type of homes to single-family with a minimum square footage of somewhere around 1,800 square feet. He said there is an architectural review committee, and the intent of the covenants is to provide for single-family development of the same quality that is evident in Hidden Heights subdivision.

He continued with the history of the parcel in question by saying that in 1978, Ray Norgaard bought the parcel, with the intention of building a single-family home on the 20 acres, and use a portion of it to graze his race horses. In 1982, he built the access road up to the ranch, and then he ran into some significant financial trouble in 1984, because he wound up selling the Hanging Heart Ranch in St. Ignitius, which was in the ranch where he raised the horses, and he ended up doing the only two exemptions to the Subdivision and Platting Act that he had ever done in his life; an occasional sale on this subject parcel and a gift to a family member. He said Dr. Norgaard's intention when he built the road was to access his home.

Commissioner Dussault and Stevens asked Mr. Kaufman to indicate access points on the road leading to the property. Mr. Kaufman pointed them out on the map.



JANUARY 15, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

COS HEARING-STEVENSON-CONTINUED)

Nick Kaufman said the things he wanted to bring to the Commissioners attention were that: The covenants were not in place on the property in anticipation of evasion of the Subdivision and Platting Act; the access road in question was not built on the property in anticipation of an occasional sale or gifts or any evasion of the Subdivision and Platting Act; nor were the occasional sale and gift done by Mr. Norgaard done for the purpose of evading the Subdivision and Platting Act. They were done specifically to relieve a financial situation that he had gotten himself into. In regard to the Stevens', Mr. Kaufman said they had bought the property, the large 20 acre tract, and now they are looking at building a home. Specifically, they have no intention at this time of selling the parcel if they are allowed to do an occasional sale. At some time in the future, they may have some financial needs which would require the sale of that piece, but at this time, they do not. He said what they were asking for was, in conformance with the zoning, which is one dwelling unit per acre, was the right to do one occasional sale, and that occasional sale is not being done to evade the Subdivision and Platting Act.

Commissioner Stevens asked Mr. Kaufman why he was asking for the occasional sale. She wanted to know if the house was going to be built on the remainder, or on the occasional sale parcel.

Nick Kaufman said there are only four building sites; there is no more potential for division of the property. The site the Stevensons will build their home on is the bench, and the other piece of property would be held in security. He indicated the homesite on the map, which indicated that the home would be on the remainder portion of the request.

In regard to the three points brought out in the letter from Deputy County Attorney Jean Wilcox, he said the tract being divided was indeed created after July 1, 1974, but it was created by Bill Maclay as part of the estate planning on his ranch. In regard to the tracts being served by a common road and which are subject to the same covenants, he said he would like the Commissioners to keep in mind that it was not a case where someone like Nick Kaufman goes out and buys a 20 acre tract, puts in a road, puts covenants on it, and then goes out and does occasional sales or gifts along that road that was built for the intention of serving more parcels or putting covenants on it in the anticipation of future development. The covenants were originally placed on the parcel to protect that piece of ground and make it conform to the character of the area. He said Mr. Norgaard had the property from 1978 to 1985, which is 6 years, before he ever did the occasional sale, and the road was in place before he ever used an exemption. He said the third point made by Ms. Wilcox was that the last occasional sale exemption taken from the parent parcel occurred on March 25, 1985, within the past 12 months. He said with the lead time needed to file Certificates of Survey, he would not even file the Certificate until after March, if that was the Commissioner's intent. He said at this time, there is not even any intention to sell the property, so there is no problem with the condition that it not be filed until after March.

Ann Mary Dussault asked if the access road was a private road.

Nick Kaufman said yes, it was, and it was maintained as a private road.

Ann Mary Dussault moved, and Janet Stevens seconded the motion that the Certificate of Survey be accepted as long as it is filed after March of 1986 for the following reasons:

1. The divisions proposed are within the zoning requirements of the area; and
2. there does not appear to be an intent to evade the Montana Subdivision and Platting Act.

This finding is contingent upon the following language being printed on the face of the survey:

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

The motion passed on a vote of 2-0.

HEARING: OCCASIONAL SALE-COS 3262 (BEELE)

Deputy County Attorney Jean Wilcox said this property is located near Huson on the South Side of Highway 10. She indicated the property on a map, and said the Beelers took an occasional sale exemption in 1979, and divided their ownership of this property into Tract A and Tract B. She said this proposal is to further divide Tract B with the use of an occasional sale and the remainder. She said the size of the parcels does not appear to be in conformance with the Comprehensive Plan for development, although it is in an area where it is designated to be suitable for some community oriented commercial development.

Ben Beeler said he had bought this land for investment purposes, and that is why they split the property in the first place. The reason they are dividing the property now is because of the railroad right-of-way that they had gotten back from the railroad. He said it would make nice parcels because it has roads on both sides. He said he had no intention of evading the Subdivision and Platting Act.

Janet Stevens asked him to indicate where the two roads are that he referred to.

Ben Beeler said Highway 10 lies to the north, and Mullan Road is also adjacent to the property, and along additional land that he acquired when the railroad deeded the property to him.

Greg Martinson of Martinson Surveys, said the Beelers had done the original certificate on the split, then they saw that the Milwaukee Railroad was going out, and the opportunity to acquire the additional piece of land came up, and he integrated it into the rest of their property for better property, to make the entire parcel more valuable.

Janet Stevens asked if the original tract was five acres, and if a tract A has been sold.

Ben Beeler said yes, it was originally five acres, and Tract A is in his wife's name and Tract B is in his name.

JANUARY 15, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

COS HEARING #3262 (BEELER) (CONTINUED)

Ann Mary Dussault asked if parcel C is another potential one or two sites.

Ben Beeler said he is living on parcel C now.

Ann Mary Dussault asked if there were any current homesites on either parcel A or B?

Ben Beeler said no.

Janet Stevens inquired if both parcels (A and B) would be sold?

Ben Beeler replied that he did not have any immediate plans to do so, he was just doing the split now in case he had to sell some land in the future. He added that he had three children who might want to move to the property.

Ann Mary Dussault said that the problem she has with this is that it sounded to her like he invested in the property for purposes of eventually developing it, and there was nothing wrong with that, but the concern is, when the property is divided, it is divided once, twice, then again, and again, so that the lots then get down to an acre in size, so over a time period, you end up with a minimum of five lots which includes the current homesite, with the potential for up to ten homesites.

Greg Martinson said the homesites in that area have to be at least one acre, so the maximum number of homesites on this property would be six.

Ann Mary Dussault commented that she thought that the best thing to do would be to come in with a plan to lay the land out in six homesites, and come in with that plan and be done with it, as it is fairly clear that that is what is going to happen over a period of time anyway. She said she could see a definite pattern developing, and it is better for him to go in and do a subdivision now, because he would have to do it sooner or later, anyway.

Greg Martinson said that the concern here is financial. He said this is costing him not near as much to do one split as it would if he were to come in and do a bunch of splits, which he doesn't think Mr. Beeler ever intends to do. He said the cost of subdivision review is quite steep, and it all breaks down into economics.

Clerk and Recorder Fern Hart asked what the difference in dollars was.

Ann Mary Dussault said it was a significant amount. She asked Jean Wilcox if they were discussing a minor subdivision at this point, and if he was required to at least consider parkland?

Jean Wilcox replied in the affirmative.

Ann Mary Dussault asked if dividers of property generally object to that provision?

Greg Martinson said yes, that, and the requirements for paved roads.

Ann Mary Dussault said it was generally those two provisions that end up to be the highest economic impact, although there is some cost involved with the processing of the application.

Greg Martinson stated that the cost just gets to be cumbersome; the cost of review, the length of review as compared with the Certificate of Survey process, and it's all those things added together that make it more costly and more time-consuming to go through the subdivision.

Janet Stevens said she understood Mr. Martinson to say that if the subdivision review process wasn't so lengthy and expensive, then Mr. Beeler would be going through that process.

Greg Martinson said that was correct. He had discussed it thoroughly with Mr. Beeler, and since they had already started this particular process, they had decided to stay on this course, as a pretty fair amount of money had already been invested. He said that if Mr. Beeler had to go through the subdivision review process, it would be even more costly.

Ann Mary Dussault asked Jean Wilcox what the subdivision review process would gain in terms of serving the public interest. Also, she said she would like to make a comment about the provisions for cash in lieu of parklands. She said in some of these smaller cases, her personal feeling is that while the County could certainly use the money, it's not something that she would be particularly sticky about, and in a request such as this, she might be willing to waive it. She said she didn't think the law was ever really intended to create this many parks, and she wondered if that stipulation was removed, what would they be looking at?

Jean Wilcox said there were two things: one is more information to determine that there are public services to serve these five lots, things like schools, fire protection, sheriff's patrols, etc., and the other thing would be that the improvements to those lots have to be in there within two years.

Ann Mary Dussault asked if improvements in this case would mean roads, utilities, wells, etc.

Jean Wilcox said that would be correct.

Janet Stevens said it was her understanding that even if he were not planning to fully develop this property within the next two years, but went through the subdivision review process, he would have to do those improvements anyway.

Ann Mary Dussault said that was correct.

Greg Martinson said what Mr. Beeler has is a culmination of estate planning and property he would like to hold against future financial obligations, and what had prompted this request was a feeling that this was a wise and prudent thing to do at this time. He said as far as the improvements are concerned, the only thing that would be there would be the utilities that have to be put in, which would not be much of a problem.

JANUARY 15, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

COS HEARING #3262 (BEELER) (CONTINUED)

Janet Stevens said he had a question about schools and rural fire protection. She asked if that would be covered once a portion is developed as the property is reassessed through taxes?

Jean Wilcox said the difference is that in subdivision review, the agency has the opportunity to look at it before it occurs, rather than reacting.

Fern Hart said a lot of this happened with the Planning Board, when they had a lot of developments going on, and in the case of Lolo and their double sessions in the schools, the schools wanted to have some say in the development process, and the sewage in the area was already on a limited basis, so that is where the review process was valuable.

Ann Mary Dussault asked if this was in the Frenchtown School District and within the Frenchtown Rural Fire District.

Ben Beeler answered in the affirmative.

Ann Mary Dussault said that unfortunately, there is a marginal use to be gained, but it's also fairly clear that Mr. Beeler's intent is to subdivide that property and in essence, to create a series of divisions of land over time. She said in those cases she has to fall back on that subdivision review process as flawed as it is. In trying to look at different mechanisms to allow that process to work better, so it doesn't create an unnecessary hardship, the Commissioners also have a responsibility to insure the public interest, and if someone is in the process of dividing land as an investment for their own economic benefit, then the Commissioners have to weigh that against the public interest, and that means going through the subdivision process.

Ben Beeler asked if she was saying that he has to go through the subdivision process to split each piece.

Ann Mary Dussault said it would make more sense to go through minor subdivision review and just divide the parcels and get it done with.

Ben Beeler said he understood what she was saying, but he couldn't figure out what she wanted him to do... put it all back together and start all over? He said it seemed like a waste to put all three tracts back together just to re-divide them.

Ann Mary Dussault said the problem is that even if he would only do the division that he was talking about today, other folks who buy that property would be coming before the Commissioners in a very short time wanting to further divide the land, and the bind the Commissioners get themselves into is that in ten years, there would be land division all over the County without any public review. She said at some point, when they see a pattern developing, they have to be consistent.

Ben Beeler said there could not be any further subdivision of this land because of the health requirements.

Greg Martinson said that the point made earlier was correct, that the only thing that is different from this request and going through the subdivision review process is \$300 cash in lieu of park, length of time, and more cost to Mr. Beeler.

Janet Stevens said he was omitting the impact studies.

Greg Martinson said the impact studies don't exist in a minor subdivision. He said there is Planning Board review, but Environmental Impact Study Statements don't have to be filed with minor subdivisions.

Janet Stevens asked if they had looked at school impact.

Greg Martinson said there were eight criteria that were addressed, but he didn't foresee any problems if this parcel was sent through subdivision review. He said he thought it would be a waste of a lot of people's time and money.

Ann Mary Dussault asked if he would be willing to covenant the parcels as they would exist after this particular COS is done; for example, protect against any further divisions of this land without going through subdivision review. If he was willing to go that far, he might as well come in and ask for a subdivision review. She said with relocation of boundaries and other possible moves, more than six parcels could be made out of this property.

Greg Martinson said that would be a blatant disregard of the law, and he might be crazy, but he was not stupid.

Ann Mary Dussault said the problem she keeps running into with this is that eventually, there is going to be a minor subdivision of this land, without going through the minor subdivision review process. She said she was not making any value judgements, just making an observation.

Greg Martinson said it was his understanding that the intent of the law authorizing exemptions was to allow people the right to divide the property. He said the law addressed massive divisions like 160 or 180 acres. He said he didn't think it was intended to be this stringent.

Ann Mary Dussault said her counter to that was that if that were true, there would be no provision for minor subdivision review, because minor subdivision review was intended to take care of exactly this kind of thing. She said what the Commissioners wanted to be sure of, was that access, utilities, public impact, etc., are in place; and without that review, the Commissioners do not know that, and without knowing that, they are not able to control the problems with the public that pop up ten years up the road. She said the Commissioners spend a great deal of time dealing with problems because issues like this popped up six, eight, and ten years ago, and that is why it becomes a general public liability rather than what it should be, which is a liability of the landowner who, in the end, is going to make a profit by selling off the parcels.

Greg Martinson said his perception of the minor subdivision process is that something that small, five or fewer parcels, doesn't need review, and that is why the law was set for just one review, not two. It was decided that there would not be public review. He said his perception of the review was not the same as the Commissioner's perception.

January 15, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

COS 3262 BEELER (CONTINUED)

Ann Mary Dussault told Mr. Beeler that she thinks that if, in the end, he is going to have six parcels, he should come in through the minor subdivision review process, so he doesn't have to go through this five times. The expense of doing this five times versus the expense of minor subdivision review might be about the same.

Ben Beeler said he just didn't want to throw away all the work that has already been done. He said he had already gone through the expense of one occasional remainder, then a boundary relocation, plus paying the court costs for the property that the railroad deeded back to him.

Ann Mary Dussault moved, and Janet Stevens seconded the motion that the COS be rejected on the basis that there appears to be an intent and a pattern to create a series of lots and that the subdivision review process is the process that ought to be used under the circumstances. The motion passed on a vote of 3-0.

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

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JANUARY 16, 1986

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

DAILY ADMINISTRATIVE MEETING

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

✓ RESOLUTION NO. 86-004

The Board of County Commissioners signed Resolution No. 86-004, a budget amendment for FY '86 for the Health Department, including the following expenditures and revenue, and adopting it as part of the FY '86 budget:

Description of Expenditure		Budget	Totals (Budget)
2270-610-447100-301	Postage	\$ 770.00	\$820.00
2270-610-447100-311	Printing	2,662.00	3,762.00
2270-610-447100-314	Ad/Legal Publications	250.00	750.00
2270-610-447100-327	Consultants	150.00	1,867.00
2270-610-447100-356	Common Carrier	1,500.00	3,184.00
2270-610-447100-206	Office Supplies	500.00	700.00
Description of Revenue		Revenue	
2270-612-344064	AIDS Conference	\$5,832.00	

✓ Budget Transfers

The Board of County Commissioners approved and signed the following budget transfers for the Health Department and adopted them as part of the FY '86 budget:

1. No. 860040, a request to transfer \$1,500.00 from the Dog Food and Care (\$1,000.00) and Meals, Lodging and Incidentals (\$500.00) accounts to the Lab Supplies Account as additional funds were needed;
2. No. 860041, a request to transfer \$400.00 from the Common Carrier Account to the Legal Advertising (\$200.00) and Dues and Memberships (\$200.00) accounts as additional funds were needed; and
3. No. 860042, a request to transfer (\$800.00) from the Lab Service (\$400.00) and Mileage-County Vehicle (\$400) accounts to the Mileage-Private Vehicle Account as additional funds were needed.

Other matters included:

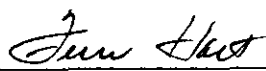
Commissioner Dussault was appointed Acting Chair for January 17th as Commissioner Stevens will be out of town.

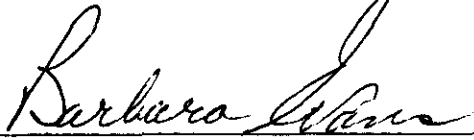
The minutes of the daily administrative meeting are on file in the Commissioners' Office.

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JANUARY 17, 1986

The Board of County Commissioners did not meet in regular session; Commissioner Stevens was in Helena where she attended a Commission on Courts of Limited Jurisdiction Meeting.

  
Fern Hart, Clerk and Recorder

  
Barbara Evans, Chairman

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JANUARY 20, 1986

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

Daily Administrative Meeting

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

JANUARY 20, 1986 CONTINUEDDaily Administrative Meeting (Continued)✓ Budget Transfers

The Board of County Commissioners approved and signed the following budget transfers for the Health Department and adopted them as part of the FY '86 budget:

1. No. 860043, a request to transfer \$905.00 from the Permanent Salaries (\$750.00) and Fringe Benefits (\$155.00) 444900-account to the Permanent Salaries (\$750.00) and Fringe Benefits (\$155.00) 445900 Accounts as part of the CDC-WIC funds were included on the State WIC Budget by error; and
2. No. 860044, a request to transfer \$25.00 from the Permanent Salaries (\$21.00) and Fringe Benefits (\$4.00) 444900-accounts to the Permanent Salaries (\$21.00) and Fringe Benefits (\$4.00) 445000 Accounts as part of the Head Start funds were included in the State WIC Budget by error.

✓ BOARD APPOINTMENTS

The Board of County Commissioners made the following appointments to the Rodent Control Board:

Louis Vero and Kim Sol were reappointed to three-year terms through December 31, 1988; and Robert G. Lynch was appointed as an alternate member for a three year-term through December 31, 1988.

Other items included:

The Commissioners approved the use of payroll deductions for the YMCA Building Fund for those personnel who wish to do so.

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

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JANUARY 21, 1986

The Board of County Commissioners did not meet in regular session as they attended an all-day PONI (Planning of New Institutions) meeting held at the Sheraton under the direction of the NIC (National Institute of Corrections).

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JANUARY 22, 1986

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

AUDIT LIST

The Board of County Commissioners signed the Audit List, pages 5-31 with a grand total of \$95,775.23. The Audit List was returned to the Accounting Department.

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Edwena Arends Neilson as principal for Warrant #106648, dated November 15, 1984, on the Missoula County Trust Fund in the amount of \$70.00 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 the County application for the Food Bank Innovations Program; and
- ✓ 2. The Board of County Commissioners approved and signed a request from the County Attorney to hire Joan Newman as Deputy County Attorney to replace Jean Wilcox, as per the terms set forth in his memo, contingent upon the terms being in compliance with the adopted Personnel Plan.

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

PUBLIC MEETING

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

✓ AMENDMENTS TO THE MISSOULA CITY/COUNTY AIR POLLUTION CONTROL PROGRAM (OPEN BURNING RESTRICTIONS)

Jim Carlson, Environmental Health Specialist with the Missoula County Health Department said the proposed amendments to X1301-1310 have two basic purposes:

1. To make the Health Department's open burning regulations consistent with the City open burning regulations.
2. To allow open burning in areas adjacent outside the city limits where burning is now restricted in order to lessen citizen animosity to the Department and to greatly reduce staff time investigating and permitting excepted uses of fire in the restricted area.

He said the new restrictions, in summary:

- a. to be consistent with City ordinance, these changes provide for "bonfires" as a permitted use of fire with certain restrictions.
- b. allows the Health Department to place restrictions on "open burning" conducted during the period in which permits are not required.

JANUARY 22, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

AMENDMENTS TO OPEN BURNING RESTRICTIONS (CONTINUED)

c. reduces the area where open burning is restricted to the exterior boundaries of the City.

Jim Carlson informed the Commissioners that the Air Pollution Control Board conducted a public hearing concerning these changes on September 19, 1985. He said there was no public comment at the hearing. The State Department of Health and Environmental Sciences approved the amendments as consistent with the State Clean Air Act on November 25, 1985.

Chairman Barbara Evans opened the hearing for public comment. No one came forward to speak either for or against the proposed amendments. The hearing was closed.

Janet Stevens moved, and Ann Mary Dussault seconded the motion to approve the amendments to X1301-1310 (Open Burning Regulations) of the Missoula City-County Air Pollution Control Program as recommended by the Air Pollution Control Board. The motion passed on a vote of 3-0.

Ann Mary Dussault asked Jim Carlson for some information regarding the net effect of these changes. She asked if there was any method of controlling nuisance burning outside the city limits, and responding to citizen complaints about burning.

Jim Carlson said the public nuisance section of the regulations was recently amended, and in order to qualify as a nuisance, it would have to affect the entire neighborhood, or a large group of people. Singular complaints cannot be legally addressed, unless the burning is way out of line.

Janet Stevens asked if there could be some redress through the criminal statutes.

Mike Sehestedt, Deputy County Attorney, said probably not, as the courts tend to look at these as private disputes, unless there was injury or arson involved.

Ann Mary Dussault asked about the status of the of the cooperation by the Forest Service during periods when they are burning slash in the valley.

Jim Carlson said there is a group in the State of Montana that the Forest Service and the Missoula County Air Pollution Control Board are both members of, so the State's smoke dispersion in the fall is closely monitored. He said weather balloons are sent aloft to help monitor and the radio transmitters in the balloons measure the strength and elevations of the inversions twice a day, then issue restrictions. He said the meteorologist that is hired for that group is stationed in Missoula, and he is employed by the State Air Quality Bureau. He issues restrictions to agencies stating where and when they may burn. He said the Forest Service cooperates in that program, and Montana has one of the best smoke management programs in the County in regard to slash burning.

RESOLUTION NO. 86-005

The Board of County Commissioners signed Resolution No. 86-005, a resolution amending the Missoula City-County Air Pollution Control Program Open Burning Restrictions.

There being no further business to come before the Board, the meeting was recessed at 1:40 p.m.

MEETING

In the evening, Commissioner Dussault attended the Seeley Lake Refuse Disposal District Board Meeting in Seeley Lake.

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JANUARY 23, 1986

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in Billings January 23rd and 24th attending a Youth Services Study Council Meeting.

INSURANCE MEETING

In the forenoon, the Commissioners, along with the Flathead County Commissioners, representatives from MACo, and from the PENCO Insurance Company attended a meeting held at the Sheraton regarding liability insurance.

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JANUARY 24, 1986

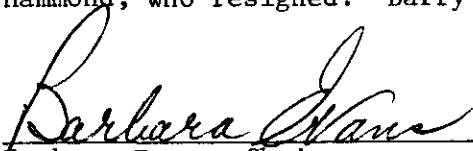
The Board of County Commissioners did not meet in regular session; Commissioner Evans was out of the office all day.

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JANUARY 25, 1986

The Board of County Commissioners went to Superior to meet with the Commissioners of Mineral and Sanders Counties to appoint a replacement for Representative from District 52, Joe Hammond, who resigned. Barry Stang was appointed to fill out Mr. Hammond's unexpired term.

  
Fern Hart, Clerk and Recorder

  
Barbara Evans, Chairman

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JANUARY 27, 1986

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

Welfare Advisory Board

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

Daily Administrative Meeting

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

Budget Transfers

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY '86 budget:

1. No. 860045, a request from the Art Museum to transfer \$470.19 from the Contracted Services Account to the Building Maintenance and Repairs Account as the bill was misrouted by the Museum;
2. No. 860046, a request from the Art Museum to transfer \$180.00 from the Copy Paper/toner account to the Garbage Account because of increased costs in acreage collection from addition of a dumpster;
3. No. 860047, a request from the Art Museum to transfer \$800.00 from the Recruitment Account to the Printing/Litho (\$400.00) and Exhibit Costs (\$400.00) accounts as the recruitment costs for the new curator were lower than expected, and printing/litho costs and art shipment and rental fees were higher than anticipated; and
4. No. 860048, a request from the Welfare Department to transfer \$1,000.00 from the Physician Services Account to the Contracted Services Account as some minor remodeling is needed.

✓ Resolution No. 86-006

The Board of County Commissioners signed Resolution No 86-006, a resolution setting the time, date and place for weekly public meetings daily administrative meetings, regular departmental meetings of the Missoula Board of County Commissioners and meetings of boards on which the Commissioners sit. This resolution supersedes Resolution No. 85-108.

✓ Extension Letters

The Board of County Commissioners signed letters, dated January 22, 1986, granting filing extensions to the following:

1. To Bonnie Snavelly, granting a 60-day filing extension for Kona East, Phase I, making the new filing deadline on March 21, 1986; and
2. To Nick Kaufman of Sorenson and Company, granting a six-month plat filing extension for the Amended Plat of Lot 25, Cobban and Dinsmore's Orchard Homes #3, making the new filing deadline on July 16, 1986.

✓ CONTRACT

The Board of County Commissioners approved and signed a contract between the Missoula County Sheriff's Department and Deputy Dan J. Hafferman for lease of a police service dog, as per the terms set forth, for the period from February 1, 1986 through January 31, 1987.

✓ WRITE-OFF OF UNPAID TAXES

The Board of County Commissioners approved and signed the following requests from the County Treasurer's Office ordering the cancellation of the balances of the following taxes, as per the lists attached of the original delinquencies:

THE BALANCE OF THE 1973 THROUGH 1975 REAL ESTATE TAXES.

1973	\$293.65
1974	\$386.17
1975	\$1985.74

THE BALANCE OF THE 1973 PERSONAL PROPERTY TAXES

Amount owing \$10,244.53

THE BALANCE OF THE 1974 PERSONAL PROPERTY TAXES

Amount owing \$20,871.56

THE BALANCE OF THE 1975 personal property taxes

Amount owing \$1519.44

AUDIT LETTER

The Board of County Commissioners signed a letter to Susan Reed, County Auditor, acknowledging receipt and review of the Audit of the Fair's Parimutuel Bank Account. The audit was forwarded to the Clerk and Recorder's Office.

BOND REDEMPTION DOCUMENTS

Chairman Evans signed a letter and related documents (Warranty Deed and Bill of Sale) to First Trust Co. of Montana in Helena, the trustee, directing them to give all appropriate notices and to take all steps necessary to call for redemption all of the outstanding 1971 Missoula County Industrial Development Revenue Bonds (Hoerner Waldorf Project) on June 1, 1986, at 102% of the principal amount thereof plus accreted interest thereon to the redemption to Sections 301 and 901 of the Indenture.

JANUARY 27, 1986 (CONTINUED)

BOND REDEMPTION DOCUMENTS (CONTINUED)

Chairman Evans signed a letter and related documents (Warranty Deed, Bill of Sale, and Termination of Lease, and Guarantey Agreements) to First Trust Company of St. Paul, Minnesota, the Trustee, directing them to give all appropriate notices and to take all steps necessary to call for redemption of all the outstanding 1978 Missoula County Environmental Improvement Revenue Bonds (Champion International Corporation Project) on June 1, 1994, at 100% of the principal amount thereof plus accrued interest thereon to the redemption date pursuant to Sections 301 and 801 of the Indenture.

All of the above documents were returned to Mike Sehestedt, Deputy County Attorney, for further handling.

Other matters considered included:

1. The Board of County Commissioners approved the Library's proposal for a grant to establish a multi-jurisdictional library card, with budget amendments to cover lost revenue due to waiving out-of-county fees; and
2. The Commissioners gave the go-ahead to Data Processing to purchase the new Memorex Disc drive, as per the memo dated January 22, 1986, from Jim Dolezal, Data Processing Supervisor, and Dan Cox, Budget Officer.

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

\* \* \* \* \*

JANUARY 28, 1986

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

AUDIT LIST

The Board of County Commissioners signed the Audit List dated January 28, 1986, pages 6-39, with a grand total of \$206,445.49. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 86-007

The Board of County Commissioners signed Resolution No. 86-007, a Resolution concerning the proposed issuance of Montana State Water Pollution Discharge Permit Modifications at the Champion Pulp Mill; resolving that the Missoula Board of County Commissioners endorses the testimony of the Missoula City-County Board of Health dated January 28, 1986; and further resolving that the Missoula County Commission request the Water Quality Bureau to fulfill the requests contained in the testimony of the Missoula City-County Board of Health.

Other Matters Included:

The Commissioners approved a change in the polling place for Precinct 36 (Elliott Village, Married Student Housing) from Elliott Village Clubhouse to the University Center.

The form was returned to the Elections Office.

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

\* \* \* \* \*

JANUARY 29, 1986

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

DAILY ADMINISTRATIVE MEETING

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

Budget Transfer

The Board of County Commissioners approved and signed Budget Transfer No. 860049, a bulk transfer for Indigent Legal-Public Defender, clearing out the old budget and entering the new budget as per the attachment to the original budget transfer to set up the in-house Public Defender Office.

Proclamation

The Board of County Commissioners signed a joint proclamation with the City of Missoula in recognition of the vital service provided to the community by the YWCA Battered Women's Shelter; and proclaiming the week of February 9-15th as Shelter Week in Missoula.

Contract

The Board of County Commissioners signed a contract between the Missoula City-County Health Department and the University of Montana, Department of Geology, an independent contractor, for the purpose of conducting an aquifer study of the Missoula Valley, Montana, which is funded primarily by the Montana Department of Natural Resources and Conservation with supplemental funds from Missoula County; as per the terms set forth, for the period from July 1, 1985, through June 30, 1986 for a total payment not to exceed \$15,000.00.

Contract

The Board of County Commissioners signed a Professional Services contract between Missoula County and Energy Options, an independent Contractor, for the purpose of a computer printout of utility data for the County Courthouse designed to display energy use and costs as per the terms set forth, for the period from January 17, 1986, to June 15, 1986, for a total amount not to exceed \$150.00.

JANUARY 29, 1986 (CONTINUED)

DAILY ADMINISTRATIVE MEETING ( CONTINUED)

Policy Statement

- ✓✓ The Board of County Commissioners signed Policy Statement NO. 86-A, outlining the policy and procedure for bomb threats made against facilities of Missoula County Government.

✓✓ Lease Agreement

Chairman Evans signed the Lease Agreement between Missoula County and Dictaphone Corporation of Portland, Oregon for the 9-1-1 Center dictaphone equipment as per the terms set forth in the Agreement. The Agreement was returned to John DeVore, Operations Officer for further handling.

✓✓ Agreements to Sell and Purchase

Chairman Evans signed Agreements to Sell and Purchase between Missoula County and the following individuals for sanitary sewer easements for the Rattlesnake Sewer Project, as per the terms set forth in the Agreements:

1. Thomas E. and Mary Jane Geraghty (Easements No. 1 and No. 2)
2. Brookside Estates, Inc. by A.W. Wilcox.

The Agreements were returned to John DeVore, Operations Officer, for further handling.

✓✓ Agreements to Sell and Purchase

The Board of County Commissioners signed Agreements to Sell and Purchase between Missoula County and the following individuals for sanitary sewer easements for the Rattlesnake Sewer Project as per the terms set forth in the Agreements:

1. Nancy Low;
2. Bradford C. Greene; and
3. Noble N. and Irene J. Shafer

The Agreements were returned to John DeVore, Operations Officer for further handling.

Other Matters Included:

The Commissioners gave approval to John DeVore, Operations Officer, to buy one "Golden Beetle" to test for the motor pool, finding the money in the existing budget.

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

PUBLIC MEETING

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

HEARING: REVOCATION OF AGRICULTURAL COVENANT-TAMI RATLIFFE

Deputy County Attorney Jean Wilcox said Andy Fisher of Eli and Associates was present to represent Tami Ratliffe. She said this was a proposal to change a parcel that was created by agricultural exemption in 1985 to an occasional sale exemption.

Andy Fisher, representing Eli and Associates and Tami Ratliffe said the original ten acres was purchased by Tami Ratliffe and her husband in 1985 from Mr. Hemingway and some personal problems developed, which left Ms. Ratliffe in sole possession of the ten acres. She wanted to sell it and move, and had a buyer for her trailer and five acres, so as a means to relieve her of some financial pressure, she was advised by the County Attorney's Office to apply for an agricultural exemption, as she was going to keep her horses on the other five acres. Some problems developed in the sale, which now have been straightened out, and at this point in time, she has changed her mind and decided that she does want to live on the remaining five acres, so she needs the agricultural exemption revoked. The property is located near the old Harper's Bridge.

Barbara Evans asked if anyone had any questions.

Ann Mary Dussault asked what circumstances brought about the change in Ms. Ratliffe's situation.

Jean Wilcox, Deputy County Attorney, said there was a change after the sale of the five acres, and she had tried to get a loan to build a house and had changed her mind about using this particular parcel for horse pasture, and she now wants to use it for her own homesite.

Barbara Evans asked if Jean Wilcox could see any problem with this issue in light of the Subdivision Law.

Jean Wilcox said there didn't seem to be any problem as far as she was concerned.

Janet Stevens moved, and Ann Mary Dussault seconded the motion that the agricultural covenant be revoked on Tract A-2 of Certificate of Survey No. 3274, located in the N.W.¼ of Section 36, T. 14 N., Range 21 West in Missoula County, based on the following findings of fact:

1. The owner of record now desires to build a home on the parcel; and
2. It is in the public interest to allow five acre parcels for residential purposes; and
3. There does not appear to be an attempt to evade the Subdivision and Platting Act; and
4. The agricultural exemption was originally filed after consultation with the County Attorney's Office

This finding is contingent upon the following language being printed on the face of the survey:

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

The motion passed on a vote of 3-0.

JANUARY 29, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

RESOLUTION NO. 86-013

The Board of County Commissioners then signed Resolution NO. 86-103, a Resolution revoking the Agricultural Covenant on Tract A-2 of Certificate of Survey No. 3274, located in the N.W.  $\frac{1}{4}$ , Section 36, T. 14 N., R. 21 W., in Missoula County, Montana.

HEARING: CERTIFICATE OF SURVEY REVIEW-(RICHARD BOSSARD)

Deputy County Attorney Jean Wilcox said the reason this particular matter had come before the Commissioners for review was that it was the second occasional sale of the parent parcel. The first one was taken by a previous owner in 1976 and this particular claimant, Richard Bossard, has divided other properties using exemptions, although they are not on this particular property.

Commissioner Stevens asked if this property was zoned.

Jean Wilcox said yes, the property is zoned commercial and it is located in the City of Missoula. She said there were no density restrictions with commercial uses, so there is a wide range of possibilities with this property.

Richard Bossard said he was a minority owner in this property. He said the other owners who own larger percentages than he does are also asking for this exemption.

Barbara Evans asked if anyone had any questions or comments and asked if anyone in the room cared to comment.

Ann Mary Dussault said she wanted to make it clear that this was a different matter than the transaction they had discussed on January 15, 1986.

Richard Bossard said that was correct.

Ann Mary Dussault moved, and Janet Stevens seconded the motion that the Certificate of Survey be allowed to be filed, and that it be found to be in the public interest based on the following findings of fact:

1. That there is no evidence of intent to evade the Montana Subdivision and Platting Act; and
2. That this division is consistent with the use of the area.

This finding is contingent upon the following language being printed on the face of the survey:

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

The motion passed on a vote of 3-0.

HEARING: FAMILY GIFTS-COS-(NELSON)

Deputy County Attorney Jean Wilcox said the claimant, Brady Nelson, proposes to create three parcels, two by family gifts, plus one remainder, out of a 16-acre tract which is located in the Jordan Ranch Tracts, specifically Tract 37, COS 219. She said the 16 acres is one of the original tracts created on Certificate of Survey #219, in 1974. She said this request would create two gifts; one to Mr. Brady's father, and one to his spouse. The reason for this request being referred to the Commissioners are:

1. The proposed division and the density of development is not in substantial compliance with the Comprehensive Plan which recommends a density of one dwelling unit per 10 acres. In this instance, the tract sizes will be 1.0 acres, 1.3 acres, and 12.635 acres.
2. Two family transfer exemptions are being claimed, in addition to creating a remainder parcel.

Brady Nelson said his family bought the land together, and his sister already has a house on the land, his father already has a house on the land, and he is in the process of building a house. He indicated the location of the houses on a map, and said he was dividing the land in order to get a loan to finish his house.

Ann Mary Dussault noted that there seemed to be extenuating circumstances, and some of the facts that were brought out at the meeting were different from what the Commissioners were told, and she suggested that the matter be delayed for one week so the Commissioners could review the circumstances with the County Attorney's office.

Jean Wilcox said she had assumed that the land divisions were different from what Mr. Brady was indicating today, and she agreed that the matter needed more study.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to delay action on this issue until February 5, 1986. The motion passed on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 1:53 p.m.

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JANUARY 30, 1986

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

Daily Administrative Meeting

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

✓ Contracts

The Board of County Commissioners signed two Professional Services Contracts between Missoula County and Susan R. Thomas, R.N., and Randi Burnham, R.N., independent contractors, for the purpose of providing in a competent and professional manner health care services as required in the Missoula County Jail for the

JANUARY 30, 1986 (CONTINUED)

Daily Administrative Meeting (CONTINUED)

care and keeping of inmates incarcerated therein; as per the terms set forth, for the period from February 1, 1986, through January 31, 1987, at the rate of \$12.50 per hour.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Montana League of Cities and Towns to reformatize the previous agreement which expired on June 30, 1984, regarding office space that the League leased from the County and allowing the League's Local Government Energy Office access to the County Motor Pool as per the terms set forth, through June 30, 1986. The agreement was forwarded to the Local Government Energy Office for further handling.

Board Appointments

The Board of County Commissioners made the following Board Appointments:

1. James Weir was appointed to the Library Board for a three-year term through December 31, 1988; and
2. Charles Tiernan and Dale Johnson were reappointed to the Weed Control Board of Supervisors for three year terms through December 31, 1988; and
3. Charles Seeley and Henry J. McKirdy were appointed to the Weed Control Board of Supervisors for three-year terms through December 31, 1988.

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

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JANUARY 31, 1986

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present in the afternoon. Commissioner Evans was out of the office all day, and Commissioner Stevens attended the Economic Outlook Seminar at the Village Red Lion all forenoon.

Fern Hart  
Fern Hart, Clerk and Recorder

Barbara Evans  
Barbara Evans, Chairman

\* \* \* \* \*

FEBRUARY 3, 1986

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

DAILY ADMINISTRATIVE MEETING

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

Budget Transfer (Fair)

The Board of County Commissionrs approved and signed the following budget transfer for the Fair:

No. 860050, a request to transfer \$21,669.00 from the permananet salaries account 2160-440-460240-111 to the temporary salaries 2160-440-460240-112 because some permanent salary funds were budgeted incorrectly under temporary salaries. The transfer was formally adopted as part of the FY '86 budget.

Payroll Transmittal Sheets

The Commissioners approved and signed payroll transmittal sheets for the following pay periods:

- No. 2, for the period 12/29/85 through 1/11/86 for a total amount of \$347,035.58; and
- No. 3, for the period 1/12/86 through 1/25/86, for a total Missoula County payroll of \$344,994.32.

The transmittal sheets were returned to the Auditor's Office for further handling.

The following matters were discussed:

1. The matter of contracting with a consultant in regard to alleviating tensions in the Community Development Office;
2. Appointing an alternate to the Weed Board; and
3. A proposed resolution of the outstanding issues regarding EDA grants to the Five Valley Economic Development District.

RESOLUTION NO. 86-008

The Board of County Commissioners signed Resolution No. 86-008, approving the proposed transfer of assets of the Five Valleys Development Corporation to the Economic Development Administration. The resolution requested officers of the Five Valleys Development Corporation to execute all necessary documents for the completion of the agreement with the EDA.

FEBRUARY 3, 1986 (CONTINUED)

✓ EL-MAR ESTATES SEWER AND WATER SYSTEM AGREEMENT

The Board of County Commissioners signed an agreement between Missoula County and El-Mar Estates transferring to Missoula County all of the interest in the El-Mar Estates Community sewer and water system facilities, including the sewage treatment, all sewage collection lines, water wells, pumping facilities and water distribution lines. The terms of the agreement are set forth in the Agreement, which was returned to County Operations Officer John DeVore. A Quit Claim Deed and Easement effecting this transfer were also executed by Elmer Frame, President of El-Mar Estates. These documents, along with a check in the amount of Twenty-Six Thousand, Seven Hundred Seventy-Eight Dollars and no cents (\$26,778.00), which sum is hereby agreed to be fair contribution for the New Meadows connection to the El-Mar Estates community sewer and water systems was accepted by the Commissioners.

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

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FEBRUARY 4, 1986

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

DAILY ADMINISTRATIVE MEETING

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

AUDIT LIST

Commissioners Stevens and Dussault signed the Audit List, pp. 5-35, dated 2/4/86, with a grand total of \$155,675.22. The Audit List was returned to the Accounting Department.

✓ PROCLAMATION

The Board signed a proclamation declaring the week of February 24-28, 1986 "National Crime Prevention Week". The proclamation was returned to the Exchange Club.

✓ LETTER OF DESIGNATION

Chairman Evans signed a letter to the Community Development Division of the Montana Department of Commerce designating John Kellogg as the Environmental Certifying Officer responsible for all activities associated with the environmental review process to be completed in conjunction with the CDBG grant awarded to the County of Missoula for the Clinton rehabilitation project.

The following items were discussed:

1. It was decided that Bozeman consultant Barbara Bader could set up initial meetings and make a proposal in regard to resolving tensions in the Office of Community Development.
2. The 3:15 meeting with the National Institute of Corrections was discussed;
3. The question of naming Lolo Parks was referred to the Park Board; and
4. The proposed amendments to the Woodburning Regulations were discussed and it was decided that a briefing by Environmental Health officials should be scheduled before the hearing on March 3.

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

Chairman Evans attended a meeting of the Law Enforcement Academy Task Force in the afternoon.

FEBRUARY 5, 1986

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

DAILY ADMINISTRATIVE MEETING

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

Budget Transfer

The Commissioners signed Budget Transfer No. 860051, approving a transfer of funds from the Occidental Life Insurance account 7070-896-411810-506 to the Safeco Life Insurance Account 7070-896-411810-505 in the amount of \$14,504.00 because the County is no longer using Occidental Life Insurance. The transfer was formally adopted as part of the FY '86 budget.

The following matters were discussed:

1. John DeVore brought up the following three issues on the Jail Project for information and action in order to stay on track in regard to the PONI process:
  - a. The Commissioners approved his proposal for the Criminal Justice Advisory Board to include the Board of County Commissioners, Missoula County Sheriff Dan Magone, Court Operations Officer Dick Vandiver, County Executive Officer Howard Schwartz, representatives from the County Attorney's Office and the Public Defender's Office, one District Court Judge, one Justice of the Peace, one Municipal Judge, the Chief of Police, the Mayor, a representative of Youth Court, one State Representative, one State Senator, Leo Lott and Bill Bright from the public at large, and added the chair of the public safety committee to John's list;
  - b. The Commissioners approved his proposal for the following members to serve on a Jail Project Planning Committee: Board of County Commissioners, Sheriff Dan Magone, Jail Captain John Breuer, Justice Michael Morris, Executive Officer Howard Schwartz, Court Operations Officer John DeVore and County Attorney Dusty Deschamps;
  - c. The Commissioners approved his recommendation of the following individuals to attend the Phase II PONI Program: one Commissioner, Sheriff Magone, John DeVore and the Jail Planner.
2. The Commissioners also approved Operations Officer John DeVore's recruitment plan in regard to replacing 9-1-1 Center Manager Iona Baertsch, who recently resigned the position.

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



FEBRUARY 5, 1986 (CONTINUED)

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: Two ½ ton 4x2 pickup trucks (Surveyor)

Under consideration was the awarding of bids for two ½ ton 4x2 pickup trucks for the County Surveyor's Office. Bids for the pickups were opened February 3, 1986 with the following bids received:

<u>BIDDER</u>	<u>INITIAL COST</u>	<u>LIFE CYCLE COST</u>
Bitterroot Motors	\$12,998.00	\$21,332.77
DeMarois Olds-GMC	13,758.00	20,956.13

Information provided by Richard Colvill, County Surveyor, indicated that this was a bid with a life cycle cost consisting of the initial cost plus the present worth of the fuel cost over the project eight year life, or 100,000 miles. The GMC product of DeMarois Olds has better mileage than the Ford Product of Bitterroot Motors. Mr. Colvill recommended that the Commissioners award the bid to the low life cycle cost bidder, DeMarois Olds-GMC. One pickup will be funded from the Road Fund and one from the Bridge Fund (\$6,879 from each fund).

Ann Mary Dussault moved, and Janet Stevens seconded the motion to award the bid for two ½ ton 4x2 pickups for the Surveyor's Office to DeMarois Olds-GMC as per the recommendation from the County Surveyor. The motion passed on a vote of 3-0.

BID AWARD: One ½ ton 4x4 pickup (Surveyor)

Under consideration was the awarding of bids for one four-wheel drive pickup for the County Surveyor's Office. Bids for the pickup were opened February 3, 1986 with the following bids received:

<u>BIDDER</u>	<u>INITIAL COST</u>	<u>LIFE CYCLE COST</u>
Bitterroot Motors	\$7,744.00	\$12,142.86
Demarois Olds-GMC	8,248.00	12,207.00

Information provided by Richard Colvill, County Surveyor indicated that this was a bid with a life cycle cost consisting of the initial cost plus the present worth of the fuel cost over the project eight year life or 100,000 miles. The GMC product of DeMarois Olds has better mileage than the Ford product of Bitterroot motors. Mr. Colvill recommended that the Commissioners award the bid to the low life cycle cost bidder Bitterroot Motors. He said his department has budgeted \$18,000 in the Road Fund for pickups, and this pickup plus the two-wheeled drive pickup will cost a total of \$15,127.00.

Janet Stevens moved, and Ann Mary Dussault seconded the motion to award the bid for 1 half-ton four wheeled drive pickup for the Surveyor's Office to Bitterroot Motors as per the recommendation of the County Surveyor. The motion passed on a vote of 3-0.

BID AWARD: ROAD SANDING MATERIAL (SURVEYOR)

Under consideration was the awarding of bids for road sanding material. Information provided by Richard Colvill, County Surveyor, indicated that bids for 5,700 cubic yards of road sanding material were opened February 4, 1986 with the following bids received:

<u>BIDDER</u>	<u>UNIT COST</u>	<u>TOTAL COST</u>
Western Fuels, Inc.	\$6.15/c.y	\$35,055.50
Schellinger Construction	7.50/c.y	42,750.00
Robert D. Thornberg	7.77 c.y	44,289.00
J.R. Crushing	7.85 c.y	44,745.00
Western Material	9.40/c.y	53,580.00

Mr. Colvill said this contract will provide road sanding material at the Seeley Shop. The contract permits a 25% variation in the bid quantity. He recommended that the Commissioners award the contract to the low bidder, Western Fuels, Inc., for 5,000 cubic yards of road sanding material at \$6.15 per cubic yard for a total cost of \$30,750.00. He said he had \$50,000 in the current budget for sand. \$20,135.00 has been spent leaving \$29,865.00. The remaining \$885 will be transferred from surplus equipment funds.

Ann Mary Dussault asked if this is the normal amount that the County purchases for the Seeley Lake area.

Dick Colvill said this was more than one year's supply. He said he hoped it would last four or five years.

Janet Stevens moved and Ann Mary Dussault seconded the motion to award the contract to the low bidder, Western Fuels, Inc., for 5,000 cubic yards of road sanding material for a total cost of \$30,750.00, contingent upon the budget transfer of \$885 from the surplus equipment fund into the sanding fund. The motion passed on a vote of 3-0.

FEBRUARY 5, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

Certificate of Survey-Donald Fough

Deputy County Attorney Jean Wilcox said this proposal is for an occasional sale that comes out of a tract that was created by occasional sale in 1976 by a former owner. She said Mr. Fough is now proposing a 1.5 acre sale, and the reason this has been referred to the Commissioners is because it is a division of a tract created by a former occasional sale in which the arrangement of this sale, together with the 60 foot wide access easement, suggests an intention to create multiple lots.

Barbara Evans asked how long Mr. Fough has owned the property.

Greg Martinsen, of Martinsen Surveys, representing Donald Fough said he bought it about five years ago. He said he realizes that the 60 foot access may suggest that something else is going on here, but he assured the Commissioners that that was not so. He gave a brief history of Mr. Fough's junk/salvage business and pointed out the location of all the buildings and proposed division on a map. He said Mr. Fough is in very ill health and that is why he is selling the land, and he is also selling the business. He said Mr. Fough's house is in the rear of the parcel, and he is putting in the access to assure the buyers of the property that they will have access.

Janet Stevens moved and Ann Mary Dussault seconded the motion to grant the occasional sale for Mr. Fough for the following reasons:

1. There is no evidence of intent to evade the Montana Subdivision and Platting Act; and
2. There has not been a division of this property in the last twelve months; and
3. Both business and house are existing structures, and there will be no actual change in the use of the property.

This finding is contingent upon the following language being printed on the face of the survey:

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

The motion passed on a vote of 3-0.

CERTIFICATE OF SURVEY-BRADY NELSON

Chairman Barbara Evans noted that this item was being continued from the previous week.

Jan Wilcox, Deputy County Attorney said she had nothing to add, and asked if Greg Martinsen, who is representing Mr. Nelson had anything to add.

Greg Martinson said Brady Nelson's father was the original buyer of the property. Brady ended up with the property in his name because of some problems his father had. Brady's sister and Brady are buying the property along with Brady's father, even though the property is all in Brady's name. Brady is going to gift a parcel to his father, and a parcel to his wife, because he can't gift to his sister, then his wife is going to transfer the parcel to his sister. He said they all three have houses on the property, although Brady is still in the process of building his. There will be no changes in the use of the property with this transaction.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to allow Brady Nelson to file the COS based on the following findings of fact:

1. This appears to be a legitimate family transfer; and
2. The houses are already built on this property, and this transfer creates a division of land to accommodate the actual owners of the homes; and
3. This transfer does not appear to be setting up lots for resale.

This finding is contingent upon the following language being printed on the face of the survey:

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

The motion passed on a vote of 3-0.

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

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FEBRUARY 6, 1986

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

DEPARTMENTAL MEETING (HEALTH DEPARTMENT)-MID YEAR BUDGET REPORT

At the regular departmental meeting for the Health Department (held the fourth Thursday of each month), the Commissioners approved Director Gary Boe's request to allow the department to pay for the remodeling short-fall through a loan from the Capital Improvements Fund, with Budget Officer Dan Cox and Gary Boe to work out the details.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFER NO. 860052

The Board of County Commissioners approved and signed budget transfer No. 860052, transferring funds in the amount of \$390.75 for the Weed Department from the County Participation Account 2140-550-431101-749 to the radio maintenance account 2140-550-431103-346 because money was eliminated from the radio maintenance account during the budget process although the Weed Department is still being charged by General Services for this service. The budget transfer was formally adopted as a part of the FY '86 budget.

BUDGET TRANSFERS

The Board of County Commissioners approved the following budget transfers requested by the Health Department:

1. 860053-transferring \$4,000 from one contracted services account (2270-610-443300-328) because the aquifier testing grant expenses incorrectly included with the State Air Pollution Grant should be separated from that grant; and
2. 860054-transferring \$1,500 from the permanent salaries account (2270-610-443400-111) for a total of \$2,500.00 to the physician services account (2270-610-443400-382) because additional funds were needed in that account.

These transfers were formally adopted as part of the fiscal year 1986 budget.

BUDGET TRANSFER NO. 860055

The Board of County Commissioners approved budget transfer No. 860055, transferring \$885.00 from the Capital Vehicles Account, 21100-504-431500-947, to the sand account, 2110-501-430251-456, for the Surveyor's Office to fully fund the road sanding purchase as per the February 4, 1985 bid award approved by the Commissioners. The transfer was formally adopted as part of the FY '86 budget.

LETTER REQUESTING APPROVAL OF DESTRUCTION LIST

The Board of County Commissioners signed a letter to Donald L. Dooley, Local Assistance Bureau Chief of the Division of Local Government Service of the Montana Department of Administration requesting approval by the State of the destruction list per the County's retention schedule in regard to keeping County records. The letter was returned to accounting for further handling.

INDEMNITY BOND

Chairman Barbara Evans examined, approved and ordered filed an indemnity bond naming Lynn Bevins-Manning as principal for warrant #115752 dated October 9, 1985 on the maintenance support fund in the amount of \$150.00, now unable to be found.

RESOLUTION 86-009: RESOLUTION OF INTENTION TO CREATE RSID 414

The Board of County Commissioners authorized Chairman Barbara Evans to sign Resolution 86-009, a resolution of intention to create RSID 414 for improvements in regard to development of a sewer interceptor to serve the residents of the Rattlesnake Valley in Missoula County, including the sanitary sewer mains and related appurtenances in conformance with the City of Missoula's grant application for the Rattlesnake interceptor sanitary sewer with the United States Environmental Protection Agency, as per the terms set forth in the Resolution.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION TO CREATE RSID 414

Chairman Evans then signed the notice of passage of resolution of intention to create RSID 414 setting the hearing date for February 26, 1986 at 1:30 p.m. in Room 201 of the Courthouse Annex.

RESOLUTION 86-010-RESOLUTION OF INTENTION TO CREATE RSID 416

The Board of County Commissioners then authorized Chairman Barbara Evans to sign the Resolution of Intention to create RSID 416 for improvements in regard to development of a sewer interceptor to serve the residents of the Rattlesnake Valley in Missoula County. These improvements were to include the sanitary sewer mains and related appurtenances in conformance with the City of Missoula's grant application for the Rattlesnake interceptor sanitary sewer with the United States Environmental Protection Agency, as per the terms set forth in the resolution.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION TO CREATE RSID 416

Chairman Evans then signed the notice of passage of resolution of intention to create RSID 416, setting the hearing date for February 26, 1986 at 1:30 p.m. in Room 201 of the Courthouse Annex.

✓ APPROVAL OF AGRICULTURAL EXEMPTION-CERTIFICATE OF SURVEY NO 1054-Ralph T. and Mary L. Kloser

Chairman Evans signed approval of a covenant for an Agricultural Exemption and Remainder on Certificate of Survey No. 1054 for tracts of land located in the Northwest one-quarter (NW ¼) of Section 36, Township 14 North, Range 19 West, Principal Meridian, Montana, Missoula County Montana, the owners of record being Ralph T. and Mary L. Kloser.

FEBRUARY 6, 1986 (CONTINUED)

MONTHLY REPORT OF JUSTICE OF THE PEACE DAVID K. CLARK

Chairman Barbara Evans examined, approved and ordered filed the corrected monthly report of Justice of the Peace David K. Clark showing collections and distributions for the month ending January 31, 1986.

SECURITY AGREEMENT

The Board of County Commissioners signed an agreement between Dasibi Environmental Corporation and Missoula County to return the malfunctioning air pollution monitors for full price plus \$2,100 in damages, as per the terms set forth in the agreement, which was returned to Deputy County Attorney Diane Conner for further handling.

Commissioner Janet Stevens attended a meeting with Clinton residents at the Clinton Community Hall in the evening.

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

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FEBRUARY 7, 1986

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, but was available for calls and signature items.

Fern Hart  
Fern Hart, Clerk and Recorder

Barbara Evans  
Barbara Evans, Chairman

\* \* \* \* \*

FEBRUARY 10, 1986

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

MONTHLY REPORT

Chairman Evans examined, approved and ordered filed the monthly report of the Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for the month ending January 31, 1986.

MONTHLY REPORT

Chairman Evans examined, approved, and ordered filed the monthly report of Justice of the Peace, Michael D. Morris for collections and distributions made for the month ending January 31, 1986.

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 Capital Improvement Fund and adopted it as part of the FY '86 budget:

No. 860056, a request to transfer \$45,000.00 from the Contingency Account to the Capital Remodeling (Health) account to enable the construction to be completed. This is a loan to be paid back by the Health Fund in the next five years.

PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the transmittal sheet for pay period #3, (1/12/86 through 1/24/86), with a total Missoula County payroll of \$360,386.86. The transmittal sheet was returned to the Auditor's Office.

RESOLUTION NO. 86-011

The Board of County Commissioners signed Resolution No. 86-011, a resolution providing for the redemption of the 1971 Missoula County Industrial Development Revenue Bonds (Hoerner Waldorf Project) on June 1, 1986 as per the terms set forth.

RESOLUTION NO. 86-012

The Board of County Commissioners signed Resolution No. 86-012, a resolution providing for the redemption of the 1978 Missoula County Environmental Development Revenue Bonds (Champion International Corporation Project) on June 1, 1994, as per the terms set forth.

PLAT AND NOTICE OF GRANTEE'S INTEREST

The Board of County Commissioners signed the plat for Overlook Addition, a subdivision of Missoula County, located in the SE ¼ of Section 27, T. 12 N., R. 20 W., the owner of record being Drake A. Lemm. The Board of County Commissioners also signed the notice of Grantee's Interest whereby Mr. Lemm gives notice that Missoula County is the grantee for lots 3,4, and 5, Overlook Addition, a platted subdivision in Missoula County and the deed and a copy of the improvements agreement are held in escrow at the Office of the Missoula County Attorney.

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

FEBRUARY 10, 1986 (CONTINUED)

Luncheon Meeting

The Board of County Commissioners attended a luncheon meeting at noon at the Sheraton with United States Senator Max Baucus to discuss taxation matters and bonds.

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FEBRUARY 11, 1986

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

AUDIT LIST

Commissioners Dussault and Stevens signed the Audit List dated February 11, 1986, pages 4-26 with a grand total of \$113,675.23. 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 considered:

1. The computer consultant contract for the Public Defender's Office was discussed. The concept was approved, but they are not to proceed with a contract until the start-up budget is prepared and approved by the Commissioners; and
2. Golf Course management questions were discussed. Commissioner Dussault will pursue the option of the County contracting with Bob Schuyler or another firm to manage the course and dissolve the corporation.

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

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FEBRUARY 12, 1986

The courthouse was closed for the Lincoln's Birthday holiday

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FEBRUARY 13, 1986

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 County Attorney and adopted it as part of the FY '86 budget:

No. 860057, a request to transfer \$1,450.00 from the copy costs (\$500), phone-basic service (\$500) and consultants (\$450) accounts to the law books account because of unanticipated extra law book expenses.

CONTRACT

The Board of County Commissioners signed a Professional Services Contract with Richard Steffel: ECO Resource Systems, an independent contractor, for the purpose of conducting a supplemental wood use survey as per the proposal attached to the contract, for the period from February 24, 1986 to June 30, 1986 for a total payment not to exceed \$5,000.00.

AGREEMENT

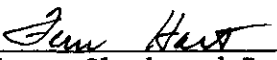
Chairman Evans signed an agreement between Missoula County and the Montana Highway Traffic Safety Administrator, for the three-year DUI project, as per the terms set forth for a total amount not to exceed \$48,000.00.

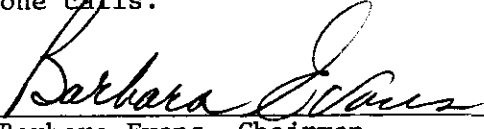
The minutes of the daily administrative meeting are on file in the Commissioner's Office.

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FEBRUARY 14, 1986

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, but available for signatures and phone calls.

  
Fern Hart, Clerk and Recorder

  
Barbara Evans, Chairman

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FEBRUARY 17, 1986

The Courthouse was closed for the Washington's Birthday Observed Holiday

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FEBRUARY 18, 1986

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 Carol Marks as principal for warrant #4179, dated February 10, 1986, on the Bonner School District #14 fund in the amount of \$1,060.20 now unable to be found.

FEBRUARY 18, 1986 (CONTINUED)

DAILY ADMINISTRATIVE MEETING

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

CONTRACTS

The Board of County Commissioners signed Professional Services Contracts between Missoula County and the following independent contractors:

1. CK Computers, for the purpose of developing computer software for the Health Services Division of the Health Department, as per the terms set forth, for the period from February 13, 1986, through June 30, 1986 for a total payment not to exceed \$4,000.00;
2. Missoula County Sheriff's Office for the purpose of participation in the Driving Under the Influence (DUI) Enforcement Team by Missoula County Sheriff's Deputies, as per the terms set forth for the period from January 1, 1986, through December 31, 1986, for payment not to exceed \$3,840.00; and
3. Rick DeMarinis, for the purpose of editing the Missoula County Disaster and Emergency Plan, as per the terms set forth, for the period from February 18, 1986, for payment not to exceed \$240.00

RESOLUTION NO. 86-014

The Board of County Commissioners signed Resolution No. 86-014, a budget amendment for FY '86 for the Health Department including the following expenditures and revenue, and adopted it as part of the FY '86 budget:

<u>DESCRIPTION OF EXPENDITURE</u>	<u>BUDGET</u>
Drinking and Driving Prevention V 2270-612-447603	\$29,750.00

<u>DESCRIPTION OF REVENUE</u>	<u>REVENUE</u>
Drinking and Driving Prevention V 333178	\$29,750.00

Other matters included:

1. Commissioner Dussault will follow-up on the MEDC funding and report back with the details; and
2. The Commissioners approved a request from Fern Hart, Clerk and Recorder, that road vacation petitions be brought to her office immediately by the person with the petition after it is logged in by the Commissioner's Office.

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

AUDIT EXIT CONFERENCE

In the afternoon, the Board of County Commissioners and County staff personnel met with personnel from Dobbins, DeGuire and Tucker, PCA for the Audit Exit Conference.

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FEBRUARY 19, 1986

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Fairmont Hot Springs where she attended the Governor's Civic Defense Conference on February 19, and the MACO Midwinter meeting on February 20.

AUDIT LIST

Commissioners Evans and Stevens signed the Audit List, dated February 19, 1986, pages 3-32, with a grand total of \$117,919.51. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 86-015

The Board of County Commissioners signed Resolution No. 85-015, a resolution correcting Resolution No. 86-011, providing for the redemption of the 1971 Missoula County Industrial Development Revenue Bonds (Hoerner Waldorf Project).

RESOLUTION NO. 86-016

The Board of County Commissioners signed Resolution No. 86-016, a resolution correcting Resolution No. 86-012, providing for the redemption of the 1978 Missoula County Environmental Improvement Revenue Bonds (Champion International Corporation Project).

LEASE AGREEMENT

The Board of County Commissioners signed a lease agreement between Missoula County and the Frenchtown Rural Fire District whereby the County will lease to the District that portion of the access strip to the Piney Meadows Park located in the Nine Mile area for the construction and maintenance of a Fire Station and normal district activities, as per the terms set forth, for a term of ten years for the sum of \$1.00 per year rental payment.

POLICY STATEMENT ADDENDUM

The Board of County Commissioners signed an Addendum to Policy Statement 82-A, travel expense Reimbursement Policy, raising the mileage reimbursement from 20½ to 21¢ per mile as follows:



FEBRUARY 19, 1986 (CONTINUED)

POLICY STATEMENT ADDENDUM (CONTINUED)

E. Other Modes of Transportation

1. Personal Vehicle--Use of personal vehicles is authorized when approved by the appropriate department head and will be reimbursed at the statutory rate allowed by the Internal Revenue Service, currently \$.21 per mile. No gasoline or oil shall be reimbursed by or charged to the County unless reimbursement for mileage is waived. No repairs shall be reimbursed by or charged to the County. No mileage reimbursement will be made in excess of equivalent airfare.

Other Matters Included:

The Commissioners approved the recommendations submitted by the Missoula County Park Board as per the attachment to the daily minutes.

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

PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Chairman Barbara Evans. Also present was Commissioner Janet Stevens. Commissioner Ann Mary Dussault was attending a Governor's Civil Defense Conference at Fairmont Hot Springs.

ECONOMIC DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION-NORCO

Under consideration was a Community Development Block Grant proposal from Norco. Background information supplied by the Office of Community Development indicated that since this past fall, Norco has continued to put together plans for financing their proposed plant expansion. The current project calls for \$670,000.00 to be spent on the new plant and \$775,000 in refinancing existing loans and increasing Norco's inventory. Jim McDonald, President of Norco, requested \$275,000.00 in loans through a County Community Development Block Grant which will be secured by a third mortgage on land and buildings, and a second on furniture, fixtures, equipment, inventory and receivables. The project will create 19 new full-time and 30 new part-time jobs.

Commissioner Barbara Evans said the Commissioners had received a letter on this date from First Security Bank of Missoula, informing them that the bank had reviewed the proposal submitted by Millwood Systems, Inc., and had approved the loan as presented, which included as a condition that the MEDB, SBA, and CDBG funds are provided as outlined in the loan proposal.

The hearing was opened for public comment.

John Kellogg, Planner II from the Office of Community Development said the total is a 1.4 million dollar project which will include construction of a new facility on land that NORCO owns on Blue Mountain Road. He said the creation of at least 19 new full-time jobs was anticipated, along with 30 new part-time jobs. The request is for \$275,000, and a low interest loan from the County. In addition to that, the grant application will include \$27,000 in administrative costs, for a total of \$302,000.00. He said the Community Development Office was recommending that the Commissioners adopt this request.

Barbara Evans asked if anyone else wished to speak in favor of the proposal.

Allen Ball, Controller for NORCO, said the loan is needed for two reasons:

1. To consolidate and restructure existing debt to allow the financing to better match the assets being financed, thereby creating a better cash flow for operations.
2. To build a new plant of approximately 35,000 square feet-increasing efficiency and plant capacity.

He said Millwood Systems/Norco Products is a primary industry of Missoula County; it is locally owned and operated; it utilizes forest products, which are manufactured here in Missoula County, and it maintains a clean and healthful environment. He said there are currently 50 full-time employees, and with the loan package, the company will be employing 70 full-time employees. In the summertime, when production peaks, there are about 105 employees on the payroll, creating 35 part-time jobs which equals 12 full-time employees. These 12 plus 20 new permanent employees will result in 32 new jobs. The obvious economic benefit is for every full-time employee, there will be approximately 1.6 service related jobs, or spin-off jobs in the community, thus creating 51 additional jobs. He said the Community Development Block Grant approval is both necessary and appropriate because it provides the catalyst to make the project happen, and because it helps Missoula's economy through stable employment growth of an existing business. He said the bank's approval of the loan was a good sign, and officials in Helena were very interested in the project and were still reviewing the figures. He said with the Commissioner's support and approval, NORCO/Millwood Systems will be allowed to expand. According to the Montana Commerce Department, 85% of economic growth within a community comes from expansion of existing business, and not new business moving in, according to his information.

Jim Corrigan, Director of District 11 Human Resources Council said he was speaking on behalf of the Board of Directors, a fifteen member body consisting of 5 public sector, 5 private sector, and 5 low-income sector seats, who, by unanimous resolution, endorse and support the NORCO application for CDBG funds. He said that given the purpose of CDBG funds was to impact and provide long-term benefits for low-income people, any project should address the needs of the low-income community. The Norco application, which contains a hiring plan that targets approximately 20 jobs to general-assistance and other welfare recipients, provides very tangible and concrete employment opportunities for low-income people, which is consistent with the intent of CDBG funds. Because the Missoula County Commissioners have provided funding for the Workfare Program, he said he was sure they were familiar with the need to develop jobs and training opportunities for the community. He said this project provides those opportunities, by insuring long-term meaningful employment for the structurally unemployed.

Bob Wuttke, from the Missoula Economic Development Corporation said his organization would like to indicate their support for Millwood Systems/Norco Products. He said it was part of their goal as a development corporation to expand the economy, and most of that does come from within, and he said it was much easier to deal with a person they know and are familiar with, and is a part of the community, and a good member of the community. He said he would encourage the Commissioners, on behalf of the Economic Development Corporation to consider the application favorably.

Barbara Evans asked if anyone else wished to speak on the issue. No one came forward to speak either for, or against. The public hearing portion of the meeting was closed.

FEBRUARY 19, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION-NORCO (CONTINUED)

Commissioner Janet Stevens asked Jim Corrigan if part of the proposal included a clause that the job pool would be drawn from low and moderate income people, and how that would be monitored.

Jim Corrigan said he had met with John Kellogg and representatives from the Job Service, and developed a plan whereby the Job Service would refer people from these lists to these jobs. He said the HRDC would monitor those hirings over a 12 month period, once every three months or so to assure compliance.

Deputy County Attorney Mike Sehestedt said the reason the Commissioners were asking about this was that there had been some concern about the Economic Development Funds not benefiting low income persons as well as they might, and asked if the hiring plan would be incorporated into the grant application and be an actual binding condition if the grant goes through.

John Kellogg said yes. He had worked with Jim McDonald to arrange this. He said in response to some of those accusations that have been made recently, they are leveled largely at the UDAC Program, the Urban Development Action Grant Program, which has less stringent methods of monitoring. Through the CDBG Program they have set up specifically for this project, a method of monitoring that will allow three agencies to participate in making sure that the hires are from the pool of people that it was designated for under the original grant. He said in this particular case, NORCO has a good track record with the Job Service, and he thinks it will be very successful.

Bob Wuttke said he knew Jim McDonald personally, and he said McDonald was himself a former low-income person who grew up in the orphanage in Twin Bridges, so he didn't exactly grow up with a silver spoon in his mouth, and he understands the low-income needs.

Mike Sehestedt said he was not criticizing Mr. McDonald in any way, he just wanted the record to be very clear that the Commissioners had considered this aspect, and it was indeed part of the understanding and agreement.

Janet Stevens moved, and Barbara Evans seconded the motion that the Board of County Commissioners authorize the Chair to submit an application for Community Development Block Grant funds to provide economic development assistance to Millwood Systems, based on the following facts:

1. That should the grant application be approved, it will provide 19 additional full-time and 30 part-time jobs for the Missoula area, and that that pool of jobs will be offered to low and moderate income persons and will be monitored accordingly by the Human Resources Development Council, coordinating with the Job Service; and
2. That NORCO has no other alternative means of financing the plant expansion, except through a combination of CDBG funds, Montana Economic Development Board, Small Business Administration and a local lender; and
3. That the community will obviously benefit; and
4. That this is a top economic development priority with the County; and
5. That the County intends to use the program income derived under this Block Grant to further its housing rehabilitation efforts and to expand them to include rehabilitation of commercial businesses in previously identified community development targeted areas.

The motion passed on a vote of 2-0.

The Commissioners then signed Resolution No. 86-017.

RESOLUTION NO. 86-017

A resolution authorizing submittal of a Community Development Block Grant to assist Millwood Systems, Inc., doing business as NORCO products, through a low-interest loan.

HEARING: CERTIFICATE OF SURVEY REVIEW: FAMILY GIFTS-ARMSTRONG

Deputy County Attorney Jean Wilcox said this was a proposal by Jane Armstrong to divide tract E-1-K created on Certificate of Survey 3060, to take two family gift exemptions and create one remainder out of that tract. She said this had been referred to the Commissioners for review for the following reasons:

1. This is a subsequent division of a tract created after July 1, 1984; and
2. The tracts connect to a common road system used by other tracts created through exemptions; and
3. The same claimant, Jane Armstrong, has divided other property using exemptions from the same parent parcel; and
4. The arrangement of the proposed division suggests an intention to create multiple lots.

She said this was part of a large tract of land owned by the Cunninghams, who divided this land to twenty acre parcels with one ten acre remainder. Each member of the family subsequently took exemptions to further divide some of those 20 acre parcels, and a portion of one of them was transferred to Larry Shepard and then to Jane Armstrong. This particular tract was divided by Jane Armstrong in June of 1984, and gifted to her children. Jean Wilcox said she was unable to determine how old the children were at the time of the gifting, or their ages now.

Greg Martinsen, representing Ms. Armstrong, indicated the locations of all previous divisions and present houses on a map. He said Ms. Armstrong resides in Arizona.

Barbara Evans asked if anyone wished to speak on this issue. No one came forward, and the hearing was closed.

Janet Stevens asked what Ms. Armstrong does for a living.

Greg Martinsen said he did not know; all he knew is that she remarried, and now lives in Arizona.

FEBRUARY 19, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

HEARING: CERTIFICATE OF SURVEY-ARMSTRONG (CONTINUED)

Jean Wilcox said there was something she would like to add. There were two previous proposals to divide in this area, not by Jane Armstrong, but by two other people, and one was denied, the other approved.

Janet Stevens said she was unclear about what the purpose of the current split was. She thought the request was for Ms. Armstrong to give two gifts and sell the remainder.

Greg Martinsen said that was his understanding.

Janet Stevens asked if any further splits were possible on this property.

Jean Wilcox said no, not below one acre.

Janet Stevens moved and Barbara Evans seconded the motion to deny the request, based on the fact that the configuration after the split would appear to be a small subdivision, and as such, should go through the small subdivision process.

Barbara Evans said she has some mixed emotions about this. She said she could see Ms. Armstrong's desire to treat all her children equally, but at the same time, that does appear to be a small subdivision. She told Greg Martinsen that if he could come in with some more information that would clear up some questions, it could be reconsidered.

Greg Martinsen asked if the Commissioners wished to table the issue until the next week.

Janet Stevens said that would be acceptable, and withdrew her motion with the consent of the second.

HEARING: OCCASIONAL SALE: REELEY

Jean Wilcox, Deputy County Attorney, said this was a proposal from Lisa Reeley to create two parcels out of tract 22-B, which was created on Certificate of Survey #2160 filed by John Reeley. She said this had been referred to the Commissioners for the following reasons:

1. This is a subsequent division of a tract created after July 1, 1974, in which both an occasional sale and remainder exemption are being claimed.
2. The size of the proposed tracts does not conform to the Comprehensive Plan which recommends a residential dwelling of one per forty acres.
3. The tracts connect to a common road system and are subject to restrictive covenants for the Meadows of Baron O'Keefe, which is currently the subject of a civil action filed by Missoula County to enforce the Subdivision and Platting Act. She said a deed had been filed from John Reeley to Lisa Reeley which was a gift from him to her. She said other gifts appear to have been made from John to Lisa Reeley.

Janet Stevens asked where Lisa is, and what the possibility was of further splits on this property.

Greg Martinsen of Martinsen Surveys, representing the Reeley's said they are in Arizona, and he did not have any more information other than what he had presented. He indicated the locations of the property, and the zoning and covenants on a map.

Janet Stevens asked if, in the lawsuit proposal, this land was included as strictly for residential use.

Greg Martinson said he did not know, and he had understood that the lawsuit had been resolved.

Janet Stevens said that it had not, and she felt that this proposal should be postponed until the lawsuit is resolved.

Janet Stevens moved, and Barbara Evans seconded the motion to table this proposal until March 19. The motion passed on a vote of 2-0.

HEARING: OCCASIONAL SALE (SNAVELY)

Deputy County Attorney Jean Wilcox said this was a proposal to create two tracts out of tract K-K, created on Certificate of Survey #2338, which is located on Mullan Road near the Harper's Bridge site. She said this was the first division of this property.

Andy Fisher of Eli and Associates, representing Bonnie Snavely, said there was nothing unusual about the sale, and there was access to the proposed sale site on Cody Lane.

Bonnie Snavely indicated the property and the access on a map.

Chairman Barbara Evans asked if anyone else wished to speak on this matter. No one came forward and the hearing was closed.

Janet Stevens moved, and Barbara Evans seconded the motion to approve this occasional sale and remainder exemption for the following reasons:

1. The previous split of this entire parent parcel of this property was done prior to twelve months ago; and
2. This split fits within the zoning requirements of that area both in lot size and for residential purposes; and
3. There is no evidence of intent to evade the Montana Subdivision and Platting Act.

This finding is contingent upon the following language being printed on the face of the survey:

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

FEBRUARY 19, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

COS HEARING: SNAVELY (CONTINUED)

The motion passed on a vote of 2-0.

HEARING: OCCASIONAL SALE (AKIN)

Jean Wilcox said this was a proposal that had been submitted by Michael Laabs from Condon, on behalf of Robert and Betty Akin, who owned a tract of land over 20 acres, which they have previously divided by one occasional sale and one gift exemption. She said the reason this had been referred to the Commissioners attention was for the following reasons:

1. This is a division of a tract created after July 1, 1986, in which the proposed tract and two others created by exemption on COS 2273 are connected by a common road.
2. The claimants have previously divided the parent tract by occasional sale and family gift exemptions.

She said Mr. Laabs told her that there is a creek that runs along the east side of the parcel, which physically separates it from the large remainder piece, and the Akins would like to move their existing house from the remainder parcel to the small one and sell it, then build their new house on the large remainder.

Michael Laabs said the only reason he was here was because after the surveyor started his initial work, he subsequently moved out of the area, and did not complete the paperwork necessary for filing this request, so he was just trying to help the Akins out. He said as far as he could determine, everything that was needed had been taken care of. He said the purpose of the sale was exactly as Jean Wilcox had described.

Barbara Evans asked where the property is located.

Michael Laabs said it was in Condon, off Jetty Road, and the Atkins' have no plans to further split the property. He described the former splits and gifts of the property.

Barbara Evans moved and Janet Stevens seconded the motion to approve the occasional sale based on the following findings of fact:

1. There has not been a previous division of this tract within the last twelve months; and
2. There is no evidence of intent to evade the Montana Subdivision and Platting Act.

This finding is contingent upon the following language being printed on the face of the survey:

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

The motion passed on a vote of 2-0.

HEARING: CERTIFICATE OF SURVEY OCCASIONAL SALE-FAMILY GIFTS & REMAINDER (ARLINT)

Jean Wilcox said this was a proposal to create four tracts out of a ten acre tract owned by Mr. and Mrs. Arlint on Certificate of Survey #91. She said the Arlints had previously used the mortgage exemption in 1973, and now they would like to give two gifts to their sons, and create one occasional sale and keep the rest as a remainder. She said she explained to the Arlints that if this is approved, they would have to file two separate certificates of surveys to comply with the Attorney General's opinion.

Lee Arlint said he just wanted to divide the land and get rid of some, as it was too much work for him to take care of and this would reduce his taxes. He said each of his boys was entitled to an acre because they had helped him work the land all these years. He said there was access to all the parcels.

Janet Stevens asked Mr. Arlint to indicate the access, the public and private roads and the existing houses on a map. He did so, and also explained the zoning of the area.

Jean Wilcox said the Comprehensive Plan shows the area as urban single family, and it would appear that the zoning would conform to that.

Barbara Evans asked if anyone else wished to speak. No one came forward and the hearing was closed.

Barbara Evans moved, and Janet Stevens seconded the motion to grant approval of the proposed division based on the following findings of fact:

1. There is no evidence of intent to evade the Montana Subdivision and Platting Act; and
2. There has not been a previous division of this tract within the last twelve months; and
3. These appear to be legitimate family gifts,

These findings are contingent upon the following language being printed on the face of the surveys:

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

The motion passed on a vote of 2-0.

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

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FEBRUARY 20, 1986

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 Transfers

The Board of County Commissioners approved and signed the following budget transfers for the Health Department and adopted them as part of the FY '86 budget:

1. No. 860058, a request to transfer \$4,500.00 from the temporary salaries (\$1,500.00) and Data Analysis (\$3,000.00) accounts to the on-call (\$1,500.00) and Contracted Services (\$3,000.00) accounts as additional funds are needed; and
2. No. 860059, a request to transfer \$800.00 from the Other Equipment Maintenance Account to the tuition account as additional funds are needed.

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

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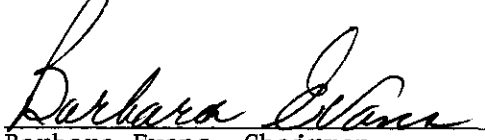
FEBRUARY 21, 1986

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

SPELLING BEE JUDGE

Commissioner Stevens served as one of the judges at the County Spelling Bee held at Sentinel High School all afternoon.

  
Fern Hart, Clerk and Recorder

  
Barbara Evans, Chairman

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FEBRUARY 24, 1986

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

WELFARE ADVISORY BOARD

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

INDEMNITY BONDS

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

1. naming Sharon Evans as principal for warrant #117296, dated January 31, 1986, on the Missoula County Payroll fund, in the amount of \$325.99 now unable to be found; and
2. naming Karen Troxel as principal for warrant #2305, dated February 13, 1986 on the Target Range School District #23 fund, in the amount of \$1,157.90 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

1. Mike Sehestedt, Deputy County Attorney, will obtain the details of the proposed agreement regarding Prospect Subdivision; and
2. The South Hills flooding problem was discussed - a meeting with City officials was set for Tuesday, February 25th.

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

\* \* \* \* \*

FEBRUARY 25, 1986

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

DAILY ADMINISTRATIVE MEETING

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

NOTICE OF HEARING

Chairman Evans signed the Notice of Hearing for establishing standards and procedures for obtaining access to County roads, setting the hearing date for March 12, 1986 at 1:30 p.m.

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

\* \* \* \* \*

FEBRUARY 26, 1986

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

AUDIT LIST

Commissioners Dussault and Stevens signed the Audit List, dated February 25, 1986, pages 4-34, with a grand total of \$1,348,723.70. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Lisa Warburton, an independent contractor, for the purpose of assisting in the completion and reconciliation of the Justice Court II Audit, as per the terms set forth, for the period from January 8, 1986, through March 31, 1986, for a total payment not to exceed \$600.00.

AUDIT LETTER

The Board of County Commissioners signed a letter, dated February 25, 1986 to John R. Koch, Chief Deputy Auditor, acknowledging receipt and review of the audit of the records of the Missoula County Superintendent of Schools' Office for the period from January 1, 1984, through June 30, 1985. The audit was forwarded to the Clerk and Recorder's office.

Escrow Agreement

Chairman Evans signed an Escrow Agreement between Missoula County and El Mar Estates Homeowners Association which relates to and is part of the El Mar Estates Sewer and Water System Agreement, setting up a construction fund in the amount of \$26,778.00 as per the terms set forth. The agreement was returned to John DeVore, Operations Officer, for further handling.

Other Items included:

The Commissioners voted to authorize expenditures up to the amount of \$500.00 for copy costs and supplies for the Blue Ribbon Commission.

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

PUBLIC MEETING

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

BID AWARD: ONE 12 TON RUBBER TIRED ROLLER (SURVEYOR)

Bob Holm of the Surveyor's Office said this was the second advertisement of the bids, as there were some problems with the first time, such as most of the bidders being unable to meet the specifications. He said the low bidder the first time was over the budgeted amount, and the rebidding process brought about a decrease in prices. He said bids were opened on February 24, 1986, with the following bids received:

Davies, Inc.	\$34,394.00
Long Machinery Co.	\$35,345.00
Tri-State Equipment Co.	\$33,185.00
Western Equipment Co.	\$26,820.00
Mountain View Equipment	\$32,960.00 *(\$32,000 bid xl.03)
Hall-Perry Machinery Co.	\$27,797.00

The recommendation from the Surveyor's Office was to award the bid to the low bidder, Western Equipment Company, in the amount of \$26,820.00. \$30,000 had been budgeted for the roller.

Janet Stevens moved, and Ann Mary Dussault seconded the motion to award the bid to Western Equipment Company, in the amount of \$26,820.00. The motion passed on a vote of 3-0.

BID AWARD: DISK BIDS (DATA PROCESSING)

Jim Dolezal, Manager of Data Processing said two bids were received:

<u>Bidder</u>	<u>Model#</u>	<u>Amount</u>	<u>Installation</u>	<u>Maintenance</u>	<u>5 yr cost</u>	<u>Difference</u>
Burroughs	9494-10	\$43,933	0	\$307/mo	\$62,353	\$4,051
DSI	9494-5	\$36,000	\$1,062	\$354/mo	\$58,302	

He said that the Burroughs bid is \$4,051 higher than DSI, but figuring the cost over a five year period, he recommended that the bid be awarded to Burroughs rather than a third party dealer. He said these disk drives are very prone to damage in shipment and he thought there would be serious problems associated with who would pay for the repair. He said the Burroughs equipment is compatible with the equipment we are now using.

Barbara Evans asked Mike Sehestedt, Deputy County Attorney, if there was any problem with awarding the bid to Burroughs.

Mike Sehestedt said that the way the County bidding laws are set up, the Commissioners are authorized to accept the lowest and best responsible bidder. The lowest/best languages gives the Commissioners the discretion to exercise independent business judgement, and if there is a reason for accepting a bid other than the lowest bid, then the Commissioners are legally authorized to do so. He said that based on the recommendations of Jim Dolezal, the Commissioners would have sufficient basis in fact, if they decided to award the bid to Burroughs.

Ann Mary Dussault moved, and Janet Stevens seconded the motion that based on the staff recommendation, the disk bids be awarded to Burroughs and that the leases be negotiated and that those lease payments must comply with the budgeted figures for those lease payments over a period of time. The motion passed on a vote of 3-0.



February 26, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

HEARING: REQUEST FOR A VARIANCE FROM PAVING REQUIREMENTS IN THE PLACER SUBDIVISION

Paula Jacques, Planner from the Office of Community Development said the Missoula County Subdivision Regulations require that driveways be paved. Placer Addition was approved in 1983, and the owners of lots 3-6 have now requested a variance from the paving standard, stating that the fill on which their driveways must be constructed will settle over time and cause the pavement to break apart. She said the Community Development staff recommends that the variance request be denied for failure to demonstrate hardship, lack of mitigating measures to protect the public interest in road maintenance and air quality, and because of the urban nature of the subdivision.

Ann Mary Dussault asked how long the driveways are in this area.

Paula Jacques said she thought it was 35 feet, and some of the lots are shorter.

Barbara Evans opened the hearing for public comment.

Emmett Barry, the owner of lot #3 said the driveway on his lot is 75 feet long. He said he had checked the area this morning, and he counted ten driveways that are cracked and breaking up, and he said he did not know where the technology was to overcome this problem. He said if his lot was paved, it would create a safety hazard as far as going down the lot, as it is steeper than FHA regulations, at least a 12% grade, and he thought they would slide into the garage door on a slick day. He said his house was sloped away from the street, so there would be no run-off of dirt into the street. He said his yard is landscaped and he would have to tear all of that up to accomodate the driveway. He said there are other streets in the area where the driveways are not paved. He said the staff of the Planning Board is beating the homeowners over the head with a regulation that doesn't make a lot of sense.

Barbara Evans asked if anyone else wished to speak on this matter. No one came forward, and the hearing was closed.

Ann Mary Dussault asked Bob Holm, of the County Surveyor's Office, to comment on the grade issue, as the implication was that because of the grade, the residents would slide down the asphalt surface and crash.

Bob Holm said lots 3 & 4 had been constructed about two years ago, and they were built in such a fashion that they provide a very steep grade, and as Mr. Barry has alluded to, the driveway to lot 4 probably does exceed the strict limits that should be in place out there, and lot 4 is somewhat steeper. He said it might be easier to negotiate the driveways with gravel on them, but the problem with settlement with the fill materials is that the settlement has probably already occurred. He said the soils are very fine sand, silt, and clay. He said it was formerly called Brickyard Hill. He then described lots 5 & 6.

Barbara Evans asked Deputy County Attorney Mike Sehestedt if the Commissioners had to address all of the lots in any decision they make, or can they do some this way, and some another way?

Mike Sehestedt said it was his opinion that all the lots should be addressed the same way.

Barbara Evans said that she and Commissioner Dussault had visited the area, and most of the people who live on the down side of the lane indicated the same kind of things that Mr. Barry said.

Ann Mary Dussault moved and Janet Stevens seconded the motion that the variances be denied on lots 5 & 6 for the following reasons:

1. Lot 6 is clearly on the uphill grade of this subdivision, and none of the information presented would remotely affect that lot; and
2. Lot 5 is currently vacant, with no construction at all on it, and therefore, none of the factors can be applied to that lot.

The motion passed on a vote of 3-0.

Ann Mary Dussault moved that the request for the paving variance for lots 3 and 4 be denied for the following reasons:

1. The appropriate time for variances to be requested is at the time that the subdivision is created; and
2. It has not been clearly demonstrated that there is a safety issue that cannot be overcome.
3. The Board of County Commissioners is required by the Air Quality Plan to avoid situations where air-borne suspended particulates cannot be controlled, and this is an air stagnation zone.

The motion died for lack of a second.

Janet Stevens moved, and Barbara Evans seconded the motion that the variance request for lots 3 and 4 of the Placer Subdivision be approved, as the hardship has been demonstrated, and not refuted by either the Planning Office or any other public comment. The road maintenance will not be affected, and there has been no demonstration that air quality will be affected.

Ann Mary Dussault moved that an amendment be added to that motion stating that with every other variance that has been granted, the paving be required to be at a minimum, 20 feet beyond the driveway.

The amendment to the motion died for a lack of second.

Ann Mary Dussault asked for more detail concerning what hardship had been demonstrated by the maker of the motion.

Janet Stevens said she would assume that the owner was talking about flooding into his driveway and home, and the fact that the ice conditions would be a hardship and a danger in getting in and out of that property.

Ann Mary Dussault asked if she was recognizing these factors despite the recommendations from the County Surveyor on those issues, and was Commissioner Stevens saying that our own engineers were not correct in their assessment of this decision.

FEBRUARY 26, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

HEARING: VARIANCE REQUEST-PLACER SUBDIVISION (CONTINUED)

Janet Stevens answered in the affirmative.

Ann Mary Dussault said that for the record, her vote would be no, based on the fact that the County Engineers have disputed those facts, and memorandum of February 21, 1986 from the Air Quality Division clearly indicates that federally mandated plans regarding Air Quality regulations would prohibit this action.

The motion passed on a vote of 2-1, Ann Mary Dussault opposed.

HEARING: INTENT TO CREATE RSID NO. 414 (DEVELOPMENT OF SEWER INTERCEPTOR TO SERVE RESIDENTS OF RATTLESNAKE)

Tom McCarthy, a consultant on the project, working for the city of Missoula on the joint City/County Sanitary Sewer Project, offered some background. He said it started with the Missoula City-County Waste Water Facilities Plan, adopted in June of 1984. This document outlined numerous projects in the area related to sanitary sewer. One of those was the Rattlesnake Interceptor Project which was to extend sanitary sewer (city service) up into the County area. The scope of this project was estimated at \$835,000, and was anticipated to extend the existing city sewer from where it ends at the north end of Greenough Park. Also contained in the document was an implementation plan, and the implementation plan of the document was a waiver of annexation, which would be provided to the City along with the service. Once the document was adopted, the City staff felt that the Rattlesnake project would complete for EPA fundings, and submitted an application for an EPA Grant. They were awarded a grant for the 1985 allocation, based on 55% contributions from EPA on the original \$835,000 estimate. They expected the County to be able to raise the rest of the funds, either out of the neighborhood, or out of County revenues. The County Commissioners agreed then, to participate in the amount of \$75,000 as a grant paid to construction, if RSID's could be formed in the amount of \$75,000 as a grant paid to construction, if RSID's could be formed in the Rattlesnake Valley to raise the rest of the funds. The City of Missoula hired Sorenson and Company to do that portion of the sanitary sewer design to be submitted for the EPA Grant and to do the necessary preliminary engineering and report to finalize the project for EPA. During that study process, it was determined that the inner city portions of the sanitary sewer were unacceptable in size to handle the Rattlesnake load and large portions, or a new sewer main would have to be built in the Rattlesnake Valley, down to the area around St. Patrick's hospital in order to carry the proposed sewage out of the Rattlesnake Valley. This raised the cost of the project to \$1,600,000.00, which meant that the City had to go to the EPA and ask for an allocation out of the 1986 funds, and at this point, he said it was his understanding that they were rated about number three in the state, on a project priority list. As yet, EPA has not been able to get their 1986 allocations out from Congress, but they anticipate that if percentage cuts take place like they think they will, obviously the top three projects will still receive their funding. Subsequent to this, he said he began work on special improvement districts in the Rattlesnake Area, and the SID #414 and SID 416 were the two projects proposed. He said at this time, the City was still working on their sewer development fee proposal which came right in the middle of this project where every home in the Rattlesnake that would connect to this sewer would have to contribute \$350, (a sort of club membership) to the sewer system. He said he and John DeVore, Operations Officer for Missoula County, in working with the City Public Works Committee and Finance Committee, were able to have the City Council allocate the direct funds that would be collected from this project to this project. The funding sources broke down into the following manner: \$825,000 from EPA; \$75,000 from Missoula County Aid to Construction; \$50,000 Grant from the City of Missoula; \$287,000 from the two SID's as Aid to Construction Funds; \$289,000 from the two SID's in regard to sewer connection fees which would be applied to the project; and the City of Missoula would loan the project about another \$85,000 which would come out of the rebates as future homes connect on. He said the estimates are that there might be anywhere from 50 to 100 additional homes that will want to connect to the project, which would increase the bonding amount by a little over \$150,000.00 in order to provide financing for those people should they desire it. That brought the bonding amount to \$415,000.00 for this project. The assessment on a single family home averages \$912.00 for a total 15 year SID, with \$350 going to the city sewer development fee, which will be allocated back to the project.

The other SID, he said, is #416 and is for what is known as "sunlight ownership". Their Rattlesnake Interceptor Aid To Construction is \$140,000.00 and their sewer connection fee is \$87,000.00, and they too, have about \$6,000.00 worth of administrative fees for a bond amount of approximately \$335,000.00. He said Sorenson and Company, in conjunction with John DeVore were to contact the residents in the Rattlesnake area, and various landowners in the area helped quite a bit with that too, and neighborhood meetings were held. Neighborhood committees were set up and 67% of the freeholders in SID #414 signed the petitions, and over 60% also signed the consents for waivers of annexation. That satisfied the city requirements, and although the Commissioners could create the SID without a petition, it did meet the original mandate from the Commissioners that at least 60% of freeholder support be raised in the area. He said that figured out to be about 80% cost support. The Sunlight SID is a single owner SID and has 100% support. He said dollar-wise, the two projects combined have about 95% support and freeholder wise, it is in the 60% support area. He said he anticipates anywhere from 50 to 100 additional homes wanting to immediately connect to the facility. He said there have also been some secondary requests from neighborhood areas that are interested in extending this sewer into this area, which would have to be secondary SID projects, because they would have to build their own trunk lines. He said he has told those people that plans such as that are premature at this point.

Ann Mary Dussault asked Tom McCarthy to clarify his last statement.

He said some secondary areas have contacted him about hooking their neighborhoods up to this new trunk line. He said he has told them that they cannot get into this particular project because this is an interceptor project and the EPA will only participate in the interceptor secondary extensions out into this particular area. He said that unless they come back with an EPA grant and ask to do the entire valley, he doubts that it will ever happen, with federal funding the way that it is now. He said they were able to expand their project in Billings, but he doubts if that will happen here. He said his point was that they had had other neighborhood requests for participation in this project.

Chairman Barbara Evans asked if anyone wished to comment on the matter. She asked that anyone who wished to speak in opposition speak first.

Bill Carney asked how the people who live nearby but are now connected to the new sewer would be affected?

Barbara Evans said it was her guess that state law says that you have to be encircled before you can be taken in without your agreement, but if he, as an individual, wanted to get on the sewer, he could not do it without signing a waiver of annexation.

FEBRUARY 26, 1986 (CONTINUED)

PUBLIC MEETING (CONTINUED)

HEARING: RSID #414 and 416 (CONTINUED)

Joan Newman, Deputy County Attorney, said the City's annexation policy is being studied, but she does not know more than that.

A.L. Ainsworth, a resident of Lincolnwood, asked if this projected line is engineered sufficiently large enough to take in the area above Lincolnwood like the old Montana Power Company Park, which he understands will be put on the market soon.

Tom McCarthy said it was being engineered to take care of the undeveloped areas of the Rattlesnake, north of Lincolnwood. He said EPA will participate in funding the project up to the Lincolnwood 7 drainfield. He said the Sunlight area would be excluded.

Bill Carney asked if the meetings that were held in the Rattlesnake, and the petitions that were signed covered the Lincolnwood area.

Tom McCarthy said no, it only covers a small portion of the Lincolnwood 7 area. No petitions were signed or solicited from the upper portion of Lincolnwood.

Barbara Evans asked if anyone else wished to speak in opposition. No one came forward to speak, so she asked that persons who wished to speak in favor of the two RSID's to testify at this time.

Ann Sunquist, a resident of the Lincoln Hills Subdivision said she was one of the people who carried the petitions around, but in Lincoln Hills alone, there was over 80% approval on the petition for the SID. Most people had no questions, but those who wanted more information, did not, in the end, feel hesitant about this project.

George Gaffney, a resident of Lincolnwood, said it was unfortunate that he did not live close enough to be connected to the sewer, but he is a freeholder in Lincoln Hills, and he reminded the Commissioners that there is a moratorium on all building up there, so there are over 30 lots with a tremendous financial investment which are absolutely useless and worthless.

Barbara Evans asked if anyone else wished to speak on the issue. No one came forward to speak, and the hearing was closed.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to approve the creation of RSID #414 for the construction of the sanitary sewer main to serve the Rattlesnake area of the County, and creation of RSID #416 for the same purpose.

A.L. Ainsworth said he read in the paper the other day that grant money and federal funds might be slow in coming, if they come at all.

Tom McCarthy said he thought Mr. Ainsworth was referring to Gramm-Rudman, and said that these funds will be available in November. He said the County portion is designed already, and they just have to work on the City portion, and the project will be started this summer, although probably not finished by this winter.

The motion passed on a vote of 3-0.

HEARING: CERTIFICATE OF SURVEY: SCANTLING AND SMITH

Deputy County Attorney Joan Newman said this was a request for an occasional sale exemption for Wayne Scantling and Vernon Smith, although the occasional sale title may be a misnomer. This particular parcel (31 A & B on Certificate of Survey #3270) is owned jointly by Scantling and Smith. They have each constructed a home on half of the property and wish to split the property so that each party will own one-half of the property with their respective home, instead of owning the full 20 acres jointly.

Barbara Evans asked what the access was to this property.

Joan Newman said Petty Creek Road provides access to both parcels.

Dick Ainsworth, representing the landowners, said the Scantlings are living in their home full-time, and Smith lives out of the state half the time. There is no intent to sell any of the property, they have owned the property since 1982, and have always intended to split the property at some time.

Ann Mary Dussault moved, and Janet Stevens seconded the motion that the division of CCS 3270 has been found to be an acceptable means to divide the tract, based on the following findings of fact:

1. There has not been a previous division of this tract within the last twelve months; and
2. There is no evidence of intent to evade the Montana Subdivision and Platting Act; and
3. There would be no additional impact on the area because there are currently residences constructed on each of the parcels.

This finding is contingent upon the following language being printed on the face of the survey:

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

The motion passed on a vote of 3-0.

There being no further business to come before the Board, the meeting was recessed at 2:30 p.m.

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FEBRUARY 27, 1986

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

FEBRUARY 27, 1986 (CONTINUED)

DAILY ADMINISTRATIVE MEETING

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

CONTRACT

The Board of County Commissioners signed a contract between Missoula County and Western Fuel, Inc., the lowest and best bidder for Road Sanding Material at the Seeley Lake Road Department, as per the terms set forth, to be completed within 210 calendar days of the date of the contract for a total payment of \$30,750.00. The contract was returned to Centralized Services for further handling.

RESOLUTION NO. 86-018

The Board of County Commissioners signed Resolution No. 86-018, a budget amendment for FY '86 for District Court, including the following expenditures and revenue and adopting it as part of the FY '86 budget:

DESCRIPTION OF EXPENDITURE	BUDGET
Start-up budget-Public Defender	\$101,160.00
DESCRIPTION OF REVENUE	REVENUE
District Court Deficit	101,160.00

CONTRACTS

The Board of County Commissioners signed Professional Services Contracts with the following independent contractors:

1. The Missoula City Police Department, for the purpose of participation in the Driving Under the Influence (DUI) Enforcement Team by Missoula City Police Officers as per the terms set forth, for the period from January 1, 1986, through December 31, 1986 for a total payment not to exceed \$3,840.00; and
2. Betty Wing, Deputy County Attorney, for the purpose of performing the duties of Special Prosecutor for Driving Under the Influence (DUI) cases, as per the terms set forth, for the period from January 1, 1986 through June 30, 1986 for a total payment not to exceed \$4,300.00

AGREEMENT

Chairman Barbara Evans signed an Agreement for Equipment Sale between Missoula County and Burroughs Company for the 1048MB fixed disk drive, as per the terms set forth. The agreement was returned to Information Services for further handling.

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

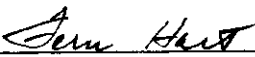
Luncheon

Commissioners Evans and Stevens attended the Exchange Club Luncheon and the Law Enforcement Officer of the Year presentation held at the Edgewater at noon.

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FEBRUARY 28, 1986

The Board of County Commissioners did not meet in regular session; Commissioners Evans and Stevens left for Washington, D.C. where they will attend the NACo Legislative Conference.

  
Fern Hart, Clerk and Recorder

  
Barbara Evans, Chairman

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MARCH 3 and 4, 1986

The Board of County Commissioners did not meet in regular session; Commissioners Evans and Stevens were in Washington, D.C. attending the NACo Legislative Conference March 3rd and 4th, and Commissioner Dussault was out of the office all day on March 3rd.

NOTICE OF HEARING

On March 4th, Acting Chair Dussault signed the notice of hearing on the Amendments to the Missoula City-County Air Pollution Control Program, Section X4100, Residential Solid Fuel Burning Devices, setting the hearing date for March 19, 1986, at 1:30 p.m.

MARCH 5, 1986

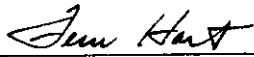
The Board of County Commissioners did not meet in regular session; Commissioners Evans and Stevens traveled from Washington, D.C. to Baltimore, Maryland, to tour the jail and meet with officials there, and Commissioner Dussault was in Helena where she testified at a hearing in the CDBG Guidelines.

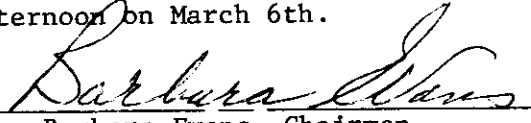
WEEKLY PUBLIC MEETING CANCELLED

The regular weekly public meeting was cancelled as the Commissioners were out of town.

MARCH 6 & 7, 1986

The Board of County Commissioners did not meet in regular session; Commissioners Evans and Stevens were out of the office March 6 and 7, and Commissioner Dussault was out all afternoon on March 6th.

  
Fern Hart, Clerk and Recorder

  
Barbara Evans, Chairman

MARCH 10, 1986

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

MONTHLY REPORTS

Chairman Evans examined, approved and ordered filed the monthly reports for Justices of the Peace Michael D. Morris and David K. Clark, for collections and distributions for the month ending February 28, 1986.

AUDIT LIST

The Board of County Commissioners signed the Audit List, dated March 4, 1986, pages 5-30 with a grand total of \$99,950.56. The Audit List was returned to the Accounting Department.

MONTHLY REPORT

Chairman Evans examined, approved and ordered filed the monthly report for Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for the month ending February 28, 1986.

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) No. 4 (1/26/86 - 2/08/86) with a total Missoula County payroll of \$343,931.76; and
- 2) No. 5 (2/09/86 - 2/22/86) with a total Missoula County payroll of \$360,114.19

The transmittal sheets were returned to the Auditor's Office.

RESOLUTION NO. 86-019

The Board of County Commissioners signed Resolution No. 86-019, a budget amendment for FY '86, for the Art Museum, including the following expenditure and adopting it as part of the FY '86 budget:

<u>DESCRIPTION OF EXPENDITURE</u>	<u>BUDGET</u>
Building Maintenance & Repair 7020-467-411230-334	\$ 409.00
<u>DESCRIPTION OF REVENUE</u>	<u>REVENUE</u>
No revenue - cash was listed at 0 - should have been \$409.00	
This corrects incorrect beginning cash amount.	

RESOLUTION NO. 86-020

The Board of County Commissioners signed Resolution No. 86-020, a resolution of intention to create RSID No. 417 for the purpose of street improvements on Mount Avenue between Eaton Street and Reserve Street.

Chairman Evans also signed the Notice of Passage of the Resolution of Intention to Create RSID No. 417, setting the hearing date for April 2, 1986, at 1:30 p.m.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers and accepted them as part of the FY '86 budget:

1. No. 860060, a request from DES to transfer \$2,800.00 from the Permanent/Full-time (\$2,300.00) and Fringe Benefits/Full-time (\$500.00) accounts to the Temporary/Part-time account to cover projected temporary/part-time costs through the end of FY '86
2. No. 860061, a request from DES to transfer \$4,750.00 from the Office Supplies (\$1,000.00), Safety Supplies (\$3,000.00), and Radio Service (\$750.00) accounts to the Permanent Non-productive (\$4,000.00) and Fringe Non-productive (\$750.00) accounts to cover non-productive time costs through FY '86; and
3. No. 860062, a request from Ad Staff to transfer \$500.00 from the Contracted Services Account to the Office Supplies account because of expenditure overrun.

APPROVAL OF BYLAWS

The Board of County Commissioners signed approval of the new Consolidated Planning Board bylaws as per the interlocal agreement. The memo was returned to the Director of Community Development for filing.

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 SOS Health Center in Seeley Lake.

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MARCH 11, 1986

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

AUDIT LIST

The Board of County Commissioners signed the Audit List, dated March 11, 1986, pages 4-36, with a grand total of \$948,115.84. The Audit List was returned to the Accounting Department.

MARCH 11, 1986 (continued)

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Marilyn K. Starr as principal for Warrant # 118265, dated January 6, 1986, on the Missoula County Trust Fund in the amount of \$950.00, now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

PLEDGED SECURITY REPORT

The Board of County Commissioners examined, approved and ordered filed the pledged security report as of March 10, 1986.

Other matters included:

BOARD APPOINTMENT

The Board of County Commissioners voted unanimously to reappoint Ruth Bennett as the County representative on the City-County Cemetery Board through April 30, 1988.

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

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MARCH 12, 1986

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

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Lori Kaphammer as principal for Warrant # 116347, dated January 3, 1986, on the Missoula County Payroll Fund in the amount of \$38.08 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 86-022

The Board of County Commissioners signed Resolution No. 86-022, a budget amendment for FY '86 for the Library - Tamarack Foundation, including the following expenditures and revenue, and adopting it as part of the FY '86 budget:

<u>DESCRIPTION OF EXPENDITURE</u>	<u>BUDGET</u>
(As per attachment to Resolution in Library Budget Office)	\$ 547.00
<u>DESCRIPTION OF REVENUE</u>	<u>REVENUE</u>
Tamarack (Coal Tax) 2221-411-334061	\$ 547.00

QUIT CLAIM DEEDS

The Board of County Commissioners signed quit claim deeds from Missoula County as granter to the following individuals for the following described real estate in Missoula County:

- 1) to Inez M. and Harold T. Brown for that portion of the Rock Creek Road leading from the approach to Interstate East to the Old Rock Creek Bridge, being in Section 7, T. 11 N., R. 16 W., P.M.M. which was formerly a road dedicated to public use but vacated by Resolution of the County Commissioners No. 201, dated August 15, 1974; and
- 2) to Jan C. and Michael A. Sousa for that portion of the Rock Creek Road leading from the approach to Interstate East to the Old Rock Creek Bridge, being in Section 7, T. 11 N., R. 16 W., P.M.M. which was formerly a road dedicated to public use but vacated by Resolution of the County Commissioners No. 201, dated August 15, 1974.

AGREEMENTS TO SELL & PURCHASE

The Board of County Commissioners signed Agreements to Sell and Purchase between Missoula County and the following individuals for options for sanitary sewer easements for the Rattlesnake Sewer Project as per the terms set forth in the Agreements;

- 1) H. Richard and M. Jeane FeVold;
- 2) Paul K. and Karen M. Overland; and
- 3) Richard N. and Beverly H. Doyll.

The Agreements were returned to John DeVore, Operations Officer for further handling.

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



MARCH 12, 1986 (continued)

PUBLIC MEETING

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

LETTERS OF APPRECIATION

Carol Szetela-Biron, the Extension Librarian at the Missoula Public Library said that the new Bookmobile for the Library was inaugurated on Monday, January 13, went on its first run the next day, and has been going out every day since. She said at some stops, their circulation has nearly doubled, as people are so impressed with the new Bookmobile. On February 15 and 16 the Bookmobile was displayed at the Mall as part of a fair to promote reading, and about 800 people came into the Bookmobile to see where the County Commissioners had put their money. She said they were very impressed with the new Bookmobile. She presented letters of appreciation from the children at the Sunset School in Greenough, which is one of the monthly stops for the Bookmobile.

Ann Mary Dussault said she would like copies of the letters sent to The Missoulian.

HEARING: STANDARDS AND APPROVAL PROCEDURES FOR PERMITS TO ESTABLISH NEW POINTS OF ENTRY TO COUNTY ROADS

County Surveyor Dick Colvill said the County's approach permit resolution is 15 years old and needs revision to meet today's liability problems. (An approach permit is a permit to connect a private road or driveway to a County road.) The old resolution doesn't have any standards which make it difficult to understand, enforce and defend. The new resolution, which is based on the State standards, establishes standards and includes maintenance and indemnification. The mail box standards are also copied from the State standards.

Ann Mary Dussault asked if anyone would like to testify on the proposed resolution. No one came forward to speak either in favor or in opposition, and the hearing was closed.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve Resolution No. 86-021 which rescinds Resolution No. 107 and Resolution No. 77-170. The motion passed on a vote of 3-0.

RESOLUTION NO. 86-021

The Board of County Commissioners then signed Resolution No. 86-021, a resolution rescinding Resolution No. 107, dated December 17, 1973, and Resolution No. 77-170, setting standards and approval procedures for permits to establish new points of entry to County Roads.

HEARING: CERTIFICATE OF SURVEY REVIEW-FREDERICK LUCIER

Acting Chair Ann Mary Dussault said the property is a portion of family ranch near Frenchtown which was divided for inheritance purposes in 1982. A 2-acre parcel adjoining the present division was separated by COS in 1982 under agricultural exemption and transferred to claimant's brother. In 1983, that parcel was converted to a division under occasional sale by the brother. The present division has the effect of creating 3 small parcels abutting the Marcure Lane.

Joan Newman, Deputy County Attorney said the original Certificate of Survey shows some potential problems, and this is why she brought the matter before the Commissioners. Those reasons are:

- 1) The arrangement of the proposed division suggests an intent to create multiple parcels.
- 2) The proposed division and use is not in substantial compliance with the Missoula County Comprehensive Plan in that the Plan recommends only one dwelling unit per five acres in this area.

Fred Lucier, the owner of the property, said his mother had given the property to him and his sister and brothers, and there had been some problems with dividing it equally between all the children, and the previous occasional sale had been done by his brother, not him.

Barbara Evans said she had some questions about the previous sale, and wondered if there was an agricultural exemption involved.

Fred Lucier said he had had nothing to do with the previous sale, and could not provide any information about it.

Ann Mary Dussault asked if anyone else wished to speak on the issue. No one came forward, and the hearing was closed.

Barbara Evans moved, and Janet Stevens seconded the motion to approve the occasional finding it to be in the public interest based on the following findings of fact:

- 1) There has not been a previous division of this tract within the last twelve months; and
- 2) There is no evidence of intent to evade the Montana Subdivision and Platting Act; and
- 3) There is no evidence of intent to create multiple lots.

This finding is contingent upon the following language being printed on the face of the survey:

This Certificate of Survey was not reviewed for installation of utilities or availability of services.

The motion passed on a vote of 3-0.

HEARING: REQUEST FOR ABANDONMENT OF 60 FOOT DEDICATED ROADWAY (ALLOMONT ORCHARDS)

Chair Ann Mary Dussault said this was a petition for abandonment of a 60' dedicated roadway in Section 35, T. 12 N., R. 20 W., located in Amended Plat of Allomont Orchards, Lot 4, Block 2, and background information provided by Donna Cote, Recording Section Supervisor indicated that a portion of the owners whose property abuts the 60' dedicated roadway in this particular area would like to have the roadway abandoned for the following reasons:

MARCH 12, 1986 (Continued)

PUBLIC MEETING - (continued)

The affected landowners have signed an agreement, for LeRoy L. Wilson, guaranteeing that the roadway will be maintained. The agreement was necessary to acquire refinancing by FHA on his home. The county does not maintain the road and the affected land owners wish to continue to maintain the roadway. Complete control of knapweed has been accomplished as well as all other maintenance.

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

- |  |   |
|--|---|
| 1. Eugene R. and Diane C. Peterson<br>11450 Allomont Dr.<br>Lolo, MT 59847 | 2. Clarence and Marlene Rule<br>P.O. Box 68<br>Lolo, MT 59847           |
| 3. Frank E. Grover<br>11455 Allomont Dr.<br>Lolo, MT 59847                 | 4. James P. Murphy<br>James P. Murphy Development Co.<br>Lolo, MT 59847 |

The following are adjacent properties in Lake View Addition:

- |  |   |
|--|---|
| 5. Karl & Michael D. Kimberling<br>401 Tyler Way<br>Lolo, MT 59847   | 6. Terrance D. & Doris M. Martin<br>405 Tyler Way<br>Lolo, MT 59847 |
| 7. Glen R. & Meredith A. Howard<br>409 Tyler Way<br>Lolo, MT 59847   | 8. Stephen Maxwell<br>417 Tyler Way<br>Lolo, MT 59847               |
| 9. Brownlee, Chester L. & Lynette<br>421 Tyler Way<br>Lolo, MT 59847 | 10. Joseph & Sharon S. Copeland<br>425 Tyler Way<br>Lolo, MT 59847  |
| 11. Dick G. & Joyce A. Pritchard<br>429 Tyler Way<br>Lolo, MT 59847  | 12. Glen L. & Patricia M. Coonce<br>431 Tyler Way<br>Lolo, MT 59847 |

The following persons are the only ones that have consented:

1. Eugene T. Peterson
2. Clarence Rule
3. Frank E. Grover

13. James D. & Freidia A. Pratt  
413 Tyler Way  
Lolo, MT 59847

Additional persons who may be affected by the petition are the following:

- |   |  |
|---|--|
| 1. Clifford J. & Leah M. Miller<br>501 River Drive<br>Lolo, MT 59847    | 2. Richard J. & Marla Kay McDougall<br>11350 Allomont<br>Lolo, MT 59847        |
| 3. Leroy L. & Linda L. Wilson<br>11385 Allomont Drive<br>Lolo, MT 59847 | 4. Richard E. & Barbara Baldwin<br>240 North Avenue East<br>Missoula, MT 59801 |

All of the persons have been notified of the hearing, along with the following:

Joan Newman, Deputy County Attorney  
Dick Colvill, County Surveyor

The Notice of Hearing was published in The Missoulian on March 2, 1986.

Jim O'Brien, an attorney representing residents of Tyler Way, said he was asking for a continuance on the matter for at least two weeks, and he said if there were people in the audience who had conflicts and would not be able to testify at that time, he would also request that the Commissioners hear their testimony today. He said all the parties involved would be attempting to work out a compromise during the two week period.

Gene Peterson said he was in agreement with the request for the continuance, but he also wanted to point out that the Commissioners would, ultimately, have to make the final decision, no matter what the agreement would be between the parties involved.

Glen Howard said he was representing the homeowners from Tyler Way and he, too, was in agreement with the request for continuance.

Jim Pratt, also representing the residents of Tyler Way said he agreed that further discussions would be in order before the Commissioners make a decision.

Jim O'Brien said he would like the Commissioners to be aware of the fact that there were quite a few people who have an interest in the matter, but they did not attend the meeting today, anticipating the two week delay.

Barbara Evans said the record would remain open and if anyone was not able to come to the next hearing, the record would remain open for written comment until that time.

Barbara Evans moved, and Janet Stevens seconded the motion to postpone the hearing on this matter for at least a two week period, recognizing that it may be postponed to an even later date. The motion passed on a vote of 3-0.

Joan Newman said she would like to remind the Commissioners that they are required to make an on-site inspection with the County Surveyor's Office, so that part of the procedure is still to be done.

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

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MARCH 13, 1986

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Bozeman where she participated in a Humanities Conference.

CONFERENCE WELCOME

Commissioner Stevens gave the Welcome at the DES Hazardous Materials Conference in the morning.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfer and adopted them as part of the FY '86 budget.

1. No. 860063, a request from the County Attorney to transfer \$315.00 from the Mileage-Private Vehicle (\$300.00) and Dues & Membership (\$15.00) accounts to the Mileage-County Vehicle (\$300.00) and Consultants (\$15.00) accounts for the purpose of minor fine tuning of budget items; and

2. No. 860064, a request from the Library to transfer \$1,193.00 from the Contracted Services account to the Overtime Account to pay for two employees to work Sundays to work on the card catalog.

Other items included:

The Board of County Commissioners approved the hiring of a Risk Manager and a Claims Checker for the Insurance in the Personnel Office.

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

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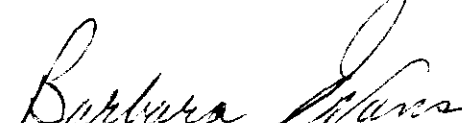
MARCH 14, 1986

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Dussault was in Big Sky, MT., where she attended the "Creating Excellence Seminar" on March 14th and 15th, and Commissioner Evans was out of the office until noon.

RALLY/LUNCHEON

Commissioner Stevens attended the Jeannette Rankin Luncheon and Rally held at the University of Montana at noon.

  
Fern Hart, Clerk and Recorder

  
Barbara Evans, Chairman

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MARCH 17, 1986

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena where she attended a meeting of the Job Training Advisory Council.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfer and adopted it as part of the FY '86 budget:

1. No. 860065, a request from the Supt. of Schools to transfer \$300.00 from the Printing & Litho account to the Copy Costs account because of an unexpected rise in copy costs.

EXTENSION LETTERS

The Board of County Commissioners signed a letter dated March 13, 1986, to Robert C. and Sherree Rechtsteiner of Frenchtown granting them an extension of the filing deadline for the Summary Plat of Sherree Acres to June 17, 1986.

APPROVAL OF BUDGET REQUEST & LEVY ELECTION REQUEST

The Board of County Commissioners signed approval of a Resolution by the Seeley Lake-Swan Valley Public Hospital District Board of Trustees, dated March 10, 1986, requesting the Board of County Commissioners to levy, in addition to the three mills per year authorized by 7-34-2133 MCA, (5) five mills for the next two years as provided in 7-34-2134 MCA and to authorize the necessary election required by 7-34-2135 MCA.

The request was returned to the Elections Office for further handling.

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

BUSINESS LUNCH

Commissioners Evans and Stevens attended a business luncheon sponsored by 1st Interstate Bank at the Sheraton at noon.

GAMBLING COMMISSION

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

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MARCH 18, 1986

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

AUDIT LIST

The Board of County Commissioners signed the Audit List, dated March 18, 1986, pages 6-40, with a grand total of \$137,137.84. 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:

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfer and adopted it as part of the FY '86 budget.

1. No. 860066, a request from the Data Processing Dept. to transfer \$3,200.00 from the Fringe Benefits (\$1,000.00) and Contracted Services accounts to the Temporary Salaries - 410420 (\$1,000.00) and Temporary Salaries - 410580 (\$2,200.00) accounts in order to keep the temporary programmer through June.

Other matters included:

- 1) The Board of County Commissioners approved a request from the Sheriff's Dept. to call for bids for the patrol fleet to be purchased out of the FY '87 budget; and
- 2) The Board of County Commissioners met with representatives of the Democratic Central Committee and discussed the possibility of appointing Deputy Registrars for the County for the purpose of registering voters from other counties; however, because of the restrictions placed on the appointment of Deputy Registrars, the Commissioners decided against the proposal.

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

MEETING

Commissioner Evans attended a Crimestoppers meeting at noon.

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MARCH 19, 1986

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 Youth Services Study Council.

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 it as part of the FY '86 budget:

1. No. 860067, a request from the Library for several adjustments to the 1/86 Expenditure Report as per the attachment to the transfer in the budget file.

QUIT CLAIM DEED

The Board of County Commissioners signed a Quit Claim Deed from Missoula County as grantor to Gary F. Goodall and Sharon Kettells as Joint Tenants, Lolo Creek Road, Lolo, Montana 59847 for real estate located in Missoula County as described on the deed (Parcel 'G' Deed Exhibit #2620) as per the terms set forth; said parcel having been abandoned upon petition and by order of the County Commissioners on January 4, 1967 and recorded in Commissioner's Journal Book DD at page 435.

The Deed was returned to Mike Sehestedt, Deputy County Attorney, for further handling.

Other matters included:

- 1) The Commissioners appointed Dan Cox to the RC&D Council and Financial Resources Committee;
- 2) The Commissioners gave approval to Jim Dopp of the General Services Dept. to serve as an ad-hoc member of the State Legislative Committee to look at the tax deed process, he will also check with Fern Hart, Clerk & Recorder, as to why there has been no movement on the tax deed property and also pursue the lease of County tax-deed mining claims; and
- 3) The Commissioners decided on a counter offer of \$30,000.00 to the Housing Authority for the purchase of the Toole Avenue property.

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

PUBLIC MEETING

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

BID AWARD - TRAFFIC LINE PAINT

Chairman Barbara Evans said bids for 4,350 gallons of traffic line paint were opened March 17, 1986 with the following bids received:

Columbia Paint	\$19,225.50
Norris Paint Co.	\$21,682.50
Ennis Paint Inc.	\$25,770.00
Komac Paint Inc.	\$27,594.00

MARCH 19, 1986 ( continued)

PUBLIC MEETING (continued)

BID AWARD - TRAFFIC LINE PAINT (continued)

Richard Colvill, County Surveyor, recommended that the Commissioners award the contract to the low bidder Columbia Paint in the amount of \$19,225.50. He said there was \$28,000.00 in the current road budget for traffic paint.

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 \$19,225.50. Motion carried on a vote of 2-0.

HEARING: PRELIMINARY PLAT - SPORTCO ADDITION

Paula Jacques, Planner from the Office of Community Development, said Sportco Addition is the resubdivision of Lot 5, Gustafson Addition into four single family lots. It is located at the end of St. Francis Drive above Upper Miller Creek Road. Though it is a four lot subdivision, it must go through the preliminary plat process as the parcel was previously split through summary review. The original Gustafson Addition was approved in August 1984.

She said the Missoula Consolidated Planning Board recommends that the preliminary plat of Sportco Addition be approved subject to the following conditions and findings of fact:

Conditions:

1. Road, grading, drainage and erosion control plans for the extension of St. Francis Drive shall be reviewed and approved by the County Surveyor.
2. Sanitary restrictions shall be lifted by state and local health authorities.
3. The developer shall petition to vacate the turn-around easement created with Gustafson Addition and recorded in Book 213, Page 1182, pursuant to the process described in Title 7, Chapter 14, Part 26, MCA. The document vacating the easement shall be filed at the same time as the plat.

FINDINGS OF FACT

Subject to the recommended conditions and variance, the Missoula Consolidated Planning Board recommends that the preliminary plat of Sportco Addition be declared to be in the public interest based upon a review of the following criteria:

Criterion 1: NEED -- This resubdivision of previously platted land within the urban area complies with both the residential density recommended by the Comprehensive Plan (urban single family, six units per acre) and the adopted zoning for the area ("C-RR2", two units per acre).

Criterion 2: EXPRESSED PUBLIC OPINION -- Two public hearings will be held on this request and adjacent landowners have been notified. To date, one adjacent property owner has stopped by the office to review the plat and did not express any opposition to the proposal.

Criterion 3: EFFECTS ON AGRICULTURE -- The primary impact on agriculture occurred with the initial platting of the Massey McCullough Acres subdivision in 1960.

Criterion 4: EFFECTS ON LOCAL SERVICES -- As this is the resubdivision of previously platted land developed for residential use, services are readily available. Don Pettit, reviewing the subdivision for Elementary District #1, noted that the schools in the South Hills area are near capacity, which may necessitate changes in attendance boundaries. The park requirement for this land was satisfied with a cash-in-lieu payment when Gustafson Addition was platted.

Criterion 5: EFFECTS ON TAXATION -- An increase in property tax revenue is anticipated with the development of the lots. An RSID is proposed to fund the construction of St. Francis Drive. Once constructed to County standards, maintenance will be a public responsibility.

Criteria 6 & 7: EFFECTS ON THE NATURAL ENVIRONMENT, WILDLIFE AND WILDLIFE HABITAT -- The primary environmental impact occurred with the initial platting of Massey McCullough Acres. Development of the lots, including paving of the streets, is anticipated to increase runoff only slightly, which will be disposed of through use of sumps. Profiles revealed mostly sand and gravel soils.

Criterion 8: EFFECTS ON PUBLIC HEALTH AND SAFETY -- Water will be provided by Mountain Water with sewage disposal through individual systems. The subdivision is located within the jurisdiction of the Missoula Rural Fire District, which expressed a preference for a 50 foot paved radius on the cul-de-sac (Regulations require 35 feet; a 40 foot radius is proposed here). A fire hydrant was installed on Lot 4 with the development of Gustafson Addition. Health and emergency services are readily available from the providers which serve the Missoula urban area. The area is currently served by the Sheriff.

In addition, she said there was a request for a variance and the Missoula Consolidated Planning Board recommends that a variance from the sixty foot right-of-way requirement be granted for the portion of St. Francis Drive located within this subdivision. The reason for granting this variance is that the proposed 54 foot width for the short stem of the cul-de-sac is adequate for road maintenance purposes.

Chairman Barbara Evans opened the hearing for public comment. She asked that proponents speak first.

Gilbert Larson, an Engineer with Stensatter, Druyvestein and Associates, said he was representing the developer, and that the developer concurs with all the conditions, and he would be willing to answer any questions.

Barbara Evans asked if anyone else wished to speak either in favor of, or in opposition to the Sportco Addition. No one came forward to speak, and the hearing was closed.

Ann Mary Dussault asked Paula Jacques if the fire and law enforcement agencies had agreed that the variance would not cause them any difficulties.

Paula Jacques said there was no problem with the cul-de-sac radius.

MARCH 19, 1986 (continued)

PLANNING BOARD (continued)

HEARING: PRELIMINARY PLAT - SPORTCO ADDITION (continued)

Ann Mary Dussault moved, and Barbara Evans seconded the motion that the preliminary plat for the Sportco Addition be approved as recommended by the Planning Board and the Office of Community Development, and the variance from the 60 foot right-of-way requirements on St. Francis Drive be approved, and the subdivision be declared to be in the public interest as outlined in the findings of fact in the staff report. The motion passed on a vote of 2-0.

HEARING: WEST CENTRAL VILLAGE PRELIMINARY PLAT AND PLANNED VARIATION-MOUNT AND EATON

Mark Hubbell, Planner from the Office of Community Development said he would present the zoning portion of the presentation, and Paula Jacques would present the subdivision review. He said the planned variation request is a proposal by T & T Construction to construct a subdivision which would provide 33 single-family dwellings on 7.42 acre parcel located at the intersection of Mount and Eaton Streets. The property is zoned "C-R2" (Multiple-Family Residential District). A Planned Variation has been requested by the applicant to reduce the front and rear yard setbacks from 25 feet to 12 1/2 feet and to allow a zero lot line on the west side yard on Lot 34.

After reviewing all testimony and documentation, the Planning Board Recommends that a Planned Variation be granted on the property described as the south 10 feet of Lot 16, the east 1/2 of Lot 18, and all of Lot 19 of R.M. Cobban Orchard Homes to allow front and rear yard setbacks of 12 1/2 feet, and to allow a zero lot line on the west side yard of Lot 34, within the West Central Village Subdivision, subject to the findings of fact set forth in the staff report.

FINDS OF FACT

1. The purposes of the Zoning Resolution shall be upheld.

The purposes of the County Zoning Resolution, as set forth in Section 1.02 of the Resolution, would be upheld through this Planned Variation. The only modifications to the existing "C-R2" zoning on the subject property would be to the front and rear yard setbacks and the elimination of the side yard setback on the west side of Lot 34.

2. There shall be compliance with all State and local codes and regulations.

With the exception of the modifications just mentioned, the proposed West Central Village subdivision is in full compliance with all applicable zoning standards.

Conformity with subdivision standards will be accomplished through preliminary and final plat review.

3. Minimum lot size may be reduced by 50 percent. A 10 percent density bonus may be granted over the maximum residential density in the zone.

No modifications to lot size or residential densities are being requested. All lots conform to the "C-R2" standards, and the density of the development is 7.4 dwelling units per acre, approximately one-half the maximum density allowed within this zoning district.

4. Front and rear yard setback requirements shall not be modified by a reduction of more than 50 percent.  
The applicant is seeking a 50% reduction of the front and rear yard setbacks to allow the structures fronting on Mount Avenue to face the interior of the lot.

5. Side yard setback requirements shall not be modified for side yards adjacent to property not part of the site for the Planned Variation.  
No reductions in side yard setbacks on the outer portion of this development have been requested by the developer.

6. Side yard setbacks within the site may be eliminated.  
As previously stated, the applicant is seeking a reduction in the side yard setback of Lot 34 to allow a "zero lot line". No other reductions to side yard setbacks have been requested.

7. Lot width requirements shall not be increased by more than 50 percent.  
No reductions in lot width have been requested by the developer.

8. Height requirements shall not be increased by more than 50 percent.  
No increases to the height limitations have been requested by the developer.

9. Each building shall be an element of an overall development plan for the site.  
The West Central Village subdivision is an "in-fill" development aimed at providing affordable single and multiple family housing. The design of this development has also addressed the several design constraints found on this property, including two irrigation ditches and the realignment of Mount Avenue and Fourteenth Street. A 5354 square foot "tot lot" park has also been incorporated into this development.

In order to achieve the goals of this development, each component of the site had to be designed to be an element of the overall development plan for West Central Village.

10. Where possible, buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas.  
The subject property is not noted for scenic vistas or any outstanding natural features. Nevertheless, the proposed development has been designed to buffer all buildings from the noise which will be generated by traffic along Mount Avenue, and oriented in such a way that private living space is available to residents of the subdivision.

11. Development proposals shall include a landscape plan to illustrate the proposed treatment of space, roads, paths, service and parking areas. Landscaping shall conform to the requirements of Section 3.05 of the Zoning Resolution.

The developer of this project intends to landscape all areas not devoted to roads, driveways structures, or sidewalks. This landscaping is to include lawns, Maples, Clump Birch, Honey Locust, and Colorado Blue Spruce.



MARCH 19, 1986 (continued)

PUBLIC MEETING (continued)

FINDS OF FACT (continued)

Landscaping plans are indicated on the Conceptual Development Plan and are further explained in a letter to the Community Development Office from Nick Kaufman of Sorenson and Company. (See Attachment #2).

12. All utilities shall be installed underground wherever possible. All transformer boxes, substations, pumping stations, and meters shall be located and designed so as not to be unsightly or hazardous to the public.

All utilities within the interior of this development will be buried.

13. Residual open space accumulated by modifying space and bulk requirements within the allowable density limits shall be usable for recreational or other outdoor living purposes and for preserving large trees, tree groves, ponds, streams, natural drainage areas, rock outcrops, native plant life, and wildlife cover. The use of any open space may be further limited or controlled at the time of Planned Variation approval where necessary to protect adjacent properties or uses.

As stated previously, the modifications to the space and bulk requirements within this Planned Variation will permit the structures fronting on Mount Avenue to be oriented in such a way that driveways are shared (thereby reducing access points on to this collector). This arrangement also buffers the proposed residences from traffic noise on Mount Avenue. However, the arrangement does little to accumulate open space.

No large trees, rock outcrops, or other outstanding natural phenomena are present on the site.

14. If any or all of the common space is to be reserved for use by the resident, the formation and incorporation by the developer of a homeowner's association shall be required prior to final approval. All property within this development will be either privately owned (lots) or dedicated to the public (tot lot).

15. Applicable provisions in Section 8.07 of the Zoning Resolution

Virtually all of the provisions listed in Section 8.07 of the Zoning Resolution are covered in either the Subdivision or Planned Variation review. The one exception to this is the consideration of the Comprehensive Plan recommendations for the site.

The subject property is within the jurisdiction of the Reserve Street Area Plan. This document designates the West Central Village property as "R-10". This designation provides for single and multiple family residential development at a density of up to ten dwelling units per acre. It also encourages Planned Unit Developments and Planned Variations.

As previously mentioned, the proposed Planned Variation would provide 33 single family and 22 multiple family units on a 7.42 acre parcel, yielding an overall density of 7.4 dwelling units per acre. The Staff has concluded that this proposal conforms to the recommendations of the adopted Reserve Street Area Plan.

Paula Jacques, Planner, from the Office of Community Development said the staff report comes from the Planning Board with nine recommended conditions.

Conditions:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. The R.S.I.D to improve Mount Avenue shall be approved prior to filing the final plat with the Clerk and Recorder.
3. Sidewalk, road, grading, drainage and erosion control plans shall be approved by the County Surveyor.
4. A five foot chain link fence shall be erected along both sides of the larger ditch crossing the east portion of the subdivision before the multi-family structures are occupied.
5. Plans for the development and maintenance of the park (to include initiation of a maintenance R.S.I.D.) shall be reviewed and approved by the Parks and Recreation Department.
6. Cash-in-lieu of parkland shall be donated to the County Park Fund for that portion of the park and open space requirement not satisfied by actual land dedication. It is recommended that the Park Board approve use of the cash-in-lieu for development for this park.
7. A statement advising future lot purchasers that acceptance of a deed for a lot within this subdivision shall constitute a waiver of the right to protest an R.S.I.D. for sidewalk construction along Eaton shall be printed on the face of the plat and included in the covenants.
8. The developer shall work with the Parks Department to vary the types of street trees to be planted.
9. The parking lots shall be screened from view of the multi-family units.

One additional condition has been added to that report:

10. Should the road need to be moved north, as opposed to acquiring more right-of-way to the south of the subdivision, then an additional eight feet of easement will be granted on the north side of Mount Avenue.

In addition, she said the Planning Board recommends that variances from the following requirements of the subdivision regulations be granted:

RECOMMENDED MOTION FOR VARIANCE REQUESTS

The Missoula Consolidated Planning Board recommends that variances from the following requirements of the subdivision regulations be granted.

1. The requirement for right-of-way with a 50 foot radius on the cul-de-sac bulb of Cottage Court. The reason for granting this variance is that a 45 foot right-of-way radius will be provided in combination with an additional five feet of easement for use in road maintenance and snow storage.

MARCH 19, 1986 (continued)

PUBLIC MEETING (continued)

RECOMMENDED MOTION FOR VARIANCE REQUESTS (continued)

2. The requirement that Lots 21-25 have a minimum width of 60 feet at the building setback line. The reason for granting this variance is that with the reduction in the front yard setbacks through the planned variation from 25 feet to 12.5 feet, these lots at the end of the Cottage Court do not have the 60 foot width given their irregular shape. Allowing the houses to be set closer to the front property line through this process will result in greater outdoor living area in the rear yards of these smaller lots.

3. The requirement for sidewalk along Eaton. The reason for granting this variance is that Eaton does not have curb and gutter. The County Surveyor believes that installation of sidewalk prior to construction of curb and gutter is premature. A recommended condition of plat approval is that the statement waiving the right to protest an R.S.I.D. for future sidewalk construction along Eaton.

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

Nick Kaufman of Sorenson and Company, representing T & T Construction, the developers of West Central Village said he would like to enter into the record his testimony to the Planning Board on March 4, 1986. (Those minutes are on file in the Office of Community Development). He said he would like to speak about the history of planning in this area as it relates to this project.

He said that in October of 1976, the Missoula Planning Office proposed zoning for the west side, and this property was zoned then to CR-2, which allows a maximum residential density of 16 dwelling units per acre, single family homes, two family homes, and conditional uses allow multi-family and with special exceptions, things such as professional offices and mini warehouses. He submitted some aerial photographs of the property to the Commissioners. He said then, in October of 1980, the Reserve Street Plan was adopted, and the entire vicinity of West Central Village was zoned CR-2. Both of these zoning areas were created after public hearings before the Planning Board and the County Commissioners. In 1980, John XXIII Parish began their planning preparations for a new church, and they were told that a prerequisite to developing the parcel would be donating the right-of-way that would be necessary to make Mount Avenue 60 feet wide as well as connect Mount Avenue to 14th Street. In 1982, he said the Reserve Street Zoning was adopted and has been reviewed every year since then through public hearings. He said he figured there were no less than 12 public hearings regarding planning in this particular area. The Reserve Street plan upped the density to 10 dwelling units per acre. He said in August of 1985, Mount Avenue was designated as a collector street by the Board of County Commissioners, and \$29,000 was paid to acquire right-of-way on Mount Avenue so that street could be widened and improved in the future. In late 1985, the preliminary plans were submitted to the Office of Community Development and the Surveyor's Office for their initial comments. Some modifications were made, and the proposal that is under consideration today was developed.

In regard to the design, he said the map he provided would adequately show the entire project, including streets, parks, parking, and access. He said the overall density is 7.4 dwelling units per acre, 26% less dense than the Comprehensive Plan for that area allows, and 53% less dense than the adopted zoning. He said there are 33 single family homes proposed that will market for between 40 and 50 thousand dollars. No fireplaces or woodburning devices will be placed in the subdivision unless they meet the class I air pollution standards. He then presented some photographs of a similar subdivision so the Commissioners could see what the area would look like.

He said he would like to talk about the investment in the area. He said the County Surveyor's Office has estimated that the donated right-of-way for the connection of Mount to 14th is worth around \$53,500.00. The contribution to the Mount Avenue RSID in this project will be around \$35,000.00. The interior improvements to the subdivision which include running a sewer line from Reserve Street up Mount Avenue to the development will be around \$220,000.00. Single family homes that will average 40 to 50 thousand dollars market value will add another \$1.5 million dollars to the value of the site, for a total investment in the neighborhood of approximately \$1.8 million.

He then presented some letters of support for the project, from Jim Caras, Ed Thorsrud, Jack Poulson, John XXIII Parish, Joe Aldegarie, and Mrs. Monroe. He said he supports the project and would be willing to answer any questions.

Roger Lenhart, Northwest Regional Manager for United Western Mortgage, and an underwriter, said the subdivision meets all the criteria for the FHA, the Veterans Administration, Montana Board of Housing, and the Federal National Mortgage Association.

He said there seems to be a strong demand for this type of home in this particular price range, and he would be glad to answer any questions.

Kathleen Nearson of Lambros Realty said she was speaking in support of West Central Village. From a need and marketing standpoint, she said the price of the homes was in the 40 to 50 thousand dollar range, which would enable the buyer to qualify for payments of 430-530 per month, which is what someone in the \$15,000 to \$20,000 income range could afford. She said these would be considered moderate income starter homes, and there is a need for that kind of housing in Missoula. She said she felt the development was appealing, and she thought the homes would sell well.

Jim Carlson of the Health Department said the person who takes complaints on unpaved County roads, and particularly this portion of Mount Avenue over the past ten years, wholeheartedly endorses any project that will result in the paving of that stretch of Mount Avenue. He said the Health Department also supports the concept of the connection of municipal sewer whenever possible.

Cyrus Larson said he bought tract 3 in July of 1984, and he thought he was out in the country, but the traffic in the area is very heavy, and the road is in very poor shape. He said if this development goes through, preparation had better be made for a traffic light at the intersection of Reserve and Mount. He said he estimates more traffic will use that intersection than the one at 14th and Russell.

Barbara Evans said she thought that was a very good suggestion. She asked if anyone else wished to speak either in opposition or for the project. No one came forward and the hearing was closed.

Ann Mary Dussault asked Paula Jacques for clarification of the cash in lieu of parklands criterion.

MARCH 19, 1986 (continued)

PUBLIC MEETING (continued)

Paula Jacques said the cash-in-lieu will be a portion of the manner in which the subdivision will meet the park departments. She said the recommendation is that the Park Board consider applying it toward the park that is located within this subdivision.

Fern Hart, Clerk and Recorder, asked what that amount is.

Paula Jacques said it was \$3,868.00

Ann Mary Dussault asked about a recommended added condition from the Planning Staff.

Paula Jacques said that was a recent development that came from surprises which were uncovered when some surveying was done out there, and should the road need to be moved north, as opposed to acquiring more right of way to the south of the subdivision, then the additional 8 feet of easement won't affect the zoning, the lot size, the setbacks, etc., but it will make it possible to have the extra space available for road maintenance.

Barbara Evans asked if that was agreeable to the developers. Nick Kaufman answered in the affirmative.

Ann Mary Dussault asked what point the RSID will come before the Commissioners.

Nick Kaufman said the RSID is scheduled for April 2.

Barbara Evans asked if there was any problem with that from the County Surveyor's point of view.

Dick Colvill, County Surveyor said the only problems he could foresee is the bid award for the pipe which is on the agenda later in this meeting; he was gambling that the project would be approved, or else the County would have to find some other use for the pipe.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to accept the Planning Board's recommendation for both the planned variation and the preliminary plat with the findings of fact and the conditions contained in the staff report, with the addition of the condition relative to the possibility that should the road need to be moved north, as opposed to acquiring more right-of-way to the south of the subdivision, then an additional eight feet of easement will be granted on the north side of Mount Avenue. The motion passed on a vote of 2-0.

Ann Mary Dussault moved, and Barbara Evans seconded the motion that the three variance requests for this subdivision be accepted and that the findings of fact for both the planned variation and the preliminary plat be adopted. The motion passed on a vote of 2-0.

BID AWARD: FABRICATING PRECAST CONCRETE BOX CULVERT (SURVEYOR)

Bids for a pre-cast concrete box culvert were opened March 17, 1986 with the following bids received:

Missoula Concrete Construction	\$ 9,718.00
Bink Construction & Supply	\$12,160.00
United Prestress, Inc.	\$16,340.00
Elk River Concrete Products	\$23,284.00

This culvert is for the Mount Avenue Project. At this date we do not have the right-of-way to install this culvert. It will be provided when the West Central Village Plat is filed. This contract is for the materials only; a separate bid is now being advertised to install the culvert.

Ann Mary Dussault moved and Barbara Evans seconded the motion that the bid for the precast box culvert be awarded to Missoula Concrete Construction in the amount of \$9,718.00. The motion passed on a vote of 2-0.

Ann Mary Dussault said she would like to have some clarification. Assuming that the RSID which the Commissioners will hear on April 2 is approved, then, at that point, would the bid to install that equipment be dealt with?

Dick Colvill said the bid award for the culverts will come before the Commissioners on April 2.

Walter Peery asked why the Commissioners were letting water from Pattee Canyon run.

Barbara Evans told Mr. Peery that he was out of order, and he was misinformed about where the Pattee Canyon water was running.

Walter Peery then asked about all the water behind K-Mart, and what the Commissioners were going to do about that.

Barbara Evans said there was a proposal that came from the Surveyor's Office for Phase I of the South Hills Drainage Program, that has been, or will be conveyed to the Mayor and to the City Engineer for further study, and a report meeting has been scheduled for the 25th of March, 1986, and at that time, his comments would be welcome. She asked him to hold his comments until the last part of this meeting.

HEARING: AMENDMENTS TO MISSOULA CITY/COUNTY AIR POLLUTION CONTROL PROGRAM SECTION X, 4100 RESIDENTIAL SOLID FUEL BURNING DEVICES

Jim Carlson from the City/County Health Department said this was the final stage of approval for inclusion in the Missoula City/County Air Pollution Control Program. The amendments have been approved by the City/County Board of Health after a duly advertised public hearing and have been approved by the State Department of Health and Environmental Sciences. He said the public hearing was not required by the Air Pollution Control Program, but is something that is being done voluntarily by the County Commissioners. He said in order for the regulations to be enforced, they have to be improved by the BCC in a duly advertised public meeting. He said the purpose of the regulations is not to necessarily improve the air quality in the valley, but to prevent it from getting marginally worse as time goes on, and more stoves are installed. The two primary areas of concern are newly developing areas on the outskirts of the non-attainment areas such as Grant Creek, where there is a projected large growth in the future, and the protection of the areas which already have good air quality from deteriorating more than they need to.

MARCH 19, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: AMENDMENTS TO MISSOULA CITY/COUNTY AIR POLLUTION CONTROL PROGRAM SECTION X, 4100 RESIDENTIAL SOLID FUEL BURNING DEVICES (continued)

Summary of Proposed Amendments

- a. Requires that all stoves and fireplaces installed inside the air stagnation zone in new and existing structures after 7-1-86 obtain a one time "Class II" permit for installation and use.
- b. To qualify for a "Class II" permit a woodstove or fireplace insert must meet an emissions standard of 15 grams per hour for applications received before 7-1-88. After 7-1-88 the standard will drop to 9 grams per hour. (This is the same schedule used for sales restrictions in Oregon)
- c. WOOD BURNING DEVICES THAT MEET THE DEFINITION OF "FIREPLACE" MUST INSTALL A CLASS II INSERT OR A NATURAL GAS LOG IN ORDER TO OBTAIN A PERMIT. "RUSSIAN FIREPLACES" ARE EXEMPTED FROM THE EMISSION REQUIREMENT.
- d. The Class II permit expires after 180 days unless inspected or unless the Department is able to verify the installation through the building inspectors office.
- e. The penalty is a maximum \$100.00 which applies to the user and the installer (if installed by someone else).
- f. It is proposed the boundaries of the Air Stagnation Zone be changed to coincide with the boundaries used by the Building Inspectors in order to make uses of the United Building Permit Process.

Barbara Evans opened the hearing to public comment. She asked that persons who are in favor of the new regulations speak first.

Chris Gingerelli, a member of the Missoula Air Pollution Advisory Council, she said the council has supported the amendments since last spring. She said the regulations are necessary, and she said the Health Department has predicted that if fireplace emissions go unregulated, it would account for 53% of TSP in the air, while regulated woodstoves will account for only 47%, even though the total wood burned in wood stoves is much higher. She said fireplaces are major polluters that should have emission standards the same as wood stoves. She said these regulations relate to new stoves only, and that the 12,000 existing woodstoves in the air stagnation zone are not affected.

Gary Brenner, speaking on behalf of Missoulians for Clean Air said he was speaking in favor of the regulations, but without any enthusiasm. They offer no guarantee of improvements, and they were not effective enough, according to his group.

Richard Steffel, an Environmental Consultant who has contracted with the Health Department on occasion said he would like to commend the Air Pollution Advisory Board for carrying this along this far. He said he supports the regulations, and his testimony in regard to that is in the minutes of the previous public hearings. He said the process for adopting these regulations began about nine years ago, so this has not been a quick procedure at all. He said he would characterize this as the single most important step to date to do something to reduce the likelihood of pollution. If these regulations are passed, that figure should be substantially reduced, she said. She urged the Commissioners to pass the regulations.

Gardner Cromwell, a member of the Air Pollution Advisory Council said he had a 20 year history of support for clean air, and he urged passage of the resolutions.

Hugh Smith, a resident of the Hayes Creek area said he endorses the regulations, but he would like the Commissioners to include more of the valley area into the high impact area, because in his neighborhood, he said people burn during alerts, because they are not in an air stagnation zone, and he did not think that made very much sense.

Barbara Evans asked if anyone else wished to speak in favor of the amendments. No one came forward. She asked if anyone wished to speak in opposition.

Walter Peery said the air pollution was not coming from woodstoves, but from cars, and mills. He said if the Commissioners would educate people as to how to burn wood, using a grate, and a high smoke stack, there would be no smoke pollution.

Lon Underhill, a resident of Lolo said he understood that the air stagnation zone would now include Lolo, and when the city of Missoula reaches 150 micrograms per cubic meter, he wanted to know if Lolo residents would have to cease burning.

Jim Carlson pointed out the air stagnation area on a map.

Lon Underhill asked if he bought a woodstove under the new regulations, and had a Class II permit, and either installed it themselves or had a professional person install it, would they have to have it inspected within 180 days?

Jim Carlson said the requirements for the air pollution permit are simple. The program is being coordinated with the building inspectors, and the uniform building code requires that these devices be installed with the building permit. The purpose of the inspection is to verify the installations for the health department. He said 90% of the inspections will be done by the building department at the time of the installation, and while they are doing the safety inspection.

Lon Underhill said he would suggest that the Health Department standardize the inspections.

Harlene Fortune, of Missoula Fireplace & Masonry Supply read a statement in opposition of the regulations. She said that wood burning is already regulated, and these regulations are an invasion of homeowners rights, and the woodburning public feels over-regulated now. She said there were only two woodburning inserts that are approved to burn during alerts, and they are hard to sell because they don't qualify for tax credit. She said that woodburners are very good about not burning during alerts.

MARCH 19, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: AMENDMENTS TO MISSOULA CITY-COUNTY AIR POLLUTION CONTROL PROGRAM SECTION X, 4100 RESIDENTIAL SOLID FUEL BURNING DEVICES (continued)

Barbara Evans asked if anyone else wished to speak in opposition. No one came forward to speak, and the hearing was closed. The record was left open for written comment, as there was an error in the notice for the hearing, and the Commissioners felt that in fairness to everyone, the hearing would be continued until March 26, when the decision will be made.

Walter Peery asked where the Health Department got all the authority under the United States Constitution to tell people what kind of fireplace they have to have. He said he would continue to burn as he always had, and he would take the matter to the United States Supreme Court.

CERTIFICATE OF SURVEY (REELEY) (Postponed from February 19, 1986)

Joan Newman said she had spoken to Greg Martinson, and he wished to have the matter postponed until further notice.

CERTIFICATE OF SALE - DEAN AND LAVERNE LOCKRIDGE

Deputy County Attorney Joan Newman said the property is adjacent to Piney Meadows Subdivision near Nine Mile. The tract to be divided abuts the cul-de-sac at the end of Piney Meadows Lane. She said the reason she called this for review was because the affidavit is very cursory, and very little information is provided on the intended use. Also, more than one exemption is being claimed, i.e., the occasional sale and the remainder, and the proposed division and intended use would be inconsistent with the Comprehensive Plan.

Dean Lockridge said he had presented this application to Jean Wilcox before she left the County Attorney's Office, and she had found no problem with it, and had, in fact, told him that all he had to do was sign his name before a notary public and file the plat.

Barbara Evans said the only thing the Commissioners wanted to know is if there were two residences on two parcels.

Dean Lockridge said there is a residence on one of the parcels; the other house has been moved off the property. He said the reason he wants to divide the property is because his house is on one section, and the property has always been divided on paper, and should have been divided on paper, and should have been divided long ago.

Ann Mary Dussault asked him to indicate his house on the map, and if he had ever used the Certificate of Survey process before.

Dean Lockridge pointed out his house on the map, and said he had not used the process before.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to approve the Certificate of Survey for the division of property located in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 1, T. 15 N., R. 23W., Principal Meridian, Montana, finding it in the public interest to do so for the following reasons:

1. There does not appear to be evidence of intent to evade the Montana Subdivision and Platting Act, based on two facts:

- a. the original proposed plat would indicate that the original intent was to divide the property as it is now being proposed; and
- b. the improvements are already in place on the remainder, which would accomodate dwellings.

This finding is contingent upon the following language being printed on the face of the survey.

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

There being no further business to come before the Commissioners, the meeting was recessed at 3:15 p.m.

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MARCH 20, 1986

The Board of County Commissioners met briefly late in the afternoon; all three members were present. Commissioners Dussault and Stevens attended a District 10 & 11 Counties Meeting in Polson most of the day and Commissioner Evans was out of the office until noon.

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Connie Peterson as principal for Warrant No. 047928, dated February 26, 1986, on the School District #1 Payroll Fund in the amount of \$178.95 now unable to be found.

NOTICE OF HEARING

Chairman Evans signed a correction to the Notice of Hearing published March 9 and 16, 1986 regarding the Amendments to the Missoula City/County Air Pollution Control Program, Section X, 4100 Residential Solid Fuel Burning Devices, in which an error was made in Section C of the proposed amendments. The proposal read:

c. Wood burning devices that meet the definition of "Fireplace" are eligible for a permit and do not have to meet the emission standards. "Russian Fireplaces are likewise exempted."



MARCH 20, 1986 (continued)

NOTICE OF HEARING (continued)

The proposal should have read:

c. WOOD BURNING DEVICES THAT MEET THE DEFINITION OF "FIREPLACE" MUST INSTALL A CLASS II INSERT OR A NATURAL GAS LOG IN ORDER TO OBTAIN A PERMIT. "RUSSIAN FIREPLACES" ARE EXEMPT FROM THE EMISSION REQUIREMENT.

The Hearing was held on March 19, 1986, but written comment will be received until March 26, 1986, at which time a decision on the resolution will be made.

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MARCH 21, 1986

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Stevens was in Helena where she attended a meeting of the Commission on Courts of Limited Jurisdiction, and Commissioner Evans was out of the office in the forenoon.

OUTSTANDING EMPLOYEE AWARD

In the afternoon, Commissioners Evans and Dussault made the presentation of the "Outstanding Employee Award" to Harry Ezell, a nurse in the Health Department.

*Fern Hart*

Fern Hart - Clerk and Recorder

*Barbara Evans*

Barbara Evans, Chairman

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MARCH 24, 1986

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 for the Health Department and adopted them as part of the FY '86 budget:

1. No. 860068, a request to transfer \$450.00 from the Fringe Benefits (\$250.00) and Lab Supplies and Equipment (\$200.00) accounts to the Work Study Salaries (\$250.00) and Office Supplies (\$200.00) accounts because of overexpended line items;
2. No. 860069, a request to transfer \$500.00 from the Investigative Aids (\$200.00) and Common Carrier (\$300.00) accounts to the Office Supplies (\$200.00) and Ads/Legal Publications (\$300.00) accounts because of overexpended line items;
3. No. 860070, a request to transfer \$600.00 from the Dog Food & Care account to the Office Supplies (\$200.00) and Lab Supplies and Equipment (\$400.00) accounts because of overexpended line items;
4. No. 860071, a request to transfer \$400.00 from the Common Carrier (\$100.00) and Meals, Lodging and Incidentals (\$300.00) account to the Lab Supplies and Equipment (\$100.00) and Vaccines (\$300.00) accounts because of overexpended line items;
5. No. 860072, a request to transfer \$350.00 from the Common Carrier (\$200.00) and Long Distance Phone (\$150.00) accounts to the Vaccines (\$200.00) and Phone-Basic Changes (\$150.00) accounts because of overexpended line items; and
6. No. 860073, a request to transfer \$2,300.00 from the Permanent Salaries (\$2,000.00) and Work Study Salaries (\$300.00) accounts to create new line items as work study funds were cut so someone was hired for temporary work.

CONTRACTS

The Board of County Commissioners signed Professional Service Contracts between Missoula County and the following independent contractors:

1. Pamela Foggin, for the purpose of data entry of out patient clinic personal and medical information into the PC network at the Health Department, as per the terms set forth for the period from April 1, 1986 to July 1, 1986 for a total amount not to exceed \$1,300; and
2. Mandy Stromyer, for the purpose of organizing and coordinating the urban area pet census and licensing survey for the Health Department as per the terms set forth, for the period from March 17, 1986 to June 30, 1986, for a total amount not to exceed \$1,100.00

SIGNATURE CERTIFICATION FORM

The Board of County Commissioners signed a Signature Certification form for the Montana Department of Commerce - Community Development Division Certifying that the Commissioners are authorized to sign requests for payment of Montana Community Development Block Grant (CDBG) funds for the County of Missoula FY 1985 grant.

The form was returned to John Kellogg in the Office of Community Development for further handling.



MARCH 24, 1986 (continued)

PURCHASE AGREEMENT

Chairman Evans signed a Purchase Agreement between Missoula County as Seller and the Missoula Housing Authority as Purchaser for the property on Toole Avenue, which was used for the County Impound Lot, for the sum of \$30,000.00 as per the terms set forth in the Agreement. The Agreement was returned to John DeVore, County Operations Officer, for further handling.

Other matters included:

1. The Board of County Commissioners reappointed Barbara Evans, Howard Schwartz and Mike Sehestedt as members of the Larchmont Golf Course Board; and
2. The loan to Watson's Receiving Home was discussed. The Commissioners agreed to lend the money needed to pay off the IRS bills, with Kathy Ogren, a Board member of the home, guaranteeing the contract between Watson's Receiving Home and Missoula County for repayment of the loan.

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

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MARCH 25, 1986

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault attended the Special Legislative Session in Helena, March 25th through the 27th.

AUDIT LIST

Commissioners Evans and Stevens signed the Audit List, dated March 24, 1986, pages 6-33, with a grand total of \$70,004.43. The Audit List was returned to the Accounting Department.

INDEMNITY BONDS

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

1. Naming McAllister and Associates as principal for Warrant #137219, dated October 16, 1985, District Court II Fund in the amount of \$1,423.87 now unable to be found;
2. Naming Carol Alder as principal for Warrant #48230, dated March 12, 1986, on the School District No. 1 Payroll Fund in the amount of \$251.90 now unable to be found;
3. Naming Tremco as principal for Warrant #139800, dated December 11, 1985, on the Missoula County General Fund in the amount of \$463.47 now unable to be found; and
4. Naming Ed Whitelaw as principal for Warrant #10603, dated September 17, 1985, on the Missoula County High School General Fund in the Amount of \$36.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFER

The Board of County Commissioners approved and signed the following budget transfer and adopted it as part of the FY '86 budget:

1. No. 860074, a request from the Auditor's Department to transfer \$50.00 from the Office Supplies Account to the Capital Account as capital was underbudgeted.

EXTENSION LETTER

The Board of County Commissioners signed a letter, dated March 24, 1986, to Bonnie Snavely, approving a plat filing extension for Kona East Phase I to May 21, 1986.

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

SITE INSPECTIONS

Commissioner Evans accompanied Dick Colvill, County Surveyor, for a site inspection in Lolo on a request for abandonment of a 60 foot dedicated roadway in Allomont Orchards (Pertile Lane).

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MARCH 26, 1986

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

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 86-023

The Board of County Commissioners signed Resolution No. 86-023, a resolution supporting the Missoula City/County Health Department's application to renew its Southeast Asian Health Grant and strongly urging Health and Human Services to support the Missoula City/County Health Department in its care of S.E.A. refugees, through P.H.S. Grant #08-H-000560-03-0 in the amount of \$10,296 for the budget period 7/1/86-6/30/87.

LEASE

The Board of County Commissioners signed a Lease of Real Property between Missoula County and Wayne Harman of Condon to continue a five-year lease for a gravel pit in the Swan Valley, which expires in May, through September of 1987, for the purpose of storage of gravel processed under a previous lease

MARCH 26, 1986 (continued)

LEASE (continued)

as per the terms set forth for a lump sum of \$400.00 for the entire period of the lease. The lease was returned to the Surveyor's Office for further handling.

BLANKET PURCHASE ARRANGEMENT

The Board of County Commissioners signed a Blanket Purchase Arrangement, dated March 1, 1986, between the Missoula City/County Health Department and the Lolo National Forest to replace the previous agreement for water tests done by the Health Department for the U.S. Forest Service, as per the terms set forth. The Arrangement was returned to the Health Department for further signatures.

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

PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present was Commissioner Janet Stevens. Commissioner Ann Mary Dussault was in Helena at a special session of the legislature.

BID AWARD PLANT MIX ASPHALTIC CONCRETE-SURVEYOR'S OFFICE

Chairman Barbara Evans said bids for 2,000 tons of plant mix asphaltic concrete were opened March 24, 1986 with the following bids received:

Jensen Paving Company	\$45,100
Western Materials Inc.	\$45,360

She said the recommendation from County Surveyor Dick Colvill recommended that the Commissioners award a contract for 2,000 tons of plant mix asphaltic concrete to the low bidder Jensen Paving Company in the amount of \$45,100. The Surveyor's Office has \$48,148 in their current Road Budget for asphalt.

Janet Stevens said she would like the record to show that she is unrelated to the Jensen Paving Company.

Janet Stevens moved, and Barbara Evans seconded the motion to award the bid for 2,000 tons of plant mix asphaltic concrete to the low bidder, Jensen Paving Company in the amount of \$45,100. The motion passed on a vote of 2-0.

DECISION: AMENDMENTS TO MISSOULA CITY/COUNTY AIR POLLUTION CONTROL PROGRAM SECTION X, 4100 RESIDENTIAL SOLID FUEL BURNING DEVICES.

Chairman Barbara Evans said the public hearing had been held the week before, and the record was left open for public comment.

Janet Stevens said in addition to questions she had, she would like to state that persons in the audience who would like to testify today would be heard. She asked if there were any known impacts on air quality if the amendments were passed.

Jim Carlson of the Health Department said for all the new installations that go into the valley, it can be expected that the emissions to be reduced by about 80%, so the impact means that five of those new stoves can be installed and result in the same emissions that would be given off from one conventional device.

Janet Stevens asked what the cost to regulate the amendments would be.

Jim Carlson said the cost to the Health Department would be one-tenth to two-tenths of a full-time employee, and most of the enforcement of these regulations would be through the building inspector's office, and they have their own fee schedule.

Janet Stevens asked how many devices are available on the market to meet the standards.

Jim Carlson said there were 18 Class I devices, and an additional 18 Class II devices currently on the market, or that will be available by July 1.

Janet Stevens asked if there were any places that regulated fireplaces at this time.

Jim Carlson said that in Fort Collins and Vail, Colorado, they are considering doing the same things that are under consideration here. He said in California, some communities only allow one wood burning device per building.

Janet Stevens asked how long Oregon has had their wood stove regulations.

Jim Carlson said the bill was passed two years ago, and the regulations go into effect July 1, regulating woodstoves, not fireplaces.

Janet Stevens said a question was brought up in one of the letters the Commissioners received during the week, and she felt that it deserved an answer. She asked how many alerts would have been called this last winter if the criterion would have been 100 micrograms?

Jim Carlson said he was unable to answer that question at this time, but he would estimate two or three times more, and Missoula would be under the alert stage about half the time.

Barbara Evans asked Jim Carlson with Oregon being the front runner in these kinds of regulations, why have they not yet adopted some sort of standard for fireplaces?

Jim Carlson said it was largely a political matter, and the state legislature wrote the bill to delay the implementation of the new regulations. He said when the Oregon and Colorado legislatures regulated this, they also looked at the new glass fronts that have become available in the past few years, and were favorably impressed with the new technology.

Barbara Evans asked if there has been any emission testing done on the fireplaces that have the glass doors, properly installed, versus the wood stoves.

MARCH 26, 1986 (continued)

PUBLIC MEETING (continued)

DECISION: AMENDMENTS TO MISSOULA CITY/COUNTY AIR POLLUTION CONTROL PROGRAM SECTION X, 4100 RESIDENTIAL SOLID FUEL BURNING DEVICES (continued)

Jim Carlson said the chemistry of the emissions from a wood stove or fireplace are the same, whether you have glass fronts or not. He said the difference would be the amount of emission, because of the large amount of excess oxygen in a fireplace, which quenches the flame.

Janet Stevens asked what other cities or states have regulations.

Jim Carlson said the entire state of Oregon and Colorado have the requirement that applies to wood stoves. The state of Colorado is in the process of considering some sort of requirements for fireplaces.

Barbara Evans asked if anyone else wished to speak on the issue.

Harlene Fortune said she found out recently that some of the regulations of some of the towns in Colorado were just glass doors with outside combustion coming into them, and during some of the public hearings in Missoula, she was under the impression that the wood stove portion and the fireplace portion of the regulations could be separated, so the Commissioners could vote on them separately.

Richard Steffel said that people don't often burn fireplaces for heat, but in this valley there is evidence of a change in this valley, and there has been a move to retrofit or use regular fireplaces for heat. He said there is still a substantial number of households in this valley that do use fireplaces for heat. He said he had testified to that affect at a previous hearing, and his facts and figures were in that record.

Jim Carlson said that based on the last emission inventory done by the Health Department, 17.9% of the wood burned in the valley was burned in fireplaces, which is 1/5 of the total.

Barbara Evans asked if anyone else wished to speak. No one came forward and the hearing was closed.

Janet Stevens said she would like to have an opportunity to take a look at the health board minutes as well as the Oregon regulations and the alert issue before making a decision on this important issue.

Janet Stevens moved, and Barbara Evans seconded the motion to continue a decision on these regulations until at least April 2. The motion passed by a vote of 2-0.

HEARING: REQUEST TO VACATE PORTION OF KING ROAD (LOLO/FLORENCE AREA)

Information provided by Donna Cote, Recording Division Supervisor indicated that this was a Petition for Abandonment of King Road (Northernmost 1/2 mile) located in Section 22, T. 11 N., R. 20 W.

The owners whose property this road crosses in this particular area would like to have the road abandoned for the following reasons:

To allow irrigation across the road, improving agricultural efficiencies and reducing costs.

Title to the property adjacent to the road in this area is vested in the following persons:

- |                           |                                |                  |
|---------------------------|--------------------------------|------------------|
| 1. Holmes and Ruth Maclay | 2. H. Bruce and Mary B. Maclay | 3. Kenneth Jones |
| 909 W. Central            | 17015 Old Highway 93           | Box 633          |
| Apt. 525                  | Florence, MT 59833             | Lolo, MT 59847   |
| Missoula, MT 59801        |                                |                  |

All the persons have signed the attached petition except for Holmes Maclay.

Additional persons who may be affected by the petition and/or have been notified of the hearing are listed below:

Dick Colvill, County Surveyor  
Joan Newman, County Attorney's Office

Thomas L. Metcalf  
Malta, MT 59538

Beula M. Vann  
P.O. Box 7907  
Missoula, MT 59807

Dolores E. Herron  
Kettle Falls, WA

Garrett W. Peters  
19158 King Road  
Florence, MT 59833

Ed A. & Marolane L. Stevenson  
3910 Belle Lane  
Missoula, MT 59801

Norman M. & Elsie P. Davis  
19668 Sun Valley Road  
Florence, MT 59833

Nancy Hollock  
P.O. Box 667  
Lolo, MT 59847

Francis E. & Verlis J. Mickens  
19338 King Road  
Florence, MT 59833

Larry Matthews  
Box 1043  
Malta, MT 59538

Roscoe L. Jones  
Marion C. Jones  
c/o Kenneth Jones  
Box 633  
Lolo, MT 59847

Liter E. & Orinda H. Spence  
1815 W. Central  
Missoula, MT 59801

Linda Jo. McGraw  
P.O. Box 521  
Lolo, MT 59847

Notice of Hearing was published in The Missoulian on March 16, 1986.

MARCH 26, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: REQUEST TO VACATE PORTION OF KING ROAD (LOLO/FLORENCE AREA)

Bruce MacClay said he was a landowner on both sides of the road under question. He said they were asking for the closure of the portion of King Road which borders his property on both sides. He said people who don't make their living from the land might view this as a road with a field on each side, but he views it as a road through his field. It creates an irregular boundary on the adjoining fields, which makes them inefficient for irrigation and farming. The economic conditions under which farmers and ranchers operate today force them to search for ways to cut expenses, and improve efficiency. He said the closure of the road would make their operation more efficient and reduce their liability which has become a serious problem. Missoula County would also be spared the expense of maintaining the road. He said the road was narrow, and during the winter, County snowplows have, on occasion, pushed over portions of their fence.

Barbara Evans asked if anyone else wished to speak on the matter. No one came forward to speak, and the hearing was closed.

Janet Stevens asked what area the road services.

Tom MacClay indicated the road and the surrounding property on a map and noted the accesses.

County Surveyor Dick Colvill submitted a letter to the Commissioners which said:

If King Road is vacated it should be contingent upon the landowner granting the County land for an adequate equipment turn around at the end of MacClaine Creek Road and King Road.

Barbara Evans said the Commissioners could not take action on this matter today, as the law says that a Commissioner and the County Surveyor is required to inspect the property in any requested vacation. She tabled the matter until the following Wednesday.

HEARING REQUEST TO VACATE ROSKE PLAT

Paula Jacques from the Planning Office said,

Roske Addition was filed on October 3, 1980. It is located near Turah and consists of 17 lots, approximately one quarter acre in size. Developers Dopp and Todd entered into a subdivision improvements guarantee with the County, which expired last year. The County agreed to extend the agreement if they would provide a financial guarantee for the improvements. In the absence of such a guarantee, this hearing has been scheduled to consider vacation of the plat.

The Roske's have requested that the action to vacate the plat be delayed until October 1, 1986, to give them more time to try to find a developer who could either construct or guarantee the improvements.

The Community Development Staff recommends that the plat of Roske Addition be vacated on October 1, 1986, unless the public improvements have been secured and a new improvements guarantee signed.

Barbara Evans asked if anyone wished to speak on the matter. No one came forward, the hearing was closed.

Janet Stevens moved and Barbara Evans seconded the motion that the action to vacate the Plat of the Roske Addition be delayed until October 1, 1986 unless the public improvements have been secured and a new improvements guarantee signed by the developer based on current cost estimates. The motion passed on a vote of 2-0.

HEARING: CERTIFICATE OF SURVEY REVIEW OCCASIONAL SALE - HENDRICKSON

Joan Newman, Deputy County Attorney said the division proposed is west of Carlton. Claimant previously divided by occasional sale as shown on COS 2382; tracts 39-A3 and 39-A2 were sold in 1980 to Haradens. All parcels are on an existing public road and utility easement. It also appears that the purpose may be for a home mortgage. If other dwellings exist on any tracts, this would exceed the recommended density of one (1) dwelling per 40 acres on the Comp. Plan.

She said the reasons this had been brought before the Commissioners were:

1. The arrangement of the proposed division suggests multiple lots connected to common road.
2. The occasional sale and remainder exemptions are both claimed.

She indicated the area on a map, and pointed out the accesses, previous sales and existing buildings.

Barbara Evans asked if anyone wished to testify on the matter. No one came forward, and the hearing was closed.

Barbara Evans said that if this split is approved, further splits of this land would be closely monitored by the Board of County Commissioners.

Janet Stevens asked if the purpose of this sale was to obtain a mortgage on the house.

Stanley Hendrickson said that was correct, but he did not want to limit himself to the mortgage exemption in case he wished to sell any more of the property.

Barbara Evans moved and Janet Stevens seconded the motion to grant approval of the occasional sale of COS 2382, and finding this to be in the public interest for the following reasons:

1. There has not been a previous division of this tract within the last twelve months; and
2. There is no evidence of intent to evade the Montana Subdivision and Platting Act.

MARCH 26, 1986 (continued)

PUBLIC HEARING (continued)

HEARING: CERTIFICATE OF SURVEY REVIEW OCCASIONAL SALE - HENDRICKSON (continued)

This finding is contingent upon the following language being printed on the face of the survey:

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

The motion passed on a vote of 2-0.

Deputy County Attorney said the proposed hearing on the vacation of Pertile Lane two weeks ago was continued until today, with the understanding that an agreement may be reached, however, no agreement or settlement has been made, and she requested the Commissioners schedule another hearing on April 9.

There being no further business to come before the Commissioners, the meeting was recessed at 2:15.

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MARCH 27, 1986

The Board of County Commissioners did not meet in regular session. Commissioner Evans was out of the office March 27th and 28th, but was available for calls and signatures as needed.

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MARCH 28, 1986

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

*Fern Hart*

Fern Hart, Clerk and Recorder

*Barbara Evans*

Barbara Evans, Chairman

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MARCH 31, 1986

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.

WELFARE ADVISORY BOARD

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

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the Commissioners made the following Board appointments to the Lolo Mosquito Control Board;

1. Gary K. Best was appointed to fill the unexpired term of Liz Stahl through December 31, 1986.
2. Bob Brugh was appointed as an alternate member of the Board.

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

QUARTERLY JAIL INSPECTION

In the afternoon, the Board of County Commissioners and Dan Corti of the Health Department conducted the quarterly inspection of the Missoula County jail.

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APRIL 1, 1986

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

SITE INSPECTION

Commissioner Stevens accompanied County Surveyor, Dick Colvill, to the Lolo/Florence Area for a site inspection on the request to vacate a portion of King Road.

AUDIT LIST

Commissioners Dussault and Stevens signed the Audit List, dated April 1, 1986, pages 5-29, with a grand total of \$94,309.38. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

AGREEMENT

Chairman Evans signed an Agreement dated March 24, 1986, between Missoula County and the State of Montana Highway Traffic Safety Administrator for the purpose of continuing funding in amount of \$2,300.00 through September 30, 1986, for the ACT Program Advanced Training Project, which is administered by the Health Education Program Manager in the City/County Health Department.

APRIL 1, 1986 (continued)

Other items included:

1. the Assessors' Salaries Lawsuit was discussed - a letter will be drafted saying that Missoula County will not enter the lawsuit as a plaintiff;
2. the request from Matt Brown regarding an extension for the Roland Allen tax deed payment was discussed - the Commissioners approved an extension until May 31, 1986, but this will be the last extension on deviation from the original contract;
3. Fern Hart, Clerk & Recorder/Treasurer, will be directed to proceed with the forfeiture of property in the Kim McCampbell tax deed matter; and
4. letters will be sent to the Lolo residents regarding the Lakeside Drive/Riverside Park matter concerning the 25 mph speed limit, the children at play signs, and the creation of a neighborhood RSID for dust abatement.

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

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APRIL 2, 1986

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

DAILY ADMINISTRATIVE MEETING

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

CONTRACT

The Board of County Commissioners signed a contract between Missoula County and Missoula Concrete Construction, the lowest bidder for fabricating precast concrete box culvert located west of Eaton Street at the intersection of 14th Street, as per the terms set forth, for a total amount of \$9,718.00, with the work to be completed by April 25, 1986. The contract was returned to Centralized Services for further handling.

PLAT

The Board of County Commissioners signed the Plat for Sherree Acres, an amended subdivision plat of Lot 52, amended subdivision of Sorrel Springs, Lots 51 & 52, NW¼ Section 21, Township 15 N., Range 21W., PMM, the owners of record being Robert C. & Sherree Rechtsteiner.

CLOSING DOCUMENT

Chairman Evans signed the document closing the sale of the following described property by Missoula County to the Missoula Housing Authority:

Lots 5, 6, 7, 8, and 9, all in Block 6 of McCormick's Addition, No. 2 to Missoula, Missoula County, Montana, according to the official map or plat thereof now on file and of record in the office of the County Clerk and Recorder, Missoula County, Montana; Together with a 33' wide strip of vacated Toole Avenue adjacent to said lots.

The document was returned to John DeVore, Operations Officer, for further handling.

PLAT

The Board of County Commissioners signed the plat for the Martinwood Subdivision Nos. 2 & 3, a correction plat correcting the north boundary of said subdivisions located in SW¼ Section 11, T. 13N., R. 19W. (Brookside on the Rattlesnake Phase I) the owners of Lot 7, Martinwood Subdivision No. 2, being Paul & Karen Overland, the owners of Lot 1, Block 1, Martinwood Subdivision No. 13 being Richard & Beverly Dodge. The correction plat is for the purpose of dedicating a sewer easement to the public; it was referred to Joan Newman, Deputy County Attorney, and will be followed up by John DeVore, Operations Officer.

Other matters included:

1. the South Hills Drainage problem was discussed - the Commissioners agreed to a counter-proposal to the City regarding the spread of costs, and John DeVore, Operations Officer, will draft a letter and a resolution; and
2. the relocation of the boundaries for RSID No. 395 (Grantland 12 & 13) was discussed - the Commissioners authorized John DeVore, Operations Officer, to say no until all delinquencies are brought current.

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

PUBLIC MEETING

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

PROCLAMATION

Commissioner Ann Mary Dussault read a proclamation proclaiming the week of April 6-12, 1986 as NATIONAL DISPATCHERS WEEK in Missoula County.

PROCLAMATION

WHEREAS, the professional public safety dispatcher plays a vital role in the protection of human life and property and the preservation of law and order guaranteed by our Constitution; and

WHEREAS, incidents of crime, alcohol and drug abuse, suicide and broken homes are a daily occurrence; and



APRIL 2, 1986 (continued)

PUBLIC MEETING (continued)

PROCLAMATION (continued)

WHEREAS, the increased use of transportation of hazardous materials, advancing technologies, and expansion and increased use of mass transit systems have created additional hazards and major emergencies; and

WHEREAS, the professional public safety dispatcher is that pivotal link between the citizen or victim and the public safety provider who may apprehend a criminal, save people's possessions from fire, or save a life; and

WHEREAS, the professional public safety dispatcher performs his or her duties and tasks daily in a dedicated, diligent and loyal manner while enduring the stresses of shift work, odd hours, and confined work space; and

WHEREAS, Missoula County is fortunate to have dedicated and trained professional public safety dispatchers; and

WHEREAS, these professionals need and deserve the informed support of our community to continually maintain and improve the quality of public safety dispatching services; and

WHEREAS, the Missoula Board of County Commissioners wishes to commend the dedication of professional public safety dispatchers and their contribution to the improvement of public safety services in Missoula County;

NOW, THEREFORE, THE MISSOULA BOARD OF COUNTY COMMISSIONERS HEREBY PROCLAIMS the week of April 6-12 as NATIONAL DISPATCHERS WEEK IN MISSOULA COUNTY.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to approve the proclamation. The motion passed on a vote of 2-0.

HEARING: INTENT TO CREATE RSID #417 (Street Improvement on Mount Avenue between Eaton Street and Reserve Street)

Barbara Evans opened the hearing for public comment. She asked that people who wished to speak in favor testify first.

Bob Holm, Project Engineer with the County Surveyor's Office, said this project involves the widening, paving, curb, gutter and sidewalks on a portion of Mount Avenue. Petitions requesting this project have been received representing 57% of the freeholders included within the RSID boundaries. He said this portion of Mount Avenue exits today as a narrow gravel roadway between Eaton and Reserve, and there had been two other attempts to combine this roadway with other special improvement districts. Because of money constraints, this area was not considered for road improvements. Residents have also tried to implement a SID, but they have failed, too, partially because of a lack of road right-of-way. He said last week a public hearing was held on a proposed subdivision on a major portion of adjacent ground that is vacant today. He said that was the West Central Village that was approved, with the provision that right-of-way be granted for the proposed improvement of Mount Avenue. This proposal to create RSID #417 is the vehicle to get Mount Avenue improved.

He said some of the concerns of the residents in the area are traffic which may or may not be generated along this route. He said before 1984, the annual daily traffic count on this segment of Mount of 378 vehicles a day. In 1985, that increased to 1368, and now it has levelled off to about 441 per day. With this new development, it has been estimated that the traffic flow could increase to 1000 per day. He said if Mount is improved, the street will be able to handle the increased traffic, improve safety, and improve the intersections. Future improvements planned by the Highway Department along Reserve Street will further improve the traffic.

Nick Kaufman representing proponents for the SID offered the history of Mount Avenue and the connection with 14th Street. He said this connection has the highest priority in the Missoula County Capital Improvements Plan, and Missoula County has purchased about \$29,000 worth of right-of-way in the Mount Avenue area to make this connection possible, and budgeted for a new bridge and the engineering costs for the project. The Catholic Church donated about \$53,000 worth of right-of-way, Cyrus Larson, and T & T Construction. The RSID is in the amount of \$127,000.00; of this amount, Missoula County is picking up a 45% share in Aid to Construction, and because there will be sidewalks, curbs and gutters in the project, Missoula County is picking up another \$57,000.00. He said that makes the work toward this project worth \$150-\$170 thousand dollars, which is being contributed in the amount of right-of-way, or is being picked up by Missoula County in the form of RSID participation and bridge purchase. The landowner share of this is \$70,000.00. Petitions from 57% of the freeholders and 86% of the land area owners were signed. There was only one protest, that by property owner Worrell. He presented letters from other supporters of the project. He said there will be quite a bit of new development in the area, and the dust problem on Mount Avenue will be eased if this RSID is approved.

Dan Magone, Missoula County Sheriff, said he has been working in law enforcement in Missoula for twenty years, and it has been his observation that the intersection of Spurgin Road and Reserve has long been one of the most high-accident areas on Reserve Street. He said with the proposed improvements, he would hope that quite a bit of the traffic from that intersection would be moved to Mount Avenue, and it would assist in preventing accidents.

Bruce Suenram, Missoula Rural Fire Chief, said he would like to go on record as supporting the RSID.

Jim Carlson of the Health Department said the Health Department strongly supports this RSID, as particulate sampling near streets with this type of traffic load typically show particulate levels in the summertime ranging from 300-600 micrograms per cubic meter, and the paving project will reduce those levels down below 50 micrograms.

John Ward, pastor of John XXIII Parish said the church is trying to develop land which adjoins the approved subdivision, and besides the \$53,000 the parish is donating to the project, they are investing \$35,000 or half of the proposed money from this RSID, which they are willing to give, because it will improve the area.

APRIL 2, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: INTENT TO CREATE RSID #417 (Street Improvements on Mount Avenue between Eaton Street and Reserve Street. (continued)

Tom Poole of 1812 Reserve, says he supports the RSID because it will remove the dust danger, and because it will create jobs.

James Mavity of 2315 Agnes, a member of John XXIII Parish, said he had been involved in the planning of the new church, and he supports the RSID.

Jack Bennett, President of the John XXIII Parish Council also spoke in support of the SID.

Regina Spencer of 2419 So. 10th said the traffic at Spurgin and 14th has increased each year, and the dust in the area reminds her of Pig Pen in the Charlie Brown comics. She said she is in favor of the RSID, and she is in favor of the new development and the new church.

Barbara Evans asked if anyone else wished to speak on the matter. No one came forward, and the hearing was closed.

Ann Mary Dussault asked Joan Newman if there was a question here of clearing up the right-of-way.

Joan Newman said that would be taken care of with the bid award.

Barbara Evans said she would like to make a comment. She said there was a right-of-way problem that the Commissioners were aware of last week, and Mr. Cyrus Larson, through the goodness of his heart, has agreed to donate the piece of land in question, and she would like to commend everyone who has worked on this and put together a very complicated situation and come up with a proposal that is to the best benefit of this community.

Ann Mary Dussault moved and Janet Stevens seconded the motion to create RSID #417 Mount Avenue. The motion passed on a vote of 3-0.

BID AWARD: PRECAST CONCRETE BOX CULVERT (SURVEYOR)

Chairman Evans said quotes from Installing Precast Concrete Box Culvert were opened on March 31, 1986 with the following bids received:

<u>Contractor</u>	<u>Total Cost</u>
Western Materials, Inc.	\$ 4,330.00
Russell & Sons Excavating	\$ 5,152.00
American Builders of Missoula	\$ 5,299.25
L.S. Jensen & Sons	\$ 5,738.50
4-G's Plumbing & Heating	\$ 7,316.85
Binkerd Construction Co.	\$ 7,600.00

This contract will install the precast concrete box culvert to allow the realignment of Mount Avenue across the Missoula Irrigation District ditch. As of April 1, 1986 we do not have the public right-of-way to install this culvert on.

She said the recommendation from Dick Colvill, County Surveyor was to award a contract to the low bidder Western Materials, Inc. in the amount of \$4,300.00 if the right-of-way problem is resolved. There is \$25,000 in the current budget for irrigation ditch crossings for the Mount Avenue Realignment. \$9,718.00 has been committed for box culvert fabrication, \$15,282.00 remains for installation.

Deputy County Attorney Joan Newman said her concern was that the work would start before some other things are done, and although the RSID was created today, the County did not yet have the easement for the granted right-of-way. She said she had been in communication with the diocese, and written confirmation of their agreement to deed the right-of-way before this work is done, so her recommendation would be that approval of this bid award be contingent on the granting of the right-of-way.

Janet Stevens moved and Ann Mary Dussault seconded the motion to award the contract for installing precast concrete box culverts to the low bidder, Western Materials, Inc. in the amount of \$4,330.00 with the contingency that an agreement from the Catholic Church be forwarded to the County by April 9, 1986 deeding the right-of-way to Missoula County. Motion passed on a vote of 2-0.

DECISION: AMENDMENTS TO MISSOULA CITY/COUNTY AIR POLLUTION CONTROL PROGRAM SECTION X, 4100 WHICH ADDRESSES RESIDENTIAL SOLID FUEL BURNING DEVICES.

Barbara Evans said this was not a hearing, testimony was received before today, both in oral and written form, and at this meeting, the Commissioners would be making their decision.

Janet Stevens said she contacted the Omni Test Lab earlier in the day and talked with Paul Teagues, and one of the concerns he had was the number of fireplace inserts that are available now, and will be available July 1. He said there were four or five inserts available now, and he anticipates that there will be 10 to 12 available July 1, and that it takes a matter of six weeks from the time requests are initiated in his office until the product is tested.

Janet Stevens moved, and Ann Mary Dussault seconded the motion that the amended resolution be approved with the following inclusion:

A letter of transmittal should be sent along with this resolution, indicating that the regulations should be reviewed on or around July 1, 1988, in regard to the procedure in which the regulation has been enforced, i.e., the building inspection office, and any statistical analysis as to any noticeable changes in the air quality, i.e., slower percent of particulate growth increase. Those statistics would include wood stoves and fireplace inserts, and we request that the Air Pollution Control Board send a recommendation to the Board of County Commissioners for; either continuing the resolution, or at that time releasing Missoula County from those regulations, continuing the resolution as it is worded today, or with any recommended changes in procedure or standards. In addition, the letter of transmittal shall include the request that the Board begin reviewing the level

APRIL 2, 1986 (continued)

PUBLIC MEETING (continued)

DECISION: AMENDMENTS TO MISSOULA CITY/COUNTY AIR POLLUTION CONTROL PROGRAM SECTION X, 4100 WHICH ADDRESSES RESIDENTIAL SOLID FUEL BURNING DEVICES. (continued)

of carbon monoxide output with the addition of wood stoves and fireplace inserts that are being added from now on; and that the airborne dust as a result of sanding, motor vehicle emissions, and any other known sources of air pollution should be monitored.

Barbara Evans said that if it were just herself that was involved she would probably vote "no", because she likes fireplaces, but there are other people and other considerations involved, and that is the reason she is going to vote for the amendments, and she said this was not an easy vote for her to make.

The motion passed on a vote of 3-0.

RESOLUTION No. 86-024

The Board of County Commissioners then signed Resolution No. 86-024, a Resolution amending the Missoula City/County Air Pollution Control Program, Section X, 4100 Residential Solid Fuel Burning Devices.

DECISION: REQUEST TO VACATE A PORTION OF KING ROAD (LOLO/FLORENCE AREA)

Chairman Barbara Evans asked Bruce Suenram, Missoula Rural Fire Chief, about a couple of letters the Commissioners received from the Florence-Carlton and the Missoula Rural Fire Department opposing the closing of this road.

Janet Stevens asked Sharyn Solum, Secretary to the Board of County Commissioners, if any phone calls on this issue had been received in the Commissioners Office. She replied that there had been two phone calls from people who previously opposed the closure, who now wished to support the road closure.

A general discussion ensued concerning the distances the fire trucks now travel, and how much additional area they would have to cover if the road is closed. Tom MacClay and Bruce Suenram then indicated the road grades, accesses, and various homes in the area on a map.

Bruce Suenram, Rural Fire Chief, said he was still opposed to the closure of the road, because it is used as an access road.

Ann Mary Dussault asked Bruce Suenram about some accesses to Upper Carlton Creek.

Bruce Suenram indicated the area on the map again, and said he may have used the wrong map earlier. He said it would be 1.1 miles further for fire trucks and other emergency vehicles to travel if the road was closed. He said it would be 1.94 miles further for the Lolo fire trucks to travel, but they are the secondary units to respond.

Tom MacClay said he was interested in public safety as well, and he had travelled over roads himself and timed them. He said he thought more lives would be lost if the road was left open, because the road is not that good, and more accidents would occur.

Barbara Evans asked if anyone else wished to speak. No one came forward, and the hearing was closed.

Ann Mary Dussault asked Tom MacClay if he had agreed to provide some kind of easement for people who regularly used the road.

Tom MacClay said the easement he had agreed to provide was for horse traffic, and his family has a very good record of letting people and hunters use the area.

Ann Mary Dussault asked Dick Colvill if he was satisfied with the condition that the landowner grants the County land for an adequate equipment turn around at the end of McClain Creek Road and King Road.

Janet Stevens moved, and Ann Mary Dussault seconded the motion that a portion of King Road - (Northernmost ½ mile) located in Section 22, Township 11 North, Range 20 West, or the portion of King Road in the SE¼ of Section 22 from McClain Creek Road to the Ken Jones' property and further described in Book 35 Deeds Page 564 (map reference 12)

be vacated, contingent upon the landowner granting the County land for adequate equipment turn around at the end of McClain Creek Road and King Road and finding the vacation to be in the public interest for the following reasons:

1. The vacation will allow irrigation across the road; and
2. The vacation will improve the land for agricultural efficiencies; and
3. The vacation will add the property to the Missoula County tax base.

The motion passed on a vote of 3-0.

HEARING: RESOLUTION NO. 83-24 DEFINING DEPARTMENTAL RESPONSIBILITIES FOR CHECKING FINAL AND SUMMARY SUBDIVISION PLATS AND CERTIFICATES OF SURVEY

Fern Hart, Clerk and Recorder said that with the help of the Deputy County Attorney, several offices have agreed to a checklist to be used when Certificates of Survey are filed. This checklist will enable all the offices, as well as the Surveyor's office to know all of the items have been complied with. The list has been made as understandable as possible, and when it does finally get to the Clerk and Recorder's Office, all the items on the checklist have been checked, all the affidavits are attached, and all fees which have been paid are noted. This should enable the process to go very quickly, and be easier for everyone concerned.

APRIL 2, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: RESOLUTION NO. 83-24 - DEFINING DEPARTMENTAL RESPONSIBILITIES FOR CHECKING FINAL AND SUMMARY SUBDIVISION PLATS AND CERTIFICATES OF SURVEY (continued)

Nick Kaufman, from Sorenson & Company said he and Dick Ainsworth of P.C.I. had met with Fern Hart earlier in the day because of frustrations over the ability and the timely availability of Certificates of taxes paid. He said one of the things that is required when a Certificate of Survey is filed is a platting report that is less than 14 days old, which shows the taxes have been paid. He said it takes a great deal of time to get a certificate of taxes paid from the Treasurer's Office. He said he thinks this new process will ease some of the frustrations, and if a workable plan could be made, he would favor the simplification of the process.

Dick Ainsworth said he was in agreement with Mr. Kaufman that he would favor the new plan, if it works. He said there has been too much duplication of work, and there is a lack of continuity in the present plan.

Fern Hart explained why the Clerk and Recorder's Office sometimes has difficulty with plats, and indicated that she thought this new process would alleviate many of the previous problems.

Dick Ainsworth said that when the County Attorney signs the plat, the Clerk and Recorder's Office should be satisfied that everything is all right. He said also there is a problem with people having to both initial and sign the plat. Sometimes the initial is missing, and that causes problems. He said he didn't think there should be a need for both a signature and an initial.

Janet Stevens said she felt Dick Ainsworth had some very valid points, and she, too, thought there was a duplication of efforts and signatures.

Ann Mary Dussault said the reality is that when someone signed, the other people did not always have an understanding of what they were doing when they were signing. She said the idea here, of the checklist, is for every other department to recognize what that signature means. She said it was an attempt to clarify things internally as well as externally.

Dick Colvill, County Surveyor said that there were two different things involved in the Surveyor's Office. He signs the plat for errors, omissions, and drafting, etc. then initials it testifying that the developer has given him enough information to provide dollars on the guarantee of improvements, so he cannot refuse to sign the plat because an estimate of public improvements was not provided, because they are two different things, and that is two different functions in his office.

Dick Ainsworth said that now, the County Attorney does not sign the Certificate of Survey; the Surveyor's and Health Department does, and the Treasurer does have to provide the Certification of taxes paid. He said the County Attorney's Office reviews the request to use the exemption if that is the case, but this new checklist would require the developer to go to the County Attorney to have them initial the checklist.

Joan Newman said the exemption affidavit review is designed to be the preliminary review, and this new checklist would be initiated in the County Attorney's Office, because under the exemption affidavit review, that should be the first step.

Dick Ainsworth said that is another step that the developer will have to go through.

Joan Newman said the checklist would now start in the County Attorney's Office, and when that review has been completed, the signature would be on the checklist, so you would not have to go back to the County Attorney's Office.

A general discussion ensued, concerning where the checklist would initiate, who would sign and where, whether or not the new process would save time, and verbage problems in the proposed resolution.

Ann Mary Dussault said the only thing that was clear to her at this point was that there was nothing clear about this, and she suggested that the Commissioners not act on this matter today. Dick Ainsworth and Nick Kaufman said they would concur in that assessment.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to delay action on this matter until the following week to allow all the parties involved to meet and clear up language and other problems with this resolution.

Fern Hart said she would set up a meeting with all the departments and the developers who wished to attend, and come back to next week's meeting with a clearer sense of the purpose of this resolution.

Ann Mary Dussault was called away from the meeting at this point.

The motion passed on a vote of 2-0.

HEARING: CERTIFICATE OF SURVEY REVIEW - OCCASIONAL SALE - GUE

Joan Newman, Deputy County Attorney said this was a proposed division by Forrest Gue of a parcel greater than 20 acres which is one of 15 such tracts created in 1977 by John Steigler. Many of the tracts have been further divided by exemptions and there are community sewer facilities. She says it looks like a subdivision, and it smells like a subdivision. She said the reasons this has been referred to the Commissioners are:

1. both the occasional sale and remainder exemptions are being claimed;
2. the arrangement suggests multiple lots;
3. the parcels appear to be in open and resource land under the Comprehensive Plan and the division would result in greater density than recommended under the Plan.

Dick Ainsworth with Professional Consultants Inc., representing Mr. Gue, said this is the only property Mr. Gue owns in this area, and he has owned the property for several years. He lives on the property, and did do a mortgage release on the land surrounding his house. He simply wishes to sell off the back 15 acres and retain the front five acres for himself. He said Mr. Gue is not a subdivider, he is a helicopter pilot for Life Flight Services, and has never used an exemption.

Joan Newman said that her concern was that this division was not consistent with the Comprehensive Plan. This area is in open and resource land with a recommended density of 1 dwelling per forty acres, but there seems to be lots of development and lots of houses there already.

APRIL 2, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: CERTIFICATE OF SURVEY REVIEW - OCCASIONAL SALE - GUE (continued)

Barbara Evans said she would expect that particular portion of the policy to be changed.

Ann Mary Dussault returned to the meeting at this point.

Dick Ainsworth said that in his opinion, the Comprehensive Plan is not that at all; it is a land use map, and the only thing that the Comprehensive Plan shows as being development ground is things that were already developed at the time that the Comprehensive Plan was passed. He said that to say that this particular area should be developed with one dwelling per forty acres is absurd, as there are subdivisions surrounding it, and the Comprehensive Plan is in error, inappropriate, and out of date in that area.

Nick Kaufman said he was a neighbor of Mr. Gue's, and at no time has Mr. Gue ever indicated to him that he was interested in subdividing, and in his opinion there is no intent here to evade the Subdivision and Platting Act.

Joan Newman said she was making no accusations of wrongdoing, she was merely following the guidelines set down in the regulations.

Ann Mary Dussault asked some questions about sewer, drainage and access.

Dick Ainsworth said all the utilities are in, or permits have been issued for these lots. The property that will be sold in the occasional sale will also be given a permit.

Janet Stevens moved, and Ann Mary Dussault seconded the motion to approve the occasional sale of COS 1159A, finding it to be in the public interest based on the following findings of fact:

1. There has not been a previous division of this tract within the last twelve months; and
2. There is no evidence of intent to evade the Montana Subdivision and Platting Act; and
3. The claimant has no relationship to the person doing the original COS dividing the parent parcel; and
4. This is the only tract in the area that the claimant owns, and the claimant resides on the remainder parcel; and
6. The nature of the claimant's business is not one that would indicate an interest in developing this tract.

This finding is contingent upon the following language being printed on the face of the survey:

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

Forrest Gue said he had a potential buyer for the property, and he asked for clarification of how to tell the new buyer to split the property, or how to change the lot sizes.

Ann Mary Dussault and Joan Newman explained the process to him, cautioning him against creating multiple parcels without going through the subdivision process.

The motion passed on a vote of 3-0.

Dick Ainsworth said he would like to make one comment concerning the fireplace regulations, in regard to the Brookside Development. He said when it was developed, there was a condition put on it that wood stoves or fireplace inserts could not be installed, but fireplaces could be installed. He said the Commissioners had just outlawed fireplaces, and he found it to be a conflict.

Ann Mary Dussault said the Commissioners were aware of that, and that they thought Brookside was the only development where this conflict had occurred, and she thought that the Board should go back and amend that language in that particular case.

There being no further business to come before the Board, the Commissioners recessed at 3:10 p.m.

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APRIL 3, 1986

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. 86-025

The Board of County Commissioners signed Resolution No. 86-025, a resolution authorizing the establishment of an external bank account entitled Abandoned Vehicles for the Sheriff's Department as per the condition set forth in the resolution.

Other matters included:

1. Board Appointment

The Board of County Commissioners reappointed Ed Heilman to the Missoula County Park Board for a three-year term through the first Monday in May, 1989;

2. The Commissioners voted unanimously to approve the Dept. of Revenue's request for money for the Beneficial Use Tax Statement;



APRIL 3, 1986 (continued)

- 3. Dennis Engelhard, Personnel Director, reported to the Commissioners that a medical claims checker has been hired and will start on May 12th; and
- 4. The Commissioners approved sending a letter to the residents of Boggess Lane and Beargrass Mountain Road near Evaro, regarding putting up signs on their respective roads, but indicating that it is the property owner's responsibility, as the County has no direct control over private roads.

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

BANQUET

Commissioner Stevens attended the Seeley-Condon Chamber of Commerce Banquet held at the Seeley Lake Community Hall in the evening.

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APRIL 4, 1986

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Stevens was out of the office until noon, and Commissioner Evans was out of the office all day, but was available for calls and signatures.

Fern Hart  
Fern Hart, Clerk & Recorder

Barbara Evans  
Barbara Evans, Chairman

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APRIL 7, 1986

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

ELECTION CANVAS

In the morning, the Board of County Commissioners canvassed the results of the Missoula Rural Fire District Election which was held on April 1, 1986.

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 #7 (3/09/86)-3/22/86) with a total Missoula County payroll of \$348,001.45. The transmittal sheet was returned to the Auditor's Office.

RESOLUTION NO. 86-026

The Board of County Commissioners signed Resolution No. 86-026, a budget amendment for FY '86 for the Health Department, including the following expenditures and revenue and adopting it as part of the FY '86 budget.

DESCRIPTION OF EXPENDITURE		BUDGET
2270-610-447801-307	Copy Costs	\$ 150.
2270-610-447801-328	Contracted Services	1,200.
2270-610-447801-357	Travel, Meals, etc.	700.
2270-610-447801-359	Mileage - Private	250.
		\$2,300.

DESCRIPTION OF REVENUE		REVENUE
2270-612-333400	A.C.T. Training Grant	\$2,300.

Received these funds to fund the travel and fees of the presenters at the ACT Program Advanced Training Workshop, plus meeting rooms and service.

RESOLUTION NO. 86-027

The Board of County Commissioners signed Resolution No. 86-027, resolving that King Road (northernmost 1/2 mile) located in Section 22, Township 11 North, Range 20 West, McClain Creek Road to Ken Jones' property and further described in Book 35 Deeds page 564 (map reference 12), be vacated contingent upon the landowner granting Missoula County sufficient land for adequate equipment turn-around at the end of McClain Creek Road and King Road.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY '86 budget:

- 1. No. 860075, a request from the Health Department to transfer \$922.00 from the Grant Repayment (\$300.00) and Contracted Services (\$622.00) accounts to the Consultants (\$300.00) and Permanent Salaries (\$622.00) accounts for the purpose of creating a new line item as per grant authorization to spend personnel time on Seat Belt Grant after contracted employee left the department;
- 2. No. 860076, a request from the Health Department to transfer \$6,000.00 from the Grant Repayment (\$5,000.00) and Common Carrier (\$1,000.00) accounts to the Capital-Office Equipment (\$5,200.00) and Contracted Services (\$800.00) accounts to buy computer equipment for the WIC program, a typewriter for Health Services, and to pay a computer programmer to network WIC's computer; and



APRIL 7, 1986 (continued)

BUDGET TRANSFERS (continued)

3. No. 860077, a request from Court Operations (2180-052) to transfer \$1,000.00 from the Capital-Office Equipment account to the Office Supplies account as furniture purchased was not as expensive as anticipated and fill in the office supplies category.

NOTICE OF HEARING

Chairman Evans signed a Notice of Hearing on petitions for annexation of the Missoula Rural Fire District for parcels of land located in Big Flat area in Missoula County, Montana, containing approximately 466 acres, setting the hearing date for April 23, 1986 at 1:30 p.m.

Other matters included:

1. the salary for the investigator in the Public Defender's Office was discussed - more information will be needed before it can be approved;
2. Commissioners Dussault and Stevens voted, with Commissioner Evans passing, to appropriate up to \$2,200.00 to the Seeley-Swan Survey Group, with the money coming from Financial Administration - Contracted Services; and
3. the Commissioners voted unanimously to direct the Clerk & Recorder to take tax deed on 1981 delinquent properties except Hillview Heights, Mountain Shadows & Fellowship Heights.

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

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APRIL 8, 1986

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Stevens left for Helena at noon to attend a meeting of the Youth Services Council Steering Committee.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 86-028

The Board of County Commissioners signed Resolution No. 86-028, a resolution creating RSID No. 414 for the purpose of the development of a sewer interceptor to serve the residents of the Rattlesnake Valley in Missoula County, as per the terms set forth in the Resolution.

RESOLUTION NO. 86-029

The Board of County Commissioners signed Resolution No. 86-029, a resolution creating RSID No. 416 for the purpose of the development of a sewer interceptor to serve the residents of the Rattlesnake Valley in Missoula County (Sunlight Corp) as per the terms set forth in the Resolution.

OPERATING & FINANCIAL PLAN ATTACHMENT

Chairman Evans signed Attachment 1 to the Operating & Financial Plan for reimbursable services requested by the Forest Service from the Missoula County Sheriff's Department, beginning April 1, 1986, and ending September 30, 1986, as per the terms set forth, and becomes a part of the Agreement between Missoula County and the Forest Service, dated October, 1983.

Other matters included:

1. The Commissioners met with Margaret Borg, Chief Public Defender, approved a starting salary of \$19,000.00 for John Locke, the investigator hired in the Public Defender's Office; and
2. It was agreed that Commissioner Dussault would be the liason for the County regarding the Seeley-Swan Survey administration.

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

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APRIL 9, 1986

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 District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for month ending March 31, 1986.

AUDIT LIST

The Board of County Commissioners signed the Audit List, dated April 8, 1986, pages 4-28, with a grand total of \$110,106.37. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

INSTALLMENT NOTE

The Board of County Commissioners signed an Installment Note between Missoula County and Watson's Receiving Home, whereby Watson's promises and agrees to pay Missoula County the sum of \$7,287.83 as

APRIL 9, 1986 (continued)

INSTALLMENT NOTE (continued)

per the terms set forth in the note; Missoula County is making this loan because of the essential service provided by Watson's Receiving Home and is entered into by Missoula County in reliance on the Guaranty Agreement given by Kathy Ogren on April 3, 1986.

FINANCIAL GRANT TIME EXTENSION

Commissioner Dussault signed acceptance of a no-cost time extension modification of financial grant from BPA DE-FG79-85BP25246 through October 31, 1986, for development of creative approaches to the Control and/or Reduction of Peak Load Periods with all other terms and conditions remaining the same.

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

PUBLIC MEETING

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

PROCLAMATION: COMMUNITY CLEAN-UP DAY APRIL 19

Chuck Timothy, area chairman of the Boy Scouts of America presented a proclamation proclaiming April 19-26 as Missoula Spring Clean-up week. This proclamation is in coordination with the Scouts from Missoula County and the Mullan Trail District, Missoula Council, Boy Scouts of America, who conducted a clean-up project along Highway 93 and other major highways on April 19, 1986. The Proclamation encouraged citizens of all ages, neighborhood organization and civic, youth, and social groups to participate by improving their own garbage, storage areas, yards and alleys, and picking up trash along County parkways, roads or rivers. The proclamation was signed jointly by the Missoula Board of County Commissioners, and Bob Lovegrove, Mayor of the City of Missoula.

PROCLAMATION: HANDS ACROSS MISSOULA

The Board of County Commissioner signed a proclamation in support of "Hands Across Missoula", a project designed to support a national event "Hands Across America" where 10 million people will be joining hands from New York City to Los Angeles to demonstrate their commitment to ending hunger in America. "Hands Across Missoula" will be held May 23, 1986, and will benefit the Poverello Center and the Missoula Food Bank.

CONTINUATION OF HEARING: REQUEST FOR ABANDONMENT OF 60 FOOT DEDICATED ROADWAY (ALLOMONT ORCHARDS-PERTILE LANE)

Chairman Barbara Evans said this was a continuation of a hearing from March 12, 1986, which is a request for abandonment of a 60 foot dedicated roadway in Sec. 35, T. 12 N., R 20 W., located in Amended Plat of Allomont Orchards, Lot 4, Block 2. The road is known as Pertile Lane.

Barbara Evans opened the hearing for public comment.

Jim Pratt, who said he lives on the north side of this lane said he felt it would be in the best interest of everyone involved that the road remain open, as it is. He said he felt he was speaking for several people in the audience.

Barbara Evans asked that everyone in the audience who was in agreement with Mr. Pratt raise their hands. Five people raised their hands.

Clarence Rule the petitioner, said he was disappointed this morning when his neighbor told him that he had talked to one of the Commissioners and that the Commissioner had said that they had reached a decision already.

Barbara Evans said she was the one that the neighbor had called, but she did not say that a decision had been made.

Clarence Rule said this thing got rolling because of his having to maintain that piece of road. He said the plat is stamped as such, that the County does not maintain the road. He said that land in Allomont Orchards was platted in 1912, and all of the roads in that subdivision were private roads, and anyone who purchased land in that subdivision was entitled to use those roads. He said many of the roads to the west of Pertile Lane have been vacated.

However, he said the 60 foot easement of Pertile Lane actually extends as an easement almost to the railroad tracks. He indicated the road and the surrounding area on the map. He said he would also like to change the name of this particular road to Allomont Drive, as that is the name of the street on either end of Pertile Lane. He said he has been doing a lot of the maintenance of the road, and has been accused, via the County Attorney's Office of denying two of the residents access to their backyard on Tyler Way. He said he could not see how he was denying access when they never had had legal access to any of the roads in Allomont Orchards. He said he began to get letters from Jean Wilcox, Deputy County Attorney, and he finally called her and told her some things that clarified her mind as to what was going on. He said Jean suggested to him that he petition to vacate the roadway, and that is where it is today. He said Lee Wilson could not attend the meeting, but asked him to read a statement:

"In June of 1981 my wife and I purchased property in the Allomont Orchards Subdivision. At that time it was to my understanding that the road (Pertile Lane) off of Tyler Way going to our home at 11385 Allomont Drive was private. Since that time, I have helped maintain the road as far as filling in the pot holes, cleaning garbage, grading, picking rocks, weed control, and cleaning out drainage ditch. In February of this year I refinanced our home and one of the requirements from the mortgage company was that a joint agreement between all existing land-owners of the Allomont Orchards Subdivision which have legal access to Pertile Lane (Allomont Drive) sign an agreement to keep the road open and maintained year around. This agreement is on file at the Clerk and Records Office, Missoula County Courthouse.

With all due respect to all parties involved I would like to see the 800 foot section of Pertile Lane, in question here, returned to private status. Pertile Lane has private land on both ends, it is a dead-end road with no public access to the river. I feel by leaving Pertile Lane a public road we will have problems with hunters, fishermen, floaters,

APRIL 9, 1986 (continued)

PUBLIC MEETING (continued)

etc., trespassing across our property to get to the river and the security of our home and vehicles would be in jeopardy.

We, the landowners along Pertile Lane, have offered to let the residents along Tyler Way with property bordering the road to use the road with permission from appointed delegates of the Allomont Orchards Subdivision on a one time basis as needed, as long as they did not damage the road or break any of the covenants of the Lakeside or Allomont Subdivisions.

If the road is to be left as public, I will expect the county to maintain, install any culverts, ditches etc, as needed to control water drainage. The road has been accepted as is so there should be no additional charges billed to the landowners of Allomont Orchards for the upgrade or maintenance other than our normal county road taxes."

Clarence Rule said he would like to quote from a memo to the Board of Commissioners from Jean Wilcox dated February 5, 1986, in which she states that Pertile Lane does not connect to any other public right-of-way; consequently, people travelling to Pertile Lane must cross private property. Private easements are generally granted, created or reserved, and it appears that the Commissioners' intention was probably to require that Pertile Lane be a private easement in keeping with the other easements in the subdivision. At some point, Pertile Lane became dedicated to the public. He said he feels that that easement is what was intended, because his home is the only new house that has been built in that area in six years. He said when this home was built, some way, it became dedicated, and in his opinion, the intention was to provide an easement. He said when he bought that property two years ago, he asked the title company about this so-called dedicated roadway, and the stamp on the plat that said the County did not maintain the road. He asked if that road was private, and he was told that was correct by the title company. He said a month and a half after he bought the property from Bob Pertile, Mr. Pertile told him that it was a private road. He quoted from another letter he got from Jean Wilcox dated February 5, 1986, in which she said Pertile Lane does not connect with any other easement, and as a result, it cannot be legally reached by the public, unless an adjacent lot owner allows access. He said people on Tyler Way have made complaints about weeds, about snow, and grading of the road, and he has taken care of that. He said he is not asking for the vacation of this road to hurt any of the people on Tyler Way, that he was willing to give permission for people to use the road to clean their backyards.

Janet Stevens asked when the road was dedicated to the County.

Clarence Rule said it was during the time when Bob Pertile owned the land.

Janet Stevens asked Joan Newman when the road was vacated.

Joan Newman, Deputy County Attorney said she thought it was in 1979 when the Lakeview Addition was platted.

Janet Stevens asked what Mr. Rule was referring to when he spoke about weeds.

Mr. Rule said there were weeds on the roadway, but since he has been taking care of it, there haven't been any weeds, or any complaints.

Ann Mary Dussault said that the Commissioners have received information that some of Mr. Rule's neighbors and some children have been harassed when they have ventured out on the roadway, and she asked him to respond to that, and to the fears that people have that they would be denied access to their back yards if the road was vacated.

Clarence Rule said Bob Pertile was strict in his use of the roadway, because he was trying to protect his property. As far as kids are concerned, he said he has stopped kids from throwing rocks in the road, and stopped them from shooting fireworks into dry pastures, but he is not sure what the kids have told their parents. He said this is a touchy subject, because some parents discipline their children, and some don't. He said he likes kids, and he would like to make it clear that he is willing to offer permission slips from Peterson's, McDougall's, or the IGA Grocery Store.

Ann Mary Dussault asked him, from his point of view, why the negotiations between him and his neighbors broke down.

Clarence Rule said the County owns the road, and he would have been wrong to sign an agreement on a road he did not own.

Janet Stevens asked Mr. Rule again why the negotiations broke down.

Clarence Rule said it was because he would not sign an agreement giving full access to that road.

Ann Mary Dussault asked Mr. Rule if the difference of opinion is because the residents of Tyler Way want to have free and continuous use of Pertile Lane, and if his position was that use would be granted upon request for specific reasons.

Clarence Rule said he was quite sure that there was a part-time business being operated by one of the residents on Tyler Way which is in violation of the covenants of Lakeview Addition.

Barbara Evans asked Mr. Rule if he was saying that anytime that people want to use the road, they merely have to ask and permission will be granted. And was he also saying that he wants to limit the access so that they don't have full and complete and continued use of the road. She asked him to clarify his position.

Clarence Rule said residents could use it anytime with permission, as long as what they use it for does not violate the covenants like having businesses.

Janet Stevens asked Deputy County Attorney Joan Newman if illegal use of the covenants could be addressed in other ways, rather than closing the road.

Joan Newman said that was correct, covenants could be enforced through legal means.

APRIL 9, 1986 (continued)

PUBLIC MEETING (continued)

Joyce Pritchard, a resident of Tyler Way, said she would like to correct some things that Mr. Rule had testified to. She said first of all, Mr. Rule only received one letter from Jean Wilcox, and in that letter, she stated that in reference to a complaint from a neighbor, Mr. Rule was threatening this neighbor and telling him to stay off the road, and the neighbor had contacted the County Attorney's Office in regard to their rights in the matter. Ms. Pritchard quoted from Jean Wilcox's letter, "As a result of two complaints regarding your activities on Pertile Lane, I asked the County Surveyor to determine the limits of Pertile Lane right-of-way. A copy of that survey is enclosed for your information. Pertile Lane is a 60' wide right-of-way dedicated to the public with the filing of the plat for Allomont Orchards Lot 4. While the County has not improved or maintained the roadway, it is still available for public use. You bought your property subject to the existence of this right-of-way, and you may not prevent the public from using it." Ms. Pritchard says that seems contrary to what Mr. Rule was telling the Commissioners about Jean Wilcox telling him nobody could use the road. In addition, she said Mr. Rule and Mr. Peterson are the only people who would gain ownership to this road if it was vacated. She said people have been forceably denied access by Mr. Rule, and he has verbally abused them on occasion, and even took pictures of the people who were using the road. She said her husband had tried to do some maintenance on the road, such as killing knapweed, and Mr. Rule told her husband to stay off the road, that it was his property. She said the maintenance done by Mr. Rule is not good, the drainage is bad, there is stagnant water on the road, and there is no weed control. She said she is just interested in continued use of the road by herself and her neighbors. She said she has seen children verbally abused by Mr. Rule.

Rich McDougal said he lives on the last house at the end of Allomont and he said he had three basic concerns: if everybody gets to use it, that means the public gets to use it, and he is concerned with hunters shooting in his back yard; there is excess water on the road, and the ditch that Mr. Rule put in is necessary; and if the road is kept open, people would use this as an alley to get to their front door.

Barbara Evans asked Mr. McDougal how long he had lived in his house and was he aware when he bought his house that Pertile Lane was a dedicated County road.

Rich McDougal said he has lived in his house for a year, and he was not aware when he bought the house that it was a public road, he thought it was private property. He said there have been a lot of gripes and a lot of personality conflicts, and he feels that the road is not the issue. He says he has no problems with allowing people to use the road as long as they get permission first. He said he and the Petersons would be the ones to give permission, so that Mr. Rule would not have to be involved in that, to make people more comfortable with it, because he might have a conflict of interest.

Barbara Evans asked him if she was hearing him correctly; that he and some other people have decided that he and the Petersons can determine who can drive down a County road.

Janet Stevens noted that there is a property owner on the end of the road that can legally deny access to the Pertile Lane anyway.

Cathy McDougal said the reason they and the Petersons were chosen was because they met together with all the landowners in Allomont Orchards, and it was agreed that if permission were to be granted, it would be the McDougals and the Petersons, because they were home most of the time and more accessible. She said Pertile Lane was built specifically to provide access to their home and to the Wilson's home; it was not intended for access in any other subdivision, and most of the subdivisions in Lolo do not provide access to their backyards. She said she thought the problems out there would not be solved with the closure of this road, it would take neighbors acting like neighbors and working together in a community-like way.

Janet Stevens asked what problems there were out therefrom 1979 to 1984, and why is it now a problem when there hadn't been one for the last six or seven years?

Cathy McDougal said one of the problems was the ditch - it has been filled with weeds and allowed to overgrow in the past, but now Mr. Rule is maintaining the ditch. She said the negotiations broke down because the proposed agreement was asking for unlimited usage with no restrictions, and it specified the drainage ditch be five inches deep or less, and that was not adequate to take care of all the water. In addition, she said if the road remains open, the ditch will be eroded from too much use.

Janet Stevens said she would like to separate those two issues. Prior to 1984, the people had continuous use. Leaving the ditch issue alone, she wondered why, in 1985 was there a problem all of a sudden about continuous use.

Cathy McDougal said she did not believe there was continuous use before 1985. They were sent a letter from Mr. Pertile which they took as an unfriendly gesture, but it was sent only to prevent that road from being taken by prescriptive right. If you don't claim it, and they continue to use it, then you lose it. So Mr. Pertile was requiring people to obtain permission, and through the years, a lot of hard feelings built up, and people did not understand prescriptive right. She said people have told her that it is demeaning to have to use permission slips, and part of the problem comes from the fact that until this point, the people on Allomont Drive believed that this was a private road, and the Tyler Way people were asking for culverts, free ditch maintenance, driveways, no paving, a 15 mph speed limit, and no trash storage.

Ann Mary Dussault said that it would appear to her that in order to have a piece of road, you have to have the ability to let the water run off that road, so you need a culvert or ditch, and 5 inches does not cut the mustard. So what makes sense is to have an appropriate drainage system, and she is hearing that Mr. Rule is not willing to do that, so she is hearing unreasonableness on both sides of the issue.

Joyce Pritchard said the people on Allomont Road did not want to bear the cost of putting in the culverts or storm sewers.

Glen Howard, a resident of Tyler Way said the subdivision was created under State statutes and County rules and regulations, and that is how the road became dedicated. The road was dedicated to the public and it is a public road. He said he wanted to keep the road open for the public because it denied access to Mr. Murphy, and there may be some more subdivision in the area later, and that road will be necessary to provide access.

Ann Mary Dussault asked how many people in the room would be willing to participate in an RSID to bring the connecting private roads up to County standards.

APRIL 9, 1986 (continued)

PUBLIC MEETING (continued)

Several people in the audience said "no - they could not afford that"

Clarence Rule said people would have to have a better idea of what it would cost before they could make that determination.

Janet Stevens asked Joan Newman if the owners on the east end of the County dedicated road could put a fence or gate up to keep people out of that area.

Joan Newman said yes, they could, as it was private property.

Cate Crue said she had lived in the area for about 12 years, and for the first ten years, there were no problems in the area with the road, and all the neighbors got along, but in the last two years, things have deteriorated.

Clarence Rule said if the Commissioners decide to leave the road open, then he would have to have the go-ahead to maintain the road from the Commissioners.

Barbara Evans closed the public meeting at this point.

Barbara Evans asked Mike Sehestedt, Deputy County Attorney, what the status is of a prescriptive right in regard to the access, easement and the private property that adjoin to the piece of County dedicated right-of-way.

Mike Sehestedt said he was assuming that Commissioner Evans was referring to the portion of property that lies between the end of what has been referred to as the Capri Way access, and the right-of-way that was dedicated with the plat for Allomont Orchards. He said he could not answer the question specifically, he could provide general rules on what it takes to establish a prescriptive use. Generally speaking, a prescriptive use easement will be established by open and continuous use of a tract of ground or right-of-way for a period of five years or more. He said in this case, he is not sure of when the use of this road began, but he thought it appeared that the road has been in use for more than five years, and he would think that perscriptive use has been established.

Barbara Evans asked what the people on Tyler Way have to do to continue to use the road if the Commissioners decide not to vacate this piece of land.

Mike Sehestedt said they could reach some sort of agreement with Mr. Grover, who owns private property, or they could evaluate their chances of prevailing in a prescriptive use action to enforce their right to cross the property, or most likely, they could just continue to do as they have done until Mr. Grover raises an objection.

Barbara Evans asked who the piece goes to if the Commissioners decide to vacate the road.

Mike Sehestedt said when a road is dedicated, the County acquires a right-of-way, so the title reverts back to the owner of the fee which was originally encumbered by the easement, which in this case would be Mr. Rule and Mr. Peterson.

Barbara Evans asked if the McDougals and Wilsons would have access if the road was vacated and if Mr. Rule and Mr. Peterson refused to let them use Pertile Lane.

Mike Sehestedt said that would be correct, unless they could make a private agreement with Mr. Rule and Mr. Peterson, which they apparently do not have now.

Barbara Evans said she and the County Surveyor went out and inspected the property, and her assessment is:

1. It is a dedicated County piece of roadway;
2. It has not been accepted for maintenance;
3. There was an access agreement made up in the platting of Lakeview Subdivision, with the intent to allow access to land south of there;
4. Acts of faith and such are wonderful, but very often, folks get the rug pulled out from under them. She would advise these people who think they have an access agreement to get it in writing;
5. Since no taxes have been paid on the access easement, the County has the right to say what should happened with that piece of land.

Barbara Evans moved, and Ann Mary Dussault seconded the motion that the County does not vacate Pertile Lane, a 60' dedicated roadway in Section 35, Township 12 North, Range 20 West, located in amended plat of Allomont Orchards Lot 4, Block 2 for the following reason:

There would be no guaranteed access for the two property owners, Leroy L. and Linda Wilson and Richard J. and Marle Kay McDougal, who live on Allomont Drive, if Pertile Lane is closed. The motion passed on a vote of 3-0.

Commissioner Janet Stevens said she would suggest that all the people involved go back to whatever meetings they have been having and try to settle their differences like adults. She said it was a shame that the Commissioners were in a position to have to make decisions for them, when for the last seven or eight years, things had been going okay.

CONTINUATION OF HEARING FROM APRIL 2, 1986 AMENDING RESOLUTIONS NO. 83-24 - DEFINING DEPARTMENTAL RESPONSIBILITIES FOR CHECKING FINAL AND SUMMARY SUBDIVISION PLATS AND CERTIFICATES OF SURVEY.

Joan Newman said that at the conclusion of the meeting on April 2, it was noted that several pertinent points were made by Nick Kaufman and Dick Ainsworth, and she met with the Clerk and Recorder's Office to evaluate those comments. One of the main points was that in accomplishing departmental and administrative goals, they were requiring too many trips around the courthouse for the developers who were attempting to file Certificates of Survey. As a result of that meeting, the requirement of having the department head sign has been eliminated, and now there is a checklist that makes the process easier. The Clerk



APRIL 9, 1986 (continued)

PUBLIC MEETING (continued)

CONTINUATION OF HEARING FROM APRIL 2, 1986 AMENDING RESOLUTION NO. 83-24 - DEFINING DEPARTMENTAL RESPONSIBILITIES FOR CHECKING FINAL AND SUMMARY SUBDIVISION PLATS AND CERTIFICATES OF SURVEY (continued)

and Recorder's Office will be able to just look at the checklist to determine that all the requirements have been met.

Barbara Evans asked if anyone in the audience wished to comment. No one came forward, and the hearing was closed.

Ann Mary Dussault moved, and Janet Stevens seconded the motion that Joan Newman prepare the document for final adoption signature the following week. 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 2:40.

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APRIL 10, 1986

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

DAILY ADMINISTRATIVE MEETING

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

PROCLAMATION

The Board of County Commissioners signed a joint Proclamation with the City of Missoula recognizing April 21-27, 1986, as "National Volunteer Week" and proclaiming the month of May, 1986, as "Older Americans Month" in the City and County of Missoula.

RESOLUTION NO. 86-030

The Board of County Commissioners signed Resolution No. 86-030, a resolution setting county license fees for electronic poker machines as per the fee schedules set forth in the resolution.

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

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APRIL 11, 1986

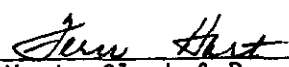
The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was out of the office all day, but was available for calls and signatures as needed.

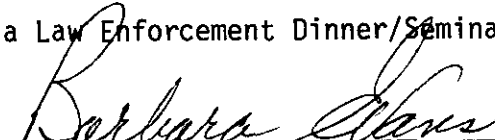
PAYMENT AGREEMENT

Commissioners Dussault and Stevens signed a Payment Agreement entered into between the City of Missoula and the County of Missoula detailing the manner in which certain payments made pursuant to the Sale Agreement between Prospect Associates, Inc.; Horizon Enterprises, Inc.; First Security Bank, the City of Missoula; and the County of Missoula are to be apportioned between the City and County as per the terms set forth in the Agreement. The Agreement was returned to Mike Sehestedt, Deputy County Attorney for further handling.

DINNER/SEMINAR

In the evening, Commissioners Evans and Stevens attended a Law Enforcement Dinner/Seminar held at the Savoy.

  
Fern Hart, Clerk & Recorder

  
Barbara Evans, Chairman

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APRIL 14, 1986

The Board of County Commissioners did not meet in regular session; Commissioner Stevens was in Butte where she attended a Commission on Courts of Limited Jurisdiction meeting; and Commissioner Dussault participated in the 9-1-1 Assessment Center held at the Sheraton all day April 14 and April 15.

MONTHLY REPORTS

Chairman Evans examined, approved and ordered filed the monthly reports for Justices of the Peace, Michael D. Morris and David K. Clark, showing collections and distributions for the month ending March 31, 1986.

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APRIL 15, 1986

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Stevens returned from Butte at noon, as the Commission on Courts of Limited Jurisdiction meeting was continued in the morning from the previous day.

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APRIL 16, 1986

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

AUDIT LIST

The Board of County Commissioners signed the Audit List, dated April 16, 1986, pages 4-38, with a grand total of \$156,142.32. The Audit List was returned to the Accounting Office.



APRIL 16, 1986 (continued)

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY '86 budget:

- 1) No. 860078, a request from the Supt. of Schools to transfer \$200.00 from the Curriculum Materials account to the Books and Resource Materials account because of unexpected expenses;
- 2) No. 860079, a request from Ad Staff to transfer \$500.00 from the Contracted Services account to the Office Supplies account for the purpose of correcting budget transfer No. 860062; and
- 3) No. 860080, a request from the County Attorney to transfer \$1,000.00 from the Office Supplies account to the Law Books account to prevent overexpenditure in the Law Books line item because of high book costs.

QUIT CLAIM DEED

The Board of County Commissioners signed a Quit Claim Deed from Missoula County to the following persons for the following described real estate in Missoula County:

to Holmes and Ruth M. Maclay, of 909 W. Central Apt. 525 Missoula, MT 59801  
and  
H. Bruce and Mary B. Maclay, of 17015 Old Highway 93, Florence, MT 59833

for the portion of King Road in the SE  $\frac{1}{4}$  Sec. 22, T. 11 N., R 20 W., which was vacated as a county road on April 7, 1986, Resolution No. 86-027.

PAYMENT AGREEMENT

The Board of County Commissioners signed a Local Government Payment Agreement as a side agreement to the sales agreement pertaining to Prospect Subdivision Phase I in United States Bankruptcy Court, entered into between the City of Missoula and the County of Missoula for the purpose of detailing the manner in which certain payments made pursuant to the Sale Agreement between Prospect Associates, Inc.; Horizon Enterprises Inc.; First Security Bank; the City of Missoula; and the County of Missoula are to be apportioned between the City and County as per the terms set forth in the Agreement.

RESOLUTION No. 86-031

The Board of County Commissioners signed Resolution 86-031, a resolution whereby Missoula County accepts three easements for parcels of land located in a portion of W $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 32, Section 33, and Section 35, Township 16 North, Range 14 West, Principal Meridian, Montana, Missoula County, Montana from Kerry G. Drew, Leonard J. Heninger, Joann K. Heninger and Champion International Inc., for right-of-way on Woodworth Road near Salmon Lake.

NOTICE OF HEARING

Chairman Evans signed a Notice of Hearing on an Emergency Ordinance Amending Section 3 of Missoula County's Dog Control Ordinance, setting the hearing date for April 30, 1986, at 1:30 p.m.

Other matters included:

1. The Commissioners accepted Kathy Crego's recommendation on the staffing in the Accounting Department; and
2. The Commissioners accepted the proposal for negotiations with Dobbins, DeGuire and Tucker for the audit contract for three years.

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

PUBLIC MEETING

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

HEARING: TAX INCENTIVE FOR NEW AND EXPANDING MANUFACTURING INDUSTRY

Howard Schwartz, Executive Officer of Missoula County said the proposed resolution would provide tax incentives for new and expanding industries under Montana Code (MCA-15-24-1401-2). The tax incentive reduces the taxable value of qualified property by 50% for the first five years after a construction permit is issued and then adds 10% back each year for the next five years so that full taxable value is reached after ten years.

The Commissioners have asked for comments by all property taxing jurisdictions in the County and have received, to date, letters of support from School District #1, the Missoula County High School District, the Missoula Urban Transportation District, the Missoula Rural Fire District and the Seeley-Swan Hospital District.

In addition to considering the resolution itself, the Commissioners will consider proposed amendments and conditions such as the request from the Missoula Rural Fire District that automatic sprinkler systems be included in all qualifying structures.

Based on discussions with the Appraiser's/Assessor's Office and economists, the fiscal impact should be minimal. If the incentive works, some new construction will be added to the tax rolls. At worst, a few buildings that would have been built anyway will be taxed at a lower rate.

He said the City of Missoula will forward their position on this matter to the Commissioners following a meeting the next day. In addition, the Commissioners have also received a request to hold the hearing open for at least a week to receive additional written comment. There are a few legal issues that still need to be resolved, including whether property that is subject to state taxation is covered by this

APRIL 16, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: TAX INCENTIVE FOR NEW AND EXPANDING MANUFACTURING INDUSTRY (continued)

Proposal, and he said he is communicating with the Department of Commerce on this matter.

Fern Hart, Clerk and Recorder asked Howard Schwartz who he said he had been in touch with in Helena.

Howard Schwartz said he was communicating with Greg Groepper, Administrator of the Property Tax Division.

Barbara Evans opened the hearing for public comment, asking that those who would like to make recommendations for amendments to speak first.

Bruce Suenram, Rural Fire Chief, said the Board of Trustees of the Fire District is requesting an amendment to the proposal to include automatic fire sprinkling systems in those buildings that would be eligible for the tax incentives. He said that would allow his department to stabilize his manpower, and eliminate fires in these buildings.

C.E. Abramson, Real Estate Broker, said he was representing a client, Sun Mountain Sports, said his client was interested in what the benefits would be for businesses that are involved in ground-lease rental, for example those who are leasing from Burlington Northern.

Mike Sehestedt, Deputy County Attorney, said he had looked at the matter, and the proposal in its present form addressed that matter adequately. That tax bills would reflect abatements that relate expansion.

Bobbie Forsinger, representing Montana People's Action, said last spring, that organization helped with a national study called "Promoting Colonialism at Home", which looked at public money and the way it was used towards economic development in different communities. She said their findings in Missoula were that these monies were not being spent as well as they could to benefit the people they were meant to benefit. She said that this is one of the greatest things that could happen for the businesses who will receive this money, but they also feel that the businesses would bring back jobs to the community.

Nia Palmer of Montana People's Action said that in the haste to bring business to Missoula, the emphasis should be on bringing jobs that pay a viable wage. She said her group feels that if any tax incentive resolution is going to be passed, their amendment must be included. She then gave a copy of their proposals to the Commissioners, which is on file in the Commissioners Office.

Sara Trotter, a job developer for low income and disadvantaged persons spoke in favor of the amendments proposed by the Montana People's Action.

Bob Sterns, of Montana People's Action said if the Commissioners offer incentives to the private sector, they have a duty to examine the proposals in the light of their impact on everyone. He said he was requesting some meaningful jobs be created for every block of dollars given for tax relief.

Barbara Evans asked if anyone else wished to suggest amendments. No one came forward, and she asked that those who wished to speak in favor of the tax incentives come forward.

David Owen, representing the Chamber of Commerce, said the Board of Directors of the Chamber of Commerce supports this proposal. He said the level of taxation is important when businesses are doing site selection for relocation, and that this tax abatement program will send a positive message to new businesses looking to relocate or expand in Missoula. He urged the Commissioners not to put any strict conditions on this proposal, that an incentive with conditions is like no incentive at all. In closing, he said the Chamber of Commerce supports the tax incentive proposal because it will create and attract more business to the Missoula area, and will benefit local businesses and the local economy.

Mike Pomeroy of First Interstate Bank spoke in favor of the tax incentive proposal, and this resolution would send a strong, positive signal to the economic community as a whole.

Jerry Clark, Pastor of the Emmanuel Baptist church, said his church has lost 28 families in the last five years, because of lack of jobs. He urged the Commissioners to pass the resolution without any encumbrances.

Tom Brosinzky, a local architect spoke in favor of the resolution, and urged the Commissioners not to attach too many unnecessary conditions, as it would water down the effectiveness of the proposal.

Bill Coffee of the Missoula Economic Development Corporation said he was particularly sensitive to Montana People's Action, as the unemployment rates are very high, and jobs are extremely important. He cited several examples of the failing economy, and said it was very important that jobs that we have should be kept and supported. He said communities are raiding one another for new businesses, and said Missoula must have a favorable business climate. He urged passage of the resolution as it is written.

Bob Wuttke of Western State Insurance said he has been involved in economic development since he has lived in Missoula, and he said this proposal would help bring new business to town, and he supports the proposal as it was written and get on with the process of economic development.

Allen Ball, Controller of Norco said Jim McDonald, president of the company could not attend the meeting, but wished to have him speak in favor of the resolution as written.

Gerri Fisher, President of the Missoula Board of Realtors urged the Commissioners to support this resolution in as simple and least encumbered manner as possible.

Argerous Filosofos, President of the Missoula Homebuilders Association said he concurred with David Owen's comments, and supported the proposal as written, as it will help Missoula achieve a new beginning.

Ike Leigland, President of the Local Society of Architects said one of the disincentives to quality building is the tax charged on that improvement, and if the Commissioners would pass this resolution as it was presented, they could encourage better, higher quality buildings.

Bill Bragg, an Attorney and local businessman said he supports the resolution, and the Commissioners should realize that they are not "giving" anything away, they are "getting" something, and the Commissioners should decide if they want to pass an incentive, or if they try to make it a regulation, it ceases to become an incentive, and in that case, there would be no point in passing it. He said the

APRIL 16, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: TAX INCENTIVE FOR NEW AND EXPANDING MANUFACTURING INDUSTRY (continued)

fire regulations should be in the fire code, not in the economic incentive legislation.

Steve Jackson, a local realtor, said Missoula was hanging on an economic precipice, and the Commissioners have the opportunity to change the direction of development in Missoula. He said this was an opportunity to send a message to business that we welcome that business. He urged the Commissioners to keep their language simple and keep all the codes in one place, and pass it with no encumbrances.

Mike Young former Finance Officer for the City of Missoula said he had, in the past, worked on ways to increase Missoula's tax base, but now it would appear that he is supporting an action that would decrease the tax base. He said that was not the case, that this new proposal would be a long-term investment in the community, and the Commissioners would be sending a message saying they were willing to cooperate and aggressively seek out ways to improve the climate for private business in the community.

Beulah Herron said Missoula does have a soupline for the unemployed, the underemployed, and workfare recipients go, and that is the Poverello Center. She said she had gone there before, and she had just gotten off the welfare rolls through a job training program, and she felt that the people who apply for this tax incentive program should be required to give jobs to local residents.

C.E. Abramson said he wished to support the resolution as it was written, but he would like to have it expanded to include non-manufacturing or service type businesses.

Elmer Frame, a Missoula businessman said he favors this proposal, and agrees that it should be kept simple.

Barbara Evans asked if anyone else wished to speak in favor of the resolution. No one came forward and she asked if anyone wished to speak in opposition.

Steve Dasher said North Dakota, which has a reputed good business climate also has a high incidence of hunger among its citizens.

Barbara Evans asked if anyone else wished to speak. No one came forward, and the hearing was recessed.

Bill Coffee suggested that the Commissioners use the two weeks to come up with some incentives for employment.

Janet Stevens said he and anyone else who might have some proposals or suggestions have an open ear with the Commissioner.

Ann Mary Dussault asked David Owens about another section of the statutes that deals with remodeling, reconstruction and expansion of structures and is not limited to manufacturing, and she wondered why the Chamber, in proposing this resolution did not include that portion of the statute for consideration as well.

David Owen said the Chamber felt it would be more beneficial to focus attention on one particular item at a time, and then sit down for discussions on the second phase.

Ann Mary Dussault asked if he had any objection to the Commissioners amending this resolution to include the other portion of the statute.

David Owen said there were differences in that portion of the resolution which might make the language a little difficult, but if the Commissioners could work it out, he would have no objection.

Ann Mary Dussault said the intent behind both of the statutes are the same, the mechanisms to achieve them are slightly different.

Howard Schwartz said the statute dealing with remodeling is a little harder to implement because it requires that each taxing jurisdiction has to do it by itself, also, state mill levies are exempted from it, so it makes the job at the Treasurer's Office a little more difficult.

Ann Mary Dussault said she understood that there were a number of administrative details that need to be worked out, but she wanted to understand the intent of those who had actually proposed the resolution.

David Owen said the Chamber Board would support whatever the Commissioners decided to do.

Ann Mary Dussault said there was already language in the proposed resolution encouraging anyone who takes advantage of this resolution to hire Montana citizens, and in her view, that is a statement of intent of condition, but she is a little sensitive to the concerns that have been expressed that the Commissioners do not add language that would add a statement of intent relative to job creation. She said she thinks people testifying at the hearing today are saying that part of the community benefit in this incentive is so that jobs will be created and there is almost an assumption that jobs will be created. She said she is looking at the kind of thing that the County did with Norco on their CDBC grant, that is, looking at the jobs that would be created and who those jobs would go to, and Norco has been an excellent company for the County to work with and given that experience, the kind of thing that the County did with Norco could not be done with businesses or companies that would be benefiting from this particular resolution.

David Owen said his understanding was that the preference of hiring Montana citizens first was already in the statute, but if it isn't he would have no objections to that being included, but he would not like to see that as a rigid stipulation to granting the tax abatement. He said the difficulty is in how specific the Commissioners wish to get in their language.

Ann Mary Dussault said she thought it was absolutely critical that there be a lot of flexibility in these sorts of proposals and that businesses have a lot of flexibility in what they can, and are allowed to do. She said that the concern is the talk of jobs and those needing employment. She said she is aware of a lot of job programs that exist in the community, but she is also aware that it is a very fractured system, and she is trying to figure out a way to link all of those things that exist so that all the entities talk to each other at the appropriate time. It is that linkage that is missing, rather than the lack of programs and opportunities.

APRIL 16, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: TAX INCENTIVE FOR NEW AND EXPANDING MANUFACTURING INDUSTRY (continued)

David Owen said if people are going to relocate their business here, they would have already determined that there is an adequate labor force here to serve their business.

Tom Brozinsky said if the regulations or conditions are too strict and too specific, companies with low employment requirements or a great deal of automation would not be able to fulfill those regulations, but spin-off companies from that company would be able to provide those jobs, so he cautioned against making the regulations too specific.

Janet Stevens moved and Ann Mary Dussault seconded the motion that the record be kept open for two weeks, and any written comment that the Commissioners receive will be available to anyone who wishes to read it and respond; and that a final decision be made on April 30. The motion passed on a vote of 3-0.

DECISION: AMENDING RESOLUTION NO. 83-24 - DEFINING DEPARTMENT RESPONSIBILITIES FOR CHECKING FINAL AND SUMMARY SUBDIVISION PLATS AND CERTIFICATES OF SURVEY

Joan Newman said at the initial hearing on this proposed checklist, the main objections were on the Certificate of Survey checklist, to the affect that the County Attorney and the City/County Health Department require an additional signature, when everything that was necessary for filing would already be available at the Clerk and Recorder's Office or signed for on the plat. She said she agreed with that, and the checklist has been changed.

She said Dick Ainsworth and Nick Kaufman had both indicated to her that they were satisfied with the checklist now.

Ann Mary Dussault moved, and Janet Stevens seconded the motion that the Commissioners adopt Resolution No. 83-24, defining departmental responsibilities for checking final and summary subdivision plats and Certificates of Survey. The motion passed on a vote of 3-0.

HEARING: NO PARKING OF "FOR SALE" VEHICLES ON COUNTY RIGHT-OF-WAYS

Sheriff's Deputy Mike McMeekin said this proposed resolution is to prohibit parking of vehicles advertised for sale on County rights-of-way for periods in excess of eight hours, except for vehicles parked next to property owned by the owner of the vehicle.

This proposal is an attempt to discourage people from the practice of advertising vehicles for sale by parking them prominently on the rights-of-way of various busy streets in Missoula. The Commissioners' Office, the Sheriffs' Office and 9-1-1 have all received complaints about this practice lately. Vehicles parked on Higgins Avenue near Dornblaser Field and on Reserve near Larchmont Golf Course are cases in point and have caused hazardous traffic situations as drivers get distracted as they look at vehicles for sale or dart suddenly in or out of traffic lanes to get a closer look.

Barbara Evans opened the hearing for public comment.

Mike McMeekin said Sheriff Magone was unable to be at the hearing, but he appreciated the Commissioner's consideration in this matter, and he requests that the resolution be adopted as written. He said he had some suggestions for rewording, and he offered those suggestions to the Commissioners. He said he thinks people are using the County rights-of-way as mini car lots, offering two or three cars for sale at the same location, in effect running a business and bypassing regulations and payment of taxes.

Don Reikow of North Country Motors, a local car dealer said he was speaking on behalf of the majority of independent car dealers in Missoula. He said in the business, they have a term called "curb-stoning" or "curb-stoners", who are people who make their living, or a portion of their living buying and selling cars without the difficulties of getting a dealer's license, paying insurance, paying lease payments for prime property, and these "curb-stoners" have the same access to a busy street and a good location without having to pay a nickel for it, because they are using County property. He said recently, he counted 18 cars parked with "for sale" signs on them along Reserve Street adjacent to Larchmont Golf Course. He said a lot of them are private owners, and they are not so much opposed to them as they are to the people who are buying and selling cars in volume. He said these "curb-stoners" are not regulated like licensed car dealers; they do not have to issue mileage statements, and they don't have to have federal warranty stickers. He said it was difficult for legitimate car dealers to compete against these people, as they have no overhead, and everything is profit.

Wayne Povsha, who owns a car lot on Russell Street said no cars should be offered for sale on any street unless they have current license plates on them.

Walt Shriver, with Four Season's Motors said there were 6 cars across the street from his lot this morning that were for sale. He said the state requires that anyone wanting to sell four or five cars during a one-year period has to be licensed.

Barbara Evans asked why the Resolution allowed people to leave their cars for an 8 hour period with "for sale" signs on them.

Mike McMeekin said he had no idea, his department had asked for prohibition period, and the 8 hour period was inserted by someone else.

Mike Sehestedt said the reason that provision was put in was to allow people who are working or visiting or whatever, and have to leave their car for any period of time, can have a "for sale" sign in the window and leave it for up to 8 hours without being ticketed. He said private citizens have a right to sell a car, and to park it outside their house or on a street while they are going about their normal business. This Resolution only addresses people who park their cars on County rights-of-way day after day, offering them for sale.

Mike McMeekin said the deputies would be using discretion in ticketing cars.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to adopt the resolution with the recommended amendments. The motion passed on a vote of 3-0.

APRIL 16, 1986 (continued)

PUBLIC MEETING (continued)

NOTICE OF PUBLIC HEARING TO ADOPT AN EMERGENCY DOG ORDINANCE

Ann Mary Dussault read a notice of public hearing to adopt an emergency dog ordinance. The public hearing will be heard on April 30.

There being no further business to come before the Board, the Commissioners were in recess at 3:00 p.m.

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APRIL 17, 1986

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 Anders Office Equipment as principal for warrant # 2250, dated Feb. 10, 1986, on the Frenchtown Rural Fire District fund in the amount of \$788.90, 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 #8 (3/23/86 - 4/05/86) with a total Missoula County payroll of \$346,274.19. The transmittal sheet was returned to the Auditor's Office.

RESOLUTION No. 86-032

The Board of County Commissioners signed Resolution No. 86-032, a resolution prohibiting parking of vehicles advertised for sale on County rights-of-way in accordance with the provisions set forth in the Resolution.

RESOLUTION No. 86-033

The Board of County Commissioners signed Resolution No. 86-033, a resolution amending Resolution No. 83-24, defining departmental responsibilities for checking final and summary subdivision plats and Certificates of Survey to assure compliance with the Montana Subdivision and Platting Act as enumerated in the Resolution.

AUDIT LETTER

The Board of County Commissioners signed a letter to Susan Reed, County Auditor, acknowledging receipt and review of the audit of the records of the Missoula County portion of the Office of Community Development for the period from 7/1/85 through 11/30/85. The audit was forwarded to the Clerk and Recorder's Office.

SUBORDINATION AGREEMENT

The Board of County Commissioners signed a Subordination Agreement between Missoula County and Beneficial Mortgage Company, whereby the County subordinates its security interest in the property described as Lot 8 of Canyon View Four, a platted subdivision in Missoula County, Montana, owned by Janet and Gary Bay, to the loan of Beneficial as per the terms set forth.

The Agreement was returned to John Kellogg in the Office of Community Development for further handling.

SALE AGREEMENT

The Board of County Commissioner signed a Corrected Sale Agreement between Prospect Associates, Inc., a Montana corporation, Horizon Enterprises, Inc., First Security Bank of Missoula, the City of Missoula, a municipal corporation, and the County of Missoula, as per the terms set forth, pending approval by the U.S. Bankruptcy Court for the District of Montana.

Other matters included:

1. The Commissioners voted unanimously to proceed to borrow \$100,000.00 to buy a building to lease to the Mental Health Center, providing the Center maintain sufficient reserves to cover the payments;
2. Ted Schmidt, Library Director, met with the Commissioners and presented two grant applications under the Library Services and Construction Act Title II funds for approval for the following projects:
  - a. The Commissioners approved the remodeling for compliance with handicapped accessibility standards proposal; and
  - b. Commissioners Dussault and Stevens approved, with Commissioner Evans dissenting, the proposal to base the Public-Educational-Governmental (PEG) Public Access Television Station at the Missoula Public Library, with the condition that no County money will be spent.
3. The Commissioners met with Dennis Engelhard, Personnel Director regarding the Fair Labor Standard Act (FLSA) - the Personnel Plan will be amended to reduce the overtime requirement as per the new FLSA amendment;
4. Commissioner Dussault will serve on the Evaluation Team for the FCMS Grant; and
5. Eligible Personnel Department employees will be invited to apply for the position of Personnel Director to replace Dennis Englehard who has resigned, effective June 6, 1986.

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

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APRIL 18, 1986

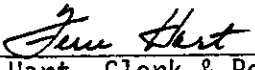
The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was out of the office all day, but was available for calls and signatures if needed.

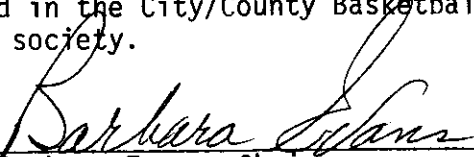
BPA COUNTIES MEETING

Commissioners Dussault and Stevens attended an all-day meeting held in Missoula with representatives and officials from MACO and Broadwater, Granite, Jefferson, Mineral, Powell and Missoula Counties, regarding the BPA Utility Tax Protest.

BENEFIT BASKETBALL GAMES

In the evening, Commissioners Dussault and Stevens participated in the City/County Basketball Games held at the UM Fieldhouse for the benefit of the multiple sclerosis society.

  
Fern Hart, Clerk & Recorder

  
Barbara Evans, Chairman

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APRIL 21, 1986

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. Commissioner Evans was out of the office in the afternoon, and Commissioner Dussault was in Washington, D.C. attending an Economic Development Conference through April 23rd.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION No. 86-034

The Board of County Commissioners signed Resolution No. 86-034, a budget amendment for FY '86 for the Sheriff's Department, including the following expenditure and revenue and adopting it as part of the FY '86 budget;

Drug Forfeitures

<u>Description of Expenditure</u>	<u>Budget</u>
Drug Enforcement 2345-350-420142-300	7,000
<u>Description of Revenue</u>	<u>Revenue</u>
Forfeits - Sheriff 2345-350-355020	7,000

CONTRACT

The Board of County Commissioners signed a contract between Missoula County and Western Materials, Inc. for the purpose of installing a precast concrete box culvert west of the intersection of 14th Street and Eaton Street, as per the terms set forth for a total amount of \$4,330.60. The contract was returned to Centralized Services for further handling.

BUDGET TRANSFER

The Board of County Commissioners approved and signed budget transfer No. 860081, a request from the Fair to transfer the following amounts as the line items are overexpended and adopted it as part of the FY '86 budget:

1. Transfer \$646.48 from Premiums #384 to Pari-Mutual #380.
2. Transfer \$1500.00 from Fuel #266 to Vehicle Repairs #350.
3. Transfer \$1500 from Capital Improvements #924 to Excess Equipment #492.
4. Transfer \$2600.00 from Capital Technical Equipment #946 to Excess Equipment #492.

BUY-SELL AGREEMENT

Chairman Evans signed the Buy-Sell Agreement for the new junk vehicle lot located at the Wye. The Agreement was returned to John DeVore, Operations Officer, for further handling.

Other matters included:

1. The Commissioners approved a request for a stop sign at the corner of Charlotte & Washburn; and
2. A revision of the poker machine fees was discussed.

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

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APRIL 22, 1986

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 George Stankey as principal for warrant #12852, dated January 28, 1986, on the Missoula County High School General Fund in the amount of \$22.25 now unable to be found.



APRIL 22, 1986 (continued)

DAILY ADMINISTRATIVE MEETING

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

CERTIFICATION OF ACCEPTANCE

Chairman Evans signed a Certification of Acceptance for County Maintenance for a section of Short Street, a dedicated road which was up-graded to a gravel standard road by County crews. The Certificate was returned to the Surveyor's Office for further handling.

QUIT CLAIM DEED

The Board of County Commissioners signed a Quit Claim Deed from Missoula County to Bette J. Putnam of 2004 Margaret, Missoula, MT, for real estate taken by Missoula County by tax deed in January of 1983 and redeemed by Bette Putnam in August of 1983, described as follows:

the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 12, Township 14 North, Range 23 West, Principal Meridian, Montana.

ROAD ACCEPTANCE LETTER

The Board of County Commissioners signed a letter to Chip Johnson of Stensetter, Druyvestein and Associates formalizing a previous verbal agreement concerning the road in Gooden Kiel Estates stating that if these roads are upgraded to County standards paved roads, as approved by the County Surveyor, they will be accepted for County maintenance. This agreement expires October 1, 1987, if the roads have not been accepted by that date.

The letter was returned to the County Surveyor for his signature and forwarding.

Other matters included:

The Commissioners approved a request from John Verburg of the Office of Community Development for a six months leave of absence without pay, from July 1, 1986 through December 31, 1986.

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

RSVP BANQUET

In the evening, Commissioner Stevens attended the RSVP Banquet, which was held at the Village Red Lion.

PUBLIC MEETING APRIL 23, 1986 - (the minutes of the public meeting are out of order - the daily administrative minutes for April 23 can be found after the minutes of the public meeting.)

The meeting was called to order at 1:30 p.m. by Chairman Barbara Evans. Also present was Commissioner Janet Stevens. Commissioner Ann Mary Dussault was in Washington, D.C.

BID AWARD: NINE 1986 4 door sedans (Police Package-Sheriff's Office).

Chairman Barbara Evans said on March 28, 1986 bids for the nine (9) vehicles were solicited. Two bids were submitted. They are as follows:

Girzzly Auto Center	Total Bid Price \$97,178.00
Bitterroot Motors	Total Bid Price \$106,250.00

Both of the above bids are the final price after considering allowance for trade-ins. The above vehicles include eight (8) patrol vehicles and one (1) unmarked detective vehicle. These are to be purchased on/or before July 1, 1986, and are to be paid for out of the FY '87 Missoula Sheriff's Department budget.

It is the recommendation of the Missoula County Sheriff's Department that the County Commissioners accept the low bid, which was submitted by Grizzly Auto Center for nine (9) Dodge Diplomats. Please be advised that Grizzly Auto Center must be advised if they have the bid no later than April 28, 1986 as they cannot build new cars after that date.

Sheriff Dan Magone said it would appear to him that the bid from Grizzly Auto Center would meet all the specifications.

Janet Stevens moved, and Barbara Evans seconded the motion to award the bid for nine (9) four door sedans (Police Package-Sheriff's Office) be awarded to the low bidder, Grizzly Auto Center in the total bid price of \$97,178.00. The motion passed on a vote of 2-0.

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

Information provided by Donna Cote, Recording Division Supervisor in the Clerk and Recorder's Office indicated that a petition has been received by the Recording Division of the Clerk and Recorder's Office to annex parcels of land located in the Big Flat area, and more particularly described as follows:

SE $\frac{1}{4}$  of Section 7, T. 13N, R. 20W  
S $\frac{1}{2}$  of Section 8, T. 13N, R. 20W  
NE $\frac{1}{4}$  of Section 18, T. 13N, R. 20W  
N $\frac{1}{2}$  of Section 17, T. 13N, R. 20W  
in Missoula County, containing approximately 466 acres

The petition for annexation to Missoula Rural Fire District presented by Bruce Suenram, Fire Chief of Missoula Rural Fire District has been checked and verified. It contains signatures of more than 50% of the owners of the privately owned land in the area to be annexed and a majority of the tax paying freeholders within the area described, so it meets 7-33-2125 M.C.A. for annexation of adjacent territory.

The hearing was published in the Missoulian for 2 consecutive Sundays prior to the hearing date as required by statute.

The MRFD Board reviewed the annexation request and approved the petition for presentation before the Board of County Commissioners and has been notified of the hearing date.

APRIL 23, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: ANNEXATION TO MISSOULA RURAL FIRE DISTRICT (BIG FLAT AREA) (continued)

Bruce Suenram, Rural Fire Chief said he was available to answer questions.

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

Janet Stevens moved, and Barbara Evans seconded the motion to approve the annexation of parcels of land located in the Big Flat Area as described in the petition. The motion passed on a vote of 2-0.

HEARING: REZONING REQUEST (MAGRUDER & ADAMS) from Planning and Zoning District No. 16 to "C-R1" with "PUD" Overlay-Riverwood Townhomes; also a request for approval of the Preliminary Plat

Mark Hubbell, Planner II from the Office of Community Development said he would like to bring the Commissioners up to date on what has transpired so far in this matter. He said the request is for rezoning of the west 194½ feet of Lot 6, Cobban and Dinsmore Orchard Homes #2. He said Bill Adams and Harold Magruder, the owners of the property are requesting a rezoning from Planning and Zoning District No. 16, which is a citizen-initiated district, to CR-1 residential with a PUD (Planned Unit Development) overlay. The property is commonly known as 1926 River Road.

He said the Planning Staff had recommended denial of the subdivision and the zoning for the following reasons:

1. The Comprehensive Plan for that area calls for residential development up to a density of six units per acre. In this case, 28 townhouses are being planned on a 2.89 acre parcel, which is a 9.69 units to the acre density.
2. The MONROC gravel pit and operation is directly north of this property, and has been identified as a nuisance, and the Health Department has received calls for some time regarding noise problems and particulate coming from MONROC.
3. This typical rear yard in these units is about a 420 square foot area, which is somewhat small, which raises some questions about light and air.
4. Lots 11-15, which on this plat are the ones furthest to the north, are located a little less than 20 feet from MONROC, and while the developers proposed an 8 foot barrier fence along that property line, the Planning Staff did not feel that would be sufficient to buffer against the noise and dust, particularly when you consider that the bedrooms are 20 feet high.
5. The Planning staff felt that the large number of units requested for this parcel has brought about a need for the tight arrangement of the homes, the small rear yards, and the close proximity to MONROC.
6. During the course of the public hearing before the Planning Board on April 1, 1986, a great deal of testimony was received which essentially stated that the PUD is an improvement over the existing trailer park which is out on the property now, and the staff agrees that it is an eyesore, but the staff finds itself in a position of having to recommend approval of a proposal, not a comparison of what's there versus what we might get. He said a PUD is designed to be a proposal or its intent is to bring about a proposal which is above average, that is it is a proposal where you give away some rights, such as setbacks, in order to encourage innovative development.

He said the developers have tried to do a good job with this parcel, but it has been a difficult job for them, because it is a very long, narrow parcel, which has created many design challenges for them. However, the insistence by the developer on 28 units has really limited the design possibilities for the parcel; thus the Commissioners are considering a PUD with some of the problems that were mentioned earlier. He said the Planning staff has communicated their concern about density to the developer, yet these 28 units was a fixed number that the developers insisted upon.

He said at the April 1, 1986 Planning Board meeting, the Planning Board chose not to forward the recommended motion of the Planning staff; that is, the recommendation for denial, the Board did not feel comfortable in recommending denial. At the same time, the Board could not come up with a recommendation for approval of this project as proposed, and as a result, the matter was passed on to the Commissioners with a "no recommendation."

Barbara Evans opened the hearing for public comment. She asked that those who wished to speak in favor of the rezoning request be heard first.

Tex Cates, representing the developers, said he was a real estate broker in Missoula, and expressed appreciation to the Planning staff for their work. He said he would also like to share some background of the project with the Commissioners.

He said they had started on the project in November, with 33 units on the site plan. Due to the Planning staff's recommendation, safety reasons, and economic reasons, they scaled the project back to 28 units.

Barbara Evans said she would like to point out that there are two sections to this issue, the first one is rezoning, and the second is the preliminary plat. She asked that all the testimony in this segment of the meeting address the rezoning questions.

Andy Fisher of Eli and Associates said his firm had prepared the rezoning request information. He said he is in favor of the rezoning request, and referred to his testimony before the Planning Board on April 1, 1986. He said he would like to skip the preliminaries and get right to the major issues that arose from that meeting.

1. He said the first issue is MONROC. The question as he understood it was whether MONROC constituted a sufficient hazard or nuisance to be a basis of denial for development in the adjoining area. In answer to that, he said he would like to point out that MONROC is not currently in violation of any health standards, and the Missoula City/County Health Department has no action pending against MONROC other than requiring road dust control. In addition, Missoula County has recently approved a minor subdivision directly adjacent to MONROC, Springer Orchards, there is new housing construction occurring in the area, and residents with property investment continue to reside in that area. He said the Health Department has indicated that MONROC is not a major health hazard, and the residents of the area indicate that MONROC does not constitute a major nuisance. Missoula County, in approving Springer Orchards indicates that it does not consider MONROC a sufficient nuisance to deny development in the area.

APRIL 23, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: REZONING REQUEST (MAGRUDER & ADAMS) from Planning and Zoning District No. 16 to "C-R1" with "PUD" Overlay-Riverwood Townhomes; also a request for approval of the Preliminary Plat (continued)

Andy Fisher (continued)

He said the real issue of contention - the proposed density of the project. He said the densities called for in the Comprehensive Plan are not held to be iron-clad by Missoula County. He noted there are two nearby areas that have been rezoned to allow densities higher than that called for in the Comprehensive Plan. He indicated zoning densities of the neighborhood on a map provided by the Planning Office. He said a general examination of Missoula County Zoning Regulations brings out some interesting points concerning the zoning regulations. First, PUD's are the County's idea. He said every residential zoning classification description contains the following statement: "Planned Unit Developments are encouraged to promote innovative approaches to housing." He said the section on PUD's contains the statement, "in order to promote the use of residential PUD's, the following density bonuses shall apply." Therefore, if an area is zoned to be compatible with the Comprehensive Plan, you have the situation where the County is encouraging the developer to exceed the Comprehensive Plan densities through the use of PUD density bonuses. He said that therefore, he contends that the issue before the Commissioners is not that the Comprehensive Plan densities have been exceeded, but does the proposed site plan offer sufficient benefits to offset whatever disadvantages there might be in allowing the proposed density.

In regard to how the PUD should be evaluated, he said the current regulations provide two sets of criteria, one objective and one subjective. The objective criteria are primarily found in the subdivision regulations; Section 3B2 requires PUD's to comply with standard regulations concerning floodplains, improvement designs, grading and drainage, water supply, sewage disposal, solid waste, utilities, & easements. He said the developers had complied with all the regulations. Section 3B3 of the regulations allows flexibility in the standards for lots and blocks, streets and roads, and parks and open space. There are still some specific requirements that must be met in these areas; particularly in the amount of open space required. The regulations require one-ninth of the platted area, which is .32 acres in this case, to be open and common area. He said the total common space is 1.4 acres, of which .74 acres is landscaped common area, more than twice the required area. He said the street was designed to County specifications. He said the remaining standards by which PUD's are evaluated are pretty much in the realm of the subjectivity. He said more than twice the required off-street parking area has been provided, the open space requirements have been met, and they feel that adequate light and air have been provided. He gave other examples of requirements being met and exceeded. He said he understood the necessity of using subjectivity criteria, he would like the Commissioners to realize the position it puts the developer in. He said the County promotes the use of PUD's by giving density bonuses, and it is understood from day one of the planning process that the density is going to be exceeded. He said this is a "given" or the project would not even start. He said the developers design a site plan to meet or exceed all objective standards and guidelines of the Missoula County Zoning resolution, and the subdivision regulations. He said if the Planning staff or the Commissioners feel that they have not complied adequately with the subjective standards, they do not have to base their recommendation to deny on the specifics of the design, they can just lower the boom by saying the developers exceed the comp plan density, which is something everybody had known since the day the project was started.

He said in summary, he would like to point out the benefits this project will provide:

1. provision of sewer service, an improvement over the existing septic system
2. an upgraded water system including the installation of a fire hydrant
3. a privately maintained park space, where none now exists.
4. closure or fencing of all irrigation ditches on the site
5. paved street and parking area
6. a substantial increase for tax revenue for the County
7. provision of off-street parking
8. all utilities to be underground
9. a reduction in existing and allowable dwelling unit density
10. no RSID's or County obligation is being sought for financing.

He said the improvements will be good for the area, and he favors the development.

Joy Earls of 1905 River Road said she was a new resident of the area and favored the development. She said she would like to make it clear that despite the minutes of the Planning Board, she is not a member of the Planning staff. She said it was obvious that the trailer court was an eyesore, and the neighbors are all in agreement with that. She said the benefits of the development were very enticing, but she had some questions about the proposed density. She said she was speaking in favor of the issue, in that she would like to see the trailer court gone, and she would like to see a new development in there, but perhaps not the way the development had been proposed.

Bill Lee, 1927 River Road, said he was in favor of the rezoning, as well as the construction of the townhomes as requested. He gave some history of the sewer system of the trailer court, and said that it had leaked from the first year it was installed, and said that everytime the river rose, it cleaned out the cesspools in the trailer court. He said the health hazard is a prime concern of his, because of the sewer system. He said the water wells in that area are in the first table, with filtration only. He said that most of the neighbors in the area want the trailer court out, and the density question was not a real problem with him.

Helen Harrington said she approves of the development.

Ruth Brinkerhoff said she lives across the street from the trailer court, and the area has been gradually deteriorating, and she is in favor of the development.

Chairman Evans asked if anyone else wished to speak in favor of the development, or if there were people in the audience who wished to show support by raising their hands. About 5 people raised their hands. No one else came forward to speak in favor. She asked if anyone wished to speak in opposition.

APRIL 23, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: REZONING REQUEST (MAGRUDER & ADAMS) from Planning and Zoning District No. 16 to "C-R1" with "PUD" Overlay-Riverwood Townhomes; also a request for approval of the Preliminary Plat (continued)

Norris Amundson, 1926 River Road, said he lives in the trailer court, and he is against the rezoning because the Commissioners would be doing a trade-off. They would be allowing a density that is actually more than there is now, as the trailer court is licensed for 35 mobile homes, and as of today, the trailer court does not have an operating license and there are only 19 units there. He said the owners have indicated that if the zoning is not approved, they may put in a full density of mobile homes. He said the close proximity to MONROC should indicate that people would not be able to live that close to the plant, and the uses of the area, as proposed are too incompatible. He said to build the units and try to sell them would probably be committing some kind of fraud or deceptive business practice, because the sellers would have to not be honest about the industrial impacts. He said in 1959, the neighborhood got the Zoning District 16 for the area, and the zoning disallowed trailer courts, industrial use, and they kept it at a single-family dwelling. He said his feeling, real realistically, is that people should draw back and take another look at this situation. He said a project needs to be done, and perhaps the trailer court should be taken out, but he didn't feel that putting in 28 townhouses was a good idea. He said that would be trading one problem for another problem and 28 townhouses condominiums would only create a detriment. He said perhaps they should look at getting the people moved out of there in an orderly fashion, and making that into a neighborhood that is similar to the rest of the immediate area out there.

Commissioner Janet Stevens asked Mr. Amundson if he was opposed to the zoning change, or was he referring to the PUD?

Norris Amundson said he was opposed to both, but he would address the PUD issue later. He said he thought nothing should be built there until the MONROC situation was cleared up.

Sheryl Manginelli said she was shocked at the developments in the trailer court, and she was opposed to the proposed townhouses. She said the trailer court was an eyesore, but she had moved in there on February 27, and while the snow covered the ground, she thought it was a nice area. She said she was upset at how shabby the area was after the snow left. She said they had put everything they had into their trailer, and they could not afford to move. She said the owner of the property has sadly neglected his responsibility in regard to the sewage and water problem. She said her daughter has been in three different schools this year, and she did not plan on moving. She was never told by the landlord that they were contemplating this development. She said her property was clean, and she resents being put in the same category as some people who do not take of their place.

Richard Schwarz, a resident of River Road for the past two years, said the noise and the dust there is unbearable. He said he was opposed to the zoning and to the townhouses.

Barbara Evans said she would like to have the Planning staff explain the zoning as it presently is, and the zoning request that is being made so everyone understands what the change would be.

Mark Hubbell, Planner II from the Office of Community Development, said the property is currently in Planning and Zoning District 16, and that district was put together in 1959, and allows one and two family dwellings, agriculture, churches, schools, etc. It disallows any commercial uses, industrial uses, trailer courts, etc. He said the trailer court clause was added to the rules of that district in 1969. He said what is proposed is leaving that zoning district behind and going to a Planned Unit Development (PUD), which is an unusual type of zone, in that it is a site specific zone. The plan presented is specifically the zoning that is being requested there. Each building has to be located just as it is shown, each park, etc. In order to get the density that the applicant is looking for in this particular request, they are asking for an underlying district that would allow eight units per acre, and then on top of that, an overlay, something that allows a bonus density to up the density another few units per acre. The effect of all this is that a specific subdivision is being requested, and zoning to make that subdivision possible is also being requested.

Steve Jackson, 1938 River Road asked what the proposed density of the area is.

Mark Hubbell said the proposed density is 9.69. The existing density is whatever the Comp Plan allows, so it would be going from about 6 to 9.69.

Tim Nolan said he owned a lot in the trailer park, and has lived there five years, and when he moved there, it was a fairly nice place, but he felt that the owners had taken the money and misused it, and not put any money back into the trailer park. He said it appears that there is going to be as many or more units there as there is with the trailer park, and instead of the approving the development, he would like to see the Commissioners force the owners to take care of what is already there. He said the owners do no maintenance at all.

Elmer Frame, a member of the Planning Board, said he was speaking in favor of the Planning staff report. He said the Planning staff had done a great job on this issue, and he was supporting the staff's recommendation to deny. He said he sympathized with both the owners and neighbors of the property. He said the owner has not been able to improve the property because of back rents that have not been paid, but there are legal ways to collect those rents, and he felt that the owners should pursue that, and develop the property correctly. He said he agreed that the density was too high for the proposed development.

Dorian Amundson said she wanted to know how an owner could improve the property if he is unable to collect the rent. She said to her knowledge, there were two residents who had not paid their rent for a year, and if the owner wanted to run his business like that, she didn't see how that should reflect on everyone who lives in the trailer court. She said she was in opposition to the rezoning and the PUD.

Barbara Evans closed the public hearing on the rezoning question.

Janet Stevens said she would like some of the Health Department people to answer some questions about MONROC. She wanted to know if MONROC had any current violations pending.

Jim Carlson of the Health Department said there were none pending at the current time. The Health Department had been monitoring the unpaved road, but the company is watering, and the County Surveyor's Office is doing a road count to determine the amount of traffic on the road. He said the Health Department's comments on this subdivision deal primarily with the fact that there is a use conflict; you can have an industrial source that is operating entirely within the boundaries of what is reasonable for that sort of an operation, but if it is directly adjacent to a residential source, there will be problems with noise, dust, etc.



APRIL 23, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: REZONING REQUEST (MAGRUDER AND ADAMS) (continued)

Janet Stevens asked if he was saying that because MONROC is there, there should not be a housing unit close to it, even though MONROC is not a conforming use?

Jim Carlson said he was not saying that. He said industrial and residential uses should not be up against each other. The Health Department was not choosing sides or trying to determine who is at fault. He said the trailer court is not a good example of good maintenance and planning that you can see in some of the other trailer courts in the county, but the industrial use is a problem too. He said the main problem in terms of the Health Department is a use conflict. He said they had seen it before where American Asphalt was operating right up against Wheeler Village, and operating within the rules and within their emissions from their asphalt plant, dust oiling the roads, etc. That doesn't mean that you would want to live within 100 feet of one of those asphalt plants, and that is the same situation here.

Barbara Evans asked if MONROC was totally within the law at this point.

Jim Carlson said that was correct.

Barbara Evans opened the public hearing on the proposal for the preliminary plat for Riverwood Townhomes. She asked that proponents speak first.

Tex Cates, representing the developers, by way of background, said they had a licensed 35 unit trailer court, with 29 spaces occupied, and two homes. In the fall, when people started moving out, they did not replace the renters, so it is less dense than it was a year ago, by design. He said the developers have an opportunity to get rid of dirt roads, to get rid of what the neighbors perceive as a problem, to improve a living area, there will be a homeowners association to take care of the roads and clean up the area, and it will be a better place for the residents. He said more important than that is the whole issue of density and economics and the Comp Plan. He said the facts of life right now are that it is more dense than what the Comp Plan allows, and the Comp Plan is antiquated. He said there is an economic consideration; that is what America is all about. You own your land, you get to use it, and you get to develop it. The folks that have a vested interest there are trying to make an attempt to improve it. He said there has been some testimony that the trailer court has been allowed to run down. In the last six months, there has been over \$6,000 in arrears payments. You can't keep your home up unless people pay for what they get. He said he was in favor of Riverwood Townhomes.

John Ash said he was a building contractor who had been working with the owners in putting this development together, and he is a local contractor who uses local subcontractors and he buys his materials locally, so this development will put a little money into a depressed economy of Missoula. He said he favors the development.

Mrs. Brinkeroff, 1923 River Road said she has lived across from the trailer court since 1963 and the area has gradually deteriorated. She said she is convinced that the trailer court should be taken out completely, and the owners should start from scratch and do things right, like hooking it to the city sewer, and fixing the water. She said the density appears to be high to her, but she is concerned that nothing will be done; if this is not approved, the land will sit there like it has for many years and will get worse.

Mark Earls said he lives across the street from the trailer court. He said the density is too high, and he is concerned with the question of what will happen if these units don't sell and there is not a homeowner's association formed because there were not the sales they were expecting. He said he wonders with the proximity to MONROC and the other problems that can come up, what the neighbors are going to get if they don't sell. Would they have townhouses that are going to deteriorate that can't be moved? Once the townhouses are built at the density proposed and they don't sell, they would be stuck with what is built there. He asked that the Commissioners study the situation carefully. He said he was speaking in favor of the plan, but not exactly as it is presented today.

Janet Stevens asked Mr. Earls exactly what he was referring to when he talked about the problems that this kind of density would cause.

Mark Earls said the density itself would not cause a problem, but he questions the desirability of the property. He said they had been told that it would be better than the trailer court, and he agreed with that, but whether these buildings are going to sell at the rate that is proposed by Mr. Cates because the density is questionable.

Janet Stevens asked again what exactly was the specific problem with the density.

Mark Earls said it was a visual feel. It may not blend in with the community, but his concern was that they would not sell at the proposed rate, and they would have deteriorating townhouses.

Janet Stevens asked if they were all going to be built at one time, or would they be phased in?

Tex Cates said they would all be built at the same time.

Barbara Evans said she was going to ask the Planning staff to explain what a PUD is, and when there is a set of rules that give automatic benefits to the developer, bonuses if they do a PUD, it is important that everyone understand that rule, and understand that it is a rule that the developers are dealing with from the day they start a proposal until it comes to the Commissioners.

Mark Hubbell said a PUD is a unique type of zone in that you are not debating whether or not to allow multiple family dwellings in an area, or townhouses in an area in general, but what you are saying is, "will you approve this specific design?" That is different from most rezonings. Most rezonings will allow a range of uses, and gives some general standards to build those by. A PUD is a very specific zone, what the developers present is what you are approving or disapproving. He said one thing that has been discussed is density bonuses. He said the County zoning resolution allows density bonuses, but it predicates those on innovative design. It is a "carrot" to encourage people to come up with those unique designs.

He said the Planning staff frankly did not feel that the design merited the "carrot", and recommended denial. An approval approves both the subdivision and the zoning, and the Commissioners would not be able to split the two issues apart. A denial would likewise kill both issues, and freezes and rezonings of the property for a year.

APRIL 23, 1986 (continued)

PUBLIC HEARING: REZONING REQUEST (MAGRUDER AND ADAMS) (continued)

Barbara Evans said it was her understanding that the fact that a developer is willing to do a PUD versus simply a rezoning ties them to exactly the specific things that are being proposed. They are not having a list of "allowables from A to Z". And once they get the rezoning, they do not have any options of changing their minds of what they are going to do, they are tied tooth and toenail to exactly what they have presented. Not even the Commissioners, at this point have the power to request any changes. So, while it is a "carrot", it is also a noose around the developer's neck, and they have to be willing to accept that noose, and in return for that, they get some "carrots".

Steve Jackson asked if the PUD and the rezoning is denied, can the developer come back within the boundaries of the number of the density already in place...or is there a time limit of when he can come back in? He said if the density conforms to the existing zoning, does he still have to wait a time period?

Mark Hubbell said if the developers were not changing the zoning, they could come back, but if they were going to change the zoning, there is a one year wait.

Steve Jackson said the thought the issue was tough for the Planning staff, the Planning Board and the County Commissioners, and it is a tough issue for the people sitting in the audience because it is a "yes" or "no", nothing in between. He said if he was buying one of the townhomes, he would not want to buy one close to the MONROC plant. He said he had been working with the soil, and there are parts of the grass that have a hard time growing. He said he is in favor of a plan to square away the sewer problem with the mobile homes, and he is for some type of development, but he has a hard time with the density that is being proposed.

Dorothy Lee of 1927 River Road said she wanted to go on record as being in favor of the development, and if it was not approved today, and the development had to wait another year, she didn't think the septic system would hold up that long. She said the health concern should be with the septic system instead of MONROC.

Barbara Evans asked if anyone else wished to speak in favor. No one came forward. She asked if anyone wished to speak in opposition.

Norris Amundson said it seemed to him that at the beginning of the hearing, people were saying that they couldn't tie this project to what the problem is with the trailer court; that has to be dealt with like it didn't exist, and yet, all the proponents in the neighborhood agree that the trailer court is a bona-fide blighted area. He said the proponents, other than those directly involved in the development are in favor of the project due to the blight created by the mobile home court. He said he agrees with that, but he is in opposition to the Planned Unit Development for the following reasons:

1. The proximity of the MONROC concrete plant and sand and gravel works poses a serious immediate and long-term health risk to human health due to emissions of dangerous dust and excess noise;
2. It is not likely that these emissions can be adequately buffered to protect human health at this present time;
3. No further housing development of any kind should be allowed in the vicinity of MONROC due to very real immediate and long-range health risks associated with breathing fine silica and cement dusts.
4. The property should certainly be improved, but only when it is absolutely safe to do so. Building townhomes, or anything else, as long as MONROC is in operation will only create another problem, not solve the present one.
5. Because the Missoula Consolidated Planning Board has recognized that the property is a blighted area and that MONROC is a nuisance, we propose that the matter be dealt with according to the intent of the legislature and the U.S. Congress regarding the operation of "Urban Renewal Law," and laws pertaining to blighted areas. A sensible and human neighborhood improvement project is badly needed.
6. Simply attempting to evict the residents of the court will only result in litigation which will further delay a resolution of the problem.

Mr. Amundson presented a written copy of his testimony with signatures of thirteen persons. He cited a pamphlet from the Environment Protection Agency regarding noise pollution.

Barbara Evans asked Mike Sehestedt, Deputy County Attorney if the decibal levels of the noise at MONROC directly related to the issue of approval of this issue?

Mike Sehestedt said yes, he thought it was. One way or another, all of the site conditions, noise, the close proximity of the river, etc., all have a bearing on the Commissioner's final determination as to whether or not it is in the public interest.

Norris Amundson said he would remind the Commissioners that the developers were asked to describe any on or off-site nuisances, and identify their origins. He said he was assuming that that word, nuisance, as used in this sense, is in the legal sense, and in the developer's narrative, they identified nuisances as MONROC. He said there had been a lot of testimony about non-conforming use, and state law says that any lawful non-conforming use may be continued under zoning, but he wanted to remind the Commissioners that under legal definition of a nuisance is anything that is injurious or offensive to senses, etc., and under state law public nuisances cannot be grandfathered. Human beings in the State of Montana cannot be required to live in unpleasant surroundings. He cited the EPA pamphlet again, saying that excessive noise can raise cholesterol level, blood pressure, and heartbeat, and can also contribute to emotional stress reactions associated with mental disturbances. Extremely loud noise can cause permanent or temporary deafness. Moderately loud noise over an extended period of time can cause partial deafness. He cited other information concerning health problems caused by excessive noise.

He said if anyone were to purchase any of the townhomes in the back two-thirds of that lot, there would be problems with noise and pollution. He said no development should be allowed in that area until there is a bona-fide study. He cited various health problems people in the area had encountered, problems he attributed to MONROC.

Barbara Evans asked Mr. Amundson how long he lived in the trailer court.

Norris Amundson said it was since September of 1977.



APRIL 23, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: REZONING REQUEST (MAGRUDER AND ADAMS) (continued)

Barbara Evans asked how long he planned to stay there, if the trailer court remains open.

Norris Amundson said he planned to move out of there just as soon as possible. He had been trying to get the area improved since 1984. He said MONROC has been recognized as a nuisance, they were supposed to have capped their <sup>dry</sup> cement emissions and have not done so, and they are bypassing the bag house and the cement is pouring out of the bag house and creating a nuisance. He said he has pictures to prove his point. He said MONROC would have to put up a 30 foot wall around half of the area, plus an air filter system, and install accoustical buffering in order to make this development a safe, livable area. He said it was unfortunate to everyone. He said his understanding was that if the project is approved, the owners plan to lay blanket evictions on everyone that lives there. The majority are low income people who are going to find it impossible to move, which will create another problem and bottleneck the project, which will not resolve anything. He said what the homeowners would like to do is sit down with the Planning staff, the Planning Board and the Commissioners and the owners to figure out a project. He said if the owners want the residents out of there, then they should figure out how to do that.

Sheryl Maginelli said that prior to living in Missoula, she lived in a rural area near a construction group's housing development, and there was quite a bit of traffic in the area and she could foresee the same thing happening in this neighborhood, and the country atmosphere there will be gone. She said the trailer court is full of mostly low-income people who have put everything they have into their homes, and they cannot afford the cost of moving a mobile home. She said none of the people who have moved into the trailer park were ever told that the owners were planning to develop the land, and she felt that was unfair.

Janet Stevens asked if she has a lease, or if it is month-to-month tenancy.

Sheryl Maginelli said it was a verbal agreement, and she pays her rent every month, although she has made it clear to her landlord that it is a permanent arrangement.

Janet Stevens said that anything that is not signed for a specified amount of time is considered a month-to-month tenancy.

Sheryl Maginelli said she may be ignorant of the law and that fact, but she felt that there must be something that can be done about this, because she was not willingly going to allow the owners to do this to her. She said the emotional upset to her and her family was unbearable. She said the owners should not have allowed people to move into the trailer court if he knew he was going to evict them and develop it. She said there was a misconception that people who lived in trailers were like turtles that could move their homes around with them, but it was not financially easy to do that.

Dorienne Amundson said she was in agreement with what her husband and other people had said about the health problems of people in the trailer court. She said there was too much trash in the trailer court, another dumpster was needed, and the electrical and water systems should be condemned. She said the management was not very nice to any of the residents, and she was in opposition to the PUD.

Barbara Evans asked if anyone else wished to speak. No one came forward, and the public hearing was closed. She asked the developer to give a presentation of exactly what they were planning to do, the time frame they had in mind, and details of the buffers and landscaping.

Tex Cates said the developers were proposing an eight foot buffer in the back, they have looked at berms, fences and concrete blocks, and several other options, and they have not decided exactly what will be used, as they are looking for the best sound transmission class rating. He said the buffer will not be over eight feet high, for the simple fact that they didn't believe that many people sit in their bedrooms and look out. He said there may be noise in the bedrooms, but they are not worried about that in the evenings, when MONROC is not operating. He said they recognized that buffers are necessary, for the saleability of the units, and for the peace of mind of the people who buy the townhomes.

Janet Stevens asked Tex Cates if there was any type of windrow-type evergreen planting that is proposed.

Tex Cates said there would be a hedge row, or a flowering rose hedge which flowers most of the year, and it is called "dog proof" which will be planted on top of the soil berms. He said that would also help buffer noise and dust, and it would be very aesthetically pleasing. He said the developers had to consider these things in order to make the townhomes saleable. He said it would totally landscaped in the back and the front.

Barbara Evans said she noted in the minutes of the Planning Board that the developers had said that the trees that were being put in were fully mature.

Tex Cates said that was not correct, they were "very" mature trees, that would be brought in from the coast.

Janet Stevens asked where the berms were going in in relation to the ditch and MONROC.

Tex Cates indicated the location of the berms on the map.

Janet Stevens asked Jim Carlson if the rose hedge met his concept of a windrow-type planting.

Jim Carlson said he was not an expert in sound accoustics, but the Health Department felt that it would be appropriate, because of the use conflict, to have some sort of buffering system that would significantly temper the conflict between the two parcels of property.

Janet Stevens asked if the thought what Tex Cates was proposing was sufficient.

Jim Carlson said he did not know how high the berm would be, but he felt that a berm would provide more protection than a planting. He felt that some angular reflection would also be beneficial.

Tex Cates said the engineers were not available today to answer questions, but the developers realized, along with the Planning staff, that they must do a fencing, berm, vegetation combination to make it viable. He said the owners had also come up with some other kind of plantings that grow together that would be placed in the back area. He said for the project to go, they had to make the buffering work right.

APRIL 23, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: REZONING REQUEST (MAGRUDER AND ADAMS) (continued)

Tex Cates (continued)

He said they did not get into this, and spend so much time and money to not do these things, to make them saleable, to tap the market that is there today. So, the developers are 100% committed to making that back area more aesthetically pleasing, and more soundproof than it is today. He said they realized that they were going to have problems in the back, but there would be some pricing considerations and other considerations that are going to make those back units not only saleable but occupiable and liveable.

Janet Stevens asked what the staff was requiring as an adequate buffer that is not being offered at this point?

Mark Hubbell said the staff does not require a buffer, simply because the staff recommended denial. In looking at the matter of sound; traffic journals that have been accumulated especially on Reserve Street Corridor, and all the noise discussions that took place then talked about solid, fixed objects such as walls, fences, etc., to handle the noise problem. He said he thought a 300 foot setback would be required to bring the decibals down to an acceptable level. He said the staff did not recommend one here because there is a twenty foot high second story that is facing out against the MONROC facility, so an eight foot high fence would not have much effect on the noise problem. He said if MONROC operates at night, it would be very difficult to sleep.

Barbara Evans said MONROC operates from 7 a.m. to 4 p.m.

Several people in the audience said that was not correct.

Janet Stevens asked Mark Hubbell about a portion of the staff report that said the buffering proposed is not sufficient, and that the units are located to close to the boundary adjacent to MONROC, and she wanted to know what would make the buffering sufficient.

Mark Hubbell said one problem is a berm that high would have to have the angle reposed. If you were going to have it that high, it would have to be out so much, and there is a tight arrangement in the rear that would not allow that.

Tex Cates said a concrete wall would be used in conjunction with the berm.

Mark Hubbell said if the units were rearranged in such a way that they were pulled back from that rear property line, there would be more room to do different treatments, whether it be walls, berms, concrete or some combination.

Barbara Evans said that brought her to a legal question that she would like to ask the attorneys, "Do we have the power, under a PUD, to ask them to compact the unit a little, to move it back from the ditch to allow for more space for a sound buffer?"

Deputy County Attorney Joan Newman said it was her opinion that the Commissioners could not make that a condition of approval.

Barbara Evans asked if they could ask the developers to make the change, or could any changes be made at this point.

Joan Newman said she did not believe so.

Mike Sehestedt, Deputy County Attorney, said he agreed with Joan Newman's opinion.

Mark Hubbell said he had mentioned earlier that a denial essentially freezes any rezoning for a year. A withdrawal and a resubmittal would prevent it from being denied.

Joan Newman said the developers would have to get an extension, as this is the 55th day, and the developers would have to agree to an extension of time.

Janet Stevens said this means that if they didn't take action today, the project would be automatically approved.

Joan Newman said that was correct, as far as the plan approval. She said if the Commissioners did not take action, or could not agree on a decision on the zoning, it would be an interesting situation.

Janet Stevens said she understood that there were several criteria that had to be looked at, and of all the criteria to be met, the density seemed to be the one that was causing the problem. All the other criteria had been met.

Mark Hubbell said there were objective and subjective considerations, and the subjective would involve the matter of whether it is a PUD that is innovative to the point where you give the bonus density. He said there were probably four or five of the criteria that this development failed on-Comp Plan, light and air, public safety, etc.

Janet Stevens asked if the Cobblestones were a PUD?

Mark Hubbell said he thought it was a City PUD.

Janet Stevens said she had lived out there, and as she recalled, there was no private yard for any of those townhouses, and she wanted to know what the difference was.

Mark Hubbell said one difference is that that would be City zoning versus County zoning, a little bit different process. Beyond that, he said each one of these developments is approved or disapproved on the merits of the overall package. He said he was not involved in the review of the Cobblestones, but the backdrop of the river and Hellgate Canyon probably served to give a feeling of openness that you may not find up against MONROC.

Janet Stevens said she did not feel that the buffer area was drawn out on the maps and plans very well. She wanted to know what kind of conditions the Commissioners could place on the buffers.

APRIL 23, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: REZONING REQUEST (MAGRUDER AND ADAMS) (continued)

Mark Hubbell said the Commissioners would be approving an eight foot fence, comprised of flowering rose that is sketched. There was nothing to guarantee that they would get any more than that.

Barbara Evans said that Tex Cates said there was going to be a concrete wall, there would be a berm, etc., and she asked if he was willing, and could that be actually drawn out for the Commissioners today.

Tex Cates said that would not be possible today.

Joan Newman said she was not sure that the Commissioners need a drawing, but she thought that that would be an acceptable condition of approval, because it does not alter site design.

Tex Cates said a combination of concrete blocks, wood fence, berm and rose hedges would be installed.

Janet Stevens said she would like to address another concern that she had; that is, what is going to happen to the people who are living there right now if this project is approved? Do the Commissioners have any ability to make sure, using Shady Grove as an example, that the residents are adequately taken care of, if in fact, they are required to move? What can the Commissioners do legally to help the residents if the project is approved.

Mike Sehestedt said very little could be done. Shady Grove was an urban renewal project, it was a government project, and the government was required to pay some relocation assistance. In this situation, there is no authority under the Subdivision Act to impose any relocation assistance. He said this is a tough case, but the Commissioners could not require compensation to the farmer who has been leasing a pasture when that pasture is subdivided. He said he realizes that that trivializes the problem these people are having, but the County's legal authority is hampered. He said he was unaware of anything that allows the Commissioners to address the question of relocation of these people. The Commissioners are empowered only to determine whether or not the project is in the public interest. He said the landlord could give 30 day notice for no reason or good cause at any time and they would not have the power to step in, whether the project was approved or not. He said this is a private development, and the limits of duties that are layed on the government by the law when they engage in urban renewal are not laid on a landlord or property owner who proposes to upgrade his property and displaces a tenant in the process.

Tex Cates said the owners of the property are willing to forego the last months rent, which would help the tenants get going, which is better than nothing.

Barbara Evans asked what the estimated time of beginning would be if this proposal is approved.

Tex Cates said the owners would give notice by the end of this month, and ground would be broken no later than mid-June.

Barbara Evans asked if they were to break ground in the middle of June, what would be their estimated date of completion?

Tex Cates said the entire project would be done this fall, if the weather cooperates. He said the building has guaranteed the project would be done in 12- days or less.

Barbara Evans asked what would happen if the units are not sold, would they become rental units with the same problems that are there today.

Tex Cates said there was a provision in the homeowners covenants and bylaws that say they may be leased only on a year-by-year basis, and they will be signed, written leases, and the renters will have to pay the homeowners fees each month, and they will have to abide by all the rules and regulations of the homeowners association, etc. He said in his estimation, that problem would never come up.

Paula Jacques of the Planning Office said that in the County you can start work on a subdivision as soon as you have preliminary plat approval, but before the building permits are issued, the final plat has to be filed, and that requires getting sanitary restrictions, etc., which take time.

Janet Stevens said the main question the Commissioners have to answer is whether the plan offers sufficient incentives to allow the density. She said for the record, these were the incentives that she sees:

1. What has been recognized as a blighted area by all parties involved would be improved.
2. The water and sewage problem would be improved.
3. More than twice the open space required is being offered.
4. Adequate off-street parking will be provided.
5. Fencing of the irrigation district would be done.
6. Underground utilities and paved private roadways would be installed.

She said her concern does not lie with the project, but with the people that live in the trailer court, and it is unfortunate that the Commissioners do not have a way, legally, to deal with relocation or improving the situation that they are in now. All the Commissioners can rely on is a recognition by the public that there is a need here to help the residents, and she was formally asking the public to do that.

Janet Stevens moved, and Barbara Evans seconded the motion that based on the incentives that were stated earlier, the zoning be approved, and as a condition, sufficient buffering (including a high fence and engineered windrow-type mature evergreen plantings to ameliorate dust and noise and a concrete retaining wall with a dirt berm) between the development and MONROC be erected, and the plans for the buffering be approved by both the Planning Office and the developers, and be a part of the PUD overlay.

Barbara Evans said she was not unmindful of the situation of the people who live in the trailer court, and she did go to the site. She said she could sympathize with the problems, however, some of the problems might have been reduced had everyone who lived there carried their fair share of the responsibility

APRIL 23, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: REZONING REQUEST (MAGRUDER AND ADAMS) (continued)

Barbara Evans (continued)

and paid their rent. She said she didn't think that anyone should expect the developers or the owners of the land to continue to put improvements or continue to take care of something if the residents who live there will not pay for or take care of them. She said the situation out there in regard to the septic situation is unhealthy, and that should not be allowed to continue, and there is a potential for road dust and noise under the conditions that are presently there, and the people who live there and who are upset and distressed at the noise and MONROC in all likelihood knew MONROC was there before they moved there, and while she sympathized with them about the noise problem, she would not knowingly move next door to a noisy area and then be upset because the noise is there. She said the area does need improvement and the Commissioners cannot overlook the fact that someone who owns a piece of property ought to have the right to do with it that which the law allows. The law allows the owners to make this use of their land, and the facts that they entered into a PUD with the Planning Department puts them all under some fairly stringent rules, and the rules of the game should not be changed in the middle of the stream. When the owners agreed to a PUD, that was tying them tooth and toenail to exactly what they proposed, and they do not have any option in the middle to make any changes, and neither do the Commissioners. She said to change the rules in the middle of the game casts a great deal of discredit to the procedures and subdivision regulations, and if the Commissioners are not going to support them, they should not even have them.

Janet Stevens said she did not agree with Barbara Evans as far as the responsibility for the way the trailer court looks. She said she owns a couple of four-plexes and she rents to low income people who take care of the property. She said she feels that it is a give and take proposal for both the owner and the tenant, and it is the responsibility of both parties for the way that trailer park looks. She said she does not blame just the tenants for what has happened; the owners should also take some of that responsibility.

Barbara Evans said she would agree with that.

Mark Hubbell said he had a question about what the Commissioners meant by sufficient buffering.

Janet Stevens said that what she was specifically talking about is the fence, the berm with the retaining wall, and windrow-type evergreens to ameliorate the dust and noise.

Paula Jacques said when the Commissioners phrased their motion, they should have addressed the fact that there are three variances being requested, one from the easement width, the pavement width of the road, and the requirement that sidewalks be installed along River Road, and in granting these variances, the owners have agreed to waive the right to protest an RSID for any future sidewalk construction.

Janet Stevens said she would make that part of her motion. Barbara Evans seconded that. The entire motion passed by a vote of 2-0.

HEARING: CERTIFICATE OF SURVEY-USE OF OCCASIONAL SALE - JOHN T. BROWNE

Joan Newman, Deputy County Attorney said this was a reconsideration of Proposed Division of Parcel 6 B COS 1950 by Dr. John Browne, which was reviewed and denied as an evasion of the subdivision review process September 20, 1985, BCC 85-469. The claimant has asked that the proposed division be reconsidered. She said the pension-profit sharing trust of which Dr. Browne is a trustee, purchased only that parcel that is proposed to be divided, they have not previously used an occasional sale, and the circumstances have not changed, but the claimants have asked for a review of the circumstances.

Robert Minto, an attorney representing Dr. Browne, asked for reconsideration because there were a number of factors that were not brought out at the last hearing. He said the division into two six-acre tracts is within and consistent with the covenants that are on the property, and is consistent with the Comprehensive Plan, and the zoning. He said none of the persons involved have ever used an occasional sale, and the division and sale of these lots is appropriate, and he said they were entitled, under the occasional sale provision, to do so. He asked the Commissioners to reconsider their prior action based on the fact that there is significant authority based on recent Attorney General's opinions that say you can't paint a current applicant with the brush of those who went before him.

Barbara Evans said she did not feel comfortable voting either way on this issue when it came before the Commissioners previously, and she had not felt comfortable since voting on it, and it is one of those that was a really difficult one to decide. She said she would be inclined to reverse her vote in light of the Attorney General's opinions.

Janet Stevens moved and Barbara Evans seconded the motion that upon reconsideration the Commissioners approve the request for the proposed division of COS 1985, Tract 6 B, finding it to be in the public interest based on the following findings of fact:

1. There has not been a previous division of this tract within the last twelve months; and
2. There is no evidence of intent to evade the Montana Subdivision and Platting Act; and
3. The claimant's business is not such as to give rise to the belief that he is in the business of developing land; and
4. This division is consistent with the covenants, the Comprehensive Plan and zoning, and cannot be further divided.

This finding is contingent upon the following language being printed on the face of the survey:

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

The motion passed on a vote of 2-0.

APRIL 23, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: CERTIFICATE OF SURVEY REVIEW (BRYCE BONDURANT)

Joan Newman, Deputy County Attorney said this is a proposed division of Tract 8B 2B, COS 3040 - This is a parcel in the Meadows of Baron O'Keefe as you know; the settlement of that litigation requires that all future divisions in the Meadows will be reviewed by the Commissioners. As for this particular tract, Bryce previously divided parcel 8B 2 by Occasional Sale in 1984. The 1.2 acre parcel was sold and a home has been built on it. Bryce now proposes to divide the remainder into two (2) parcels. From the sketch it appears that one of the parcels would be about 1.5 acres and the other would be about 2.5. This has been referred for review based simply on the requirement of the Meadows settlement agreement, and this Proposed Division does create multiple lots served by a common road. Also, the restrictive covenants require a minimum lot size of 2 acres.

Bryce Bondurant said this was before the Commissioners in June of 1985 in which it was denied on several points, one of which was based on a history of those who came before him. He said he did not create this five acre parcel, but did split a previous, smaller parcel. He said at that time he was using the family gift solution, and he had refused before the Board to lay out some sort of trust relationship with his children, as he failed to see how that was County business.

Barbara Evans said she tended to agree with Mr. Bondurant, that under the law, he is entitled to make this split, and what he does with the land is his own business.

Joan Newman said she would like to point out that the statutes would support Barbara's opinion, unless Mr. Bondurant or someone was involved in evasion of the subdivision review process.

Barbara Evans moved, and Janet Stevens seconded the motion to grant approval of Tract 8B 2B, COS 3040, finding it to be in the public interest to do so, based on the following findings of fact:

1. There has not been a previous division of this tract within the last twelve months; and
2. There is no evidence of intent to evade the Montana Subdivision and Platting Act; and
3. The claimant's business is not such as to give rise to the belief that he is in the business of developing land; and
4. This division is consistent with the covenants, the Comprehensive Plan and zoning, and cannot be further divided.

This finding is contingent upon the following language being printed on the face of the survey:

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

The motion passed on a vote of 2-0.

There being no further business to come before the Commissioners, the Board was in recess at 3:30 p.m.

APRIL 23, 1986 - DAILY ADMINISTRATIVE MEETING (these minutes are out of order - should have been prior to the Public Meeting)

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 22, 1986, pages 6-35, with a grand total of \$230,539.69. The Audit List was returned to the Accounting Department.

SITE INSPECTION

In the morning, Commissioner Evans inspected the site on the rezoning request from Magruder and Adams for the Riverwood Townhomes.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 86-035

The Board of County Commissioners signed Resolution No. 86-035, a resolution whereby Missoula County accepts real property and agrees to a boundary line for public road and all other public purposes in a portion of SW $\frac{1}{4}$  of Section 29, Township 13 North, Range 19 West, Principal Meridian, Montana, Missoula County, for the Mount Avenue Project from Cyrus S. Larson, Harold L. Bauman and Marvel D. Bauman, who agree to convey an Easement by Quit Claim Deed for public road and all other purposes to Missoula County.

BOUNDARY AGREEMENT

The Board of County Commissioners signed a Boundary Agreement and Conveyances by Quit Claim Deed in support thereof between Missoula County and Cyrus S. Larson, Harold L. Bauman and Marvel D. Bauman, the owners of the adjoining dedicated right-of-way for Mount Avenue in Missoula County, and agree as per the mutual conveyances set forth in the Boundary Agreement.

RESOLUTION NO. 86-036

The Board of County Commissioners signed Resolution No. 86-036, resolving that Missoula County will, subject to the requirements set forth in the Resolution, borrow, at an interest rate and on such terms as are approved by the Mental Health Center, not to exceed \$100,000 to be used to provide an adequate reserve for the operation of the Mental Health Center and its River House Program.



APRIL 23, 1986 (continued)

CERTIFICATE OF SURVEY

The Board of County Commissioners signed a Certificate of Survey to relocate common boundaries between existing parcels of land and to provide material evidence for the Kona Ranch Road not appearing on any map filed with the County Clerk and Recorder located in portions of Section's 8 & 9, Township 13N., Range 20W, and are affected by the right-of-way agreements for the Kona Ranch Bridge project, the owners being Walter L. & Margery J. Howdyshell and William F. and Janet M. Leach, who certify that the purpose of this division of land is to relocate common boundary lines between adjoining properties, and that no additional parcels are hereby created; therefore, this division of land is exempt from review as a subdivision pursuant to Section 76-3-207 (1) (a), M.C.A.

CERTIFICATION OF VOTES

The Board of County Commissioners signed Certification of the votes cast for Trustee, Missoula Rural Fire District, in the School/Special Election held on Tuesday, April 1, 1986, in the Missoula Rural Fire District.

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

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APRIL 24, 1986

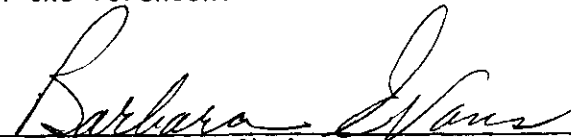
The Board of County Commissioners did not meet in regular session; Commissioner Dussault was on vacation April 24th and 25th, Commissioner Evans was out of the office all day, and Commissioner Stevens was out of the office until noon.

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APRIL 25, 1986

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

  
Fern Hart, Clerk & Recorder

  
Barbara Evans, Chairman

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APRIL 28, 1986

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

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Joni J. Greeley as principal for warrant #121009, dated April 14, 1986, on the Missoula County Trust Fund in the amount of \$400.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 86-037

The Board of County Commissioners signed Resolution No. 86-037, a resolution of intent to rezone the west 194.45 feet of Lot 6, Cobban and Dinsmore's Orchard Homes No. 2 from Planning and Zoning District No. 16 to "C-R1" (Residential) with a "PUD" (Planned Unit Development) Overlay.

RESOLUTION NO. 86-038

The Board of County Commissioners signed Resolution No. 86-038, a resolution annexing four parcels of land located in the Big Flat area containing approximately 466 acres, as per the description in the Resolution, to the Missoula Rural Fire District, and are to be assessed for such annexation a fire district levy along with other property already a part of said Missoula Rural Fire District.

RESOLUTION NO. 86-039

The Board of County Commissioners signed Resolution No. 86-039, a budget amendment for FY '86 for the Health Department, including the following expenditures and revenue, adopting it as part of the FY '86 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
2270-610-445600-111 Perm. Salaries From \$60,549 To \$71,549	<u>Increase</u> 11,000
2270-610-445600-141 Fringe Benefits From \$12,897 To \$15,204	<u>Increase</u> 2,307
	\$13,307 Total
<u>Description of Revenue</u>	<u>Revenue</u>
2270-613-331409 MCH Block Grant From \$62,850 To \$76,157	<u>Increase</u> \$13,307

Contract was modified by the SDHES to increase the funds we will receive to \$76,157 from \$62,850.

RESOLUTION NO. 86-040

The Board of County Commissioners signed Resolution No. 86-040, a resolution authorizing the signing the Lease/Purchase Agreement with First Municipal Lease Corporation for the purchase of the Burroughs 1048MB Disk Pack Drives.



APRIL 28, 1986 (continued)

RESOLUTION NO. 86-040 (continued)

The Resolution was returned to John DeVore, Operations Officer, for further handling.

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfer and adopted it as part of the FY '86 budget:

1. No. 860082, a request from the Weed Dept. to transfer \$390.75 from the County Participation Account to the Radio Maintenance Account as the money was eliminated from this line item in the budget process.

CONTRACT

The Board of County Commissioners signed three copies of the Community Development Block Grant Contract (MT-CDBG-S85H-14) between Missoula County and the State of Montana Department of Commerce for the purpose of providing funding for project activities approved by the Department under the Montana Community Development Block Grant Program (CDBG) for FY 1985.

The major components of the project include the rehabilitation of a minimum of 27 residential structures and the administration of this Contract, as per the terms set forth; the contract takes effect on April 15, 1986, and the activities will be completed no later than September 15, 1987, with the total amount not to exceed \$317,259.00. Two copies of the contract were returned to Helena and one was sent to the Missoula County Clerk & Recorder for filing.

PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the transmittal sheet for pay period #9 (4/06/86-4/19/86) with a total Missoula County payroll of \$355,575.02. The transmittal sheet was returned to the Auditor's Office.

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Daniel Sinawski, Criminal Justice Training Consultant, an independent contractor, for the purpose of instructing one course in "Basic Enforcement of DUI", instructing one course in "Advanced Enforcement of DUI", and the addition of a second Advanced course to be determined by demand as established by November 15, 1986, as per the terms set forth, for the period from December 1, 1986, through December 4, 1986, for a total amount not to exceed \$2,400.00.

AGREEMENT

The Board of County Commissioners signed an Agreement between Missoula County and Top-Down Computer Consultants, Inc. of Hamilton, MT. an independent contractor, for the purpose of obtaining the services of the contractor to develop and implement the Public Defender computer system and to provide the required technical assistance to develop and implement that system, as per the terms set forth, with payment as per the rate of payment schedule attached to the Agreement.

LEASE AGREEMENT

Chairman Evans signed a Lease Agreement between Missoula County and First Municipal Leasing Corporation (FMLC) of Englewood, Colorado for one (1) B-1990 BP Business Partner 1048 MB Disk Pack Drive SN336587373, as per the terms set forth. The Agreement was returned to John DeVore, Operations Officer, for further handling.

Other matters included:

The Board of County Commissioners authorized John DeVore, Operations Officer, to make an offer of \$27,000.60 to the first choice in the selection of the 9-1-1 Director.

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

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APRIL 29, 1986

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 29, 1986, pages 7-32, with a grand total of \$1,117,401.91. The Audit List was returned to the Accounting Department.

WELFARE ADVISORY BOARD

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

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 86-041

The Board of County Commissioners signed Resolution No. 86-041, a resolution adopting policies and procedures for the administration of Neighborhood Rural Special Improvement Districts as per the guidelines attached to the resolution.

APRIL 29, 1986 (continued)

Other items included:

Commissioners Dussault and Stevens voted, with Commissioner Evans passing, to deny the claim by Alice Moore, former Accounting Department employee, against Missoula County for legal expenses incurred by her.

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

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APRIL 30, 1986

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 for the Health Department and adopted them as part of the FY '86 budget:

1. No. 860083, a request to transfer \$950.00 from the Permanent Salaries (\$400.00) and Machinery-Equipment (\$550.00) accounts to the Work Study Salaries (\$400.00) and Capital-Improvements (\$550.00) accounts as per the line items are over expended;
2. No. 860084, a request to transfer \$200.00 from the Mileage-County Vehicle account to the Lodging-Meals and Incidentals (\$150.00) and Tuition and Registration Fees (\$50.00) accounts as the line items are overexpended;
3. No. 860085, a request to transfer \$600.00 from the Indirect Costs-MC (\$350.00) and Consultants (\$350.00) accounts to the Contracted Services - 443200 (\$350.00) and Contracted Services - 441000 (\$250.00) accounts as the line items are overexpended; and
4. No. 860086, a request to transfer \$75.00 from the Computer Supplies - 442200 (\$25.00) and Audiovisual Materials (\$50.00) accounts to the Computer Supplies - 442000 (\$25.00) and Dues & Membership (\$50.00) accounts as the line items are overexpended.

RESOLUTION NO. 86-042

The Board of County Commissioners signed Resolution No. 86-042, a resolution establishing joint funding of expenses for purposes of retaining expert witness services in the lawsuit brought by Pacific Power and Light Company, et. al. against the State of Montana, the Department of Revenue, and the Montana Counties of Broadwater, Jefferson, Granite, Powell, Missoula and Mineral, who are directly and indirectly affected over the issue of beneficial use taxes.

The Counties agree to bear the costs associated with contracting for an expert witness on a pro-ratable assessment, based upon actual costs, and that the Montana Association of Counties will act as paying agent for the six counties, and will assess and collect from each equally an amount sufficient to meet the costs of the expert witness to be identified and retained through MACo and the Department of Revenue.

BUDGET TRANSFER

The Board of County Commissioners approved and signed the following budget transfer and adopted it as part of the FY '86 budget:

1. No. 860087, a request from the County Attorney to transfer \$995.00 from one Capital Equipment -410420 account to another Capital Equipment - 411101 account to cover the purchase of a computer terminal for the Victim/Witness Notification Project under the Montana Board of Crime Control subgrant #85-15473.

Other matters included:

1. The Commissioners voted unanimously to approve the contract with John Harris for consulting services regarding the Planning Department;
2. Commissioners Evans and Stevens voted, with Commissioner Dussault opposing, to amend the Poker Machine Resolution to exempt the first two machines from scheduled increases; and
3. The Commissioners accepted John DeVore's personnel contract for Operations Officer, effective May 1, 1986 and the proposal for the promotion of Jim Dopp to Assistant Operations Officer.

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

PUBLIC MEETING

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

DECISION ON TAX INCENTIVE FOR NEW AND EXPANDING MANUFACTURING INDUSTRIES

Chairman Barbara Evans said the Missoula area Chamber of Commerce has asked the Board of County Commissioners to enact property tax incentives for new and expanding manufacturing industries as set forth in MCA-15-24-1401-2. The tax incentive reduces the taxable value of qualified property by 50% for the first five years after a construction permit is issued and then adds 10% back each year for the next five years so that full taxable value is reached after ten years.

The Commissioners held a public hearing on the matter on April 16, 1986 and left the record open for written comment. Letters were received from Montana People's Action, E.R. Jarvis, Bill Thomas, and additional comments from Bruce Suenram and Dennis Kraft.

She said some other letters were also received late today, which will be added to the record and on file in the Commissioner's Office.

APRIL 30, 1986 (continued)

PUBLIC MEETING (continued)

DECISION ON TAX INCENTIVE FOR NEW AND EXPANDING MANUFACTURING INDUSTRIES (continued)

Janet Stevens moved, and Ann Mary Dussault seconded the motion to approve the resolution providing for property tax incentives to encourage construction for new and expanding manufacturing industry with the following amendments:

1. Provided an estimate of the number of new jobs that will be created by the new facility, broken down, if possible, be required position skills and salary ranges.
2. Be it further resolved, that as a result of this resolution and any employment created by the effects of this resolution that the Board of County Commissioners strongly recommends and supports that wherever possible, Missoula County citizens be first given preference in selection of applicants for filling positions, and that Montana citizens be given preference thereafter.

Be it further resolved, that the County Treasurer make an annual report of the number of businesses that have taken advantage of the resolution and the amount in dollars of taxes that have been reduced thereby.

The motion passed on a vote of 3-0.

Howard Schwartz, Chief Executive Officer for Missoula County said there seems to be no problem with the City adopting this, or a similar ordinance. The City Finance Committee will be meeting tomorrow, and he said he would attend the meeting. He said the City could either endorse this resolution, or it can adopt an ordinance of its own, in which case a business could decide which plan they would prefer to apply to.

Mike Sehestedt, Deputy County Attorney said his opinion is that this particular resolution affects all areas subject to the Commissioner's jurisdiction, he did not see any need for the City to adopt their own resolution, but that would certainly be their prerogative to do so.

Janet Stevens said she would propose that the Commissioners proceed with the other tax incentive proposal that the Chamber has to offer, and follow-up and proceed in the same manner that they did with this proposal.

Howard Schwartz said that was what the City was doing at this time; looking into the second phase of the proposal.

Ann Mary Dussault said the Commissioners put no use on this particular restrictions on these tax incentives, and there were specific reasons why they did so, but of particular importance is that the language of the resolution does give us enough information so that annually, we can evaluate the effectiveness of the program. Each year, the Commissioners will be able to analyze not only the effects on the tax base, but how many jobs have been created.

Fern Hart, Clerk and Recorder/Treasurer asked Mike Sehestedt if this proposal affects all levies for which County has responsibility.

Mike Sehestedt answered in the affirmative.

Fern Hart asked if that exempts SID's and RSID's

Mike Sehestedt said those are not tax assessments.

HEARING: ADOPTION OF THE EMERGENCY ORDINANCE AMENDING SECTION OF RESOLUTION NO.79-202, the COUNTY DOG ORDINANCE

Linda Hedstrom, Assistant Director of Environmental Health said Section 3 covers licensing requirements and licensing fees. The requirements for licensing should be updated to be consistent with the Board of Health's Rabies Rule and the City Ordinance. In addition, the licensing fees are inadequate to fund the County's animal control program. The resolution for County Dog Control (Resolution 79-202) has not been revised since 1979; adoption of the proposed changes in Section 3 will begin the process of revision.

She said the City/County Animal Control Board recently adopted several goals, one of which was to standardize the City and County license fee schedule. The City Council adopted a proposal similar to this one a week ago. She discussed the new fee schedule and the regulations requiring owners to obtain kennel fee licenses if they own five or more dogs.

She said the current ordinance calls for all dogs under the age of 6 months to be vaccinated and licensed. State law requires that dogs receive their first rabies vaccination by five months, therefore, the new regulations call for the vaccinations and licenses to be obtained between four and six months. New regulations would require new residents to buy a license for their dogs within 60 days of establishing residence. The person who purchases a license is the responsible person for all violations. She said the new regulations require written proof that a dog has been spayed or neutered before the discounted license can be purchased. And the new fee schedule provides for the purchase of a two year license so vaccinations and licenses can expire at the same time.

Finally, the fees increased, and she proposed that both one and two year licenses be sold. She said the new fee schedule is a substantial raise, but the cost of administering the animal control program have risen dramatically over the past 6 years, when the current ordinance was written. She said the fees are designed to encourage people to have their dogs altered.

Barbara Evans opened the hearing for public comment.

Glen Martin, Chairman of the City/County Animal Control Board spoke in favor of the new recommendations and adoption of these changes.

The President of the Lincolnwood Homeowners Association said his organization wished to go on record in favor of the ordinance as proposed.

Barbara Evans asked if anyone else wished to speak either in favor or in opposition to the ordinance. No one came forward to speak. She said the Commissioners had received no letter of opposition, and the public hearing was closed.

APRIL 30, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: ADOPTION OF THE EMERGENCY ORDINANCE AMENDING SECTION OF RESOLUTION NO. 79-202, the COUNTY DOG ORDINANCE (continued)

Janet Stevens asked how the door-to-door survey to license dogs will be funded.

Linda Hedstrom said it is self-funding. The money that is collected during the canvassing will pay for the program, and no County funds would be needed.

Barbara Evans asked what happened to the escalating fees for dogs that were at large more than one time.

Janet Stevens said the problem in the Justice Courts was that the judges never knew if it was the first, second, or third offense, so they were all charged as first offenses.

Barbara Evans asked if there was some way of getting that information to the Justice Courts.

Janet Stevens said that with the new computer system, that should be taken care of.

Ann Mary Dussault asked a hypothetical question: if a dog was spayed and had her shots three or four months ago, and the owner now goes in to buy a two year license, would the dog only be licensed for 18 months because her vaccination will come due before the license expires. Can these be prorated.

Linda Hedstrom said one proposal was to sell a license on a month-by-month basis so people could buy a license for 18 months, and then when the vaccination came due, you could buy a two year license, and it would be prorated.

Jane Ellis, Treasury Manager said she was terribly reluctant to have the clerks spend time prorating dog license, as a one year license that is prorated by month works out on a neutered animal to 67¢ a month, and she said she would have a hard time spending alot of clerical time dealing with calculating that, or looking it up on a chart. She said the Treasurer's Office has enough charts and fee schedules to look up already.

Ann Mary Dussault said she has some real problems with that, and she would like to postpone action until something is worked out. She said the public would also have some real problems with that kind of system, and some kind of first year prorating system has to be worked out.

Barbara Evans asked Fern Hart, Clerk and Recorder/Treasurer if she had any comments to make on this issue.

Fern Hart said she never was involved in this issue.

Janet Stevens said she could not see any problem with having a chart already made out so the clerks could prorate first year dog licenses. She said she didn't think it would take much effort to look over at a piece of paper and determine how much a fee would be.

Jane Ellis said that would be one more thing that is overlayed on top of a whole series of charts that the clerks deal with for revenues that are much more important to the County. They already have charts for penalty interest, real estate and personal property, etc., and she would hate to see the transaction for a dog license come as a production as big as a transaction for several thousand dollars worth of real estate.

Janet Stevens asked what effect a one week delay would have on the canvass.

Linda Hedstrom said it would not affect the canvass if the canvassers were assigned only to the City limits. In addition, she said the City was looking for a good-faith effort by the County that they were going to make some changes in the dog ordinance before they changed theirs again.

Ann Mary Dussault said she thought the City could wait one more week, that the Commissioners would be doing a disservice to those who have been licensing their dogs all along if they acted on this without ironing out all the wrinkles. She said this failure to prorate licenses would be affecting those good people who had been licensing and vaccinating their dogs.

Chairman Barbara Evans said the Commissioners would take a one week delay on this matter, and table it until a week from today.

HEARING: CERTIFICATE OF SURVEY REVIEW 20 ACRE PARCEL- ACCESS DETERMINATION (FIVE VALLEY OIL & GAS)

Joan Newman, Deputy County Attorney said this is a proposed division of a tract greater than 20 acres near the Grantland Subdivision. The only issue is the suitability of access. As the letter indicates, the tract is to be served by Glen Eagle Way, and also by St. Andrews Way.

She said her recommendation was that the Certification of Survey be approved subject to several conditions. Glen Eagle Way is going to be dedicated and paved to County standards; St. Andrews Way is in a planned subdivision and is dedicated, and there is an existing RSID, which will be constructed to County standards.

Barbara Evans opened the hearing for public comment. No one came forward to speak either in favor of, or against the proposal, and the hearing was closed.

Ann Mary Dussault asked what the County's responsibility is in this particular review. She understood that the Commissioners were to determine only that there is suitable access, and does that mean access by County standards.

Joan Newman said that was correct, and that means that the resolution defines suitable access in terms of subdivision regulations, which means roads built to County standards. So, the first question is do you have the land for the road access, and the second question is, is it dedicated. She said in this case, the answer to both questions appears to be yes.

Chip Johnson indicated the area on a map, and said five years ago, when this was first proposed, there was a separate, and different access road up to the subdivision, and that access was dedicated to the County through a Certificate of Survey. He said now, they want to have a better access, and County Surveyor Dick Colvill has concurred in these plans. He said what he is in the process of doing now is filing a Certificate of Survey that will dedicate this portion of right-of-way to the County. He said there are SID's created to secure the improvements guarantee for construction.

APRIL 30, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: CERTIFICATE OF SURVEY REVIEW 20 ACRE PARCEL - ACCESS DETERMINATION (FIVE VALLEY OIL & GAS) (cont.)

Joan Newman asked what problems are created for anybody if the filing of this plat be postponed until the dedication is complete.

Chip Johnson said it was a question of time; that the owners want it to get done as soon as possible, and they are not the same people who own adjacent property.

Barbara Evans said that as she sees it, technically, there is not now legal access, and if the statement is put on the plat the Commissioners have found this to be lacking in suitable access, what will be the consequences to the splits and further sales of this property.

Chip Johnson said he did not know if there were any plans for any sales of splits of the property at this time, but the reason the split is being requested is partly due to an RSID transfer with lands in the Grant Creek area. He said when subdivision plats are filed, there is not suitable access, there is no access until the roads are built.

Barbara Evans said that the law dictates that when the Commissioners review any split of twenty acres or more, the only thing they are to review them for is suitability of access.

Fern Hart said she was still confused, and asked Chip Johnson to indicate the accesses of the property on the map. He do so, and indicated the old road that would give access to this property until the new road is built.

Ann Mary Dussault moved that the Commissioners find that suitable access does not exist.

She said if that motion is passed, it would appear that within a very short time, suitable access will be provided, and the developer could come back to the Commissioners for another review.

Chip Johnson said that would be acceptable, but he was not sure that everyone was in agreement here about what suitable access is, because he felt that plans for the access have been developed and approved by the County Surveyor's Office.

Ann Mary Dussault said the state law is very unclear, and it makes the Commissioner's job very difficult. Her definition of suitable access is to have roads that meet the County standards, but she is not convinced that that is even reasonable.

Chip Johnson said he would agree, given that subdivisions do not have their roads in before they are approved.

Joan Newman said she understood what he was saying, but in regard to legal access, there is nothing but a private road at this point between Grant Creek Road and St. Andrews Way.

Ann Mary Dussault said Chip Johnson was saying that was not true, because there currently is public road, with the Certificate of Survey that is being filed today.

Ann Mary Dussault said she would withdraw her previous motion.

Ann Mary Dussault moved, and Janet Stevens seconded the motion that pursuant to its review under Resolution No. 85-114, suitable access is found to exist and that language contained in the resolution be placed on the face of the plat. The motion passed on a vote of 3-0.

PUBLIC COMMENT

Lillian Hornick, 302 So. 6th East brought a copy of a letter she had sent to the Missoula City Council concerning a company that plans to come to Missoula this summer to open a business to develop and manufacture a process that can quickly and efficiently purify chemicals. She wanted to know what the City and County were doing to monitor this kind of business, and expressed concerns with this business.

The Commissioners forwarded her letter to the Health Department and assured Mrs. Hornick that the State would be monitoring this business very closely.

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

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MAY 1, 1986

The Board of County Commissioners met in regular session; all three members were present. Commissioner Stevens participated in conducting a mini-crime class at Sentinel High School in the forenoon.

DAILY ADMINISTRATIVE MEETING

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

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Dana Johnson, an independent contractor, for the purpose of doing a preliminary audit of client charts in preparation for on-site monitoring of programs by the State Health Department, as per the terms set forth for the period from April 28, 1986, through June 30, 1986, for a total amount not to exceed \$1,260.00

EMPLOYMENT AGREEMENT

The Board of County Commissioners signed an Employment Agreement between Missoula County and John DeVore, as per the duties and terms set forth in the Agreement.

RESOLUTION NO. 86-043

The Board of County Commissioners signed Resolution No. 86-043, a resolution providing for property tax incentives to encourage construction for new and expanding manufacturing industry to aid in the economic development of Missoula County, and approved the following schedule of tax incentives for new and/or expanding manufacturing industry:



MAY 1, 1986 (continued)

RESOLUTION NO. 86-043 (continued)

In the first five years after a construction permit is issued, qualifying improvements to real property shall be taxed at 50% of their taxable value; each year thereafter, the percentage shall be increased by equal percentages until full taxable value is attained in the 10th year and thereafter, to wit:

1st year through 5th year	- 50% of taxable value
6th year	60%
7th year	70%
8th year	80%
9th year	90%
10th and subsequent years	100%

as per the definitions and terms set forth in the Resolution.

Other matters included:

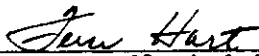
1. The Commissioners requested the Personnel Department to do a classification study relative to the establishment of a position entitled Assistant Operations Officer, as per the duties outlined in the request; and
2. The Commissioners authorized Cenex of Missoula, MT to be the Missoula County designated dealer for supplying U.S. Fish & Wildlife Service rodent control materials, as Missoula County does not have a county employee who is designated bait dealer.

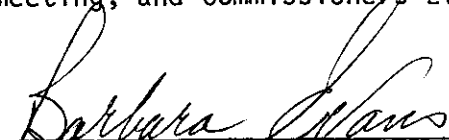
The minutes of the daily administrative meetings are on file in the Commissioners Office.

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MAY 2, 1986

The Board of County Commissioners did not meet in regular session; Commissioner Dussault was in Bozeman where she attended a LGAC (Local Government Advising Committee) meeting, and Commissioners Evans and Stevens were out of the office all day.

  
Fern Hart - Clerk & Recorder

  
Barbara Evans, Chairman

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MAY 5, 1986

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena where she attended a MACo meeting concerning protested taxes.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers for Youth Court and adopted them as part of the FY '86 budget:

1. No. 860088, a request to transfer \$604.20 from the Common Carrier Travel - 410371 (\$192.00) and Common Carrier Travel - 410378 (\$412.20) accounts to the Common Carrier Travel - 410377 account to clear up detail of inaccurate coding;
2. No. 860089, a request to transfer \$624.00 from the Work Study (\$180.00) and Computer Supplies (\$444.00) accounts to the Contracted Services (\$180.00) and Office Supplies (\$444.00) accounts to correct a coding error;
3. No. 860090, a request to transfer \$729.90 from the Contracted Services - 410377 account to the Work Study (\$635.90) and Contracted Services - 410371 (\$94.00) accounts to accurately reflect the account from which the amounts should have been taken;
4. No. 860091, a request to transfer \$1,733.05 from the Contracted Services - 410376 account to the Contracted Services - 410371 (\$1,728.20) and Work Study (\$4.85) to reflect grant expenditures as per Resolution No. 85-130.
5. No. 860092, a request to transfer \$1,416.00 from the Contracted Services - 410376 account to the Work Study (\$1,000.00) and Contracted Services - 410371 (\$416.00) accounts to reflect the money spent on grants as per Resolution No. 85-130; and
6. No. 860093, a request to transfer \$500.00 from Contracted Services - 410376 to the Technical Equipment R/L (\$200.00) and Office Equipment R/L (\$300.00) accounts to correct a coding error.

RESOLUTION NO. 86-045

The Board of County Commissioners signed Resolution No. 86-045, a resolution to accept real property for public road and all other public purposes, resolving that Missoula County accept from T & T Development, a partnership consisting of Dan Tuxbury and Timothy Tiffin an Easement across the north 15 feet of Lot 15 and the north 10 feet of Lot 14, Block 2 of Carline Addition, a platted subdivision of Missoula County and being located in a portion of the SW ¼ of Section 29, Township 13 North, Range 12 West, Principal Meridan, Montana, Missoula County, which is needed for construction purposes on Mount Avenue.



MAY 5, 1986 (continued)

BUDGET TRANSFER

The Board of County Commissioners approved and signed the following budget transfer for the Surveyor and adopted it as part of the FY '86 budget:

1. No. 860094, a request to transfer \$183,027.00 from the Capital Construction - 461624 (Morrison Lane Bridge) account to the Capital Construction - 431624 (Kona Phase I) account to correct a line item.

Other matters included:

The Commissioners approved the Audit Contract as presented by Dobbins DeGuire and Tucker covering the period from July 1, 1985 through June 30, 1988.

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

MEETING

In the evening, Commissioner Dussault attended the Seeley Lake Refuse Disposal District Board meeting in Seeley Lake.

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MAY 6, 1986

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. 86-044

The Board of County Commissioners signed Resolution No. 86-044, a resolution providing for the temporary closure of Sawmill Gulch Road and Bridge to allow the Forest Service to remove a mobile home and other large items of personal property from private property located in the Sawmill Gulch area, resolving that Sawmill Gulch Road and Bridge be closed to public use from Wednesday, May 7, 1986 until such time as the movement of the trailer is completed and the guardrails are reinstalled on the Sawmill Gulch Road.

RESOLUTION NO. 86-046

The Board of County Commissioners signed Resolution 86-046, a resolution setting county license fees for electronic poker machines, superseding Resolution No. 86-030, and resolving that the additional license fee schedule as set forth in 86-030 be amended as per the fee schedule set forth in the Resolution.

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and John S. Harris & Associates, an independent contractor for the purpose of an assessment of the situation in the Office of Community Development with recommendations and development of an action plan for approval, as per the terms set forth, for the period from May 5, 1986, through June 5, 1986 for a total amount not to exceed \$1,600.

Other items included:

1. The Commissioners approved the bylaws for the Seeley Lake Refuse Disposal District as submitted by the Districts' Board of Directors:
2. The Commissioners approved the appointment of Kathy Crego as Projector Director for the FMCS Grant, effective immediately, due to the resignation of Dennis Engelhard, Personnel Director.
3. The Commissioners approved Howard Schwartz's request to withdraw from PERS and for the County to make an equal contribution to a retirement plan of his choice;
4. The Commissioners voted unanimously to find in favor of Laura Claus regarding her grievance against the County and to pay for the back wages as per the memo from the Personnel Department, dated May 6, 1986, and to accept her offer to drop the Human Rights Commission action; and
5. The Commissioners approved the decisions made by the Larchmont Golf Course Board at its April 24, 1986 meeting as follows:
  - a. The Board makes a good faith offer of \$1000 for secretarial services for FY '86, as per item A. under OLD BUSINESS in the minutes of the meeting; and
  - b. The Board recommends the adoption of Option A for management restructuring, as per item B under OLD BUSINESS in the minutes of the meeting.

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

WOMEN'S PEACE TEA

The Commissioners were guests of honor at a tea sponsored by Women's Place in the afternoon.

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MAY 7, 1986

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

AUDIT LIST

Commissioners Dussault and Stevens signed the Audit List, dated May 7, 1986, pages 5-30, with a grand total of \$139,656.88. The Audit List was returned to the Accounting Department.

MAY 7, 1986 (continued)

INDEMNITY BOND

Acting Chairman Dussault examined, approved and ordered filed an Indemnity Bond naming Nancy Ivarinen as principal for warrant #139306 until December 4, 1985, on the Missoula County General Fund, in the amount of \$95.80 now unable to be found.

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 May 17, 1986, as "Heather McChesney Day" in Missoula, Montana, and encourages the citizens of Missoula to lend all the consideration and support they can towards helping this seven year old, who is in need of a liver transplant to live a healthy and normal life.

Other matters included:

1. The Commissioners approved the building evacuation policy:
2. The Commissioners concurred with John DeVore's memo, dated May 5, 1986, and his recommendations regarding space allocation needs in various County departments, namely Accounting, Personnel, and District Court/Jail; and
3. The request from Missoula Youth Homes for \$1,000 in funding to enable them to begin to address the issue of night supervision at the Attention Home was discussed - the matter was referred to the Sheriff for his comments.

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

PUBLIC MEETING

The meeting was called to order at 1:30 by Acting Chair Ann Mary Dussault. Also present was Commissioner Janet Stevens. Commissioner Barbara Evans was absent due to illness.

PRESENTATION - BOY SCOUTS

Chuck Timothy of the Boy Scouts thanked the Commissioners for declaring April 19th Environmental Day for Project 93, and the project was very successful. Two thousand Scouts collected 500,000 pounds of trash along the highways. Mr. Timothy presented a card and Project 93 Patch to the Commissioners.

BID AWARD (MILE TRUCK SHED - SURVEYOR)

Chair Ann Mary Dussault said bids were opened May 5, 1986 with one bid received:

Ralph D. Thornburg

\$18,460.00

This project will provide a winter equipment storage shed in the 9 Mile area. This is the second time we have bid this project. In September we opened bids with one bid received for \$19,500. The problem is that Small Building Contractors don't want to be involved with the bonding and wage rates required for a County contract.

She said the recommendations from the County Surveyor's Office was to award the contract to Ralph D. Thornburg, with the 200 amp electrical option, in the amount of \$18,460. The Surveyor's Office has \$15,000. in the budget for this project. We will transfer the remaining \$3,460 from Surplus Equipment funds.

Terry Wahl of the Surveyor's Office said this was a very small job, and it was 25 miles out of town, and that is why the contractors did not bid on this.

Janet Stevens moved, and Ann Mary Dussault seconded the motion to award the contract to Ralph D. Thornburg, with the 200 amp electrical option in the amount of \$18,460.00 to construct a truck shed in the Nine Mile. The motion passed on a vote of 2-0.

DECISION ON: ADOPTING EMERGENCY ORDINANCE AMENDING SECTION #3 OF RESOLUTION NO. 79-202, THE COUNTY DOG ORDINANCE

Ann Mary Dussault said action on this particular action was postponed from last week in order to see if it was possible to develop a prorated quarterly fee schedule for dog owners that will allow them to buy a license that would run concurrent with their dog's vaccination schedule.

Linda Hedstrom of the Health Department said a joint effort between the City Treasurer and the County Treasurer resulted in a payment and fee schedule that would allow quarterly fees to be paid.

Janet Stevens moved and Ann Mary Dussault seconded the motion to adopt the Emergency County Dog Ordinance with the prorated license fee schedule.

Ann Mary Dussault asked if the Health Department was pursuing the licensing of cats.

Linda Hedstrom said Billings just passed a cat licensing ordinance, but she wanted to study the issue further, as she was not sure Missoula residents were ready for cat licenses.

The motion passed on a vote of 2-0.

RESOLUTION NO. 86-047

The Commissioners then signed Resolution No. 86-047, a resolution adopting an Emergency County Dog Ordinance.

CONSIDERATION OF BELL SUBDIVISION

Paula Jacques from the Office of Community Development said the Bell Subdivision is a proposal to add a second rental home to Lot 10, U.S. Government Subdivision #1, located at the corner of North and 36th Avenues. The home will have an individual septic tank and well.

MAY 7, 1986 (continued)

PUBLIC MEETING (continued)

CONSIDERATION OF BELL SUBDIVISION (continued)

Paula Jacques (continued)

A variance from the paved driveway requirement has been requested. The Staff has recommended approval of the variance request as the driveway connects to an unpaved alley.

She said the recommendation from the Planning staff is to approve this request and also to approve the variance request. She indicated the property on the map.

Janet Stevens moved, and Ann Mary Dussault seconded the motion to approve the summary plat of the Bell Subdivision, and the variance from the paved driveway requirement finding it to be in the public interest to do so, based on the following findings of fact:

FINDINGS OF FACT:

The Missoula Consolidated Planning Board recommends that the Bell Subdivision be declared to be in the public interest based upon a review of the following criteria:

Criterion 1: NEED -- This subdivision request is precipitated by the property owners' desire to place a second home on their property for a family member. The proposal complies with the Comprehensive Plan recommended density of six units per acre. The house has been sited so that future subdivision of the property is possible.

Criterion 2: EXPRESSED PUBLIC OPINION -- No public hearing is required for a summary plat and to date, no comment has been received on the proposed additional house.

Criterion 3: EFFECTS ON AGRICULTURE -- The parcel is not in agricultural use at this time. Its location within a platted subdivision in the urban area limits its agricultural potential to urban gardens.

Criterion 4: EFFECTS ON LOCAL SERVICES -- Elementary students in this area attend the Target Range School and secondary students attend Big Sky High School. Both homes are accessible from dedicated public streets which have been paved through an R.S.I.D. The second home proposed for the southerly portion of the property will have access from the alley; the County Surveyor has noted that alleys have a low priority for snow plowing and it may be difficult to access the garage in the event of heavy snow. The applicant has been informed of this situation and prefers to leave the access as proposed. The area is already developed for residential use and the second home is easily served by Montana Power and Mountain Bell.

Criterion 5: EFFECTS ON TAXATION -- Some increases in tax revenue is anticipated with the addition of an additional residence. As the parcel is already served by public agencies, no additional cost is anticipated.

Criteria 6 & 7: EFFECTS ON THE NATURAL ENVIRONMENT, WILDLIFE AND WILDLIFE HABITAT -- This rental subdivision is within a previously platted subdivision which has been developed for residential use. The primary impact on the environment, wildlife and habitat has already occurred. The addition of one lot or home is exempt from the open space requirement of the Subdivision Regulations. The Staff reviews variance requests from the paved driveway requirement carefully to protect the public's interests in maintaining roads and protecting air quality by limiting carryout of dust. In this situation, the driveway does not access a paved street, but an unpaved alley. No change is being proposed that would alter the existing situation as it pertains to either road maintenance or air quality. The Staff has therefore recommended that the variance be granted.

Criterion 8: EFFECTS ON PUBLIC HEALTH AND SAFETY -- The Health Department has issued a septic permit for the additional sewage disposal system. The Rural Fire District is able to serve the additional home, which is easily accessible from improved public streets. The residents will have ready access to the health and emergency services available throughout the community.

The motion passed on a vote of 2-0.

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

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MAY 8, 1986

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:

BUDGET TRANSFER

The Board of County Commissioners approved and signed the following budget transfer for the Museums and adopted it as part of the FY '86 budget:

1. No. 860095, a request to transfer \$2,000.00 from the Interest on Registered Warrants account to the Art Museum Remodeling (\$1,000.00) and Historical Museum Remodeling (\$1,000.00) accounts as there has been no interest paid on warrants this year and the money will be used by the two museums for completion of some minor capital improvements.

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

GAMBLING COMMISSION

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

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MAY 9, 1986

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

MONTHLY REPORTS

Chairman Evans examined, approved and ordered filed the monthly reports of Justices of the Peace David K. Clark and Michael D. Morris, showing collections and distributions for month ending April 30, 1986.

MONTHLY REPORT

Chairman Evans examined, approved and ordered filed the monthly report of the Clerk of District Court, Bonnie Henri, showing items of fees and other collections for month ending April 30, 1986.

Fern Hart  
Fern Hart - Clerk & Recorder

Barbara Evans  
Barbara Evans - Chairman

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MAY 12, 1986

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 Potomac School Dist. No. 11 as principal for warrant #4123, dated in October, 1985, on the Missoula County General Fund in the amount of \$173.10 now unable to be found;
2. Naming Potomac School Dist. No. 11 as principal for warrant #4109, dated in October, 1985, on the Missoula County Lunch Fund in the amount of \$129.38 now unable to be found; and
3. Naming Potomac School District No. 11 as principal for warrant # 4127, dated in October, 1985, on the Missoula County Retirement fund in the amount of \$185.13 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfer and adopted it as part of the FY '86 budget:

1. No. 860096, a request from the Energy Dept. to transfer \$2,000.00 from the Contracted Services account to the Building Maintenance & Repair account as the EMS (Energy Management System) was budgeted short.

RESOLUTION NO. 86-048

The Board of County Commissioners signed Resolution No. 86-048, a budget amendment for FY '86 for Financial Administration including the following revenue and adopting it as part of the FY '86 budget:

Description of ExpenditureBudget

-0-

Description of RevenueRevenue

Loan Payment  
(Watsons) 1000-891-362050

\$ 400.00

RESOLUTION NO. 86-049

The Board of County Commissioners signed Resolution No. 86-049, Application for Tax Deed, resolving that the County Clerk and Recorder is hereby authorized and instructed to make application to the County Treasurer of Missoula County for the issuance to Missoula County of tax deeds on the lands described on the attachment to the Resolution (Parcels with delinquencies beginning in 1980), which remain unredeemed in the Office of the County Treasurer on April 24, 1986, and for which notice has heretofore been properly made; and the County Treasurer is hereby instructed to cancel 1980, 1981, 1982, 1983, 1984 and the current years' taxes on the same.

RESOLUTION NO. 86-050

The Board of County Commissioners signed Resolution No. 86-050, Application for Tax Deed, resolving that the County Clerk and Recorder is hereby authorized and instructed to make application to the County Treasurer of Missoula County for the issuance to Missoula County of tax deeds on the lands described on the attachment to the Resolution (Parcels with delinquencies beginning in 1981), which remain unredeemed in the Office of the County Treasurer on April 24, 1986, and for which notice has heretofore been properly made; and the County Treasurer is hereby instructed to cancel 1981, 1982, 1983, 1984 and the current years' taxes on the same.

POLICY STATEMENT

The Board of County Commissioners signed Policy Statement No. 86-B, Building Evacuation, for the purpose of procedures for the evacuation of Missoula County buildings in response to fire, bomb threats, criminal activity or earthquakes, as per the policy set forth, with the applicable buildings being the Courthouse, Courthouse Annex, Health and Welfare, Library, Art Museum, Historical Museum and leased office space.

MAY 12, 1986 (continued)

AUDIT CONTRACT

Chairman Evans signed the Audit Contract between Missoula County and Dobbins, DeGuire and Tucker, P.C. and the State Department of Commerce for the purpose of a financial and compliance audit of the funds and account groups of the County, as per the terms set forth, for the period beginning July 1, 1985, through June 30, 1988. The contract was forwarded to Don Dooley at the Local Government Services Division in Helena for his signature.

Other matters included:

1. The Commissioners voted unanimously to bid for the MACo Convention in 1988 at the MACo Annual Conference in Red Lodge in June; and
2. The Commissioners approved a request from the Surveyor's Office to advertise for bids for the initial phase of roadway construction for the west end of the Kona Ranch Road, with the contract to be awarded after July 1, 1986.

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

APPOINTMENT OF PERSONNEL DIRECTOR

The Board of County Commissioners named Kathy Crego as the new Director of Personnel & Labor Relations to replace Dennis Engelhard, who has resigned effective June 6, 1986.

MAY 13, 1986

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.

BUDGET TRANSFER

The Board of County Commissioners approved and signed the following budget transfer and adopted it as part of the FY '86 budget:

1. No. 860097, a request from General Services to transfer \$12,532.90 from the Personnel account to the Major Recruitment (\$8,000.00) and Vehicles-Control (\$4,532.90) accounts because of several areas of unanticipated expenses as per the memo from John DeVore, Operations Officer which is attached to the transfer.

Other items included:

1. The Commissioners approved a request from the Elections Office to change the polling place for Precinct 10 from the School District #1 Administration Building to the Senior Citizens' Center because of accessibility for the handicapped;
2. Jerry Marks, Extension Agent, met with the Board regarding the Extension Office's Pesticide Survey proposal - the Commissioners approved the request for expenditure approval for the survey on pesticide use in Missoula, which is being funded by the Montana Department of Agriculture and Montana Cooperative Extension Service;
3. The Commissioners declined to act at this time regarding the matter of CFR functions at the airport;
4. Joan Newman, Deputy County Attorney, was instructed to write to the Frenchtown Fire District regarding the fire station in Piney Meadows to determine if their proposed station is the same as was approved at the public hearing held in Nine Mile in December, 1985; and
5. The Commissioners concurred with Deputy County Attorney Mike Sehestedt's memo to the Personnel Director, dated May 6, 1986, regarding the status of court employees stating that:
  - a) the individual judges' secretaries and law clerks, the court reporters, and juvenile probation officers are district court employees and the terms and conditions of their employment are subject to county regulation only if and to the extent authorized by the court;
  - b) the support staff for Juvenile Probation is also apparently employed by the District Court rather than the County; however, the County should reach a clear understanding with the District Court regarding its authority over these employees before it attempts to establish terms and conditions of employment for them; and
  - c) the Clerk of Court, and the Public Defender's office is also a County office. The County Commissioners have the authority to establish terms and conditions of employment for County employees.

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

MEETING

In the evening, Commissioner Stevens attended a meeting with the residents of Frenchtown held at the high school there.

MAY 14, 1986

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:

MAY 14, 1986 (continued)

DAILY ADMINISTRATIVE MEETING (continued)

RESOLUTION NO. 86-051

The Board of County Commissioners signed Resolution No. 86-051, a resolution authorizing the establishment of an external bank account for the Public Defender's Office, as per the terms set forth, with the expenditures to be paid from this account being Petty Cash and Security for cashing client money orders and checks.

Other matters included:

1. The Commissioners voted unanimously to approve the following amendments to the Gambling Regulations, as submitted by Dusty Deschamps, County Attorney:
  - 1.10 amend "live action gambling game" to "gambling operation" and add at end "or he is specifically exempted from the work permit requirement by these regulations."
  - 2.50 amend "local regulations and licensing" to "local regulations or licensing."
  - 2.60 1. add "including all electronic devices simulating live games of bingo or keno" at end of section.
  - 4.40 delete entire sentence defining "Financially interested." The rationale for this is that any definition limits the ordinary meaning of the phrase, which is self-explanatory anyway. Further, the following sections serve to outline what is intended by "financial interest."
2. The U.S. Government Subdivision RSID was discussed; the Commissioners decided they cannot commit to Aid-to-Construction funds until finalizing the FY '87 budget; but if petitions are submitted, the Commissioners agreed to seriously consider funding and also waiving part of the administrative fee;
3. The RSID Developer Policy was discussed with John DeVore, Operations Officer - the Commissioners suggested some changes and the policy will be redrafted; and
4. A report on the air handling system will be arranged by John DeVore.

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

PUBLIC MEETING

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

PROCLAMATION: LUD BROWMAN DAY

The Board of County Commissioners signed a Proclamation declaring May 14, 1986 Ludvig G. Browman Recognition Day in Missoula County, recognizing him as one of Missoula's outstanding community leaders, and noting his many accomplishments and recognizing his service to the community.

RESOLUTION NO. 86-052

The Board of County Commissioners signed a joint resolution with the City of Missoula declaring the month of June, 1986 to be the month of Disabled Persons in Missoula.

HEARING: PROPOSED AMENDMENTS TO THE COUNTY ZONING RESOLUTION

Helen Bresler, Assistant Planner in the Office of Community Development said the Missoula County Zoning Board of Adjustments requested that the sections of the County Zoning Resolution dealing with review criteria for special exceptions and variances be amended to make them easier for the Board to follow.

She said the special exception criteria, which is Section 8.07 were compressed, and organized in a more logical way. Other changes were just to consolidate and make the regulations easier to follow and read. She went through the changes with the Commissioners.

Janet Stevens asked if these changes were being made in an attempt to help people understand the regulations rather than putting more strict regulations on people.

Helen Bresler said that was correct, and it was an attempt to help everyone, not just those who were using the services of architects or planners to understand the process.

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

Barbara Evans asked Helen Bresler to clarify any changes and use a standard format in any other issues she may bring before the Board. Barbara said the format used in this request was very confusing, and very difficult to follow.

Ann Mary Dussault moved and Janet Stevens seconded the motion to approve the amendments to the Missoula County Zoning Resolution. The motion passed on a vote of 3-0.

HEARING: FY '87 CAPITAL IMPROVEMENTS PROGRAM

Chairman Barbara Evans said Missoula County has developed a draft Capital Improvements Program which delineates Missoula County's tentative capital outlay over a period of five fiscal years (1987-1991). This is the fourth year of the plan. The Board of County Commissioners is interested in seeking citizen input on the FY '87 draft Capital Improvements Program. In order to maximize public comment on this, the County Commissioners have scheduled the following public hearings:

May 14, 1986  
May 21, 1986  
May 28, 1986

The public hearings will be convened during the regular Wednesday Commissioners' meetings on these three dates.

Copies of the DRAFT Document are available for public inspection at the following location:  
Operations Office



MAY 14, 1986 (continued)

Barbara Evans opened the hearing for public comment. No one came forward to speak either in favor or in opposition to the program.

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

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MAY 15, 1986

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens attended the Montana Gerontology Society Conference which was held at the Village Red Lion.

QUIT CLAIM DEED

The Board of County Commissioners signed a Quit Claim Deed from Missoula County to Horizon Enterprises, Inc. of 9570 Butler Creek Road, Missoula, Montana 59802, the following described premises in Missoula County, Montana:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 32A, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45 in Prospect Phase I, a planned unit development in the southwest one-quarter of Section 32, Township 14 North, Range 19 West, P.M.M., Missoula County, Montana; and Diamond Meadows, a 33 unit condominium site in Prospect Phase I, a planned unit development in the southwest one-quarter of Section 32, Township 14 North, Range 19 West, P.M.M., Missoula County, Montana, and reserving unto the City of Missoula and County of Missoula any and all rights to real property taxes and special improvement district assessments arising after December 31, 1985 pursuant to an agreement dated April 17, 1986 and approved by John L. Peterson, U.S. Bankruptcy Judge on April 29, 1986.

The Deed was returned to Mike Sehestedt, Deputy County Attorney, for further handling.

MEETING

In the evening, Commissioner Stevens attended a meeting of the Swan Valley Community Club and the American Association of Retired Persons held at the Swan Valley Community Center.

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MAY 16, 1986

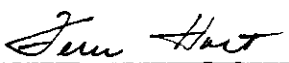
The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was out of the office all day, but available for calls and signatures if needed.

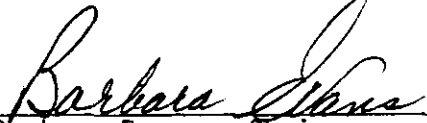
AUDIT LIST

Commissioners Dussault and Stevens signed the Audit List, dated May 15, 1986, pages 4-41, with a grand total of \$122,985.83. The Audit List was returned to the Accounting Department.

CLAIM

Commissioner Dussault signed, with the concurrence of Jane Ellis, Treasury Supervisor a claim to the City of Missoula for payment of the County's prorata distribution for the first payment on the Prospect Phase I settlement in the amount of \$3,187.50. The claim was returned to Chuck Stearns in the City Finance Office.

  
Fern Hart - Clerk and Recorder

  
Barbara Evans - Chairman

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MAY 19, 1986

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 '86 budget:

1. No. 860098, a request from the Clerk of Court to transfer \$8,000.00 from the Jury/Witness Fee account to the Criminal Justice Jury/Witness account to correct an imbalance in expenditures for criminal versus noncriminal jury and witness fees; and
2. No. 860099, a request from the Supt. of Schools to transfer \$230.00 from the Common Carrier account to the Capital-Technical Equipment account as the capital expense was larger than anticipated.

RESOLUTION NO. 86-053

The Board of County Commissioners signed Resolution No. 86-053, a budget amendment for the Extension Office, including the following expenditures and revenue, and adopting it as part of the FY '86 budget:

Description of Expenditures	Budget
Workshop Presentations	
2290-420-450401-208	\$ 550.
2290-420-450401-328	492.
Description of Revenue	Revenue
Publication Sales	
2290-420-341010	\$1,042.

MAY 19, 1986 (continued)

CONTRACTS

The Board of County Commissioners signed seven (7) Professional Services Contracts between Missoula County and Christine Elmore, Sasha C. Perrin, Laure Kopack, Don Herman, Sidney Hamilton, Todd Johnson, and Anita Caryell-Strathman independent contractors, for the purpose of conducting a household pet census and licensing survey in Missoula County, as per the terms set forth, for the period from May 5, 1986, through June 30, 1986 for a total amount not to exceed \$3,000.00 per contract.

RESOLUTION NO. 86-054

The Board of County Commissioners signed resolution No. 86-054, a resolution determining the date and time for the auction sale of county tax deed land acquired by delinquent taxes for the year 1980, setting the date for June 25, 1986, at 1:30 p.m.

RESOLUTION NO. 86-055

The Board of County Commissioners signed Resolution No. 86-055, a resolution determining the date and time for the auction sale of county tax deed land acquired by delinquent taxes for the year 1981, setting the date for June 25, 1986, at 1:30 p.m.

Other matters included:

1. The Commissioners approved a starting salary of \$29,000.00 for Kathy Crego, who was recently appointed to the position of Director of Personnel and Labor Relations;
2. The Board approved the draft resolution for the Ad Staff personnel classification - the final version and employee contracts will be prepared for signature;
3. The Commissioners voted to deny the request for funding from Missoula Youth Home to begin a night supervision program; and
4. The liability insurance referendum was discussed -- the Commissioners appointed Rachel Vielleux, County Supt. of Schools and Hal Luttschwager, County Risk Manager, to coordinate the referendum in Missoula County.

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

BANQUET

In the evening, Commissioner Dussault and Stevens attended a banquet held in conjunction with the visit to Missoula by former U.S. President, Jimmy Carter.

MAY 20, 1986

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The Board of County 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 Soil Conservation District and adopted it as part of the FY '86 budget:

1. No. 860100, a request to transfer \$8,600.00 from the Permanent Salaries account to the Temporary Salaries account because of an overexpenditure in the account.

CONTRACTS

The Board of County Commissioners signed four (4) Professional Service Contracts between Missoula County and Rosemary Polichio, Mandy Stromyer, Diana Rodriguez, and Marjorie O'Toole, independent contractors for the purpose of conducting household pet census and licensing survey in Missoula County as per the terms set forth, for the period from May 5, 1986, through June 30, 1986, for a total amount not to exceed \$3,000.00 per contract.

Other items included:

1. The Commissioners approved a motion passed by the Seeley Lake Refuse District Board of Directors at their May 5, 1986 meeting as follows:

To enter into a contract with Michele Potter for her to provide the Board with secretarial services and other duties as requested by the Board; she is to be paid at the rate of \$7.00 per hour, plus reimbursement for reasonable out-of-pocket expenses including supplies, postage, mileage and telephone calls during fiscal year 1987. The contract is not to exceed \$1,800.00.

2. The Commissioners agreed to send a letter of support to the Governor for Project Challenge;
3. Further discussion was held on donations by County employees of sick leave for Bruce Blattner, the Commissioners voted that there would be no donating sick leave, as there does not seem to be legal authority to do so; but payroll deductions are authorized and the Personnel Office, Auditor's Office and the Accounting Department will work out the administrative details; and
4. The Personnel Dept. will explain the possible creation of a sick leave pool during the labor negotiations.

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

MEETING

Commissioner Evans attended a Crimestoppers meeting at noon held at the Quality Inn.

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MAY 21, 1986

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.

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Bonnie Manley as principal for warrant #121985, dated May 7, 1986, on the Missoula County Trust Fund in the amount of \$50.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

CONTRACT

The Board of County Commissioners signed a contract, dated May 20, 1986, between Missoula County and Robert D. Thornburg, Contractor, the lowest and best bidder for the construction of the Nine Mile truck shed, as per the terms set forth for a total payment of \$18,460.00. The contract was returned to Centralized Services for further handling.

Memo of Notification

The Board of County Commissioners signed a memo to 1st Interstate Bank notifying them that Kathy Crego will now be the Plan Administrator for the County's Insurance Program.

Other items included:

1. Board Appointment

The Commissioners reappointed Tottie Parmeter to the Museum Board of Trustees for a three year term through June 30, 1989;

2. The Commissioners approved Tom Boone's proposal regarding the Mountain Shadows subdivision, contingent on the City of Missoula's approval; and

3. The petition from Frenchtown residents on the Comprehensive Plan was discussed - a letter will be sent to them, based on Deputy County Attorney Joan Newman's memo, explaining their questions and concerns regarding the Plan.

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

PUBLIC MEETING

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

CONSIDERATION OF BEELER ADDITION-SUMMARY PLAT

Paula Jacques, Planner from the Office of Community Development said Beeler Addition consists of five one acre lots in the Huson vicinity. Three lots have access onto U.S. Highway 10 (called Huson Road at this point) which is paved, while the other two have access onto Mullan Road, which is unpaved. All lots will have individual wells and septic systems. A variance from the paved driveway requirement has been requested.

She said the Planning staff and the Planning Board have agreed to recommend approval of the summary plat subject to four conditions:

1. Sanitary restrictions shall be lifted by state and local health authorities.

2. The following statement shall be printed on the face of the plat:

"Acceptance of a deed for Lots A-2 and B-3 shall constitute a waiver of a right to protest an R.S.I.D. for the paving of Mullan Road."

3. The common access points to Mullan Road and Huson Road shall be reduced to thirty feet and approach permits shall be obtained from the County Surveyor.

4. Cash-in-lieu of parkland shall be donated to the County Park Fund.

Greg Martinsen of Martinsen Surveys said the only real problem the Beelers have with the conditions is that between the time the summary plat was proposed and the time it came to public hearing a new appraisal came out on their property which has a real detrimental effect on the condition that cash-in-lieu of parkland be donated. He said with the new appraisal, that additional amount would be another \$2,000. difference, and he was asking the Commissioners to use the figure from the previous appraisal in setting the amount for the cash-in-lieu of parkland.

Barbara Evans asked Mike Sehestedt what the legality of that request would be.

Mike Sehestedt said the law says cash-in-lieu of fair market value of the unsubdivided, undeveloped land.

Paula Jacques said she had a suggestion. She said at the time of the application, she sent out letters to the reviewing agencies asking them to comment on specific aspects of the subdivision, and those letters went out on March 26. She said she had neglected to send a letter to the County Appraiser, but if she had, she would have requested that he quote the amount due for cash-in-lieu of parkland as of that date. She suggested that the Commissioners use whatever amount would have been in effect on that date.

Mike Sehestedt said there were many variables, and he would suggest that the Commissioners look into it more carefully, or wait a week to make the decision.

Ann Mary Dussault said she preferred to make a motion setting the amount retroactive to what it would have been on March 26, and let the luck of the draw determine how much the Beelers would have to pay.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to approve the summary plat of the Beeler Addition subject to the conditions, variance and findings of fact contained in the staff report.

MAY 21, 1986 (continued)

PUBLIC MEETING (continued)

RECOMMENDED MOTION FOR VARIANCE REQUEST

The Planning Board recommends that a variance be granted from the paved driveway requirement.

Findings of Fact

Subject to the recommended conditions and variance the Planning Board further recommends that the summary plat of Beeler Addition be declared to be in public interest based upon a review of the following criteria:

Criterion 1: NEED -- A needs assessment is not required for a summary subdivision. In the absence of such information, it has been the practice of the Staff to rely upon the 1975 Comprehensive Plan as an indication of how a proposed subdivision fits into the scheme of land use envisioned by the 1975 Plan. The 1975 County Comprehensive Plat designates the Huson vicinity as an activity center and recommends that it be the focus of area development. A residential density of up to two units per acre is recommended. Beeler Addition complies at a density of one unit per acre.

Criterion 2: EXPRESSED PUBLIC OPINION -- No public hearing is required for a summary subdivision and no comments have been received to date.

Criterion 3: EFFECTS ON AGRICULTURE -- The Soil Conservation Service classifies the Alberton very fine sandy loam soil as prime agricultural land if irrigated. In terms of agricultural productivity, there is little difference between one and five acre parcels.

Criterion 4: EFFECTS ON LOCAL SERVICES -- Robert Banks, Superintendent of the Frenchtown School District, reported that the School District could serve the additional students anticipated with Beeler Addition. Electricity and phone service are already available to existing residences. All lots have access onto existing roads. Mullan Road is unpaved at this point and the County Surveyor has requested that approval of this subdivision be conditional upon waiving a right to protest a future R.S.I.D. for paving. Colvill further noted that Mullan Road curves at the point where it crosses railroad tracks, causing a sight problem. The State Department of Highways gave it an adjusted hazard index of 46 in 1977; that was just recently revised to 33.1. At this level, the intersection meets the warrants for only reflectorized crossbox and advance warning signs. One of the crossboxes is missing and Burlington Northern has been contacted about replacing it.

Criterion 5: EFFECTS ON TAXATION -- Platting the tract into five lots and the eventual construction of improvements will result in an increase in tax revenue to the County. No additional roads are proposed for County maintenance; location within a designated activity center developed for residential use make the extension of services to new areas unnecessary.

Criteria 6 & 7: EFFECTS ON THE NATURAL ENVIRONMENT, WILDLIFE AND WILDLIFE HABITAT -- Soils are typical valley bottom soils. The Alberton very fine sandy loam is described as having limitations for septic systems, meaning that some filter material may need to be added. Percolation test results are in the range that is acceptable according to Health Department standards; in fact, sanitary restrictions were once lifted in a previous attempt to subdivide the property. Cash-in-lieu of park dedication is required as a condition of plat approval.

Criterion 8: EFFECTS ON PUBLIC HEALTH AND SAFETY -- The subdivision is served by the Frenchtown Fire District. Sanitary restrictions must be lifted before the plat is filed.

In addition, the Office of Community Development will ascertain from the Appraisal Office what the dollar amount for cash-in-lieu of parklands would have been on March 26, and use that figure to determine the assessment for that requirement.

The motion passed on a vote of 2-0.

CONTINUATION OF HEARING: CAPITAL IMPROVEMENTS PROGRAM

Barbara Evans said this hearing was not required by law, the Commissioners do it out of the goodness of their hearts in order to get comment from citizens. She opened the hearing for public comments either for or against the Capital Improvements Program.

Gottley Birely said he and several people in the audience were here to speak on the condition of Miller Creek Road. He said the road is paved for six miles, and the residents want to continue the paving as the Commissioners can afford it.

Bob Holm, from the County Surveyor's Office said that the costs for paving Miller Creek Road from where the paving ends to a quarter of a mile would involve the County completely rebuilding the road at a cost of \$124,300. It is in the Current Capital Improvements Program, but is outside the funding area, which makes it at a point of being done seven or eight years down the road. He said he thinks these people are asking for it to be moved up in the schedule.

Linda Vap said she has lived on Miller Creek for 5½ years, and traffic has increased steadily. During the past year, the road has deteriorated very rapidly, and the County has narrowed the road, making it more dangerous.

Gloria Bernadini said she concurs with Linda Vap about the traffic, and about the poor condition of the road and the ditch since the road was graded this past spring.

Barbara Evans asked Bob Holm to check the ditch and the road conditions for safety.

Kathy Paul said the loggers have washboarded the road, and the County comes and grades the road, and in hours it is back to a deplorable condition. She said her fence gets run into because kids drive too fast and the road is too uneven.

Ann Mary Dussault stated that this project is tied with another project for the highest number of points, and she assumes that these will proceed through the CIP process; that is, as other projects are completed, these would then be given higher priority. She asked if new projects would compete with these new projects.

Bob Holm said this could be competing against other projects, if other projects receive a higher priority.

MAY 21, 1986 (continued)

PUBLIC MEETING (continued)

CONTINUATION OF HEARING: CAPITAL IMPROVEMENTS PROGRAM

Barbara Evans asked if anyone else wished to speak. No one came forward and the hearing was closed.

Ann Mary Dussault said she would like to tell these folks that the Commissioners will hold one more hearing on the Capital Improvement Plan, and then it is considered as part of the total budget process which won't be completed until August when the final budget is set. She said they could come to the budget hearings which would be July 23 and August 7.

Frieda Bierly asked if the residents could get a petition circulated and turned in to the Commissioners.

Ann Mary Dussault assured her that that would be acceptable.

A general discussion about the road, its upkeep and the history of the County's involvement in the road ensued.

Barbara Evans said they would have to relate the County budget to her own budget. There are things that come up and you would love to do everything, but if you don't have the money, you can only do what you can do. The bigger the town gets, the broader the money has to spread, and the thinner it gets.

Ann Mary Dussault asked Bob Holm what had happened with Miller Creek Road's paving.

Bob Holm said the County went in and did the shaping and grading; what it needed from that point on was a layer of gravel and asphalt. The funds have never been available to do that, the paving was done as far as the funds held out.

Barbara Evans asked how the residents would feel if the County came up with some money and asked them to do an RSID and contribute as well. She said they could think about it and give her their answer later.

Ann Mary Dussault said it would be helpful for the Commissioners, either through petition or through letters and physical presence to get an idea of how much support there actually is for this project. She said at this point, she would not give a lot of encouragement, but sometimes, as monies become available, some funds could be shifted. However, she said this was going to be a real tough year, as federal money has dried up.

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

GROUNDBREAKING CEREMONY

In the evening, Commissioner Stevens participated in the groundbreaking ceremony for the American Legion ball field located on Spurgin Road.

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MAY 22, 1986

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

AUDIT LIST

The Board of County Commissioners signed the Audit List, dated May 21, 1986, pages 4-32, with a grand total of \$112,761.49. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

After discussion, the Commissioners voted unanimously to recommend Jeri Fisher to the City as the County's representative on the Building Code Board of Appeals - a letter will be sent to the Mayor.

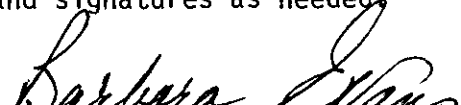
The minutes of the daily administrative meeting are on file in the Commissioners Office.

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MAY 23, 1986

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, but available for calls and signatures as needed.

  
Fern Hart - Clerk & Recorder

  
Barbara Evans - Chairman

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MAY 26, 1986

The Courthouse was closed for the Memorial Day observed holiday.

MAY 27, 1986

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

AUDIT LIST

The Board of County Commissioners signed the Audit List dated, May 27, 1986, pages 5-25, with a grand total of \$178,520.74. 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:

MAY 27, 1986 (continued)

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Nancy Lair Neil, an independent contractor, for the purpose of conducting a household pet census and licensing survey in Missoula County, as per the terms set forth for the period from May 5, 1986, through June 30, 1986, for a total amount not to exceed \$3,000.00.

RESOLUTION NO. 86-056

The Board of County Commissioners signed Resolution No. 86-056 to create the personnel classification of administrative staff, resolving that the classification of "Administrative Staff" is created for the following positions: Executive Officer, Budget Officer, Operations Officer, Personnel Officer; and that the Board of County Commissioners shall execute employee contracts with the Administrative Staff setting forth mutual rights and obligations as to compensation and duties, and that all Administrative Staff personnel shall be entitled to the same employee benefits as other County employees except as expressly set forth in employee contracts or in a separate benefit schedule for Administrative Staff.

EMPLOYEE AGREEMENTS

The Board of County Commissioners signed Employee Agreements with the Administrative Staff, as provided for in Resolution No. 86-057, setting forth the purpose, employment duties, salary, termination, performance evaluation, benefits, hours of work and terms of employment for Howard Schwartz, Executive Officer. Dan Cox, Budget Officer and Kathy Crego, Personnel Officer. The Agreement with John DeVore, Operations Officer, was signed at an earlier date.

PLAN OF SERVICE & BUDGET REQUEST

Chairman Evans signed the Federation Plan of Service and budget request for 1986/87 for the Tamarack Federation of Libraries, whose headquarters library is the Missoula Public Library. The Plan was returned to the Library for forwarding to the Montana State Library in Helena.

TAX PAYMENT AGREEMENT

The Board of County Commissioners signed a tax payment agreement for the purpose of establishing a schedule of payment for belated taxes between Missoula County and Ernest H. and Lena C. Wolff, the owners of the property and improvements generally described as Plat B-A in SW 1/4 NW 1/4 20-20-16 (4 acres) with an SUID number of 5824164 which, due to an error by the State Department of Revenue, the improvements on the property were not included on the tax bills for the above property in 1981, 1982, 1983, 1984, and 1985. The County recognizes that requiring immediate payment of the belated taxes would work an undue hardship on the taxpayers and agrees to accept payment of the belated taxes without penalty or interest as per the schedule set forth in the agreement.

CONTRACT FOR REPURCHASE OF PROPERTY

The Board of County Commissioners signed a Contract for Repurchase of Property taken by tax deed between Missoula County and Jack W. and Virginia M. Thibodeau, the owners of property described as Lots 39 & 40, Block 65, Carline Addition, City of Missoula, Missoula, MT, which was deeded to the County for nonpayment of taxes.

The Thibodeaus wish to redeem their property and agree to pay to the County the amount of \$4,615.07, representing all taxes, penalties, interest and other legal charges now due the County, as per the terms set forth in the contract.

Other items included:

1. The encroachment permit requested by Mr. Neilson will be amended to add the conditions recommended by Hal Luttschwager, County Risk Manager; and
2. A waiver of hearing will be requested from the State Highway Department on the South Avenue speed zone request.

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

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MAY 28, 1986

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. 86-057

The Board of County Commissioners signed Resolution No. 86-057, a resolution to create the Missoula County Criminal Justice Advisory Board, which represents all segments of the criminal justice system and the public at large, for the coordination of the needs of the criminal justice system with the responsibilities associated with the operation of a constitutional correctional facility.

RESOLUTION NO. 86-058

The Board of County Commissioners signed Resolution No. 86-058 a resolution to adopt Policies and Procedures for the administration of Developer Rural Special Improvement Districts, as per the comprehensive policy attached to the Resolution, and resolving that the attached policy is adopted for Missoula County and is subject to annual review from the date of adoption.

RESOLUTION NO. 86-059

The Board of County Commissioners signed Resolution No. 86-059, resolving that the remaining balance in the following RSID accounts be transferred to and become part of the Rural Special Improvement District Revolving Fund:



MAY 28, 1986 (continued)

RESOLUTION NO. 86-059 (continued)

<u>RSID #</u>	<u>REMAINING BALANCE AFTER PAYMENT OF ALL BONDS AND WARRANTS</u>
209	\$ 526.41
235	1,140.09
253	104.69
265	2,959.19
267	256.05
292	171.95
	<hr/>
	\$ 5,158.38

RESOLUTION NO. 86-060

The Board of County Commissioners signed Resolution No. 86-060, resolving that the funds authorized for transfer to the RSID Revolving Fund by the Board of County Commissioners Resolution No. 86-059 shall first be used to retire the following loans, with the balance of the funds to be transferred to the Rural Special Improvement District Revolving Fund:

<u>RSID #</u>	<u>AMOUNT OF LOAN TO BE REPAYED</u>
232	\$ 743.12
235	1,351.33
236	373.78
238	526.56
328	1,770.07
385	272.20
	<hr/>
	\$ 5,037.06

Other matters included:

The canvass for the primary election, which will be June 6th, the Friday following the election, was discussed - Commissioner Stevens is a candidate and Commissioner Dussault will be attending a MACo meeting in Helena that day and will be unable to canvass; therefore, it was agreed that Bonnie Henri, Clerk of Court and Dick Colvill, County Surveyor, both elected officials, but not running in the election, will be asked to sit on the Board of Canvassers, along with Commissioner Evans.

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

PUBLIC MEETING

The meeting was called to order by Acting Chair Ann Mary Dussault. Also present was Commissioner Janet Stevens.

BID AWARD: CONTRACT FOR GAS AND DIESEL FUEL

Information supplied by Billie Blundell, Central Stores Manager and Terry Wahl, Operations Analyst for the County Surveyor's Office indicated that as per the letter from Tremper Distributing, they amended their submitted bid as they included Federal tax of .09 instead of .15 State of Montana Excise Tax with Federal tax exempt. The final results of the bids are as follows:

Hansen's Finest Oil	- \$80,188.65
Tremper's Dist.	- \$77,742.15
JGL Dist.	- \$81,876.15
Cenex	- \$81,219.00
Hi-Noon, Inc.	- \$82,030.75

Item 1, 50,000 gallons leaded gasoline for the County Shop and Item 4 which is 7,000 gallons unleaded gasoline for the County Shop shows Hansen's at .6193 and Tremper's at .6211 which is a difference of .0018. Otherwise Tremper's is lowest on all items of fuel except propane, which they did not bid on. The only bidder for propane was Cenex.

As per discussion with Mike Sehestedt May 23, 1986 it is with his approval the bid be awarded.

It is the recommendation of the staff the gas and diesel fuel be awarded to Tremper Dist. for \$77,742.15; the propane be awarded to Cenex for \$1,222.50.

Ann Mary Dussault asked if there was any legal difficulty with this bid.

Mike Sehestedt said it is apparent and undisputed that there was a mathematical error in the method used to compute the Tremper bid, and by allowing them to allow it, we would not be destroying the competitive process. He said this is standard procedure and has been done in the past.

Janet Stevens moved and Ann Mary Dussault seconded the motion that the gas and diesel fuel bids to Tremper Distributing in the amount of \$77,742.15, and the propane bid be awarded to Cenex for \$1,222.50.

Ann Mary Dussault asked if this was budgeted for in FY '87.

Terry Wahl said it would be included in the FY '87 budget request. The amounts are just a guess, based on past usage.

Mike Sehestedt said that was correct, it is basically the price for which they are going to provide the County fuel for FY '87. He said the County pays for the fuel on a draw basis, and pay only for what is used; this is only an estimated quantity. There is no obligation to purchase any set or predetermined amount. This is only a guarantee from the vendor that any gas that the County purchases will be sold at this price.

MAY 28, 1986 (continued)

PUBLIC MEETING (continued)

Janet Stevens offered a substitute motion, seconded by Ann Mary Dussault that the bid be awarded to Tremper's Distributing as offered for gas and diesel fuel, and award the bid to Cenex as offered for propane. The motion passed on a vote of 2-0.

CONTINUATION OF HEARING AND ADOPTION OF CAPITAL IMPROVEMENTS PROGRAM FOR FY '87

Ann Mary Dussault noted that there was no one present to comment on the Capital Improvement Program, and wished the record to reflect that the hearing was offered.

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 29, 1986

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 Court Reporter, Dept. 4 and adopted it as part of the FY '86 budget:

1. No. 860101, a request to transfer \$700.00 from the Meals, Lodging and Incidentals account to the Office Supplies account to reallocate resources to meet current needs.

PLAT

The Board of County Commissioners signed the Plat for Kona East Phase I, a subdivision of Missoula County, located in portions of Section 15, Township 13N, Range 20W, the owner of record being Bonnie G. Snavelly, President of River Ridge, Inc.

SUPPLEMENTAL PAYMENT AGREEMENT

The Board of County Commissioners signed a Local Government Supplemental Payment Agreement as a supplement to the side agreement to the sales agreement pertaining to Prospect Subdivision Phase I in the United States Bankruptcy Court, and is entered into between the City of Missoula and the County of Missoula for the purpose of detailing the manner in which certain payments made pursuant to the Sale Agreement between Prospect Associates, Inc.; Horizon Enterprises, Inc.; First Security Bank; the City of Missoula; and the County of Missoula are to be apportioned between the City and County, as per the terms set forth in the Agreement. The Agreement was returned to Mike Sehestedt, Deputy County Attorney, for further handling.

LETTER OUTLINING PAYROLL DEDUCTIONS

The Commissioners signed a letter to all County employees outlining the procedure by which those employees who wish to do so may contribute to the Bruce Blattner fund by a payroll deduction, with a minimum deduction of \$1.00 per pay period, until the employee's individual pledge is fulfilled.

Other matters included:

1. The Fair Labor Standards Act (FLSA) was discussed and it was agreed that the Personnel Department will start the process to amend the County Personnel Policy to be in line with the FLSA - that overtime shall start only after an employee has worked 40 hours in a week; and
2. The Personnel Department shall amend the Personnel Plan to have the cap on merits to be on annual budget decision.

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

SEMINAR

In the evening, Commissioner Dussault attended the first session of a Land Conservation Seminar/Open-Space Training, which was held at the Sheraton.

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MAY 30, 1986

The Board of County Commissioners did not meet in regular session; Commissioner Stevens attended a Youth Services Study Council meeting all day, which was held at the Edgewater; and Commissioner Dussault attended a Land Conservation Seminar/Open-Space Training, which was held at the Sheraton.

  
Fern Hart - Clerk & Recorder

  
Barbara Evans - Chairman

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JUNE 2, 1986

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

WELFARE ADVISORY BOARD

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

DAILY ADMINISTRATIVE MEETING

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

1. The Commissioners approved a request from Dennis Engelhard, Director of Personnel and Labor Relations, to allow Payroll and Accounting to compute and award his total payoff, including Vacation Accrual and Sick Leave, on June 6, 1986 (his last day of employment and a regularly scheduled payday); and
2. The Commissioners met with Library personnel and approved the Tamarack Federations budget and Plan of Service, contingent on the availability of funds; and
3. A letter will be sent to Wally Sept regarding his request for signs to hopefully alleviate the problem of people using his driveway to turn around.

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

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JUNE 3, 1986

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

AUDIT LIST

Commissioners Evans and Dussault signed the Audit List, dated June 3, 1986, pages 3-33, with a grand total of \$102,008.17. The Audit List was returned to the Accounting Department.

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JUNE 4, 1986

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

PUBLIC MEETING

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

HEARING: CERTIFICATE OF SURVEY REVIEW - 20 ACRE PARCEL-SUITABLE ACCESS DETERMINATION

Deputy County Attorney Joan Newman said this was a proposed division of a portion of Champion land, more specifically defined as a portion of NW 1/4 Sec. 11, T. 13 N., R. 17 West, and the claimant wishes to sell off all of Section 11 that lies North of the Blackfoot River. She said according to resolution, the Commissioners must determine if there is legal, suitable access to the property, and in this case, the land is adjacent to State Highway 200, and in fact, the Highway passes through the parcel, so there is indeed access, and the road does meet and exceed County standards. She said if the Commissioners find this access suitable for public services, they would have to make that contingent upon the acquisition of a State Highway Department Access Permit.

Barbara Evans opened the hearing for public comment. No one came forward to speak either in favor or against the matter, and the hearing was closed.

Ann Mary Dussault moved and Barbara Evans seconded the motion that suitable access be found, contingent upon a Access Permit from the State Highway Department being obtained. The motion passed on a vote of 2-0.

Joan Newman said there was some specific language that had to appear on the Certificate of Survey, and she would make that available to the 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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JUNE 5, 1986

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

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming United Parcel Service as principal for warrant #14408, dated May 6, 1986, on the Missoula High School General Fund in the amount of \$74.81 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

PAYROLL TRANSMITTAL SHEETS

The Board of County Commissioner signed the transmittal sheets for the following pay periods:

1. #10 (4/20/86 through 5/03/86), with a total Missoula County Payroll of \$357,139.05; and
2. #11 (5/04/86 through 5/17/86), with a total Missoula County Payroll of \$356,898.35.

JUNE 5, 1986 (continued)

PAYROLL TRANSMITTAL SHEET (continued)

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

RESOLUTION NO. 86-061

The Board of County Commissioners signed Resolution No. 86-061, a resolution of intent to adopt the following amendments to the County Zoning Regulations (Resolution No. 76-113):

Section

8.07 Rewrite:

The Board of Adjustment, in reviewing any application for a variance or special exception, shall give due consideration to the following:

1. The location, character and natural features of the property and surrounding properties;
2. Non-economic situations which prevent the utilization of the property for the full range of uses allowed in that zone;
3. The use sought would enhance and promote the development of the immediate neighborhood as outlined in the comprehensive plan;
4. That the use conforms generally to the objectives of the adopted comprehensive plan and to the purpose of this Resolution;
5. That the use meets the overall density, yard, height and other requirements of the zone in which it is located;
6. That the use will not adversely affect nearby properties or their occupants;
7. Site plan design amenities intended to promote the appearance of the proposed use and mitigate adverse neighborhood impacts, including but not limited to: landscaping, fencing, screening, access, parking, pedestrian circulation, signs and lighting;
8. Vegetation, topography and natural drainage;
9. The availability of public utilities and services;
10. Expressed public opinion on the above consideration; and,
11. Recommendations of the Zoning Officer.

8.14 Rewrite:

A. Intent

A Variance is a relaxation of specific provisions of this Resolution when a literal enforcement of this Resolution would result in unnecessary or undue hardship.

B. Initiation

Variances are initiated by the property owner or his designated representative.

C. Areas of Application

Subject to the limitations herein set forth, the Board of Adjustment may approve a request to modify the following requirements of this Resolution:

1. Yard requirements;
2. Area requirements;
3. Height requirements, except within a glide pattern of any airport;
4. Parking and loading space requirements;
5. Landscaping and buffering requirements;
6. Sign requirements; and,
7. Replacement of nonconforming uses as provided in Section 7.05.3 of this Resolution

D. Procedure

1. Written applications for variances must be received by the Zoning Officer 30 days in advance of a regular meeting of the Board of Adjustments.
2. The Board of Adjustment shall hold a public hearing. The Zoning Officer shall give notice of the hearing in accordance with Section 8.06 of this Resolution.
3. The Zoning Officer shall deliver a copy of the application and a written recommendation to each member of the Board of Adjustment before the hearing.
4. The applicant or his designated representative shall be present at the hearing. Failure to appear is grounds for disapproval.
5. Within 35 days of the first public hearing, the Board of Adjustment shall reach a decision that the application be:
  - a. Denied and set forth reasons therefore; or
  - b. Approved as requested; or
  - c. ~~Approved with modifications as set forth in Section 8.07 and 8.08 of this Resolution.~~

JUNE 5, 1986 (continued)

RESOLUTION NO. 86-061 (continued)

D. Procedure (continued)

6. In making its decision, the Board of Adjustment shall set forth in writing, a justification for that decision and in the instance of granting a variance, shall demonstrate that the variance is the minimum variance that will make possible a reasonable use of the land, building, or structure.
7. A variance is given for a specific property and is available to any subsequent owner until it expires according to its terms or is effectively revoked. A variance is not a personal license to the recipient.

E. Criteria for Approval

In considering all proposed variances to these regulations, the Board shall, before making any findings in a specified case, first determine:

1. That the proposed variance will not amount to a change in the use of the property to a use which is not permitted in the zone;
2. That the special conditions and circumstances do not result from the actions of the applicant;
3. That granting the variance requested will not confer a special privilege to subject property that is denied other lands in the same zone.

A variance from the terms of this Resolution shall not be granted by the Board of Adjustment unless and until the applicant demonstrates ALL of the following:

1. That special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, that are not applicable to other lands in the same zone. Literal interpretation of the provisions of these regulations would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same zone under the terms of these regulations;
2. That such strict compliance would preclude an effective design solution to the unique circumstance, thus preventing improvement of the livability, operation and efficiency, or appearance of the proposed use or building;
3. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare as outlined in Section 8.07 of this Resolution;
4. The fact that property may be utilized more profitably will not be an element of consideration before the Board of Adjustment.

The preceding amendments were approved by the Commissioners at a public hearing held on May 14, 1986 and written protests from persons owning real property within said proposed district will be received for a period of thirty (30) days after the first date of publication of this notice of intent to zone, which will be June 8, 1986.

RESOLUTION NO. 86-062

The Board of County Commissioners signed Resolution No. 86-062, a resolution accepting real property for public road and all other public purposes located in the NW¼ of Section 29, Township 13 North, Range 19 West, Principal Meridian, Montana, Missoula County, from the Roman Catholic Bishop of Helena, Montana, a Corporation Sole; the above described property is being acquired for the realignment and construction of Mount Avenue.

Other matters included:

1. The Board designated Commissioner Dussault as the voting delegate from Missoula County at the MACo annual conference in Red Lodge, unless she is on the podium; in which case Commissioner Stevens will be the voting delegate; and
2. A letter will be sent to the residents of Pertile Lane stating that the Commissioners concur with Deputy County Attorney Joan Newman's memo addressing the concerns of the residents about the road vacation in Allomont Orchards.

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

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JUNE 6, 1986

The Board of County Commissioners did not meet in regular session; Commissioner Dussault attended a MACo Board of Directors meeting in Helena, and Commissioner Stevens was out of the office all day.

ELECTIONS CANVAS

In the forenoon, Chairman Evans, along with Bonnie Henri, Clerk of District Court, and Dick Colvill, County Surveyor, served as the Board of Canvassers to conduct the canvass of the primary election, which was held June 3, 1986.

*Fern Hart by Donna Cote, Deputy*  
Fern Hart - Clerk & Recorder

*Barbara Evans*  
Barbara Evans, Chairman

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JUNE 9, 1986

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 request from Robert Beck for an encroachment permit in New Meadows Court. The Surveyor's Office will prepare the permit for signature; and
2. The request for amending Resolution No. 86-032 (No Parking For Sale Vehicles on County Rights-of-Way) was discussed and will be referred to the Sheriff's Department for further comment.

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

JUNE 10, 1986

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

AUDIT LIST

Commissioners Evans and Dussault signed the Audit List, dated June 10, 1986, pages 3-31, with a grand total of \$100,575.84. The Audit List was returned to the Accounting Department.

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Neva Larson as principal for Warrant #13860, dated April 18, 1986, on the Missoula County General Payroll Fund, in the amount of \$63.14 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers for the Weed Department and adopted them as part of the FY '86 budget:

1. No. 860102, a request to transfer \$390.75 from the County Participation account to the Radio Maintenance account as the money was eliminated from this line item in the budget process; and
2. No. 860103, a request to transfer \$1,900.00 from the County Participation account to the Heat, Lights and Water account as the money for an increase in utility billing was eliminated from this line item in the budget process.

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

ANNIVERSARY CELEBRATION

Commissioner Stevens was the guest speaker at a meeting and anniversary celebration of Missoula Youth Homes which was held at noon at the Edgewater.

JUNE 11, 1986

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

MONTHLY REPORT

Chairman Evans examined, approved and ordered filed the monthly report of the Clerk of the District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for month ending May 31, 1986.

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 (5/18/86 through 5/31/86) with a total Missoula County payroll of \$362,294.66. The transmittal sheet was returned to the Auditor's Office.

RESOLUTION NO. 86-063

The Board of County Commissioners signed Resolution No. 86-063, a resolution requested by the Kootenai County, Idaho, Task Force on Human Resources, and joining cities and counties throughout the Northwest in stating support for the federal and state constitutions as these documents apply to racial equality and religious freedom and publically expressing support of the rights and equality of all the citizens of the Northwest.

CERTIFICATION OF ELECTORS

Chairman Evans signed a form certifying that the list attached to the form contains the names of the registered qualified electors of Missoula County as of June 10, 1986, also certifies that the list was prepared in accordance with Sections 3-15-301, 3-15-401 and 3-15-402, M.C.A., and contains 41,107 names.

NOTICE OF HEARING

Chairman Evans signed the Notice of Public Hearing regarding an ordinance amending Section 3 of Missoula County's Dog Control Ordinance, setting the hearing date for June 25, 1986, at 1:30 p.m.



JUNE 11, 1986 (continued)

#### ENCROACHMENT PERMIT

The Board of County Commissioners signed an Encroachment Permit between Missoula County and Van Neilson of 65 Marilyn Drive in Missoula, whereby the County agreed to permit Mr. Neilson to encroach upon a portion of the right-of-way of Alice Lane located adjacent to Lot 1, Roseland Orchard Tracts Number 4 for the purpose of building a wood fence 15 feet into the right-of-way as per the agreements and comments contained in the permit and subject to the following conditions:

1. the encroachment is limited to the fence shown on the exhibit attached to the permit;
2. the fence is constructed so that it will not impede sight distance for the vehicle operators;
3. the fence is not constructed of materials (such as steel posts set in concrete) which would increase the potential severity of bodily injury or property damage if a vehicle should crash into it; and
4. the fence is not constructed on, or in close proximity to, underground utility service lines without the prior knowledge and approval of the utility company.

The permit was returned to the Surveyor's Office for further handling.

#### BUDGET TRANSFERS

The Board of County Commissioners approved and signed the following budget transfers for the Health Department and adopted them as part of the FY '86 budget.

1. No. 860104, a request to transfer \$449.58 from the Sewer Line Maintenance (\$100.00) and Contracted Services (\$349.58) accounts to the Mileage-County Vehicles (\$100.00) and Junk Vehicle (\$349.58) accounts because of overexpended line items;
2. No. 860105, a request to transfer \$800.00 from the Permanent Salaries (\$500.00) and Fringe Benefits (\$300.00) accounts to the Workstudy Salaries (\$500.00) and On-Call (\$300.00) accounts because of overexpended line items;
3. No. 860106, a request to transfer \$410.00 from the Film Purchase and Developing (\$10.00) and Dog Food and Care (\$400.00) accounts to the Audio Visual Materials (\$10.00) and Lab Supplies & Equipment (\$400.00) accounts because of overexpended line items;
4. No. 860107, a request to transfer \$500.00 from the Workstudy Salaries account to the Mileage-Private Vehicle (\$250.00) and Books & Resource Materials (\$250.00) accounts because of overexpended line items;
5. No. 860108, a request to transfer \$1,200.00 from the Machinery-Equipment (\$600.00) and Heat, Lights and Water (\$600.00) accounts to the Printing-Litho account because of an overexpended line item;
6. No. 860109, a request to transfer \$200.00 from the Office Supplies (\$100.00) and Vaccines (\$100.00) accounts to the Mileage-County Vehicle account because of an overexpended line item; and
7. No. 860110, a request to transfer \$200.00 from the Dues and Membership (\$100.00) and Radio Maintenance (\$100.00) accounts to the Mileage-County Vehicle account because of an overexpended line item.

#### QUITCLAIM DEED

The Board of County Commissioners signed a Quitclaim Deed requested by the Forest Service from Missoula County to the U.S. Forest Service for the following described real property located in Missoula County:

The Clearwater Short Line right-of-way as it crosses Lots 3 and 4, Sec. 6, T. 11 N., R. 20 W., P.M.M. and Lots 1 and 2, Section 1, T. 11 N., R. 21 W., P.M.M. this tract lies along U.S. Highway 12 in the Fort Fizzle area, containing 87.7 acres and its acquisition by the Forest Service will enable development of both sides of Lolo Creek as a public recreation area; and a 6 1/4% royalty mineral interest in SW 1/4 Section 14, T. 20 N., R. 17 W., P.M.M. (this is located southwest of Condon and the adjacent lands are part of the Flathead National Forest and are managed primarily for timber production with a consideration for White Tailed Deer habitat; and as is true of all the National Forest, it will be open to hunting, hiking, mining, picnicing, Christmas tree cutting, firewood gathering, and other public uses.)

The Deed was returned to Joan Newman, Deputy County Attorney for further handling.

#### BOARD APPOINTMENTS

The Board of County Commissioners made the following appointments to the Lolo Water & Sewer Board (RSID 901):

1. Aaron Andreason was reappointed for a three-year term through June 30, 1989;
2. Myron Boucher's term was extended for one year, through June 30, 1987;
3. Carl Bergstrom was moved from an alternate to a regular member to fill the unexpired term of Jerry Lason through June 30, 1988; and
4. Jerry Lason, who resigned as a regular member, was appointed as an alternate member of the Board.

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

#### LUNCHEON

Commissioners Evans and Stevens attended a noon luncheon at the Sheraton sponsored by Stone Container Corporation.

JUNE 11, 1986 (continued)

PRESS CONFERENCE

Commissioner Dussault participated in the Physicians for Social Responsibility Press Conference held at noon at the Western Montana Clinic.

PUBLIC MEETING

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

BID AWARD REMOVAL OF OTHER THAN JUNK OR ABANDONED VEHICLES (SHERIFF)

Acting Chair Ann Mary Dussault said this was a bid award for the removal of other than abandoned vehicles for fiscal year 1987.

The single bid received June 9, 1986 was as follows:

Fred's Towing & Crane Service - Inside Local Area (flat rate)	\$11.00
- Outside Local Area (flat rate)	\$11.00
- Rate Per Loan Mile	\$ .75
- Inside Storage Per Day Per Unit	\$ 3.00
- Outside Storage Per Day Per Unit	\$ 3.00

It is the recommendation of the Missoula County Sheriff's Department that the Board of County Commissioners accept the proposal from Fred's Towing.

Ann Mary Dussault noted that the Sheriff's Office failed to supply any figures regarding budget impact.

Janet Stevens moved, and Ann Mary Dussault seconded the motion to postpone action on this matter until the next public meeting of June 25, since the public meeting of July 18 is cancelled due to the Commissioners attending the MACo meetings. The motion passed on a vote of 2-0. Barbara Evans arrived at the meeting at this point.

CONSIDERATION OF : THORSRUD ADDITION (SUMMARY PLAT)

Paula Jacques, Planner from the Office of Community Development said Thorsrud Addition is a three lot subdivision proposed for a portion of Lot 18, R.M. Cobban Orchard Homes. It is located on the east side of Reserve Street, north of Mount Avenue. There is an existing single family dwelling on what is proposed to become Lot 1. It is envisioned that this will be replaced sometime in the future by a use permitted by Special District #2 zoning -- multi-family units, light commercial or professional offices, or a combination of these. The rear portion of the property, Lots 2 and 3, are proposed for fourplexes -- one on each lot.

She said the Planning Board and the Planning Staff have recommended approval of the Summary Plat according to the findings of fact, and the granting of the requested variances subject to these conditions:

1. A statement restricting future residential development of Lot 1 to no more than four dwelling units shall be printed on the face of the plat.
2. A statement waiving the right to protest a future R.S.I.D. for sidewalk construction along Reserve shall be printed on the face of the plat.
3. The ditch crossing the property shall be either abandoned or relocated, subject to the approval of the affected property owners and in compliance with all state and local regulations.
4. Paving, grading and drainage plans shall be approved by the County Surveyor.
5. Sewer connection plans shall be subject to the approval of the City Engineer and permission to connect obtained from the City.
6. Two paved off-street parking spaces shall be provided for the single family dwelling on Lot 1.
7. Cash-in-lieu of parkland shall be donated to the County Park Fund. If an agreement is reached with the adjacent property owners to provide an walkway easement to the West Central Village street system, the Board recommends that the Park Board designate use of this money for development of the indicated park in West Central Village.

Variances:

1. From the 60 foot right-of-way and 28 foot pavement width requirements.
2. From the sidewalk requirement along Reserve Street.
3. From the requirement for 60 foot minimum lot width at the building setback line for Lots 2 and 3.

Ann Mary Dussault opened the hearing for public comment.

Nick Kaufman, a land use planner with the engineering firm of Sorenson and Company showed the Commissioners an air photo of the area, and indicated more detail on a conceptual site map and plan. He indicated his support of the project.

Ann Mary Dussault asked if anyone else wished to speak on the matter. No one came forward, and the hearing was closed.

Janet Stevens moved, and Barbara Evans seconded the motion to approve the Summary Plat of the Thorsrud Addition, subject to the conditions, the variances, and the findings of the fact outlined in the staff report. The motion passed on a vote of 3-0.

JUNE 11, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: REQUEST TO VACATE PORTION OF HUMBLE ROAD (ORCHARD HOMES COMPANY NO. 6)

Information was provided by Donna Cote, Recording Division Supervisor indicating that this was a petition to vacate Humble Road in Section 35, T. 13N R. 20W. from the SE corner of Lot 131 to SW corner Lot 130, Orchard Homes Company No. 6.

William Tabish, Vera Tabish and John C. Klapwyk whose property abbutts Humble Road in this particular area would like to have the road vacated for the following reasons: No road has ever been constructed or proposed through this easement; if extended the road would pass through the flood plain and intersect the Bitterroot River (No bridge exists or has been proposed); due to the floodplain, no future development is anticipated.

Title to this property adjacent to the alley in this area is vested in the following persons:

- |  |   |
|--|---|
| <p>1. William Tabish<br/>4740 Humble Road<br/>Missoula, MT 59801</p> | <p>3. John C. Klapwyk<br/>4850 Humble Road<br/>Missoula, MT 59801</p> |
| <p>2. Vera Tabish<br/>4740 Humble Road<br/>Missoula, MT 59801</p>    |   |

All have consented to the proposed vacation of that portion of Humble Road.

Additional persons who may be affected by the petition and/or have been notified of the hearing are listed below:

- |   |   |
|---|---|
| <p>1. Dick Colvill, Surveyor</p>  | <p>4. Tim Wolfe<br/>1721 So. 4th<br/>Missoula, MT</p> |
| <p>2. Joan Newman, County Attorney's Office</p>   |   |
| <p>3. Missoula Rural Fire District<br/>2521 South Avenue. W.<br/>Missoula, MT 59801</p> |   |

The Notice of Hearing was published in the Missoulian on June 1, 1986.

Ann Mary Dussault asked if there was anyone who wished to speak on this issue, and opened the hearing for public comment.

Bill Tabish said he could not foresee any construction on this road or in this area in the future, as it is in the floodplain.

John Klapwyk said this has never been a road and there is no reason for a road there, and he supports the vacation.

Barbara Evans asked if there were ever going to be a bridge across the area in that general area would this be a likely spot for it.

Bill Tabish said no, as it would take a tremendous amount of fill to build a bridge there.

Barbara Evans said by law, one of the County Commissioners and the County Surveyor must inspect any road that is being requested for vacation, and she requested that Chris Rockey, Planning Director accompany them on this site inspection. The chair postponed a decision on this matter until the public hearing on June 25, 1986.

HEARING: LEN ARD ZIPPERIAN REZONING REQUEST (OLD HIGHWAY 93, HIGHWAY 93, AND 39th STREET)

Chris Rockey, Director of the Office of Community Development said this particular rezoning request was coming before the Commissioners in a new and different fashion; in that this one calls for phasing prior to issuance of zoning compliance and building permits. Phase I, which the Commissioners are acting on this day, consists of approval of the conceptual site plan, approval of the land use allocation, and the Phase II stipulations.

He said this document will be recorded with the Clerk and Recorder's Office. Phase II is the final site plan, the final stipulation and is approved administratively with an appeal process to the Board of County Commissioners if the Director of the Community Development Office and the applicant developer cannot agree as to the final form of the stipulations. Phase II is also recorded for the purpose of establishing in the public record what the zoning is and to indicate to future owners of the property, other than the original owner that they do not have the ability to just willy-nilly change the site plan or to change things.

Barbara Evans said this was the first she had heard that the Commissioners would not be giving final approval.

Chris Rockey said he had made that clear to her when he had gone over the site plan with her and the other Commissioners the day before.

Barbara Evans asked where that had come from, and where the authority to by-pass Commissioner approval had come from.

Chris Rockey said that was the way this particular application was structured, and the Commissioners will have the authority to approve Phase I, and Phase II will be approved by the Planning Director. He said the reason it is structured the way it is is to save the developer up-front costs. He said as long as the developer follows the rules and stays with the conceptual site plan, there is no reason for it to be re-reviewed by a policy-making body; it becomes a check-off.

Janet Stevens asked what this saves the developer, other than up-front costs.

JUNE 11, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: LEN ARD ZIPPERIAN REZONING REQUEST (OLD HIGHWAY 93, HIGHWAY 93, AND 39th STREET) (continued)

Chris Rockey said it does have the tendency to add a little bit of time to the review process, because they now have to come back in the future with their more detailed materials. His experience is that they save, rather than having to do that heavy, up-front costs and preparation of all of their final plans at that time, it becomes minimal, and the way to cut down on the total time is to do the administrative approval of the subsequent phase, saving the cost of one public hearing.

Janet Stevens asked if the Homebuilders Association has been involved in this particular decision.

Chris Rockey said no, this was a developer's option that he chose to go with this time, because he was familiar with it. He said the Planning Board asked, during their review of this application, how often they could expect to see this technique used. He said he did not know, it was an option that a developer could use.

Janet Stevens asked if it had been explained to the Homeowner's Association.

Chris Rockey said not to the Homebuilder's Association, but they do have a regularly scheduled meeting with them next week, and it will be discussed then.

Ann Mary Dussault asked Joan Newman what her legal opinion of this procedure was.

Joan Newman said you have asked whether a rezoning application for a planned unit development with no subdivision may be approved by the governing body, with final building plan approval to be done administratively later. I conclude that the zoning regulation provides for this type of procedure for a PUD with no subdivision.

Basically, the question concerns the specificity required in the site plan for preliminary zoning approval within the PUD context. Since a PUD is site specific, the question is the degree to which the preliminary approval necessarily sets the details of the plan.

Section 5.01 of the zoning regulation on special districts sets out the requirements for the preliminary plan zoning approval in subsection B1(3). This describes the data necessary for preliminary approval of the zoning change for a PUD. It includes the size of project and the general plan for the arrangement of structures open area, etc. If the zoning change is approved, then the final procedure requires final review and approval of all development proposed in the PUD zone within one year. Thus a two-step approval process is anticipated.

The precise question, however, involves the necessary specificity of the site plan in the PUD context. The answer to this question lies in the appropriate application of Section 5.02D, plan adjustments. This section permits administrative approval of "minor adjustments," which are defined as those changes "which may affect precise dimensions of the buildings and the siting of buildings, but which do not affect the basic character or arrangement of the building, the density of the development, or the open space requirement." Major adjustments or changes, which require approval of the governing body, are those which substantially alter the basic design of the PUD.

Thus, for preliminary approval of the zoning change, the site plan should specify the basic character and arrangements of buildings and open space, but may state the dimensions of buildings and siting or other conditions in approximate terms or anticipated range. The final building plans may then be approved at issuance of the zoning permit administratively as minor changes. If it is determined that the final plan includes substantial adjustments, those adjustments must be resubmitted to the governing body. I would suggest that the rezoning application include a site plan that sets out the requirements of Section 5.02(B)1(3) as required. Other conditions should be stated as stipulations or conditions for final approval, which may include approximate measurements or conditions within a specified range. The application should include a statement that final approval of the building plans within the ranges stated will be done administratively. The statement should acknowledge, however, that the administrative official reserves the option under 5.02D2 to refer major adjustments to the governing body for approval.

Nick Kaufman said he had some comments to make about this. He said in 1975 when the urban area Comprehensive Plan was adopted, they designated this particular piece of ground as well as the flood plain west of it as high-density multi-family zoning. He indicated the area on the map, and showed the commercial development right up to this multi-family area. He said this was done to stop strip development and to provide an attractive entrance to the City. He said now there is performance standard zoning, which lets the Commissioners adopt performance standards for this property that come in the form of written stipulations. He explained the procedure he would go through with the Planning staff in order to implement his development. He said the Commissioners would be approving standards that are administratively enforced. He said he willingly chose this process and is satisfied with it.

Chris Rockey said that when the Commissioners reviewed the Riverwood Townhomes project, they got into a fire drill about what would be done at the back of the property, and there was no way under that particular application to bring that about. If that had been a Phased application, all the Commissioners would have had to do is tack that on as an additional stipulation in the performance standards contract.

John Torma of the Office of Community Development said the Office of Community Development has received this request from Len Ard Zipperian to rezone the property bounded by U.S. Highway 93, Old U.S. Highway 93, and 39th Street from "C-R3" to "C-C2" with a "PUD" overlay. The purpose of this rezoning request is to allow the development of this property for an automobile dealership.

This "PUD" request is a two-phased proposal. Phase 1 consists of the proposed land use, the conceptual site plan, and the stipulations which control Phase 2. Phase 1 requires approval by the County Commissioners. Phase 2 consists of the final building, site, landscaping, and sign plans and requires administrative approval. An appeal to the governing body is available should agreement not be reached on Phase 2.

He said the Office of Community Development recommends that this rezoning request be approved subject to the seven conditions and findings of fact:

1. That should this "PUD" not be completed within three years from the date this zoning becomes effective, the subject property shall revert to its current "C-R3" zoning or may be rezoned to a district deemed appropriate by the County Commissioners.
2. That the applicant design the "Convoy Access" located at the intersection of Old U.S. Highway 93 and 39th Street such that it is approved by the County Surveyor.

JUNE 11, 1986 (continued)

PUBLIC HEARING (continued)

HEARING: LEN ARD ZIPPERIAN REZONING REQUEST (OLD HIGHWAY 93, HIGHWAY 93, AND 39th STREET) (continued)

3. That the outdoor paging system shall be limited to personal pagers and shall exclude loud-speaker type public address systems.
4. That all first phase and second phase documents must be approved by the designated body and recorded with the County Clerk and Recorder prior to the issuance of any building permits.
5. That there shall be no on-street parking permitted on the public right-of-way of U.S Highway 93, Old U.S. Highway 93, and 39th Street adjacent to this property.
6. That the access on Old U.S Highway 93 be relocated at least 150 feet east of the entrance of the Missoula Country Club.
7. That the permitted uses in this PUD be amended to read:  
"New and used automobile and truck (of 2½ tons and less) sales and service as well as automotive accessory sales.

Janet Stevens asked why the first condition, that if the PUD is not completed within three years that the zoning revert back to C-R3.

John Torma said PUD's normally carry an expiration clause. He said there actually is a one year expiration date on all County PUD's now; this is an exception.

Ann Mary Dussault asked if anyone wished to speak on the issue. No one came forward and the public hearing was closed.

Janet Stevens moved and Barbara Evans seconded the motion to approve this rezoning request subject to the seven conditions as included in the Missoula Consolidated Planning Board's recommendations for approval. 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 2:15 p.m.

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JUNE 12, 1986

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 Continental-Keil, Inc. as principal for warrant #14827, dated May 5, 1986 on the School District #1 Claims fund in the amount of \$314.25 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 86-064

The Board of County Commissioners signed Resolution No. 86-064, 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) with a "PUD" (Planned Unit Development) overlay.

CORPORATE RESOLUTION

The Board of County Commissioner signed a Merchant Corporate Resolution between Seattle-First National Bank, Firstbank Card Department, and Missoula County, naming Jane Ellis, Deputy County Treasurer, and Robert Schuyler, Golf Course Manager, as the authorized persons for the County, as per the terms set forth in the Resolution, the document was returned to Jane Ellis for further handling.

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

GAMBLING COMMISSION

In the afternoon, Commissioner Evans attended a meeting of the Gambling Commission.

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JUNE 13, 1986

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was in Helena, where she attended a meeting of the Commission on Courts of Limited Jurisdiction.

*Fern Hart by Donna Cotes Deputy*  
Fern Hart - Clerk & Recorder

*Barbara Evans*  
Barbara Evans - Chairman

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JUNE 16-18, 1986

The Board of County Commissioners did not meet in regular session June 16th, 17th or 18th, 1986. Commissioners Dussault and Stevens attended the MACo Annual Conference, held June 15th-18th, in Red Lodge, MT; Commissioner Evans was out of the office, but available for signatures and phone calls as needed.

PUBLIC MEETING CANCELLED

The Weekly Public Meeting scheduled for June 18, 1986, was cancelled as two of the Commissioners were out of town.

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JUNE 19, 1986

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

SITE INSPECTION

Commissioner Evans accompanied by Dick Colvill, County Surveyor and Chris Rockey, Director of the Office of Community Development conducted a site inspection on the request to vacate a portion of Humble Road (Orchard Homes Company No. 6).

AUDIT LIST

Commissioners Evans and Stevens signed the Audit List, dated June 18, 1986, pages 2-36, with a grand total of \$369,422.72. The Audit List was returned to the Accounting Department.

MONTHLY REPORTS

Chairman Evans examined, approved, and ordered filed the monthly reports of Justices of the Peace David Clark and Michael Morris, for collections and distributions for month ending May 31, 1986.

DAILY ADMINISTRATIVE MEETING

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

CONTRACTS

The Board of County Commissioners signed six Professional Services Contract between Missoula County and the following independent contractors for the purpose of conducting household pet census and licensing survey, as per the terms set forth for the period from May 5, 1986 through June 30, 1986, for a total amount not to exceed \$3,000 per contract: Rebecca S. Beagley, David Christensen, Tracie McMillan, Lisa Michelle Dennis, Antoinette J. Ammerman, and Margo Kidder.

ENCROACHMENT PERMIT

The Board of County Commissioners signed an Encroachment Permit, whereby the County agrees, as per the covenants contained in the Permit, to allow Robert P. Beck and Diane L. Behrens, 209 New Meadows Court, Missoula County, Montana, to encroach upon a portion of the right-of-way of New Meadows Court in the NE 1/4 of Section 15, T 13 N, R 20 E; the encroachment shall be limited to the construction of a wooden fence five feet into the New Meadows Court right-of-way adjacent to Lot 5, Block 1, New Meadows Subdivision, and shall be effective for a period not to exceed ten (10) years, renewable at the option of the County of Missoula. The Permit was returned to the Surveyor's Office for further handling.

RESOLUTION NO. 86-065

The Board of County Commissioners signed Resolution No. 86-065, a resolution to vacate that portion of Nuthatch Drive, located in Section 15, T 13 N, R. 20 W, and more particularly described as that approximate 60 ft. by 60 ft. portion of Nuthatch Drive bordered by Lot 4, Block 8 and Lot 22, Block 6, El Mar Estates Phase 2 Subdivision as shown by the exhibit attached to the Resolution.

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Irene Tanner, an independent contractor, for the purpose of identifying, boxing and labeling records for storage, taking inventory of records in the Blue Star warehouse as to location; i.e. room, row, shelf and position, applying the same procedures at the Reserve Street warehouse if time allows; and computerizing this information, if time allows, as per the terms set forth, for the period from June 17, 1986 to August 29, 1986, for a total amount not to exceed \$2,500.00.

PROCLAMATION

The Board of County Commissioners signed a joint proclamation with the City of Missoula proclaiming June 26th and 27th, 1986, as "MISSOULA SENIOR GAMES DAYS" in the City and County of Missoula.

MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a memorandum of agreement between Missoula County and the Montana Department of Justice, Highway Patrol Division, whereby the Highway Patrol will purchase Centralized Dispatching Services through the Missoula County 9-1-1 Center, as per the terms set forth, for the period from July 1, 1986 through June 30, 1987, for a total amount of \$17,222.00.

AGREEMENT

The Board of County Commissioners signed an Agreement between Missoula County, the City of Missoula, and the Greater Missoula Family Young Men's Christian Association (Y.M.C.A.), a non-profit Montana corporation of Missoula, Montana for the purpose of modifying the terms in the lease of the real property, dated March 24, 1980, between the County and the Y.M.C.A., and the Agreement, dated March 26, 1980, between the City of Missoula and the Y.M.C.A. as the Y.M.C.A. has constructed improvements on the real property and desires to finance the construction of the improvements by giving security in the interest of Y.M.C.A. in the said real property, as per the terms and conditions set forth in the Agreement. The Agreement was returned to Mike Sehestedt, Deputy County Attorney for further handling.

COS Agricultural Exemption

The Board of County Commissioners signed the covenant on the Certificate of Survey to create a parcel of land as an agricultural exemption, located in the NE 1/4 of Section 34, T. 12 N., R. 17 W., P.M.M., Missoula County, Montana for Eugene F. and Delores J. Ball of Clinton stating that the divided land will be used exclusively for agricultural purposes, revocable only by mutual consent of the governing body and the property landowner.



JUNE 19, 1986 (continued)

PARTICIPATION AGREEMENT

Chairman Evans signed a Participation Agreement between the Montana Economic Development Board and Missoula County regarding the financing of accumulated cash flow deficits, as per the terms set forth, with the amount of participation being \$3,493,128.00. The Agreement was returned to Jane Ellis, Deputy County Treasurer, for further handling.

CERTIFICATION OF ABSTRACT OF VOTES

Commissioner Evans, who served as Chairman of the Board of Canvassers, signed Certification of the Abstract of Votes cast in Missoula County, Montana, at a Primary Election held on June 3, 1986, for Democratic, Republican and Nonpartisan candidates for: U.S. Representative, First Congressional District; State Senator, Senate Districts 28 and 29; State Representative, Representative Districts 52, 54, 55, 56, 57, 58, 59, 60, 61, 62 and 65; County Commissioner, Commissioner District No. 2; County Clerk & Recorder/Treasurer; Sheriff/Coroner; County Attorney/Public Administrator; County Superintendent of Schools; County Auditor; Surveyor; Precinct Committeeman, all precincts; Precinct Committeewoman, all precincts; Justice No. 4 of the Supreme Court; District Court Judge, Fourth Judicial District, Department No. 4; Justice of the Peace, Departments 1 and 2; and Seeley Lake-Swan Valley Public Hospital District Levy.

The form was returned to the Elections Office.

Other items included:

1. The Commissioners met with Kathy Crego, Personnel Director, and it was agreed that all merit steps, etc. are frozen pending legislation, budget decisions and bargaining;
2. The Commissioners notified the Montana Department of Commerce, Community Development Division, CDBG Program, that John Kellogg is designated as the Environmental Certifying Officer responsible for all activities associated with the environmental review process to be completed in conjunction with the CDBG grant awarded to the County of Missoula, Montana (construction and a new manufacturing plant for Norco Products); and
3. Missoula County's official request for technical assistance relative to the analysis of data collected under NIC TA# 86-3146 was sent to Stuart Readio of the National Institute of Corrections, Jail Center, in Boulder, Colorado.

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

COMPUTER DEMONSTRATIONS

In the afternoon Commissioner Evans attended a Computer Demonstration in conjunction with the Clerk of Court's Convention, being held at the Sheraton.

JUNE 20, 1986

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

*Fern Hart by Deana Cate, Deputy*  
Fern Hart - Clerk & Recorder

*Barbara Evans*  
Barbara Evans, Chairman

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JUNE 23, 1986

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 request from the Surveyor to advertise for bids in advance of budget approval for the project to replace the guardrails on Pulp Mill Road, which is included in the Road Budget at a cost of \$40,000.;
2. The Board approved a request from the Sheriff to appoint Lt. Michael McMeekin as a deputy coroner, effective July 1, 1986;
3. A motion passed by the Seeley Lake Refuse Disposal District Board of Directors at their May 5, 1986, regular meeting, establishing their fiscal year 1987 budget was approved by the Commissioners as follows:

Income from assessed fees	\$31,500.00	
Expenses		
Annual contract expense	\$26,000.00	
10% unpaid fees	3,000.00	
Administrative costs	2,400.00	
		31,500.00

4. Missoula County's application for the Jail Crowding seminar to be held in Boulder on August 17-22, 1986, was approved and sent to the National Academy of Corrections in Boulder Colorado; Richard Vandiver, Court Operations Officer, Dan Magone, Missoula County Sheriff, John Breuer, Jail Administrator, and John DeVore, Jail Project Director, are the individuals recommended for consideration as seminar participants; and

5. The draft Services Contract between the Missoula County Superintendent of Schools and Mineral County was approved - Rachel Vielleux was advised she could go ahead and get the signatures from Mineral County and return it to the Commissioners for their signatures.

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

JUNE 24, 1986

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 Sheila Murray as principal for warrant #119241, dated February 5, 1986, on the Missoula County Trust Fund in the amount of \$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 TRANSFER

The Board of County Commissioners approved and signed the following budget transfer for Centralized Services and adopted it as part of the FY '86 budget:

1. No. 860111, a request to transfer \$20.00 from the Books and Resource Materials account to the Office Supplies account to cover a shortage in the account.

RESOLUTION NO. 86-066

The Board of County Commissioners signed Resolution No. 86-066, a budget amendment for FY '86 for the Clerk of District Court, including the following expenditure and revenue, and adopting it as part of the FY '86 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Criminal Jury/Witness Fees 2180-040-410331-317	\$ 15,000.00
<u>Description of Revenue</u>	<u>Revenue</u>
State Jury Witness/Reimbursement 2180-040-333058	15,000.00

Other matters included:

1. The Commissioners agreed to amend the Fireworks Stand Resolution for next year to include liability insurance requirements as per the recommendation of Hal Luttschwager, County Risk Manager;
2. A letter will be sent to William Wagner, Attorney-at-Law correcting the duties in a letter to him, dated April 10, 1986, regarding the Kona Ranch Bridge project construction schedule; and
3. The Commissioners notified Fern Hart, Clerk & Recorder, that the properties located in the Meadows of Baron O'Keefe Development and described by deeds recorded at Bk 239 Pg. 2515; Bk 239 Pg. 2517; Bk 239 Pg 2509; Bk 239 Pg. 2511; and Bk 239 Pg 2513; in which Geneva Cates has an interest and which are scheduled to be auctioned on June 25, 1986, will be withheld from the auction of tax deed property.

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

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JUNE 25, 1986

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena June 25th and 26th where she attended the Special Session of the Legislature.

AUDIT LIST

Commissioners Evans and Stevens signed the Audit List, dated June 24, 1986, pages 3-37, with a grand total of \$1,815,071.39. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

CONTRACT

The Board of County Commissioners signed a contract, dated May 23, 1986, between Missoula County and Browning Ferris, Inc. for the purpose of providing for the operation and maintenance of a permanent disposal site for the collection and storage of abandoned and junk vehicles collected by Missoula County or its duly authorized agents pursuant to Sections 75-10-501 through 542-MCA1979, and the rules and regulations established by the State Department of Health and Environmental Sciences, as per the terms set forth in the contract.

NOTICE OF SALE OF BONDS

Chairman Evans signed a Notice of Sale of Bonds for RSID No. 417 in a total amount not to exceed \$75,000.00 for the purpose of street improvements on Mount Avenue between Eaton St. and Reserve St. located in Section 29, Township 13 North, Range 19 West, P.M.M. Missoula County, Montana, setting the sale date for August 6, 1986, at 1:30 p.m.

Other matters included:

BOARD APPOINTMENT

The Board of County Commissioners made the following appointments to the Lolo Water and Sewer Board (RSID 901);

1. T. Argerous Filosofos was appointed as a regular member for a three year term through June 30, 1989; and

JUNE 25, 1986 (continued)

BOARD APPOINTMENT (continued)

2. Norman Yogerst was appointed as an alternate member to the Board.

Also,

1. The Commissioners approved a 60-day extension of the County's contract with Bruce A. Bugbee & Associates for completion of the Open Space Training Program; and

2. John DeVore, Operations Officer, reported on the progress of the Lincoln Hills Sewer Project & the South Hills Drainage Project.

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

PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present was Commissioner Janet Stevens. Commissioner Ann Mary Dussault was attending a special session of the legislature in Helena.

BID AWARD REMOVAL OF OTHER JUNK OR ABANDONED VEHICLES (SHERIFF'S DEPARTMENT)

This item was postponed for one week as there was no one present from the Sheriff's Office to answer questions.

BID AWARD: LEGAL ADVERTISING

Information supplied by Billie Blundell, Manager of Centralized Services indicated that:

The single bid received and opened June 16, 1986 is from The Missoulian

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 were offered.

The recommendation was to award the bid for legal advertising to The Missoulian as per their bid.

Barbara Evans asked Mike Sehestedt, Deputy County Attorney if the County was required to have a specific type of publication do the legal ads.

Mike Sehestedt said yes, that was true, and The Missoulian was the only newspaper that qualifies under the current regulations.

Janet Stevens moved, and Barbara Evans seconded the motion to award the bid for legal advertising to The Missoulian as per their bid. The motion passed on a vote of 2-0.

BID AWARD: TYPEWRITER MAINTENANCE

Information provided by Billie Blundell, Manager of Centralized Services indicated that two bids opened June 16, 1986 for typewriter maintenance are as follows:

Tech Service Company, Inc.	- \$10,029.00
Business Machines	- \$ 4,358.24

The typewriters that are included in this bid are:

- IBM Correcting II
- IBM Correcting III
- IBM Non-Correcting
- IBM Wheelwriter 5
- IBM Memory 100
- Olympia Non-Correcting

The bid received from Tech Service for maintenance on the IBM Memory 100 is \$500 a year. Business Machines did not bid on this item.

The recommendation was that Business Machines be awarded the bid for \$4,358.24. It is also recommended the IBM Memory 100 not be placed on the maintenance agreement as the usage does not warrant the \$500 maintenance fee. A yearly cleaning is accomplished on this equipment and the charge is \$94.

Janet Stevens moved, and Barbara Evans seconded the motion to award the bid to Business Machines for \$4,358.24. The motion carried on a vote of 2-0.

BID AWARD: COMPUTER SYSTEM (PUBLIC DEFENDER'S OFFICE)

This item was postponed one week in order to allow Dick Vandiver, Court Operations Officer time to formulate his recommendation.

BID AWARD: REMOVAL OF JUNK VEHICLES-HEALTH DEPARTMENT

Information provided by Jon Shannon, Environmental Health Specialist indicated that Missoula County receives a grant each year to administer a Junk Vehicle Program for the State of Montana. A major portion of the grant money goes toward a free junk vehicle removal service for citizens of Missoula County. The Missoula County Health Department takes bids from private towing companies and awards a contract to remove junk vehicles to the lowest bidder. There is no fiscal impact to the County. Funds for this program come from a grant. The recommendation from the Health Department is to award the contract to the lowest and only bidder: Brown's Towing of Missoula.

Janet Stevens moved, and Barbara Evans seconded the motion to approve and sign the contract to remove junk vehicles. The motion passed on a vote of 2-0.

JUNE 25, 1986 (continued)

PUBLIC MEETING (continued)

DECISION ON: REQUEST TO VACATE A PORTION OF HUMBLE ROAD (ORCHARD HOMES COMPANY NO. 6)

Barbara Evans said that as required by law, she, County Surveyor Dick Colvill, and Chris Rockey, Director of the Office of Community Development inspected the site on June 19, 1986.

Chris Rockey said he has examined the proposed vacation in light of the floodplain which exists in the vicinity, the topography, and the future transportation plan, and has attempted to scenario out whether they would need a crossing in that vicinity out to Big Flat Road at sometime in the next forty years and he concluded and recommended that the right-of-way be vacated.

Barbara Evans said that Mr. Colvill indicated that he could see no problem with the vacation. She said it was not a very heavily travelled road, and she didn't see where a bridge would ever be put in that spot, so it was also her recommendation that this piece of road be vacated.

Janet Stevens moved and Barbara Evans seconded the motion that the petition to vacate a portion of Humble Road in Section 35, T. 13N R. 20W from the SE corner of Lot 131 to SW corner Lot 130, Orchard Home Company, No. 6 be found to be in the public interest for the following reasons:

1. No road has ever been constructed or proposed through this easement; and
2. If extended, the road would pass through the floodplain and intersect the Bitterroot River; and
3. No bridge exists or has been proposed due to the floodplain; and
4. No future development is anticipated.

The motion passed on a vote of 2-0.

HEARING: AMENDING SECTION 3 OF THE COUNTY DOG ORDINANCE

Linda Hedstrom, Assistant Director of Environmental Health said that on May 7, 1986, the Board of County Commissioners adopted an emergency ordinance which revised Section 3 of the Dog Ordinance and changed the licensing requirements and fees to match those that were adopted as an emergency ordinance by the City the previous week. The purpose of the hearing is to again consider adopting those changes as part of the County's Dog Ordinance. The emergency ordinance expires in 90 days. She said both the City and the County Treasurer's have been using the new fee schedule for a month and a half, and have found no problems except for raising the transfer license fee to \$3 instead of \$2. The complete summary of changes are as follows:

1. Requires that all dogs over 4 months must be vaccinated for rabies and licensed by the County.
2. Requires that dogs must be vaccinated by a licensed veterinarian and that written proof of vaccination must be shown to the County licensing agent.
3. One year and two year licenses will be sold, and sales will occur year round such that expiration dates may occur in any month.
4. Metallic tags which will also serve as identification tags will be issued at the times of the purchase of the license.
5. Licenses for dogs moving into the County must be purchased within 60 days of the move.
6. Fees for 1 and 2 year County licenses are proposed to change as follows:

Altered dogs - 1 year license	\$ 8.00
Unaltered dogs - 1 year license	15.00
Altered dogs - 2 year license	10.00
Unaltered dogs - 2 year license	20.00
Late fee	5.00
Transfer fee	3.00
Duplicate fee	3.00

She said her recommendation was that the Board of County Commissioners adopt these changes into the animal codes.

Barbara Evans asked what number of dogs were required before an owner had to obtain a kennel license.

Linda Hedstrom said that number is 5 or more dogs.

Barbara Evans opened the hearing for public comment. No one came forward to speak either in favor or against the proposed amendments, and the hearing was closed.

Janet Stevens moved, and Barbara Evans seconded the motion to adopt the amendments to Section 3 of the Dog Ordinance, Resolution #79-202. The motion passed on a vote of 2-0.

HEARING: APPEAL OF COMP PLAN DETERMINATION (GARY JOHNSON HIGHWAY 93)

Barbara Evans opened the hearing for public comment.

Amy Eaton, Planner with the Office of Community Development said that Gary Johnson was appealing an Office of Community Development's determination. She said he had requested to place a manufactured housing dealership on four acres located on Highway 93 South. The staff reviewed the proposal with Resolution 83-99 and found the proposal not to be in compliance with the Comprehensive Plan, which recommends a Suburban Residential designation for that site. She said that there was an error in the report from the Planning staff, instead of this being a light industrial use, it would be heavy commercial use-CC2.

Dick Ainsworth of P.C.I. who represents Gary Johnson and R & H Homes, which is a manufactured housing dealership presently located at the site of the former Executive Pontiac-Cadillac Dealership, said his clients wish to purchase a four acre tract of land along Highway 93 about a mile past Buckhouse Bridge on the North side of the highway. He said they wished to place their manufactured housing dealership there; that Gary Johnson owns this unzoned land, and to get a building permit on unzoned land, he was required to get a compliance with the Comp Plan determination which was requested from Mr. Rockey, the Director of the Office of Community Development. He said Mr. Rockey wrote a letter stating that he did not feel that this request was in compliance, and the procedure then permits an appeal to the Board of

JUNE 25, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: APPEAL ON COMP PLAN DETERMINATION (GARY JOHNSON HIGHWAY 93) (continued)

Dick Ainsworth - (continued)

County Commissioners. As Amy Eaton indicated, the Comp Plan calls for this area to be suburban-residential. That plan, adopted in 1975, is obviously outdated in lots of areas, and he said he felt that this was certainly one of them. He said that anyone that was very familiar with that area, particularly along the Highway, and as you get closer to the Blue Mountain Road intersection, knows that it is not a residential area. He said he thought good planning would indicate that the property immediately adjoining a major highway such as 93 is not well suited for residential development. He said this property is about a thousand feet from the new Sports Medicine Center that is just now starting construction, and about 12 or 13 hundred feet from the Blue Mountain Road intersection. It is about two thousand feet from the new proposed NORCO Products Furniture Manufacturing Plant. Both of these facilities are within the same area on the Comp Plan that calls for suburban-residential use. A quick windshield survey indicates that within a couple of thousand feet of this particular piece of property there are no less than 15 non-residential uses, commercial or industrial, and only about a half dozen homes within a couple of thousand feet within this site. The high percentage of those non-residential uses have been developed since the Comp Plan was adopted in 1975, obviously the Sports Medicine Center which is new; NORCO's proposed facility, the Forest Service's Lolo National Forest Office was just built there within the last few years; the new Mini-Warehouse complex; there is a greenhouse presently adjoining this property to the north; and there is an equipment sales and rental facility across the highway and down about a thousand feet. These are all uses that were not there when the Comp Plan was adopted. He said it is obvious that it is not a residential area now. The question is does it meet the compliance criteria for compliance with the Comp Plan. The staff report indicates that it does not; but he said he would take exception to that. He said in an amendment made to Resolution 83-99 which was made under the Commissioner's Resolution 85-082, there is a section that says "In areas where 50% or more of the land uses within 300 of the applicant's property are compatible with the proposed use, the permits will be exempt from the requirements of Section 3 of Resolution 83-99." He said it is very obvious to him that this does, in fact, meet those criteria and is, in fact, exempt from this, and should be granted a compliance permit. He said the property immediately north of this is a greenhouse, which is a commercial use, and directly across the highway is a piece of unzoned ground that is presently unoccupied, the last use that it was put to was the Missoula Tennis Club's domed tennis facility which is a commercial use. He said this property was bounded by the north and south within 300 feet by commercial uses, and on the east and west by vacant property. So, he said half, or 50% of the property is presently commercial in nature, and half is not, although that half is not residential. He said the section of the Comp Plan that refers to this issue says, "In areas where 50% or more of the land within 300 feet are compatible uses", and he said he feels that this use fits that, and they are, in fact exempt from the requirements of this. He asked that the Commissioners find this request meets the criteria for compliance with the Comp Plan and grant this request so Gary Johnson can proceed with his development.

Bill Patrick, a resident of the area said he was always concerned as industry moved out in that area, as he liked to be living in a country atmosphere. He said he was concerned that both NORCO and the Sports Medicine Center will follow their traffic down Blue Mountain Road to the Highway, which is a very dangerous intersection. He said he feared that if this business was located there, it would create a tremendous traffic hazard with another approach being built to the highway. He would like to see the area kept less congested. He said as far as the comprehensive plan being old, he was old too, but he was not out of date.

Jo Potter, a resident of the area said there are some businesses out there, many of them were there before the 1975 plan took effect, and they are not sure how the greenhouse got where it is, as she does not remember any questions being asked before it went in; perhaps it was just considered agricultural. She said the traffic in the area is atrocious, and if you are due in Missoula at 8 a.m., you had better start at 7:15, because you cannot get on the freeway. It is a high fog area, has heavy ice in the winter, and dust in the summer. She said they enjoyed their view out there, and a view of a trailer house lot would not be pleasing, and the Highway 93 strip is rapidly approaching that area, which does not please the homeowners. She recommended continued use of the agricultural use, due to the high water table in the area, and that this request be denied.

Nancy McBroom said she is against this particular business being put in in this area, and she takes exception to Mr. Ainsworth's claims that 50% of the area is commercial. She said if a commercial use is allowed to be built there, it should be one single building, rather than a bunch of trailers with metal roofs.

Barbara Evans asked if anyone else wished to speak on the matter. No one came forward and the hearing was closed.

Janet Stevens asked Dick Ainsworth if they were talking about trailers, or manufactured housing.

Dick Ainsworth said this was manufactured houses, not mobile homes. However, on occasion, they take mobile homes in on trade, and they would probably have some of those on the back end of the their lot, but they are not a mobile home dealer.

Janet Stevens asked if this property already has an approach to Highway 93.

Dick Ainsworth said yes, it does.

Janet Stevens asked if the business would be within 435 feet of Highway 93.

Dick Ainsworth said yes, it would. It is about 360 feet from the highway.

Barbara Evans asked if the modular homes would be constructed on the lot.

Dick Ainsworth said no, this would be a dealership, with a small sales office which would be a permanent structure.

Barbara Evans asked what type of things are planned to beautify the area like landscaping.

Dick Ainsworth said Gary Johnson would be able to answer those questions. He said he knew of some covenants that were placed on this property to screen this property from the greenhouse to the North, but does not address site development.

JUNE 25, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: APPEAL OF COMP PLAN DETERMINATION (GARY JOHNSON HIGHWAY 93) (continued)

Gary Johnson said a small office facility will be put in the front of it, and paving and landscaping will be done. He said the covenants call for trees in the back of the lot to buffer it. Because it is a manufactured housing dealership and not a trailer sales lot, they want to make it more aesthetically pleasing than a trailer lot would look, in fact, they want to put a lot of landscaping up to make it look like a neighborhood.

Barbara Evans asked how many employees this business would employ?

Gary Johnson said there would be five employees; one secretary and four salespeople.

Barbara Evans asked if these people were coming in to get approval with an eye toward once this is approved, selling it to someone else.

Gary Johnson said absolutely not. The situation now is that they are parking manufactured houses on \$8 per square foot property in town, and that business cannot make it if it has to pay that kind of rent.

Barbara Evans asked what business he was referring to.

Gary Johnson said it was R & H Homes.

Barbara Evans asked if he anticipated R & H Homes getting their modular homes in and out of the proposed area on the current access.

Gary Johnson said no, there were not that many delivered. What happens is that it is almost like tract housing home shows. People come in and look at the homes, then sit down with a salesperson and that salesperson makes the adjustments on paper and the home is ordered and delivered to the people.

Barbara Evans asked how many modular homes would be moved in if they got approval.

Gary Johnson said he could not answer this question. At the present time, they have about 15 on their lot, and they probably have another 10 to 15 scattered around town in storage.

Barbara Evans asked if once they got the homes into the lot, would they, for all intents and purposes, be sitting there for a long period of time, and could they be landscaped and made to look like someone's home.

Gary Johnson said he could not guarantee that they would be there for 10 to 15 years, but most of them just sit there as model homes. He said there would be grass throughout the area.

Barbara Evans asked what the difference was between this kind of operation and a subdivision of that many homes.

Janet Stevens said the difference would be 15 houses on four acres.

Barbara Evans said she was asking what the difference would be if she were on a hill looking down on these modular homes, versus a subdivision, other than the number of homes.

Gary Johnson said the streets will not all be paved, and the houses will be on wheels, although they would be skirted.

Barbara Evans asked Joan Newman how she would legally view the heavy commercial use in relation to the comprehensive plan in this area, even though it is unzoned.

Joan Newman said she thought the Commissioners were asking if the proposed use would appear to be light industrial whereas it is more in the nature of a commercial use. The light industrial definition in the Comprehensive Plan is that the activity involves assembly, processing, storage and transfer, research and other technological processes. The General-Commercial focuses mainly on retail service and offices intended to reach a community market. She said that it appears from the facts presented that this does not involve assembling, and that seems to be the critical feature that distinguishes the uses.

Barbara Evans asked if there was any legal avenue open to the Commissioners to restrict the number of units that can be on the property.

Joan Newman said she did not see any allowance for imposing conditions of approval in the ordinance as it stands, but she thought there could be a voluntary agreement that certain plans will be carried forward.

Barbara Evans asked Amy Eaton what the allowance for units to the acre were in the adjoining zoning districts.

Amy Eaton said in Zoning District 39, it was one dwelling unit per acre. That is the zoning district that is on both the east and west side of the proposed site. In Zoning District 18, it would be two per acre.

Barbara Evans asked what the allowance for units per acre was in a commercial zone.

Chris Rockey, Director of the Office of Community Development said that under present County Commercial zoning regulations, there would be no limitation as to the number of modular or mobile homes that could be put on the site.

Janet Stevens said the Commissioners had not addressed the reason the hearing was being held, that is, Dick Ainsworth's contention that the property within a 300 foot radius is commercial use, or has been used for commercial use. She asked Amy Eaton to discuss this.

Amy Eaton said she used both the two resolutions, 83-99 and 85-082 and using both of those, she still came up with the proposal to that this was not in compliance. She said her analysis was that there was not 50% of the usage as commercial or compatible with heavy industrial use. She said the property across the street was not counted because it was not being used at all, and her analysis included current uses only.



JUNE 25, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: APPEAL OF COMP PLAN DETERMINATION (GARY JOHNSON HIGHWAY 93) (continued)

Amy Eaton - continued

She said that makes it a vacant use, and when you have agricultural on both sides of the proposed site it makes this a formula whereby she could not find that there was 50% or more commercial use in this area.

Barbara Evans asked what would happen if someone wanted to put in a residential use applying the same theory from the resolution to that request. She wanted to know how many of the uses adjacent to this particular property fall into the residential category.

Amy Eaton said that if it was a residential request, it would be in compliance with the Comp. Plan. However, she said there would be two residential uses and one commercial use in the area.

Barbara Evans said that one of the concerns she has is that the person who owns this property is limited to residential use if the resolution is applied, and can have only two houses per acre. She said she does not feel that the problems the residents in the area pointed out relative to traffic, ice, etc. would go away if this were going to be used as a residential site. So, it appears to be not suitable for commercial use, and not suitable for residential use. She said this leaves the owners of the property somewhere in Never-Never-Land.

Mike Sehestedt, Deputy County Attorney said there had been one lawsuit against the owners of Zoning District #39 which upheld the residential classification, so classifying it residential would be defensible.

Janet Stevens asked if the property does comply with sub-section 5, with a 50% portion of the adjoining property being commercial, what action the Commissioners would have to take to allow this business to be located there.

Joan Newman said the Commissioners have two options: 1. to deny the building permit, and to take action to amend the Comprehensive Plan for that area, or 2. to zone the area.

Janet Stevens asked what process the Commissioners would have to go through to amend the Comp. Plan.

Joan Newman said the statute is not very specific in terms of the exact procedure for an amendment to a Comprehensive Plan. Presumably, a public hearing and review procedures for the adoption of a Comprehensive Plan would serve as a model. There would have to be public review and comment which would make it inadvisable to do it today. She said she found the portion of the resolution on sub-section 5 to be generally vague.

Dick Ainsworth said he would be curious to hear Joan Newman's opinion of Amy Eaton's analysis of the parcel directly across the highway that was used as the tennis courts, which was used as a commercial site, and could be used again as a commercial site, and as far as he is concerned, is commercial property.

Joan Newman said she interprets the question as how do we apply the 50% rule. The Comprehensive Plan would make it appear that the property across the street would be parks and open space, but at this time, it is unzoned. She said what we are dealing with here is a project that requires a building permit.

Janet Stevens said the question was whether or not she considers that piece of property across the road commercial right now, as it has been used as commercial property in the past.

Joan Newman said that because it was unzoned, you don't have the concept of legal-non conforming uses. The resolution itself seems to imply that what you are talking about is existing uses, but it is not that clear. As a practical and legal matter, in an unzoned area, when you are dealing with these kinds of questions, there is no way of making it set; so that is a variable.

Chris Rockey said he could sense that almost, but not quite the right questions were being asked. He said the question is: Today, with the resolutions in place, and the court decision, etc., if a building permit were applied for for a commercial use on the site of the former tennis court, would it be granted? The answer is probably not.

Janet Stevens asked if theoretically, R & H Homes could haul in a bunch of trailers anyway and use a trailer as a selling place and they would not have to get a building permit and go through this process.

Joan Newman answered in the affirmative.

Janet Stevens said that because they do not want to use a trailer or a modular home to sell out of, and they want to make a permanent structure for their office, they have had to come before the Commissioners for this hearing.

Barbara Evans said that in light of the fact that other people had spoken since the hearing was closed, she would allow the residents of the area to speak again if they had something additional to say.

Several residents expressed concerns with the drainage in the area, the unattractive used trailers that would be in the area, and how many vehicles would be coming and going from the property.

Janet Stevens said she would like to clarify one thing in her mind and see if the residents realized it also; that if these people decided to use one of the modular homes as their sales office, they would not have to ask for permission to have the business there. It is just because they are attempting to build a structure that they have been caught in the system.

Gary Johnson said these people want to do it right. They want to build a nice office building, they want to landscape it, they want to make it look nice, and they want to have a decent business out there. That is why they are here. They could put a modular unit out there and use it as their office facility, but they want something better. He said he had been in the real estate business for a long time, and a two per acre subdivision out on Highway 93 was not going to pack it.

Barbara Evans said she had a couple of things to say so that the residents out there would know where her thinking is at. She said she did not personally believe that this was a logical site for homes because it is right on the highway. She said she has personally purchased plants from the greenhouse there, so she is well aware of what is out there. She said she would not want to live next to the highway and she knows that when they did the Reserve Street rezoning plan that many, many people came in and said they wanted a buffer between the homes and the highway. This type of an operation, in her mind, provides a

JUNE 25, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: APPEAL OF COMP. PLAN DETERMINATION (GARY JOHNSON HIGHWAY 93) (continued)

Barbara Evans - continued

buffer that does prevent noises from transmitting a long distance, and she agrees with the resident that said that the tin roofs could be a real distraction to the folks living above them. On the other hand, her feeling is that when you buy a piece of land that has unzoned property surrounding it, you're taking a chance on what can be put in next to it. When she purchased her home and her lot, they had a 360 degree view, and on the north side of the house, they put a very nice deck where you could see the entire valley, but they did not buy the lot next door to them, and the lot next door to them was split into two lots, and there is a home probably ten or fifteen feet from her deck, she cannot see the city out her window at all, and this is her fault, because she did not buy the lot next to hers to protect her view. She said she was not trying to be preachy, she just wanted the residents to understand that if you want to buy the view and protect it, then you have the right to do that, as she had the right to, but didn't do. Therefore, she is going to suffer from her negligence in not buying the lot in that she doesn't have a view. To take property from someone by saying the neighbors don't like what you are going to use it for, is unconscionable and she would not want to do it to them any more than she would want to do it to these folks. The fact that they are willing to come in and ask for approval and tell you and us what they are planning to do indicates at least to her, up front, that they want to do it right. They could go in, as Janet said and use one of the homes as an office, and the Commissioners would have no say about it anyway. In her mind, it is not a residential area given the area in a larger degree than the 300 feet. So, to assume that they have to keep that piece of property what it is in the Comprehensive Plan makes no sense to her. She said the fact that it directly abuts the commercial-agricultural greenhouse and the fact that there are other businesses in the area indicates to her that this is a proper use for the land, and therefore, she would probably vote to approve the use.

Janet Stevens said that her concern was that the Commissioners need to find that at least 50% of the property within a 300 foot radius is commercial use.

Joan Newman said the regulation itself does not specify that the Commissioners should address only present uses. However, this is an unzoned area, so uses do come and go. She said she thought the Commissioners would have a defensible position to interpret the regulations as they see fit, by looking at past uses as well as present uses.

Barbara Evans said that for the record, she thought that the present resolution needs some work done on it so some provisions can be made for adding provisions for approval of these sort of things so that the residents can get some sort of guarantee that what's going on is what is represented in the request. She asked Gary Johnson if the parties involved in the dealership would agree to some sort of understanding between them and the County on the type of things they intend to do on the property in regard to landscaping, etc.

Gary Johnson said yes, they would be open to making the area look more residential.

An unidentified person asked what would happen if, in a couple of years, this business failed. Could a car dealership, for example, move in there and start selling cars?

Barbara Evans said this is an unzoned area and as long as the residents keep it an unzoned area, anything that is allowed in an unzoned area that does not require a building permit is permitted. This is, and will remain an unzoned area until the residents change it. She said she is traditionally the conservative Commissioner who is supposed to hate zoning. She said zoning is not an intrusion on the right of people to do with their property what they wish. Zoning is a protection for owner's rights; to keep your area what you want it to be. To keep out slaughterhouses, fish packing plants, etc. If the residents initiated some zoning, they would be providing themselves with some protection. She asked Gary Johnson to elaborate on the landscaping plans for the property.

Gary Johnson said these would look like model homes with trees, grass, the whole shootin' match, that people could walk around just like a mini-neighborhood. He said the owners could not afford to go in on \$8 per square foot property, but they could do it on what they would be paying for in this area.

Jo Potter said she would oppose the Commissioners approving this if the Zoning Commission and the Comprehensive Plan recommended denial.

Janet Stevens said there is a resolution, number 85-082, that allows requests such as this one as long as 50% or more of the land use around that area are the same kind of use, and that is what the Commissioners are determining today.

Janet Stevens moved, and Barbara Evans seconded the motion to approve the request to place a manufactured housing dealership on the four acres located on Highway 93 South based on the fact that it meets the requirement of number 5 of Resolution No. 85-082 that 50% or more of the land within 300 feet are compatible with the proposed use. The motion passed on a vote of 2-0.

TAX DEED SALE

Chairman Barbara Evans said some of the property previously listed in the sale had been redeemed.

The Tax Deed auction for the years 1980 and 1981 has been set for this date by Resolutions No. 86-54 and No. 86-55. The properties taken by tax deed and the fair market value for each piece as determined by Jim Fairbanks, Appraisal Office Supervisor are listed below. No sale shall be made for a price less than the fair market value at the auction per 7-8-2301 M.C.A.

It should also be noted that a copy of the tax deed and a memo, to persons whom Missoula County 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 May 22, 1986, per Wendy Cromwell, Recording Section Manager, at the advice of Michael Sehestedt in 1984.

Wendy Ross Cromwell said the following properties and their values remained unredeemed at the time of the sale:

JUNE 25, 1986 (continued)

## PUBLIC MEETING (continued)

## TAX DEED SALE (continued)

The real estate offered for sale is as follows:

	Fair Market Value
Plat K Roads 13-15-22 20 ac	\$ 6,000.00
Roadways, in E $\frac{1}{2}$ less pt sold Plat K 18-13-16 6 ac	7,200.00
Incorrectly listed on tax bill as School 5 Acre - Supp Plat of Lots 20 & 21 - Lot 10 Correct legal is: Lot 10 of School Five Acre Tracts Supplementary Plat of Blocks 20 & 21, according to the official plat of record in Book 12 Copy of Plats at Page 63 of the records of Missoula County, Montana	18,000.00
Incorrectly listed on tax bill as School 5 Acre Tracts - Supp Plat of Lots 20 & 21 - Lot 9 Correct legal is: Lot 9 of School Five Acre Tracts Supplementary Plat of Blocks 20 and 21, according to the official plat of record in Book 12 Copy of plats at Page 63 of the records of Missoula County, Montana	18,000.00
Incorrectly listed on tax bill as School 5 Acre - Supp Plat of Lots 20 & 21 - Lot 1 Correct legal is: Lot 1 of School Five Acre Tracts Supplementary Plat of Blocks 20 and 21, according to the official plat of record in Book 12 Copy of plats at Page 63 of the records of Missoula County, Montana	16,000.00
Carline--All of Blk 80 All of Block 80 of Carline, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof	800.00
Country Club #2 - Amended --Lot 7 Blk 3 Lot 7 in Block 3 of Amended Plat of Country Club Addition No. 2, in Missoula County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder of Missoula County, Montana	5,000.00
Lincoln Hills #6-- Lot 12 Lot 12 of Lincoln Hills #6, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof	5,000.00
Lincoln Hills #6--Lot 18 Lot 18 of Lincoln Hills #6, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof	5,000.00
Meadowlark Acres--Lot 50 Lot 50 of Meadowlark Acres, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof	17,000.00
Improvements on leased land, Section 6, Township 11 North, Range 16 West	49,400.00
In E $\frac{1}{2}$ E $\frac{1}{2}$ Plat K 12-12-20 1 ac A Parcel of land in the E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 12, Township 12 North, Range 20 West, M.P.M. (Plat K)	1,800.00
Pt NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1-12-20 7 Plat R The more complete legal description is: That part of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) Section One (1), Township Twelve (12) North, Range Twenty (20) West, more particularly described as follows: Starting at the SE corner of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ , Section One (1) Township 12 North, Range 20 West, running thence North along the East boundary thereof a distance of 820 feet, more or less, to the Southerly bank of the Bitterroot River as the same now runs through said quarter section; thence in a Southwesterly direction along the South boundary line of said Bitterroot River to a point which is 465 feet due West from the East boundary line of said quarter section; thence at right angles and South a distance of 600 feet, more or less, to the South boundary line of said quarter section; thence East along the South boundary line of said quarter section to the point of beginning.	10,500.00

Each parcel was offered for sale separately at fair market value or higher. No one offered bids for any of the properties, and the tax deed sale was closed.

Mike Sehestedt said the procedure now that they have been offered at auction and therefore eliminated the former owner's rights to redemption or preferential repurchase, and assuming that there are no errors in the tax deed process, the Commissioners may negotiate a private sale for an amount not less than 75% of the Fair market value.

Chairman Barbara Evans asked if anyone wished to offer 75% or more of the fair market value for any of the parcels. No one offered to purchase any of the property.

JUNE 25, 1986 (continued)

PUBLIC MEETING (continued)

Other Business

Vaughn Anderson of Stensatter, Druyvestein and Associates said about a month ago, a petition for an RSID for repaving out in the 37th and Tower areas was presented to the Commissioners. He presented another petition requesting that the project be put on the budget for next year. The petition was turned over to John DeVore, Operations Officer.

Ralph Closure, a resident of the Rattlesnake area brought some concerns he had with the abuse of the 911 system by Sheriff's Deputies attempting to serve warrants.

There being no further business to come before the Board, the Commissioners were in recess at 3:25 p.m.

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JUNE 26, 1986

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:

QUITCLAIM DEED

The Board of County Commissioners signed a Quitclaim Deed, in conjunction with the redemption of property taken for tax deed, from Missoula County to the Estate of Rose Rossbach c/o Alexander George, 201 First Interstate Plaza, Missoula, MT 59802, for the following described premises in Missoula County:

Lots 9 and 10, Block 43 of School Addition, a platted subdivision in the City of Missoula.

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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JUNE 27, 1986

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

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JUNE 30, 1986

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

AUDIT LIST

Commissioners Dussault and Stevens signed the Audit List, dated June 27, 1986, pages 4-44 with a grand total of \$97,187.63. The Audit List was returned to the Accounting Department.

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Jean Brooks as principal for Warrant #9768, dated June 20, 1985, on the Missoula Vo-Tech Payroll fund in the amount of \$71.90 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFER

The Board of County Commissioners approved and signed the following budget transfer for the Superintendent of Schools and adopted it as part of the FY '86 budget:

1. No. 860112, a request to transfer \$666.00 from the Transcripts account to the Office Supplies (\$600.00), Contracted Services (\$50.00) and Capital-Technical Equipment (\$16.00) accounts because of unexpected expenses.

RESOLUTION NO. 86-067

The Board of County Commissioners signed Resolution No. 86-067, a resolution allocating the sum of \$317,259.00, which Missoula County received on April 15, 1986, in Community Development Block Grant Funds for the Clinton Community Development Block Grant project, to establish a provision in the FY '86 budget for the funds to be administered by the Office of Community Development as follows:

Project Budget

Administration:

Personal Services	
Salaries and Fringe Benefits	\$ 36,259
Office Costs	
Supplies	500
Postage, Printing and Publications	1,500
Telephone	1,000

JUNE 30, 1986 (continued)

RESOLUTION NO. 86-067 (continued)Project Budget (continued)

Other	
Travel and Training	\$ 1,000
Total Administration:	\$ 42,259
<u>Activity</u>	
Housing Rehabilitation	\$ 275,000
Total Activity Costs:	\$ 275,000
TOTAL CDBG BUDGET:	\$ 317,259

RESOLUTION NO. 86-074

The Board of County Commissioners signed Resolution No. 86-074, a budget amendment for the Open Space Fund including the following expenditure and revenue and adopting it as part of the FY '86 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
County Participation - Interest on Notes - Larchmont 2190-285-490600-749	\$ 21,894
<u>Description of Revenue</u>	<u>Revenue</u>
PILT 2190-285-337014	\$ 21,894

QUITCLAIM DEED

The Board of County Commissioners signed Quitclaim Deeds, in conjunction with the redemption of property taken for tax deed, from Missoula County to the following individuals for the following described premises in Missoula County:

1. to Lloyd Hobart Smith and Keith Nichols for Lots 1 and 2, Block W of McWhirk Addition, a platted subdivision in the City of Missoula;
2. to Duncan Insurance Agency, P.O. Box 7516, Missoula, MT 59807, for Lots 1 and 2, Block 32 of Montana Addition, a platted subdivision in the City of Missoula; and
3. to Duncan Insurance Agency, P.O. Box 7516, Missoula, Montana 59807, for Lots 15 to 20, Block 136 of Woody Addition, a platted subdivision in Missoula County.

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

CONTRACT

Chairman Evans signed a contract between the Department of Health and Environmental Sciences (DHES), the Montana State Developmental Disabilities Planning and Advisory Council (DDPAC), the Rocky Mountain Chapter March of Dimes, the Big Sky Chapter/March of Dimes, the Montana Perinatal Association, and the Missoula City-County Health Department for the purpose of providing model demonstrations of methods and procedures for the prevention and reduction of the incidence of low-birth-weight infants in Montana; as per the terms set forth, and will be in effect through June 30, 1987. The contract was returned to Gary Boe, Health Director, for further handling.

RESOLUTION NO. 86-083

The Board of County Commissioners signed Resolution No. 86-083, a budget amendment for FY '86 for District Court, including the following expenditures and revenue and adopting it as part of the FY '86 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
(As per the attachment to the Resolution in the budget files)	\$ 375,916
<u>Description of Revenue</u>	<u>Revenue</u>
Deficit 2180-100-341053	\$ 375,916

BUDGET TRANSFER

The Board of County Commissioners approved and signed Budget transfer No. 860113 (the year-end clean-up budget transfer for various County departments and funds) and adopted it as part of the FY '86 budget. The transfer is on file in the Commissioners Office budget file.

Other matters included:

1. The Commissioners voted to approve a request for exemption from the Montana Subdivision and Platting Act for suitable access on a parcel larger than 20 acres, finding that the access to the parcel, which is 540+ plus acres along Grant Creek Road and part of the Gleneagle Subdivision in Missoula County, is suitable for public services;
2. The tax bills for Economy Motel for 1981-84 were discussed -- a letter will be sent to Mr. Everett Harris stating that the assessments as per Jim Fairbanks, Assessor Supervisor, appear to be in order and that his request for tax relief is denied;
3. The Commissioners met with Hal Luttschwager, Risk Manager, and agreed to decline coverage on Public Officials Liability and Law Enforcement insurance until the quotes from PENCO arrive; and
4. Hal Luttschwager will begin to develop a formal Risk Management Training Program for public officials and law enforcement and will send a memo explaining its implications.

JUNE 30, 1986 (continued)

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

*Fern Hart by Thomas Cote, Deputy*  
Fern Hart - Clerk and Recorder

*Barbara Evans*  
Barbara Evans - Chairman

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JULY 1, 1986

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

#### DAILY ADMINISTRATIVE MEETING

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

#### CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Michelle Potter of Computer Concepts, an independent contractor for secretarial services for the Seeley Lake Refuse Disposal District Bond, as per the terms set forth, for the period from July 1, 1986 through June 30, 1987 for a total amount not to exceed \$1,800.00, after approval of invoices by the Seeley Lake Refuse Disposal District Board and submission to County Commissioners for payment.

#### MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Canyon View Park Association whereby the County grants the Association the authority and responsibility to operate and maintain, and otherwise keep in good repair the Canyon View Park, as per the terms set forth in the Agreement, effective July 1, 1986. The Agreement was returned to John DeVore, Operations Officer, for further handling.

#### CERTIFICATE OF SURVEY

The Board of County Commissioners signed a Certificate of Survey Creating a parcel of land for dedicated County Road right-of-way purposes located in the NE $\frac{1}{4}$  of Section 32, and the SE $\frac{1}{4}$  of Section 32, T. 14 N., R. 19 W., P.M.M., Missoula County, the owner of record being Five Valley Oil and Gas Exploration, Inc.

#### RESOLUTION NO. 86-068

The Board of County Commissioners signed Resolution No. 86-068, resolving that Missoula County accept from Valley Oil and Gas Exploration, Inc., that 8.24 acre parcel of land for public road right-of-way, shown as Tract "1" on the Certificate of Survey, located in the E $\frac{1}{2}$  of Section 32, Township 14 North, Range 19 West, Principal Meridian, Montana, Missoula County, Montana, for the purpose of providing legal access to Gleneagle at Grantland, a recorded subdivision in Missoula County.

Other matters included:

1. The Commissioners met with Ray Smith and discussed the petition from the residents on Leo Hansen Road - action on this matter was delayed for the present time;
2. It was agreed that a letter be sent to the District Judges requesting that one of them approve all travel claims for Dick Vandiver, Court Operations Officer; and
3. The problems at Canyon View Park in East Missoula were discussed - a letter will be sent to the Contractor, Joe Skornogoski, giving him until July 22, 1986, to complete all work on the Park project.

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

JULY 2, 1986

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was on vacation July 2nd and 3rd.

#### AUDIT LIST

Commissioners Evans and Dussault signed the Audit List, dated July 2, 1986 with a grand total for all funds of \$132,919.23. 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:

#### RESOLUTION NO. 86-069

The Board of County Commissioners signed Resolution No. 86-069, resolving that Missoula County accept from Thornton Lumber Company a parcel of land shown as Parcel "A" on Certificate of Survey No. 3346, located in the NW $\frac{1}{4}$  of Section 28, Township 14 North, Range 20 West, Principal Meridian, Montana, Missoula County, Montana, for the purpose of providing an adequate area for the storage of junk vehicles and other public purposes.

#### RESOLUTION NO. 86-070

The Board of County Commissioners signed Resolution No. 86-070, a resolution creating R.S.I.D. No. 417 for the purpose of street improvements on Mount Avenue between Eaton St. and Reserve St., located in Section 29, Township 13 North, Range 19 West, P.M.M.

#### RESOLUTION NO. 86-071

The Board of County Commissioners signed Resolution No. 86-071, a resolution to vacate Humble Road, located in Township 13 North, Range 20 West, Section 35, from the SE Corner of Lot 131 to the SW Corner of Lot 130, map reference No. 136, Humble Road, Orchard Homes Co. No. 6.

#### QUIT CLAIM DEED

The Board of County Commissioners signed a Quitclaim Deed, whereby Missoula County conveys, releases, remises and forever quitclaims until Five Valley Oil & Gas Exploration, Inc. of P.O. Box 9410, Missoula, Montana 59807 the following described premises in Missoula County, Montana, to wit:



JULY 2, 1986 (continued)

a tract of land located in the NE $\frac{1}{4}$  Section 32 and SE $\frac{1}{2}$  Section 33, Township 14 North, Range 19 West, Principal Meridian Montana, Missoula County, Montana, more particularly described on Certificate of Survey #2941.

QUITCLAIM DEEDS

The Board of County Commissioners signed Quitclaim Deeds from Missoula County to the following individuals for the following described real estate in Missoula County in conjunction with Resolution No. 86-071:

1. To William Tabish and Vera Tabish, 4740 Humble Road, Missoula, MT 59801, for that portion of Humble Road located adjacent to Lots 130 and 131 Orchard Homes Co. No. 6, a platted subdivision of Missoula County, said portion being vacated by Resolution No. 86-071 by the Missoula County Commissioners, up to the centerline thereof; and
2. To John C. Klapwyk, 4850 Humble Road, Missoula, MT 59801, for that portion of Humble Road lying within and adjacent to property owned by the grantee in Section 35, T. 13 N, R. 20 W, map reference 136, from the SE corner of Lot 131 to the SW corner of Lot 130, Orchard Homes Co. No. 6, to the centerline thereof, as vacated by Missoula County Resolution No. 86-071.

QUITCLAIM DEED

The Board of County Commissioners signed Quitclaim Deeds to the following individuals for the following described real estate in Missoula County in conjunction with Resolution No. 86-065, dated June 19, 1986;

1. To Robert J. Bigart, 1860 Nuthatch Dr., Missoula, MT. 59802, for that portion of Nuthatch Drive located adjacent to Lot 4, Block 8, El Mar Estates Phase 2 a platted subdivision of Missoula County, said portion being vacated by Resolution No. 86-065 by the Missoula County Commissioners, up to the centerline thereof, subject to the 15-foot utility easement as shown on the plan on record in Missoula County;
2. To Neil A. Duddy and Virginia L. Duddy, 1865 Nuthatch Drive, Missoula, MT 59802, that portion of Nuthatch Drive located adjacent to Lot 22, Block 6, El Mar Estates Phase 2, a platted subdivision of Missoula County, said portion being vacated by Resolution No. 86-065 by the Missoula County Commissioners, up to the centerline thereof, subject to the 15-foot utility easement as shown on the plat on record in Missoula County; and
3. To Marguerite Miller, Kona Ranch, Rt. 2, Grass Valley, Missoula, MT 59802, for that portion of Nuthatch Drive lying adjacent to Lot 4, Block 8 and Lot 22, Block 6, El Mar Estates Phase 2, being vacated upon Resolution No. 86-065 of the Missoula County Commissioners,

Subject to the 15-foot easement for public utilities as shown on the recorded plat.

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Irene Tanner, an independent contractor, for the purpose of identifying boxing and labeling records for storage, inventorying records in Blue Star warehouse, applying the same procedures at the Reserve Street warehouse, if time allows, and computerizing this information, if time allows, as per the terms set forth for the period from June 17, 1986, to August 29, 1986, for a total amount not to exceed \$2,500.00.

Other matters included:

1. The phone system billing was discussed with personnel from General Service;
2. The Teacher Center Audit Appeal was discussed with John DeVore, Operations Officer - it was agreed that an offer to settle for the County's costs of \$1,000-\$1,500 would be made; and
3. A memorandum was sent to City officials and Planning Board and staff personnel stating that the County will not fund Phase I of the consultant's proposal, and that the County elects to serve notice to the City of Missoula, as required by the terms and conditions of the Interlocal Agreement, of its intent to terminate and/or renegotiate the Interlocal Agreement.

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

PUBLIC MEETING

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

BID AWARD: REMOVAL OF OTHER THAN JUNK OR ABANDONED VEHICLES (SHERIFF'S DEPARTMENT)

Information provided by Billie Blundell, Manager of Central Stores indicated that the single bid received June 9, 1986 was as follows:

Fred's Towing & Crane Service - Inside Local Area (flat area)	\$11.00
- Outside Local Area (flat area)	\$11.00
- Rate Per Load Mile	\$ .75
- Inside Storage Per Day Per Unit	\$ 3.00
- Outside Storage Per Day Per Unit	\$ 3.00

It was the recommendation of the Missoula County Sheriff's Department that the Board of County Commissioners accept the proposal from Fred's Towing.

Ann Mary Dussault noted that this item had been delayed from the previous meeting because no fiscal impact information had been provided by the Sheriff's office. She said Undersheriff Greg Hintz had indicated that this was within the budgeted amount of \$2,000.00.

Ann Mary Dussault moved and Barbara Evans seconded the motion to award the bids for removal of other than junk or abandoned vehicles for the Sheriff's Department to Fred's Towing and Crane Service. The motion passed on a vote of 2-0.

BID AWARD: COMPUTER SYSTEM (PUBLIC DEFENDER'S OFFICE)

Barbara Evans said that background provided by Richard Vandiver, Court Operations Officer indicated that the Board of County Commissioners approved the purchase of an automation system as part of the set-up costs for the Public Defender's Office. Top-Down Computer Consultants was employed via bid process in April of

JULY 2, 1986 (continued)

PUBLIC MEETING (continued)

BID AWARD: COMPUTER SYSTEM (PUBLIC DEFENDER'S OFFICE) (continued)

1986 to assist the Public Defender's Office. Based on the recommendations of Top-Down Computer Consultants, a set of specifications for computer hardware and software was submitted for bids from various vendors. Top-Down has analyzed the various bids received. The computer system is to be used for word processing, legal research, case tracking, time and billing ability and other related clerical and management tasks. The recommendation from the Court Operations Officer is that the bid be awarded to 4-G's Computer.

Margaret Borg, Chief Public Defender said Mr. Vandiver would be available to comment in a few minutes, but representatives from Top-Down Computer Consultants were in attendance and would be available to field any questions the Commissioners have.

Ann Mary Dussault said the recommendation was clearly not the less expensive of the bids, and in order for the Commissioners not to award the contract to the low bidder, they would need some justifications to do that, as there were two other lower bids.

Dick Vandiver, Court Operations Officer referred the Commissioners to a report from Top-Down Computer Consultants, which indicates the strength of what he thought the 4-G's proposal has. The justification for accepting that bid as compared to the other or lower bids has to do with the quality of the product and the way in which he believes the product will serve the needs of the Public Defender's Office now and in the future. He said the bottom proposal in terms of the lowest bid proposal is, as far as he is concerned, clearly unacceptable quality hardware and software. The major problem that he had, in looking over all of these bids, came down to a decision between 4-G's and Emery, and the reason he recommended 4-G's is that the networking systems that they have proposed, compared to the Emery system, is clearly superior and worth the small amount of extra money in the long run.

Barbara Evans asked Dick Vandiver if his specifications were clearly stated so that anyone looking at the bids and reading his recommendation would come to the same conclusion.

Dick Vandiver replied that objectively, that would be the case. He said he would like the people from Top-Down to answer any further questions as they have done the most thorough analysis possible on the highest level. He introduced Stephen Goheen and Dave Carr from Top-Down Computer Consultants, Inc.

Stephen Goheen said Top-Down Computer Consultants has been working with the Public Defender's Office for several months, doing a needs analysis and assisting them with the process. He said that in evaluating any set of proposed solutions where there are real dollar limitations to what a client can eventually afford to implement and what value you receive for the money spent, there is a trade-off between the amount of money you spend and the performance you receive for that money. He said he felt when he prepared the specifications for this proposal they clearly stated what tasks the Public Defender's Office needed to accomplish, and they specified to a sufficient detail the requirements. He said the range was very broad in terms of what the different vendors returned with, and that is because there is a great deal of leeway in the way you configure an office and what you apply to it in order to accomplish the requirements. He said their recommendation to award the bid to 4-G's is based on an evaluation of the specific hardware and software that they will be supplying, compared to how much it will cost to get that performance. He said he believed there were some proposals that we submitted that would give the Public Defender's Office better performance than the 4-G's solution, but at such an increased price that there is not a viable way to go. On the other end of the spectrum, he said he believed there are some proposals submitted that would perhaps minimally meet the current needs of the Public Defender's Office, but would then incur a disproportionate amount of expense in the future as that office grew into a system and tried to expend it or use it in other areas that they are not currently going to be using it for. So, he felt that the 4-G's solution offered a proper blend of value for the dollar with the growth path that would be minimally expensive in operational costs over the long run.

Dave Carr from Top-Down Computers said he had talked to the references for most of the bidders, and he would say that uniformly, all the vendors got good marks from their references. He said that 4-G's has a long established clientele that has given them excellent marks on their service and their follow-up.

Ann Mary Dussault asked the Top-Down representatives to qualify exactly what they were referring to in the differences between a nineteen-thousand dollar proposal versus a thirty-thousand dollar proposal.

Steve Goheen said the easiest way would be to draw an analogy between the bottom line proposal and the 4-G's proposal. The difference would be something like the difference between a Volkswagen Beetle and a brand new mid-line Ford. The Volkswagen Beetle might get you down the highway, but at 55, it is already doing about as good as it can, and he felt that the \$19,000 computer solution was getting close to operating at its maximum capacity with 6 work stations, and as the other attorneys in the office began the use the office automated systems more, as they will, it would be more difficult to then increase the size of the number of work stations with that computer. On the other hand, the solution offered by 4-G's has a much more flexible growth path in its hardware and software arrangement so that you can go if they raise the speed limit, faster than 55 on the highway. Again, the other strong point that 4-G's Computers offers is a technical support department which has extensive training in the grungy, electrical level support of these computers, and a multi-user computer situation is a whole level of complexity more difficult to set up and maintain than one single personal computer on someone's desk that does one job only for that person. He said that they felt that that continued support that would be available from 4-G's at the technical level was also a strong plus in their favor that perhaps was not as available from the lower priced bidder. He said he could talk disk size and specific software packages and operating systems and things like that, but he felt that he had sufficiently responded to what he had been asked.

Ann Mary Dussault asked how much of the 4-G's system is there to allow for the integration of WESTLAW or LEXIS, and should they decide not to have WESTLAW or LEXIS, would it be necessary to have the 4-G's system.

Steve Goheen said that in almost any of these proposals, the cost of communicating with WESTLAW is only the actual modems, the box that talks to the telephone company, because they did not know what software might be chosen, there is no specific software in this cost to allow that communication to occur. That software typically is two or three hundred dollars. So, that is not there, the modems themselves tend to run in the five hundred dollar price range, so if you chose not to head in that direction it would probably reduce any of these prices by \$500.00, and not affect any of the other totals. They all would behave fine without that, they all would behave fine with that; they didn't feel that anyone submitted a proposal that was flawed in terms of the ability to handle that system.

Ann Mary Dussault asked Dick Vandiver if the money for this system was included in his budget request for this fiscal year.

JULY 2, 1986 (continued)

PUBLIC MEETING (continued)

BID AWARD: COMPUTER SYSTEM (PUBLIC DEFENDER'S OFFICE) (continued)

Dick Vandiver said this money is a part of the set-up money that the Commissioners approved last year.

Ann Mary Dussault asked if that money had been encumbered and carried forward.

Dick Vandiver said it should have been, he had had a conversation with Dan Cox about it, and he didn't know what had happened since that time.

Ann Mary Dussault asked how much money he was referring to.

Dick Vandiver said it was a total of \$35,000.

Barbara Evans said she personally did not wish to take action on this matter today, because she would like to have the attorney either to comment today, or look at the situation to be sure that they have a supportable argument should the other bidders take issue with Mr. Vandiver's feelings on the matter.

Ann Mary Dussault asked if she was referring to having a clear defense in terms of not awarding to the lowest bidder.

Barbara Evans said that was correct. Whenever the Commissioners award a bid to somebody other than the lowest bidder, she has to feel in her own mind that the lowest bidder is going to be very upset, and may be in to the Commissioners with something to say to indicate that they have made an erroneous decision. And she wants to know before she makes that decision, what all the pros and cons are. So, she would like Joan Newman to look at it and make some recommendations.

Fern Hart, Clerk and Recorder said she seems to recall some percentage which is a balance in favor of a local firm.

Ann Mary Dussault said that applies to in-state bidders, rather than local bidders.

Joan Newman, Deputy County Attorney said she felt that the Commissioners had a sufficient factual basis for awarding the bid, and she would consider it a strong factor in their favor that there has been a consulting firm involved.

Barbara Evans noted that Dale Harris of Harris-Larsen & Associates, the low bidder, just arrived at the meeting, and asked if he had any comments.

Dale Harris said he had not heard the recommendations, and had no comments at this time.

Barbara Evans said the recommendation of Top-Down Computers Consultants was that the Commissioners accept the bid from 4-G's saying that if the Commissioners were to give the bid to Harris-Larsen, the low bidder, they would, in essence, be buying a brand new Volkswagon that going down the highway would be at its maximum performance at 55.

Dale Harris said he took great offense at that.

Barbara Evans said the recommendation also stated that if the Commissioners were to award the bid to 4-G's there would be greater flexibility and the ability to expand the number of terminals and usage, in other words, giving the Public Defender's Office more flexibility with the second bid (4-G's) versus Harris-Larsen. She said she was a little hesitant about awarding the bid without giving the lowest bidder the opportunity to say, "in reading the specs, my feelings were...".

Dale Harris said that in terms of expandability, the reasons they chose that machine over all the other machines was that it was greatly expandable and had other features that made it far superior to other machines available on the market, and again, he would take great exception to anyone saying it lacked expandability.

Ann Mary Dussault said she would suggest that the Commissioners delay action; though it is not normal at a public meeting to ask each bidder to come in and defend its bid, but she does not have objections to that occurring, as long as it is an appropriately noticed meeting with the appropriate office and whichever bidders wish to come in and defend their proposals.

Dale Harris said he appreciated that courtesy.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to postpone action on this item until the Commissioners have had time to schedule such a meeting with all concerned parties. The motion passed on a vote of 2-0; Janet Stevens was absent.

Barbara Evans said she would like to explain to the representatives from Top-Down that the reason she feels a meeting is in order is that in the 7½ years she has been a Commissioner, there have been occasions when they have awarded to other than the lowest bidder, and almost without exception, they get in a squabble about that. And rather than have the problems after they have made a decision, she prefers to work out the kinks in advance, so they don't end up in court. She said it was not that she was not giving what they said credibility, it was that she had been there before.

BID AWARD: KONA RANCH ROAD PHASE II (SURVEYOR)

Information supplied by Robert L. Holm, Project Engineer, Roads from the Surveyor's Office indicated that:

Bids for the construction of the Kona Ranch Road Phase II were opened on June 30, 1986. The following bids were received:

1. Western Materials, Inc.	\$128,542.05
2. L.S. Jensen & Sons, Inc.	\$128,977.63
3. American Asphalt, Inc.	\$155,522.55
4. Donald M. Russell & Sons Excavating	\$147,548.60
The Engineer's estimate for the Project is:	\$155,323.40

JULY 2, 1986 (continued)

PUBLIC MEETING (continued)

BID AWARD: KONA RANCH ROAD PHASE II (SURVEYOR) (continued)

The recommendation from the County Surveyor's Office is to award a contract to the low bidder Western Materials, Inc. for construction of the access roadway, Kona Ranch Road, Phase II to allow for access to the Kona Ranch Bridge from Big Flat Road. The FY 87 budget request contains \$322,000.00 to accomplish necessary access road construction, utility relocation, and bridge approach fill construction this fall.

Ann Mary Dussault moved and Barbara Evans seconded the motion to award the bid to Western Materials, Inc. in the amount of \$128,542.05 for the construction of the Kona Ranch Road Phase II. The motion passed on a vote of 2-0.

HEARING: PETITION TO ABANDON CALIFORNIA STREET BRIDGE APPROACH LOCATED IN COBBAN AND DINSMORE ORCHARD HOMES #2.

Information provided by Donna Cote, Recording Division Supervisor indicated that L & E Company, Champion International, lessee, Modern Plumbing and Bldg. Supply, and Leo and Angela Might, whose property abuts California St. Bridge approach in this particular area would like to have it vacated for the following reasons:

1. Right-of-way is no longer used or needed.
2. Abandonment will return property or tax roles and back to Lot 20 from whence it came.
3. It will make Lot 20 more useable and control weeds and litter on the right-of-way area.

Title to the property adjacent to the right of way approach in this area is vested in the following persons:

- |  |  |
|--|--|
| <ol style="list-style-type: none"> <li>1. L &amp; E Company<br/>815 Gary Drive<br/>Missoula, MT 59801</li> <li>2. Modern Plumbing and Bldg. Supply<br/>P.O. Box 3297<br/>Missoula, MT 59806</li> </ol> | <ol style="list-style-type: none"> <li>3. Leo and Angela Might<br/>1201 River Road<br/>Missoula, MT 59806</li> </ol> |
|--|--|

Modern Plumbing and Building Supply are the record owners, Book 211, Pg. 531 deeds. This was determined when the petition was checked out, they were contacted and will be sent a letter. Champion International Timberlands are leasing the land.

Additional persons who may be affected by the petition and/or have been notified of the hearing are listed below.

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Joan Newman, County Attorney's Office</li> <li>2. Dick Colvill, County Surveyor</li> <li>3. Missoula Rural Fire District<br/>2521 So. Ave. W.<br/>Missoula, MT 59801</li> </ol> | <ol style="list-style-type: none"> <li>4. City of Missoula<br/>City Hall</li> </ol> |
|---|---|

The Notice of Hearing was published in the Missoulian on June 22, 1986.

Barbara Evans opened the hearing for public comment.

Mike Kress, Transportation Planner with the Office of Community Development said the bridges in Missoula were a bottleneck for traffic, and the Russell Street Bridge is a narrow, two-lane bridge, narrower than the Orange Street Bridge. The California Street Bridge provided an alternative that was much safer for bicyclists and pedestrians than the Russell Street Bridge. He said it would be many years before the Russell Street Bridge is converted to a four-lane bridge, although it should be done now. He said the California Street Bridge was torn down because it was unsafe as the railings were too low, and the planking was in bad shape. There is a proposal in the County CIP to rebuild it, but the funding is uncertain at best, but if there is any possibility to outside funding, or of the project being funded, it would be expensive to vacate it then decide to rebuild it and have to purchase the right-of-way for it. He said he would suggest that some provision be made to retain sufficient easement of some kind to allow for that link to remain. He said the California Street Bridge provided a good access for West Side residents to get to the south end of the river on bike or on foot, and the Shady Grove Project will also generate some use.

Barbara Evans asked him if he foresaw that the California Street Bridge would ever be used again as a vehicle bridge, or does he think it will remain a pedestrian/bicycle bridge.

Mike Kress said he sees it only as a bicycle/pedestrian bridge.

Barbara Evans asked if anyone else wished to speak on the matter.

Greg Siple says he uses a bicycle exclusively and uses the California Street Bridge frequently. He said he would not like to see this right-of-way abandoned.

Gen Siple said she was against abandonment of the access as cyclists need that bridge to avoid the dangerous Russell Street Bridge and underpass.

Joy Earls, a surveying engineering technician for the City of Missoula, said she was speaking for the City of Missoula and the City Council. She said that the right-of-way in question is in the County, the City felt so strongly about this issue that they passed a resolution to officially oppose this proposed vacation. Resolution #4552 was sent to the Commissioners on June 16, 1986. She presented the five points highlighted in the resolution:

1. The California Street Bridge was used as a crucial link for bicyclists and pedestrians to safely cross the Clark Fork River. It is hoped that this link can be re-established in the future, and

Traffic problems can be alleviated on the Russell Street Bridge upon the reopening of the California Street Bridge.

JULY 2, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: PETITION TO ABANDON CALIFORNIA STREET BRIDGE APPROACH LOCATED IN COBBAN AND DINSMORE ORCHARD HOMES #2 (continued)

Joy Earls (continued)

2. Missoula County has included the rebuilding of this bridge on their Capital Improvements Program in fiscal year 1989-1990.
3. The bridge piers were left intact after demolition of the bridge to save costly rebuilding and impact to the river upon rebuilding.
4. The riverfront corridor is being developed and the California Street Bridge is an important access to people utilizing the area for recreation
5. If the right-of-way is abandoned in this area before a Comprehensive Plan of the existing area is determined, purchasing right-of-way again will be very expensive and time-consuming.

Dick Lane of 526 River Street said he was President of the Missoula Bicycle Club and on behalf of the club and its members, he was reporting that the club voted to asked the Commissioners to retain that bridge site and the access in public ownership so that the option to reconstruct the bicycle/pedestrian bridge will remain alive.

Lloyd Willumson, owner of the L & E Company, and the petitioner in this matter, said he has a bridge abutment in his back yard. He said since the bridge has been abandoned and has no useful purpose, the area has deteriorated. People park there, throw garbage around and do various other objectionable things. He said he would like to get the approach abandoned so he could clean up the area. He said he would question the advisability of reopening the bridge, and the bicyclists and pedestrians could use the Russell Street Bridge. If any money is to be spent, he thinks it would be better spent in widening the Russell Street Bridge. He said the only recreation in the area is the O.K. Corral, so he can see no use for maintaining the access for recreational purposes, when the renters in his house can use the area to expand the house, or for additional parking. He said from an economic standpoint, it would be advisable to close off the access and put the property on the tax rolls.

Barbara Evans asked Lloyd Willumson if he lived on the property adjacent to the access. He replied no, that he lives in the Orchard Homes area.

John Williams, Bicycle Coordinator for the City of Missoula said he had two points to make:

1. His concern with the Russell Street Bridge is the serious potential for somebody getting seriously hurt or killed on the bridge, and it is only a matter of time before that happens.
2. A recent survey has determined that 73% of Missoulians ride bicycles for one reason or another.

Barbara Evans asked him if he was trying to tell the Commissioners that 73% of the people who live on the South Side of town would be using the Russell Street or California Street Bridge.

John Williams said that was not what he meant. He only meant that a lot of people ride bicycles in the Missoula area.

Lloyd Willumson said there are a lot of other areas in the Missoula area that people could be riding bikes, rather than just that bridge.

Barbara Evans asked if anyone else wished to speak on the matter. No one came forward and the hearing was closed.

Ann Mary Dussault asked if the current easement on the California Street Bridge was designed for automobile access, and if the bridge is never opened again for automobiles, is there a need for the amount of access there is now.

Dick Colvill, County Surveyor said as you come off the bridge, there is a 90 degree corner, which makes it somewhat difficult for bicyclists to navigate.

John Williams said that a 12 to 20 foot easement is all that is needed. He said there is a driveway into the Champion property, and he is not sure how all this would relate to that.

Ann Mary Dussault said that this is a statutory requirement that the Commissioners and the County Surveyor go out and physically observe the property before any decision is made. She asked John Williams to work with the County Surveyor to define the actual need between now and the time of the decision. She said she was looking at retaining enough of an access for a possibility for the future, or use this opportunity to abandon that which we might not need.

Barbara Evans suggested that perhaps a property trade might be in order.

Lloyd Willumson offered some suggestions as to the restructuring of the access off the bridge.

The Commissioners asked Mr. Willumson to point out his property and some of the other landmarks in the area on a map and to indicate his suggestions for a bicycle access on the same map.

Dick Colvill said he felt the Commissioners were going far afield here. He said they should be concerned with abandoning the property or not abandoning it.

Barbara Evans asked him if he recalled the Kelly Island issue where the County did some trading of property to straighten out an access.

Deputy County Attorney Joan Newman said that she thought the Commissioners could not impose a change in conditions in what has been petitioned without a voluntary agreement.

Barbara Evans asked if the Missoula Bicycle Club would volunteer to keep the area up and keep it clean.



JULY 2, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: PETITION TO ABANDON CALIFORNIA STREET BRIDGE APPROACH LOCATED IN COBBAN AND DINSMORE ORCHARD HOMES #2 (continued)

Dick Lane said he could not commit his group to anything without consulting them first. He said he doubted that it was cyclists who were responsible for the garbage, as he has personally seen bicyclists picking up garbage around town. He said he was in this area the previous weekend, and only observed one empty pop bottle on the ground.

Barbara Evans said she was not looking for a hard and fast written agreement, but rather a commitment from the group to exercise some good neighbor activities and stop and pick up garbage whenever they go across that bridge.

Lloyd Willumson said it was not just the bicyclists who were generating trash in that area.

Wendy Ross Cromwell, Deputy Clerk and Recorder said she would like to make a comment about the trash. She said that once the access is blockaded to vehicular traffic that the bike path would not be very attractive to people who are trying to haul their garbage to the area.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to postpone action on this issue until July 23 following a site inspection and further study and conversations between the Surveyor's Office and the Bicycle Club. The motion passed on a vote of 2-0.

HEARING: CERTIFICATE OF SURVEY REVIEW: BOUNDARY RELOCATION (JOHNSON GAUT)

Joan Newman, Deputy County Attorney said Robert Johnson and Douglas Gaut jointly own property along the Clark Fork River near Huson, more particularly described as the SE¼ of Section 28, T15 N., R 22W. They now wish to relocate the boundary so they each have a buildable parcel. The problem is that Parcel B of COS 3199 that will be redesigned is covered by an agricultural covenant, and the property is such that it could not have been built upon. The agricultural covenant is not revokable without the consent of the Commissioners. The main question is that the relocation results in two building sites on two lots, where before one lot was entirely agricultural.

Tom Hanson of Professional Consultants Inc., said he represents Mr. Johnson and Mr. Gaut. He said the property was bought in 1983 when the Milwaukee Railroad was being disbanded. In 1985, Mr. Gaut bought some additional property adjacent to this one, and got an agricultural exemption on it. This spring, they decided to try to relocate the boundaries on the two tracts so they each will still own a parcel, but there will be separate parcels so they can each build on a site. They cannot, at this time, separate their ownership of those parcels. He said the agricultural exemption can remain in place on Parcel B.

Ann Mary Dussault asked Tom Hanson to indicate the various parcels, proposed boundary relocations and agricultural exemptions on a map, to clarify the request.

Tom Hanson said quitclaim deeds would be exchanged between the two owners, even though they both own the property together. They are just attempting to relocate the boundaries.

Joan Newman said is she had understood all of the various ins and outs of this request, there probably would not have been any need to bring this matter before the Commissioners. She said the only problem she has is the agricultural exemption, which she feel will be a cloud on both titles.

Ann Mary Dussault said she understood that the land covered by the agricultural exemption could not be built on as it is very steep and sloping, and in the floodplain.

Tom Hanson said that was correct. Each owner would have a portion of that property on his new tract, but there would still be enough land on each tract to develop a homesite.

Ann Mary Dussault said in her mind, there is no reason to retain the agricultural exemption, in terms of actual and potential use.

Tom Hanson agreed. He said it was put in place for floodplain and sanitary reasons.

Barbara Evans asked what the benefits were to the County if the agricultural exemption were kept in place.

Mr. Johnson said he did not know. He did not know if it was an advantage or a disadvantage.

Joan Newman said she would suggest that the agricultural exemption be left in place. If the owners want it revoked, it could be done at a later time.

Ann Mary Dussault moved and Barbara Evans seconded the motion to allow the boundary relocation of COS 3199 with the agricultural exemption left intact and finding it to be in the public interest to do so, based on the following findings of fact:

1. There is no history of previous divisions of this tract, which was created prior to the effective date of the Montana Subdivision and Platting Act; and
2. There is no evidence of intent to evade the Montana Subdivision and Platting Act.

This finding is contingent upon the following language being printed on the face of the survey.

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

The motion passed on a vote of 2-0.

There being no further business to come before the Commissioners, the Board was in recess at 2:55 p.m.

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JULY 3, 1986

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

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JULY 4, 1986

The Courthouse was closed for the Independence Day Holiday.

  
Fern Hart - Clerk and Recorder

  
Barbara Evans - Chairman

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JULY 7, 1986

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. 86-072

The Board of County Commissioners signed Resolution No. 86-072, a resolution adopting the amendments set forth in Resolution No. 86-061 to the Missoula County Zoning Resolution No. 76-113.

SERVICES CONTRACT

Chairman Evans signed a Services Contract between Mineral County and the Missoula County Superintendent of Schools, who will contract with Mineral County to perform the duties required of county superintendents for the period from July 1, 1986, to June 30, 1987, as per the terms set forth, for a payment to Missoula County of \$4,000.00. The contract was returned to Rachel Vielleux, County Superintendent of Schools, for further handling.

Other matters included:

The Commissioners voted unanimously that suitable access is determined as per the Surveyor's recommendations for a ten-acre parcel owned by Land Lindbergh of Greenough, MT, described in Book 45 at Page 118 of Micro Records and Book 138 at Page 24 of Micro Records.

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

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JULY 8, 1986

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 7, 1986, with a grand total of \$50,058.82. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

CONTRACTS

The Board of County Commissioners signed Professional Services Contracts between Missoula County and the following independent contractors:

1. Deborah Colleen Soules, Cynthia Lynes and Corey C. Wolverton for the purpose of conducting a household pet census and licensing survey, as per the terms set forth, for the period from May 5, 1986, through June 30, 1986, for a total amount not to exceed \$3,000.00 per contract; and
2. David Dent, for the purpose of providing consultation service to the Environmental Health Division staff in computer programming, in researching hardware and software, and in computer operation and maintenance, as per the terms set forth, for the period from July 1, 1986, through September 30, 1986, for a total amount not to exceed \$3,600.00; and
3. Pamela Foggin, for the purpose of scheduling WIC client appointments, assisting with computer program debugging, assisting with nursing duties and computer consultation for nursing services as needed, as per the terms set forth for the period from July 1, 1986, through June 30, 1987, for a total amount not to exceed \$6,240.00;
4. Adam Rys-Sikora, for the purpose of doing a laboratory analysis for the air monitoring group; and serving as a field monitoring technician for the monitoring group, as per the terms set forth, for the period from July 1, 1986, through September 30, 1986, for a total amount not to exceed \$2,365.00; and
5. Dr. Pat Hennessy, for the purpose of providing professional medical services and consultation to the Missoula City-County Health Department as needed, as per the terms set forth, for the period from July 1, 1986, through June 30, 1987, for a total amount not to exceed \$15,600.00

RESOLUTION NO. 86-073

The Board of County Commissioners signed Resolution No. 86-073, a resolution adopting policies and procedures for the administration of grievance procedures relative to the classification process as per the classification review procedure attached to the Resolution.

AGREEMENT

The Board of County Commissioners signed an Agreement between the Missoula City-County Health Department and the Frenchtown School District for the purpose of providing a Public Health Nurse for school health services as per the terms set forth in the Agreement.

JULY 8, 1986 (continued)

COOPERATIVE AGREEMENT

Chairman Evans signed a Cooperative Agreement, financial and operating plan between the Missoula County Sheriff's Office and the U.S. Forest Service, Lolo National Forest for the purpose of providing the maximum cooperation possible within the availability of funds and established laws, regulations, and policies governing the respective agencies that will assure the protection of persons and their property on land and water within or a part of any unit of the National Forest System, as per the terms set forth in the Agreement. The Agreement was returned to the Sheriff for further handling.

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

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JULY 9, 1986

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 voted unanimously that suitable access is provided in the proposed division of property located in Section 21, 28, & 29, T. 16 N, R. 15 W. (Book 39 (micro) pages 10 & 7), owned by Champion Timberlands in the Lake Placid area;
2. The Commissioners met with personnel from General Services and discussed the heating/cooling system;
3. Montana Power Company was notified that Missoula County is authorizing establishment of electrical service to the Canyon View Park in East Missoula and a maintenance Special Improvement District has been approved for that area; and
4. The funding for Cindy Klette was discussed - it was agreed that she be placed back on 3/4 time as her work with the Blue Ribbon Commission has now been completed.

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

PUBLIC MEETING

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

DECISION ON: COMPUTER SYSTEM FOR PUBLIC DEFENDER'S OFFICE

Chairman Barbara Evans said the Commissioners were going to postpone action on this matter for another week.

PRESENTATION OF PETITION-SID

Rita Baumgardner, representing a group of residents from the Target Range area who live west of Big Sky High School presented a petition asking the Commissioners to approve a 30% cost share, or \$25,918 so they could start paving 35th, 36th, 37th, and Central Avenues this fall.

CERTIFICATE OF SURVEY - FAMILY TRANSFER (PARINI)

Deputy County Attorney Joan Newman said this application for a family transfer comes from Rose Parini who previously divided her larger parcel by two family gifts and a remainder sale. She now proposes to divide her remainder parcel further to give part to each of the same two children who previously received parcels. The reason for this review arises from the fact that Ms. Parini previously transferred parcels to these two children. The resulting configuration of lots results in the appearance of a subdivision that should be subject to subdivision review. No indication is given in the affidavit concerning whether the children intend to build on and reside on the parcels. She indicated the property and the previous splits on a map.

Rose Parini said she was a widow, and after her husband died, she purchased this property as an investment for her kids' college education. She said she did not have the money to actually purchase the property, so she bought it and then sold enough of it five or six years ago to cover her payments. She said there is a balloon payment due on it in about three years, and her daughter will be ready for college in about three years, so she needs to prepare to put it on the market so she can sell some before the balloon payment comes due and before her daughter goes to college. She said she used money from her children's trust fund to buy the property, and her intention was to create a college trust fund for her children.

Barbara Evans asked if she intended to split this land again, not merely give it to her kids, but to sell it.

Rose Parini said yes, she would probably be selling it within the next three years, if the market allows it.

Joan Newman said the reason this has to be reviewed by the Commissioners is that under the regulations certain exempt transactions, family transfers, occasional sales, etc., still can be basically done for the purpose of not going through subdivision review when what you are doing is really a subdivision. Family transfers have been, historically, a way that has been used to avoid subdivision regulations and review. One of the primary factors in the court cases and regulations is where there is multiple lots given to children, and this situation is exactly one of these that is supposed to be reviewed. There is no problem with giving something, or selling something to children; it's when the actual arrangement of things looks like a subdivision that should perhaps be reviewed. In other words, if she were to re-arrange the boundaries so that she was just increasing the size of each parcel to each child, then there would be no problem with that. Then it would be up to the children to decide what to do with the property.

Barbara Evans asked what would happen if she was just going to relocate boundaries and give each child ten acres instead of four. If that was done, could the children split those lots in half and sell them?

Joan Newman said yes, that would be acceptable.

JULY 9, 1986 (continued)

PUBLIC MEETING (continued)

CERTIFICATE OF SURVEY - FAMILY TRANSFER (PARINI)(continued)

Barbara Evans said that what she was wanting to do is not illegal at all, unless the Commissioners find she is trying to evade the subdivision act.

Joan Newman said that is basically what the law says. If property is to be divided, and it is basically a subdivision, it should go through review.

Janet Stevens asked if there is a trust of land set up for the kids to do with whatever they want they are grown.

Rose Parini said no, she ran things herself. She said she did not understand what Janet was referring to.

Joan Newman said some of the things that have been considered in family transfers in the past is that it looks like a more legitimate family transfer, for example if there is an actual trust relationship for minor children so this family transfer isn't just a way for a parent to divide the land, put it nominally in the name of the children and then sell it to avoid the subdivision review.

Rose Parini said her attorneys had advised her that as long as their funds are separate accounts and are in the children's names, she could be the custodian of that account.

Janet Stevens asked if it was her intent to sell these three parcels in the next three years, and she was referring to the remainder and the two new gifts.

Rose Parini said no, she would sell it as it became necessary to pay for her daughter's education.

Janet Stevens said that right now, without going through this process, some of the property is already saleable.

Rose Parini said she had talked to a realtor already, and it was hard for her to come up with the money to do a subdivision, so the realtor advised her to go this route, as it would be easier to sell smaller pieces.

Greg Martinson said Rose's purpose was no where near to being a developer. He has been working on this project with her for more than three years, and it is obvious that her only intention is to be able to sell enough to be able to pay for the land and sell whatever is left for educational purposes for the kids.

Rose Parini said she has a balloon payment due in about three years, so she needs to sell some of the land to meet that payment.

Ann Mary Dussault asked who the owners were of the property surrounding this proposed gift.

Greg Martinson said Mrs. Parini's son owns some of the parcels; some were sold previously to other people; and some are still in Rose Parini's name, and that is the tract she is attempting to split today.

Janet Stevens asked how old the child was when the property previously gifted to him was sold.

Rose Parini said he was about ten years old. She had gone out on a limb to buy the original tract in the hopes that when her children were ready for college she could use it as a means to finance their education. So she had to sell off two pieces to make her payments on the property. With the new tax increase, she has had higher payments.

Janet Stevens asked if there ever was a deed transfer on the property.

Greg Martinson said yes, there was. He showed the deeds to the Commissioners.

Barbara Evans asked who acted as the agent for the children when the property was sold.

Rose Parini said she signed as guardian.

Barbara Evans asked if anyone had explained to her the purpose of the subdivision law and why she was here.

Rose Parini said basically, it was Greek to her.

Barbara Evans said that from her point of view, the legislature, seeing that land was being split in no orderly planned fashion without planning the necessary accesses, water, paved streets and other amenities, decided that any land that was going to be split either could use the exemptions of the subdivision law which allow gifts to family members and an occasional sale, but any others must go through the County Commissioners to determine whether or not the person splitting the land is intending to evade the Subdivision Act. So, that is why she is here today; for the Commissioners to decide whether she is, in reality, trying to split this land into what will be a subdivision of land, or, is she trying to simply give a piece of land to the children so they can make a decision some time as to what they want to do with that land. Barbara said she would love to say to her, "Go ahead, your intentions are certainly honorable", but what it appears like is that Mrs. Parini has indeed split the land by using gifts to her children which is an allowed exemption, but when she sold that land for her children after splitting it, the law says that she didn't really give it to her daughter; she used her daughter and other child to be able to split the land without going through subdivision review. So, what the concern is here is if the Commissioners approve this Certificate of Survey, they would knowingly allow her to split land in what appears to be a desire to avoid going through subdivision review. If, on the other hand, she were to go through the Planning Department and propose to them the divisions of this land and go through the process that has been set up for the division of land, it would cost her some time and some money, but it would be more legal.

Rose Parini said the purpose of selling the land in the first place is that she did not have the money to cover the payments.

Barbara Evans said the law does not give the Commissioners the latitude to allow excuses or reasons.

JULY 9, 1986 (continued)

PUBLIC MEETING (continued)

CERTIFICATE OF SURVEY - FAMILY TRANSFER (PARNINI) (continued)

Rose Parini said she heard what Barbara was saying, but when she purchased this land, it was solely for investment purposes, and she was not even aware of subdivision review and the laws governing land selling, and it is still Greek to her. She just wants to sell the land to finance her kid's education.

Barbara Evans said she was not questioning her motives at all. She asked Greg Martinsen if it was possible to develop this land through the subdivision process.

Greg Martinsen said no, because it does not have any County road access. MacIntosh Manor is about 3/4 of a mile from the highway and has no County roads to it.

Ann Mary Dussault said that what the Commissioners would be doing by approving this would be approving a six-lot subdivision with no access, and the Commissioners could not do that.

Greg Martinsen said this was like so many projects that were started six to eight years ago when none of this type of thing was looked at askance. People made an investment in the land, and now they are stuck between a rock and a hard place. He said that he could guarantee that Mrs. Parini is not trying to do anything illegal.

Ann Mary Dussault said she would like to make it clear that the Commissioners do not think she is trying to do anything illegal either, but the net result is a subdivision and in order to do that, there are certain things that must be done. The problem is, you can't subdivide because there is no access; therefore you cannot create a subdivision.

Rose Parini asked why she had been able to split the land previously?

Ann Mary Dussault said it was because she was allowed, legally, to transfer property once, as long as it is not done with the intent of creating a subdivision. Nobody would have looked at the total picture at that time. Now, the Commissioners can see that what we have here is a six-lot subdivision.

Barbara Evans said Mrs. Parini is going to be selling land to people, and there are no roads that lead to the land.

Greg Martinsen said he might have been leading someone astray. There are roads in there, and they are deeded access, but they are not County roads, and they are not maintained by the County.

Barbara Evans said he could correct her if she was wrong, but she thought that the County had some subdivisions that had been through the subdivision process that had roads that were never accepted for maintenance.

Greg Martinsen said yes, as a matter of fact, he owns two of them.

Barbara Evans asked why Rose Parini couldn't do the same.

Greg Martinsen said requirements in that area say County right-of-way for access must exist, but she can't get County access. She could get a variance from the paving requirements, but she can't buy 20-25 acres of roadway to gain access to this property.

The real problem here is that when Mrs. Parini bought the property several years ago, he had advised her how to proceed, and he feels like he has done something wrong and caused her some problems.

Barbara Evans said part of the problem is that the legislature has refined and tightened up the loopholes over the years, but it leaves the Commissioners in a bad position now, because they must follow the law. She said it is on the public record that Mrs. Parini intends to sell the property after gifting it to her children, and she doesn't see how she can accept that in the spirit of the law, and still live up to her obligations as a Commissioner.

Barbara asked if it would help if the Commissioners delayed action on this for a few weeks pending further study.

Greg Martinsen said that would be acceptable.

Rose Parini asked if it would help if her lawyers help draw up a document holding her to certain conditions.

Janet Stevens said that Mrs. Parini has already indicated on the record that she plans to sell the property, and that means she is just trying to set up a split to specifically sell property. If everything was on the up and up, she would have come in and said she wants to split the property into three tracts and sell it. She does not have to transfer it to her kid's names to get the money for her kids to go to school.

Greg Martinsen asked if the Commissioners would approve occasional sales on this property.

Barbara Evans said that would not be possible. By law, Mrs. Parini is allowed an occasional sale every twelve months, unless she is found to be intending to evade the Subdivision Act, and since she has already admitted that she wants to do these splits in order to sell the property, she would suggest that an attorney be called in to find some way of meeting the intent of the law, and there is no guarantee that there is a way to do it, unless she were to deed the property to her daughter, then her daughter could wait three years and sell the property when she is 18.

Greg Martinsen asked why the daughter would have to wait until she is 18 to sell the property.

Barbara Evans said she was not an attorney and did not know when you reached an age of consent where you could sell property.

Rose Parini asked what would happen if the property didn't sell right away.

Barbara Evans said there was nothing the Commissioners could do about that. She would like to help, but there is no way, under the law, to do so.

Greg Martinsen what would happen if the daughter were deeded the property then came in in a week or two with an occasional sale.

JULY 9, 1986 (continued)

PUBLIC MEETING (continued)

CERTIFICATE OF SURVEY - FAMILY TRANSFER (PARINI) (continued)

Barbara Evans said he would have to talk to Joan Newman, to see what the law is.

Rose Parini said this was a Catch-22 situation, and she feels real angry about what she is up against here.

Janet Stevens moved and Ann Mary Dussault seconded the motion to postpone action on this matter until the public meeting of July 16, 1986. 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 2:15.

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JULY 10, 1986

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 for the Clerk of District Court, Bonnie Henri, showing items of fees and other collections for month ending June 30, 1986.

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. #13 (5/31/86 through 6/14/86) with a total Missoula County Payroll of \$354,698.43; and
2. #14 (6/15/86 through 6/28/86) with a total Missoula County Payroll of \$359,855.02.

The transmittal sheets were returned to the Auditor's Office.

MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement, dated July 1, 1986, between Missoula County and the Missoula Museum of the Arts for the purpose of providing mechanical maintenance services for the museum, as per the terms set forth, through June 30, 1987 for a total cost for personnel and supplies of \$6,500.00.

AGREEMENT

The Board of County Commissioner signed an Agreement between the Reserve Deputy Unit of the County Sheriff's Department and the University of Montana for the purpose of providing the expert services required to provide law enforcement, crowd control, and general security at University events or events conducted in University facilities, as per the terms set forth in the Agreement.

Other items included:

1. Senate Bill 20 was discussed - it was decided that a preliminary letter be written to the Governor asking for a veto or a delay on this bill; and
2. Mike Sehestedt, Deputy County Attorney, met with the Board regarding the District Court Budget - the Commissioners approved the general concept of a court order to levy after a show cause hearing.

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

JULY 11, 1986

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

BLACKFOOT RIVER CORRIDOR INSPECTION

Commissioners Dussault and Stevens accompanied personnel from the Office of Community Development and the Fish, Wildlife and Parks Department on an inspection of the Blackfoot River Corridor.

OUTSTANDING EMPLOYEE AWARD

In the evening, Commissioners Evans and Dussault presented the Employees Council award to the Outstanding Employee, Bob Raffety, at the Missoula County Employees Picnic, which was held at McCormick Park.

  
Fern Hart - Clerk & Recorder

  
Barbara Evans - Chairman

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JULY 14, 1986

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

DAILY ADMINISTRATIVE MEETING

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

JULY 14, 1986 (continued)

CONTRACT

The Board of County Commissioners signed a contract between Missoula County and Brown's Towing Company for the collection of junk vehicles in Missoula County, as per the terms set forth in the contract. The contract was returned to Centralized Services for further handling.

RESOLUTION NO. 86-085

The Board of County Commissioners signed Resolution No. 86-085, a budget amendment for FY '86, for the Health Department (Junk Vehicles), including the following and adopting it as part of the FY '86 budget:

<u>Description of Expenditure</u>	<u>Budget</u>
Capital-Land/Improvements	
2430-790-443000-946	\$ 8,450.
<u>Description of Revenue</u>	<u>Revenue</u>
No Revenue Account Affected - this was cash	

AGREEMENTS

The Board of County Commissioners signed the following agreements:

1. An Agreement regarding reimbursement for Youth Court Services entered into by Mineral County and Missoula County, for the purpose of establishing an expeditious and convenient manner in which to compensate employees of the Youth Court and reimburse Missoula County for expenses associated with performing services in Mineral County, as per the terms set forth in the Agreement; and

2. An Agreement regarding reimbursement for Court Reporter Services entered into by Mineral County, and Missoula County, for the purpose of establishing an expeditious and convenient manner in which to support and compensate Court Reporters of the Fourth Judicial District, as per the terms set forth in the Agreement.

The Agreements were returned to Dick Vandiver, Court Operations Officer for further signatures and handling.

NOMINATIONS AND APPLICATIONS

Chairman Evans signed the nomination/endorsement forms for the applications of Judge Jack L. Green, Mike Sehestedt, John Breuer, and John DeVore to attend the National Academy of Corrections Jail Crowding Seminar No. 6J301, to be held in Boulder, Colorado, August 17-22, 1986. The applications were sent to the National Institute of Corrections in Boulder, Colorado.

Other matters included:

The Commissioners concurred with the recommendation of Jerry Marks, County Extension Agent, that Missoula County does not need to declare a state of emergency for the grasshopper infestation - the State DES Office will be notified of this.

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

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JULY 15, 1986

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

AUDIT LIST

The Board of County Commissioners signed the Audit List dated July 15, 1986, pages 3-22 with a grand total of \$82,269.80. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

CONTRACT

The Board of County Commissioners signed a Contract between Missoula County and Fred's Towing Company for the removal of sheriff's vehicles, vehicles impounded as evidence, stolen vehicles when the owner can not be contacted, and vehicles creating a traffic hazard in Missoula County, as per the terms set forth. The Contract was returned to Centralized Services for further handling.

AGREEMENTS

The Board of County Commissioner signed the following Agreements:

1. An Agreement regarding reimbursement for Youth Court Services entered into by Ravalli County and Missoula County, for the purpose of establishing an expeditious and convenient manner in which to compensate supervisory employees of the Youth Court and reimburse Missoula County for expenses associated with performing supervisory services in Ravalli County, as per the terms set forth in the Agreement; and

2. An Agreement regarding reimbursement for Court Reporter Services entered into by Ravalli County and Missoula County for the purpose of establishing an expeditious and convenient manner in which to support and compensate Court Reporters of the Fourth Judicial District; as per the terms set forth in the Agreement.

The Agreements were returned to Dick Vandiver, Court Operations Officer, for further signatures and handling.

MODIFICATION OF AGREEMENT

Chairman Evans signed a Modification of Agreement between the Missoula City-County Health Department and the Montana Department of Health and Environmental Sciences, whereby the Missoula City-County Health Department, the Montana Department of Health and Environmental Sciences, the Montana State Developmental Disabilities Planning and Advisory Council, the Rocky Mountain and Big Sky Chapters of the March of Dimes, and the Montana Perinatal Association agree to modify the first sentence of paragraph 21B of the contract among them concerning a project to reduce the incidence of low birth-weight (DHES No. 600322) to read as follows:



JULY 15, 1986 (continued)

MODIFICATION OF AGREEMENT (continued)

"Contractor is not liable for failure to perform under this contract if such failure to perform arises out of causes beyond the control and without the fault or negligence of Contractor."

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

SITE INSPECTION

Commissioner Dussault accompanied Dick Colvill, County Surveyor, for a site inspection on the request to abandon the California Street Bridge approach.

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JULY 16, 1986

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. 86-076

The Board of County Commissioners signed Resolution No. 86-076, a joint resolution by Art Museum Board of Trustees and the Board of County Commissioners regarding the permanent collection of the Missoula Museum of the Arts, as per the terms set forth in the Resolution.

RESOLUTION NO. 86-077

The Board of County Commissioners signed Resolution No. 86-077, resolving that pursuant to Sections 3-10-207, 7-4-2107, and 7-4-2504 of the Montana Code Annotated, as amended by House Bill 0011, effective on the first day of July, 1986, the annual salaries of certain elected County officials are fixed as follows:

Clerk of the District Court	\$25,388.33	County Surveyor	\$25,388.33
County Sheriff	32,866.00	Clerk & Recorder	30,466.10
County Auditor	25,388.33	County Attorney	42,918.16
County Supt. of Schools	25,838.00	Commissioners	27,388.33
Justice of the Peace	25,838.33		

FY '87 SALARIES MEMO

The Board of County Commissioners signed a memorandum to all Administrative Department Heads stating that a decision has been made to maintain FY '86 salaries throughout FY '87, and that no salary increases will be considered over the course of FY '87 for the following positions:

Health Officer	Fair Manager
Museum Directors	Weed Control Supervisor
Planning Director	Data Processing Manager
Court Operations Officer	Library Director
Budget Officer	Operations Officer
D.E.S. Coordinator	Personnel Director
Executive Officer	

PERSONNEL PLAN FY '87 SALARIES MEMO

The Board of County Commissioners signed a memorandum to Kathy Crego, Director of Personnel and Labor Relations, stating that a decision has been made to maintain salaries of all employees covered by the Personnel Plan at the FY '86 salary levels; the only exception would be those employees on probationary status at the close of FY '86, and that reclassification adjustments will be considered during FY '87.

NOTICE OF HEARING

Chairman Evans signed a Notice of Hearing on a petition for annexation to the Florence Rural Fire District of approximately 349 acres as per the legal description on the Notice, setting the hearing date for July 30, 1986 at 1:30 p.m.

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: PLANT MIX ASPHALTIC CONCRETE (SURVEYOR'S OFFICE)

Information provided by Richard Colvill, County Surveyor indicated that bids for 2300 tons of plant mix asphaltic concrete were opened July 14, 1986 with the following bids received:

Jensen Paving Co.	\$38,755.00
Western Materials	\$38,962.00
American Asphalt	\$39,100.00
Keeney Construction	\$47,150.00

This material is used for patching and overlays on paved streets.

The recommendation was that the Commissioners award the contract to the low bidder Jensen Paving Co. for 2300 tons of plantmix asphaltic concrete at a total cost of \$38,755.00. \$62,000.00 was included in the FY '87 budget submission for plant mix asphaltic concrete.

Janet Stevens moved and Ann Mary Dussault seconded the motion to award the bid for 2300 tons of plant mix asphaltic concrete to the low bidder Jensen Paving in the amount of \$38,755.00. The motion passed on a vote of 3-0.

JULY 16, 1986 (continued)

## PUBLIC HEARING (continued)

## BID AWARD: EMULSIFIED ASPHALT OIL (SURVEYOR'S OFFICE)

Background information supplied by Richard Colvill, County Surveyor indicated that bids for 231 tons of emulsified asphalt oil were opened July 14, 1986 with the following bids received:

Bidder	Bid F.O.B. Refinery	Estimate Transportation Cost	Estimated Total Cost
Montana Refining Co.	\$ 20,790.00	\$ 4,832.52	\$ 25,662.52
Idaho Asphalt Supply	\$ 27,720.00	\$ 3,927.00	\$ 31,647.00
Farmers Union Central Exchange	\$ 19,635.00	\$ 6,837.60	\$ 26,472.60
Koch Asphalt Company	\$ 20,790.00	\$ 7,974.12	\$ 28,746.12

Emulsified asphalt oil is used for our Pavement Chip Seal Program. The product is mixed at the refinery. The bid is F.O.B. refinery with shipping costs paid separately to the trucker.

The recommendation was that the Commissioners award the bid to Montana Refining Co. (the low bidder) for 231 tons of emulsified asphalt oil at a total cost of \$20,790.00. \$35,000.00 was included in the FY '87 budget submission for chipping oil.

Janet Stevens asked if the Surveyor was satisfied with the quality of the oil supplied by Montana Refining.

Bob Jacks, Road Supervisor said yes, previous problems had been resolved.

Janet Stevens moved and Ann Mary Dussault seconded the motion to award the bid to the low bidder Montana Refining Co. for 231 tons of emulsified asphalt oil at a total cost of \$20,790.00. The motion carried on a vote of 3-0.

## BID AWARD: COMPUTER SYSTEM (PUBLIC DEFENDER'S OFFICE)

Chairman Barbara Evans said the Commissioners had received a letter on this date from Court Operations Officer Dick Vandiver recommending that the Commissioners reject all bids for the computer system.

Ann Mary Dussault moved that all bids be rejected and the project be rebid. Janet Stevens seconded the motion.

Ann Mary Dussault said it appears as though the County has a bit of confusion as to whether the proposals that were considered were in the form of requests for proposals or bids as we traditionally know them. We have further indication from some of the bidders that, while it is news to the Commissioners, they were never informed that cost was a factor in the bidding process. It would seem that what is needed here is to regroup and redefine the parameters of not only what the needs are for the office but also to make it quite clear that anytime we bid for systems of any sort, that cost is clearly an element that we have to take into consideration. She said it was the Commissioner's intent to be fairly clear in the next round of bids to clearly define specifications and to also make it clear, that as in all other cases when the County is involved in the awarding of bids that cost must be and has to be a factor.

Janet Stevens said that her only comment would be that one of the bidders indicated that cost was not a factor, and the Commissioners have that in writing from Emery Computers. One of her concerns about rejecting all bids and coming up with a new bid is that the County would not, by doing that, exclude anyone by making the bids so specific as to exclude any of the people who have already bid for the project.

The motion passed on a vote of 3-0.

Barbara Evans said all bids for the computer system are rejected and the County will be putting together new bid specifications.

## SUMMARY PLAT: BIG SKY LAKE EAST LOTS 52-55

Paula Jacques from the Office of the Community Development said Big Sky Lake Estates is a master planned recreational subdivision near Salmon Lake. The lake (formerly Fish Lake) is owned by the Big Sky Lake Homeowner's Association; the land surrounding the lake is either owned by private individuals, the Homeowners' Association, or by the Big Sky Lake Company, the corporation which planned the development. The corporation attempted to file a plat for the entire subdivision in 1965. At that time, however, the Commissioners did not want the entire area platted. Since that time, a series of summary plats have been filed. This practice continued even after the adoption of the Subdivision and Platting Act in 1973, though in 1976 it was decided that the master plan would be submitted for review by the Planning Board. It was subsequently approved by the Commissioners in December 1976. The design and improvement standards in effect in 1965 apply to the subdivision. This summary plat consists of four lots. #1 depicts the remaining unplatted lots on the master plan.

Individual septic systems will be installed by the lot owners and domestic water comes from the lake itself. The road is private and maintained by the Homeowner's Association.

The Planning Board and Community Development Staff have recommended that the summary plat of Lots 52-55, Big Sky Lake Estates, be approved subject to the condition and Findings of Fact contained in the staff report.

## Condition

1. Sanitary restrictions shall be lifted by state and local health authorities.

## FINDINGS OF FACT

Subject to the above condition, the Planning Board recommends that the summary plat of Big Sky Estates, Lots 52-55, be declared to be in the public interest based upon a review of the follow criteria:

Criterion 1: NEED -- The Missoula County Comprehensive Plan recommends that the area surrounding Big Sky Lake be developed for residential use at a density of one dwelling per ten acres. The Corporation's entire ownership at one time consisted of 840 acres (133.26 devoted to the 85 lots, approximately 98 acres in the lake, 30 acres in road easement and the remainder 580 acres was grazed). This yielded an overall density of one unit per ten acres. Presently, the Corporation owns approximately 365 acres

JULY 16, 1986 (continued)

PUBLIC MEETING (continued)

SUMMARY PLAT: BIG SKY LAKE EAST LOTS 52-55 (continued)

surrounding the platted lots, which includes some land planned for residential lots but not yet platted. It is in the process of developing a timber management program for the land surrounding the lots -- it is no longer grazed. This summary plat of four additional lots is consistent with the master plan approved by the County. Attachment #2 depicts the land ownership in the two sections in which the lake is located.

Criterion 2: EXPRESSED PUBLIC OPINION -- No public hearing is required for a summary plat and to date, no comments have been received. This subdivision is consistent with an approved pattern of development.

Criterion 3: EFFECTS ON AGRICULTURE -- The Corporation is in the process of developing a timber management plan for its acreage not planned for residential use. A meeting with the Homeowners' Association is planned over the July 4th holiday to discuss the plan. The practice of grazing the Corporation's land has been discontinued.

Criterion 4: EFFECTS ON LOCAL SERVICES -- As a subdivision of primarily summer homes, there is no impact on the schools. Telephone and electric service exists in the area and is easily extended to serve these lots. Woodworth Road, a county maintained gravel road, leads to the privately maintained interior gravel road system from the Seeley-Swan Highway. The private road statement is printed on the face of the plat to advise future owners that road maintenance is not a county responsibility. The park requirement for the entire development was met in 1972 by a cash payment of \$3000.

Criterion 5: EFFECTS ON TAXATION -- The platting of the lots, currently classified for tax purposes as timber land, will result in an increase in tax revenue. No appreciable increased demand for tax-supported services is anticipated.

Criteria 6 & 7: EFFECTS ON THE NATURAL ENVIRONMENT, WILDLIFE AND WILDLIFE HABITAT -- The primary impact on the environment and wildlife occurred with the initial development of the area into a recreational subdivision. Attached to this report is the engineer's report prepared for sanitary review, the environmental impact statement prepared in 1972 for the entire development, and a 1980 report on the geology and groundwater potential of the area prepared with the platting of four of the lots.

The lake is situated 366 feet above Salmon Lake in a basin lined with impermeable glacial till. The 1980 geologist's report concluded that domestic water is best supplied through use of lake water given the limited potential to tap ground water. The engineer's report submitted with this subdivision indicates plans for filtration and disinfection of the water by ultra-violet treatment. Soil profiles yielded slightly clayey, coarse sands, very gravelly cobbles with few boulders. The engineer's report notes that the drainfield for Lot 53 will require a sand lining because of fast percolation rates. The preliminary information has been approved by the Health Department.

The Homeowners' documents include some restrictions designed to maintain the area as an attractive vacation spot. There are restrictions on fishing ranging from the type of hook and bait permitted to encouraging residents not to be "fish hogs". Hunting bird and game is prohibited year round; moose have been seen in the area and Fish and Game reports that elk are calving on the ridge above the lake. The hours in which power boats may be used at different speeds are also restricted. Setbacks of 25 feet from property lines are specified in the covenants and setbacks from the lake edge are specified by deed and generally range from 70 to 100 feet. Dock construction is regulated. The Homeowners' Association has appropriated funds for an ongoing fish and water quality survey.

Criterion 8: EFFECTS ON PUBLIC HEALTH AND SAFETY-- Water and sanitation plans have been preliminarily approved by the Health Department. Big Sky Lake Estates is located within Seeley Lake Fire District. Health and emergency services are available through the S.O.S. Center in Seeley Lake and in Missoula.

Barbara Evans asked if anyone wished to make any comments regarding this issue. No one came forward to speak either for or against the summary plat.

Ann Mary Dussault moved and Janet Stevens seconded the motion to approve the Summary Plat of Lots 52-55 of Big Sky Lake Estates subject to the conditions and findings of fact contained in the staff report. The motion passed on a vote of 3-0.

CONSIDERATION OF: SETTING HEARING DATE: IDRB FOR CONSTRUCTION OF NEW YMCA BUILDING

Background provided by Leslie McClintock, Administrative Assistant indicated that the Greater Missoula YMCA has requested Missoula County IDRB's in the amount of \$1,500,000.00 for the purpose of financing the costs of completing the new multi-purpose facility that will include a 6-lane/25 yard indoor swimming pool, double gymnasium, running track, weight and rehabilitation fitness areas, and community meeting rooms. The total track, cost of this project is 3.1 million dollars. To date, 2.5 million dollars has been raised in pledges. Proceeds from the IDRB's would be used to provide approximately \$700,000.00 in construction funds as the pledges are paid off over the next three to five years and provide funding of \$600,000.00, which is the difference between the total cost of the project and the pledges raised to date. Fundraising will continue in the expectation that this amount will ultimately be covered fully by pledges, although membership fees have been scheduled on the assumption that they would have to fund the full amount of this obligation.

Planner Mike Kress has reviewed the application for compliance with the County IDRB Policy. He found the application looked complete and appeared to meet the criteria for application for County IDR Bonds. Deputy County Attorney Mike Sehestedt has also reviewed the proposal.

Barbara Evans asked if anyone wished to speak in favor of the proposal.

Bill Bouchee spoke in favor of the proposal, and said many people had been involved in this project, and it would be an outstanding opportunity for the YMCA to expand. He said they are short some money in pledges, and the bonds will cover the rest of the expenses. It would be good for the public and would be something the community really needs. He said the community obviously needs a swimming pool, and this facility would provide that.

Barbara Evans asked Deputy County Attorney Mike Sehestedt to explain what the process requires from this point.

Mike Sehestedt said before the County can make a final decision on whether or not to issue Industrial Revenue Bonds, and whether it would be in the public interest to do so, the Commissioners must give

JULY 16, 1986 (continued)

PUBLIC MEETING (continued)

CONSIDERATION OF: SETTING HEARING DATE: IDRB FOR CONSTRUCTION OF NEW YMCA BUILDING (continued)

Mike Sehestedt (continued)

notice by publication and conduct a hearing for the purpose of receiving testimony from anyone who has an interest in the matter. He said that when the County issues IDR Bonds, the county is not taking on an obligation and does not guarantee any payment. The County acts as a conduit through which money from a private lender passes to a private borrower and the obligation for repayment is solely the borrower's and is generally secured by a pledge of the property to be improved. The advantage of doing it this way is that by passing through Missoula County, the borrower is able to obtain a lower interest rate that comes with tax exempt financing.

He said that if the Commissioners find that there is sufficient merit in the application to proceed to give notice and have a public hearing for the purpose of making a final determination, bond counsel Mae Nan Ellingson has provided a resolution, and the Commissioners need to select a date for that hearing, which must be at least four weeks from today, and not more than six weeks. He said Section 8 of the proposed resolution says that this is conditional upon a final finding following a public hearing and finding that the project is in the public interest.

It was then determined that the Planning Office would review the application for meeting the criteria for Missoula County's IDRB policy after the public hearing.

Janet Stevens moved and Ann Mary Dussault seconded the motion that the Commissioners set the hearing date for August 20, 1986 and move the adoption of the resolution giving preliminary approval to and providing for the giving of notice of public hearing on the proposed project of the Greater Missoula Family Young Men's Christian Association Project, and the issuance of Industrial Revenue Development Bonds under Montana law. The hearing will commence at 1:30 p.m. The motion passed on a vote of 3-0.

RESOLUTION NO. 86-075

The Commissioners then signed Resolution No. 86-075, a resolution giving preliminary approval to and providing for the giving of notice of a public hearing on the proposed project for the Greater Missoula Family Young Men's Christian Association Project and the Issuance of Industrial Revenue Development Bonds therefore under Title 90, Chapter 5, Part 1 Montana Code Annotated.

HEARING: CERTIFICATE OF SURVEY REVIEW - PARINI

Joan Newman, Deputy County Attorney said that at the conclusion of the hearing on this matter last week, the claimant, Mrs. Parini, and her representative, Greg Martinsen requested that the decision be delayed as they would like to meet with her office to consider the possibilities. Joan said the meeting was held and Mrs. Parini has requested that her application for the family transfer exemption be withdrawn and they will submit that request to her in writing as soon as possible. She said she would advise the Commissioners to accept that withdrawal subject to written confirmation. For the record, she said she did not know what other option Mrs. Parini may take, but they have withdrawn the previous application, and no decision needs to be made by the Commissioners.

BID AWARD: COMPUTER SYSTEM - PUBLIC DEFENDER'S OFFICE

Ann Mary Dussault made the following comments relative to the computer bid award:

For the sake of the record, and relative to the bids for the computer system for the Public Defender's Office, she found it extremely difficult, based on all the conversations she had had with the Public Defender's Office and the consultants and the various bidders, to find any quantifiable evidence that the recommended bidder be awarded the bid, and part of the Commissioner's intent in rebidding is to make the specs more quantifiable and therefore more judgeable.

Fern Hart, Clerk and Recorder said that in the past when complicated RFP's were done, there were checklists with weighted points included. She suggested that something like that be included in the next bid.

Janet Stevens said that as she recalls, there was some kind of checklist included in this bid, but it was just three different subject areas; system costs, software/hardware; and maintenance costs. She said she agreed that that checklist should have been expanded and included in the recommendation and bids.

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

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JULY 17, 1986

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Stevens left at noon for Kalispell to attend a meeting.

INDEMNITY BONDS

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

1. Naming Continental Keil as principal for warrant # 14345, dated May 6, 1985 on the Missoula County High School Food Service fund in the amount of \$963.72 now unable to be found; and
2. Naming Verle Johnson as principal for warrant # 148368, dated June 25, 1986, on the Missoula County General Fund (Elections) in the amount of \$60.20 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 86-078

The Board of County Commissioners signed Resolution No. 86-078, a resolution of intention to create RSID No. 420 for the purpose of street improvements at Gleneagle at Grantland (North Windsor Place, Argile Place, and a portion of St. Andrews Way West), Lots 1-2, Missoula County, Montana as per the terms set forth in the Resolution.

JULY 17, 1986 (continued)

NOTICE OF PASSAGE OF RESOLUTION

Chairman Evans signed the Notice of Passage of Resolution of Intent to Create RSID No. 420, setting the hearing date for August 6, 1986, at 1:00 p.m.

CERTIFICATION OF ACCEPTANCE

Chairman Evans signed the Certification of Acceptance for County Maintenance for Placer Lane from Gold Nugget Road West 475 ft. to the cul-de-sac, a total of .090 miles. The Certificate was returned to the Surveyor's Office.

REVENUE BONDS

At the request of First Interstate Bank, Chairman Evans executed Bond #'s R-4 through R-8 in the amount of \$10,000.00 each for the County of Missoula, Montana Medical Office Building Revenue Bond, 7.25%, Due June 1, 1997 (Missoula Community Hospital Project) to replace Registered Bond #R-3 at \$50,000.00 for the purpose of registering the bond in the name of D.A. Davidson and Co., Inc., 81-0139474.

The bonds were returned to Mike Sehestedt, Deputy County Attorney, for further handling.

LONGEVITY MEMO

The Board of County Commissioners signed a Memorandum to Kathy Crego, Director of Personnel and Labor Relations, stating that in accordance with House Bill 11 amending Montana Code Annotated, Section 7-4-2510 and Section 7-4-2503, and with Missoula County Resolution 86-077, which maintains FY '86 salary levels for all elected officials, Deputy Sheriffs' and Deputy County Attorneys' salaries will also be maintained at FY '86 levels and no longevity increases will be processed during FY '87; and, in addition House Bill 11 states, "years of service during any year in which the salary was set at the level of the salary of the prior fiscal year may not be included in any calculation of longevity increases."

APPROVAL OF DISPOSITION SCHEDULE

Chairman Evans signed approval of the Records Disposition Schedule of the Missoula County Superintendent of Schools, and so orders the destruction of records according to the retention period designated therein.

The form was returned to Rachel Vielleux, Supt. of Schools, for further signatures and handling.

REQUEST FOR PAYMENT AND STATUS OF FUNDS REPORT

Commissioners Evans and Dussault signed a Request for Payment and Status of Funds Report for the Montana CDBG Program, DOC Contract No. MT-CDBG-S85H-14, with the total amount requested for drawdowns number 2 being \$23,114.18. The form was returned to John Kellogg in the Office of Community Development for further handling.

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

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JULY 18, 1986

The Board of County Commissioners did not meet in regular session. Commissioner Stevens was in Kalispell attending a meeting of the Commission on Courts of Limited Jurisdiction; Commissioner Dussault attended an Open-Space presentation at City Hall during the day; and Commissioner Evans was out of the office all day.

*Fern Hart*

Fern Hart - Clerk & Recorder

*Barbara Evans*

Barbara Evans - Chairman

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JULY 21, 1986

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

INDEMNITY BOND

Acting Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Don Klepper, Ph.D. as principal for Warrant #1393, dated June 20, 1986 on the Missoula Area Special Education Cooperative General Fund in the amount of \$200.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 86-079

The Board of County Commissioners signed Resolution No. 86-079, resolving that the petty cash fund in the Auditor's Office be increased to \$500.00 because of an increase in the use of this fund.

CONTRACT

The Board of County Commissioners signed a contract between Missoula County and Western Materials, Inc. for the purpose of construction, installation, and completion of Kona Ranch Road, Phase II, as per the terms set forth, for a total amount of \$128,542.05. The contract was returned to Centralized Services for further handling.

CONTRACTS

The Board of County Commissioners signed Professional Services Contracts between Missoula County and the following independent contractors:



JULY 21, 1986 (continued)

CONTRACTS (continued)

1. Valerie Smith, for the purpose of conducting research on site evaluations, groundwater, and litigating files, and to organize and enter the material into the department data base microcomputer system in the Health Department, as per the terms set forth, for the period from July 14, 1986, through September 12, 1986, for a total amount not to exceed \$650.00;
2. Gary Sanders, for the purpose of organizing the animal control program files in preparation for computer entry, keying or initialing all data for computer entry, entering all data from files into computer, testing out computer files by responding to public and staff inquiries; and instructing animal control staff on use of computer, as per the terms set forth, for the period from July 10, 1986, through September 30, 1986, for a total amount not to exceed \$2,400.00; and
3. Don Evans, for the purpose of conducting research and collecting data on Missoula County soils, groundwater levels and test results, mapping the soils and groundwater information; consulting with member of the Water Quality Advisory Council for revision to the mapping project; and performing field air quality monitoring and field sampling, as per the terms set forth for the periods from July 1, 1986, through September 30, 1986, for a total amount not to exceed \$1,350.00

CONTRACTS

The Board of County Commissioners signed Contracts between the Missoula City-County Board of Health and the following providers for the purpose of coordinating comprehensive alcohol services including outpatient care, preventive public education services, emergency care and consultation to residents of Missoula County, as per the terms set forth in the contracts, for the period from July 1, 1986, through June 30, 1987,

1. The Recovery Foundation, Inc., for a payment of \$106,687.00 for outpatient treatment and \$32,403.00 for operation of indigent care systems; and
2. The Missoula Indian Alcohol and Drug Program, for a payment of up to \$13,756.00 for outpatient services.

AGREEMENT

The Board of County Commissioners signed an Agreement between Missoula County and the U.S. Postal Service for a MEANS subscriber unit provided by the County, as per the terms set forth. The Agreement was returned to Orin Olsgaard, DES Coordinator, for further handling.

AGREEMENT

The Board of County Commissioners signed an Agreement between the Missoula City-County Board of Health & Mineral County, whereby the Health Department will provide a licensed sanitarian to Mineral County to inspect licensed establishments as required by law, cooperate with the County's planning staff on health aspects of subdivision, inspect community water supplies, and conduct other inspections and assist the County in other sanitary matters as may be required by law or requested by County, as per the terms set forth in the Agreement, for the period from July 1, 1986, through June 30, 1987, for a total amount not to exceed \$9,980.00.

AMENDMENT TO PARTICIPATION AGREEMENT

Acting Chair Dussault signed an Amendment to Participation Agreement Municipal Finance Consolidation Act Bonds (Cash Anticipation Financing Program) Series 1986, between the Montana Economic Development Board and Missoula County, amending the Participation Agreement between the Parties as follows:

1. Capitalized terms used but not defined herein shall have the meanings assigned them in the Participation Agreement.
2. The Participation hereby waives the right to terminate or reduce the amount of Notes to be issued and sold to the Board pursuant to the Participation Agreement and confirms its agreement and obligations thereunder to issue and sell the Notes to the Board pursuant thereto in the amount and for the purpose set forth in Exhibit A thereto.
3. This Amendment shall be effective as of the date of execution of the Participation Agreement by the Participant.

Other matters included:

Commissioner Stevens and Harold Schwartz, Executive Officer were authorized to act on behalf of the County at the meeting scheduled for 1:00 p.m. on July 21st regarding the dissolution of the Five Valleys Economic Development District.

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

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JULY 22, 1986

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 Cobban and Dinsmore's Orchard Homes, Addition No. 3, Lot 25, amending Lot 25, a subdivision of Missoula County, Montana located in the SE $\frac{1}{4}$ , SW $\frac{1}{4}$  of Section 30, T. 13 N., R. 19 W., P.M.M., the owner of record being the corporation of the Presiding Bishop of the Church of Jesus Christ of the Latter Day Saints, a Utah Corporation sole, with the amount of \$1,182.00 cash received in lieu of park land.



JULY 22, 1986 (continued)

NOTICE OF HEARING

Chairman Evans signed the Notice of Hearing scheduled for 7:00 p.m. on August 7, 1986, for the purpose of hearing written and oral comment from the public concerning the proposed annual budget for Fiscal Year 1987 and the use of Revenue Sharing Funds as contained in that proposed budget.

Other items included:

1. The Commissioners agreed to participate in the Volunteer Fair to be held at Southgate Mall on September 13th;
2. The costs for street cleaning for County property in the City limits were approved by the Board.

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

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JULY 23, 1986

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

AUDIT LIST

Commissioners Dussault and Stevens signed the Audit List, dated July 23, 1986, pages 3-34, with a grand total of \$109,279.26. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

EXTENSION LETTER

The Board of County Commissioners signed a letter to Dick Ainsworth of Professional Consultants, approving a one-year filing extension to the deadline for submittal of the Final Plat of Phase II of Brookside, making the new deadline July 9, 1987.

Other matters included:

1. The Commissioners approved and requested from the County Superintendent of Schools' Office that the Missoula Area Special Education Co-op be given an account with Centralized Services for printing for FY '87, and that they be allowed to have their printing done at the same rate as the Superintendent of School's Office; and
2. Orin Olsgaard, DES Coordinator met with the Commissioners regarding the hazardous materials incident on Reserve St. - the respective parties will be billed according to policy.

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

PUBLIC MEETING

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

DECISION ON: PETITION TO ABANDON CALIFORNIA STREET BRIDGE APPROACH

Barbara Evans said that Ann Mary Dussault and Commissioner Dick Colvill had inspected the property.

Ann Mary Dussault said the two issues she and Mr. Colvill tried to look at were: what the feasibility would be of maintaining an easement for bicycle and pedestrian footpaths off the California Street Bridge, and the concern from Champion Timberlands which was expressed in a letter to the Commissioners about the gate they have off XL Avenue that they use for access to their land. Champion was very concerned that they not be denied access through that gate. She said a portion of XL Avenue could be vacated, and it would still leave access to Champion. In addition, the Surveyor has said that if the land is to be vacated, there is a stretch of land along California Street which was not in the original petition, but in actuality, there is an easement of more than 75 feet from California Street; and only a 60 foot easement is needed to meet County standards, so an additional 15 feet could be vacated on the west side of the property.

Barbara Evans asked if all this property was in the original request.

Ann Mary Dussault said that in the original request, all of XL Avenue was included. What the Surveyor's Office has proposed is that the northern portion of XL be vacated, and still allow traffic off California Street into the gate access to what is being called the Champion property, but it would not vacate the total portion of XL Avenue that is being requested. She said a lot of pavement in the neighborhood has deteriorated, and a great deal of the property is overgrown with weeds. The recommendation from the Surveyor's Office indicates that the County would, either by easement or a partial vacation, leave access for Champion. Secondly, acquire an easement along the northern portion of the property which would allow for the future building of a bicycle/pedestrian path, and then consider, in addition to the original request, vacation of a portion of the easement along California Street, then vacate the northernmost portion of XL Avenue to the Riverbank. (She indicated the areas on the map). She said there were probably a lot of legal issues that would have to be resolved before this can all be done, but she would like to hear comment before anything is done.

Barbara Evans opened the hearing for public comment.

Bill Wagner, an attorney representing Champion International Corporation said that Mrs. Silver, the owner of the property that Champion leases was in attendance and would answer questions if necessary. He said she owns Modern Plumbing and Building Supply, which leases its property to Champion International. He said Champion only became aware of the new vacation parameters, and neither Champion nor Modern Building Supply has any objection to the proposed abandonment as it is now defined. If the new parameters are not considered by the Commissioners, he said he would have additional evidence to present.

JULY 23, 1986 (continued)

PUBLIC MEETING (continued)

DECISION ON: PETITION TO ABANDON CALIFORNIA STREET BRIDGE APPROACH (continued)

Ann Mary Dussault said she had had a conversation with Mr. Poling at Champion, and at that time, what was being considered was vacating the entire portion of XL Avenue and negotiating a perpetual easement for Champion. She asked if he would consider that a legitimate alternative, or would he prefer the new proposal.

Bill Wagner said they would prefer the partial vacation, or what is being called the new proposal. He said if a perpetual easement is negotiated, it should run not to Champion but to Modern Plumbing and Building Supply, the owner of record of the property. Champion has lease rights to the property that could extend to the year 2033, along with an option to buy, but there is no way of knowing if that option will ever be exercised.

Ann Mary Dussault asked if the owner of record would have any preference as to whether it is a perpetual easement or a partial vacation.

Mrs. Silver said it would make no difference to her.

Barbara Evans said one difference from a mercenary standpoint, is that she would prefer, as a Commissioner to vacate the entire street because it then puts it on the tax rolls, and Mr. Willumsen will be paying the taxes on it. She said she prefers that option as long as the accesses can be provided, but she was willing to be persuaded to the other side.

Bill Wagner said the only concerns Champion and Modern Building would have is that there be a perpetual right of access granted either through easement or through non-abandonment of any portion of XL Avenue. If a portion is abandoned, leaving the southerly 35 feet of XL Avenue intact as a dedicated easement, Champion would have no problems with that.

John Williams, Missoula Bicycle Coordinator said that he had talked with Fred Crisp, of the County Surveyor's Office about a trail coming off the bridge. He said he had set up the design speed and curve radius and would be willing to answer questions. He said some of the people at the City were concerned that that portion that is in the north east corner of this stay as part of the public right-of-way, and that would include the riverfront area.

Barbara Evans asked if anyone else would like to speak on this matter. No one came forward to speak and the hearing was closed.

Barbara Evans asked Lloyd Willumsen if he had seen the new proposal and if he had any objections to it.

Lloyd Willumsen said he had no objection to the new plan, and would prefer the new proposal.

Barbara Evans showed the Riverfront Corridor on a map and said the Commissioners were trying to comply with the plans to not develop this area so it could be used as a recreational area.

Lloyd Willumsen asked some questions relative to location of the easements, the bike path, and the engineering plans for the bike path.

Fred Crisp indicated the easements, paths, and fill areas on a map.

Ann Mary Dussault asked if more area was needed for the easement in lieu of all the fill that would be necessary.

Fred Crisp said that was correct and showed the area on a map again.

Lloyd Willumsen asked if he had to provide easement to the bicyclists before the bridge is completed. In addition, he said there was a building located on the easement which is leased to a radio station.

Mike Sehestedt Deputy County Attorney said that assuming that the Commissioners decide to go with a conditional vacation with the condition being provision of an easement, legally the easement would have to be granted and placed of record to the California Street pedestrian and bicycle access when and if the same is constructed.

Ann Mary Dussault asked Mike Sehestedt if the Commissioner can amend Mr. Willumsen's request to include parcels that were not originally requested.

Mike Sehestedt said he did not believe so. He said the additional property could be vacated separately with conditions related to an easement further to the north on the riverfront property. He said the Commissioners should describe with fair specificity the easement at that time. In addition, he said a provision should be included that provides that when the County exercises its right to construct, Mr. Willumsen would be given six months notice or 60 days, and an opportunity to propose an alternative easement.

Ann Mary Dussault said the public has been granted easements along the riverfront corridor, and the Commissioners were cooperating in that endeavor.

Barbara Evans noted that the Commissioners were giving Mr. Willumsen more land (parcel C) than he had asked for, in an attempt to sweeten the pot. She said they are trying to allow the public their access, the bicyclists their access, and still leave Mr. Willumsen his request.

Ann Mary Dussault asked Mr. Willumsen if he was still agreeable to the proposed plan, and asked if the Commissioners should proceed.

Mike Sehestedt said Mr. Willumsen should realize that the deal is not only binding on him, but also on his successors, heirs and assigns.

Barbara Evans asked Mike Sehestedt asked if it would be possible to vacate all of parcel A all the way to the riverbank and then asking for an easement, so that in essence, Mr. Willumsen would have the use of that property in the north east corner until such time as a corridor is established.

Mike Sehestedt said that seems unduly complicated to him, as Mr. Willumsen already has the use of the land right now. He also discussed the previous and current titles, easements, and uses of the property. He said the County would have to initiate the petition to vacate the additional property.

JULY 23, 1986 (continued)

PUBLIC MEETING (continued)

DECISION ON: PETITION TO ABANDON CALIFORNIA STREET BRIDGE APPROACH (continued)

Barbara Evans asked Lloyd Willumsen if he wished the County to proceed in this fashion.

Lloyd Willumsen said it sounded fine to him.

Mike Sehestedt said if it is done conditional upon getting the easement, it would give Mr. Willumsen time to go out and take a good look at the proposal. He said he would work out the wording on the approval so that Mr. Willumsen would have approval beforehand in deciding exactly what happens in the area.

Barbara Evans asked Mike Sehestedt what the next step would be in vacating the additional property (Parcel C).

Mike Sehestedt said the Commissioners would have to initiate a petition to do that.

Fred Crisp expressed some concerns about his hands being tied in designing the bridge.

Mike Sehestedt said what he meant was that Mr. Willumsen would have the option of either accepting or not accepting the plans, and if he chooses not to accept the proposal, the whole vacation will not take place. The Commissioners are only making him an offer.

Ann Mary Dussault moved and Janet Stevens seconded the motion to authorize the abandonment of the California Street Bridge approach as described in the petition with the following conditions:

1. that northern portion of XL Avenue noted as Parcel B be abandoned, but not the southerly portion which would leave access to the Champion property; and
2. an easement of the northern end of Lot 20 be described for the purposes of an easement in the event that the California Street Bridge is reconstructed; and
3. the northeasterly section not be considered for vacation, but be left in public hands as part of the riverfront corridor.

In addition, the Commissioners will initiate a petition for the purposes of vacating Parcel C after appropriate notice of public hearing.

Barbara Evans said she would like to offer an amendment to the motion; that is, to specify that Parcel B is the northerly 25 feet of the piece of ground, and that Parcel C is 15.6 feet and if, at some time, the easement for the bicycle walkway is moved further towards the river, that the Commissioners also, at that time grant the vacation of the 15.6 feet.

Mike Sehestedt said the Commissioners could not do that.

Ann Mary Dussault said the reason she did not include those numbers is because she is assuming that the documents that the Commissioners finally sign will have the legal descriptions in them, and she is further assuming that based on their discussions with Mike Sehestedt that he will draft language relative to the easement that would allow reconsideration of the legal description contained in what we find if and when the California Street Bridge is ever rebuilt.

Barbara Evans withdrew her amendment.

Wendy Cromwell, Deputy Clerk and Recorder asked if the Commissioners make the easement conditional upon rebuilding the California Street Bridge, would that cut off any options for extending the corridor along the river before the bridge is built, or if the bridge is never built, should the language include extension of the corridor as well as the possible construction of the California Street Bridge.

Janet Stevens said it would not be that piece of property that would be an extension of the corridor, it would be the piece to the north.

Mike Sehestedt said it would be necessary only to include an easement for pedestrian purposes and construction as required.

Jeremy Gamer from KPAX Television asked what the estimate was of how much taxes would be put on the rolls with this vacation.

Mike Sehestedt said nobody has calculated any of the changes in taxable value yet, but he did not think it would be a large sum, basically they are talking about putting 1,700 square feet back on the tax rolls.

The motion passed on a vote of 3-0.

HEARING: CERTIFICATE OF SURVEY REVIEW: OCCASIONAL SALE (REELEY)

Joan Newman, Deputy County Attorney said this application had been submitted by Lisa Reeley several months ago, and was a request for an occasional sale exemption, and the hearing had been continued on the Commissioner's request for some additional information. The property is located in the Meadows of Baron O'Keefe and the original application was continued until the litigation regarding that was settled. One term of the settlement was that all further divisions in that property would be reviewed by the Commissioners. Also, in the meantime, some additional information from Lisa Reeley was submitted. She indicated the property and the subsequent divisions of the property on a map.

Janet Stevens asked if Lisa Reeley had ever done any occasional sales before.

Joan Newman said this was her first occasional sale, and she wished to sell the property to pay her college tuition.

Barbara Evans opened the hearing for public comment. No one came forward to speak either for or against the request and the hearing was closed.

Joan Newman said the original reason the matter was brought before the Commissioners was that the size of the proposed tracts wouldn't conform to the comprehensive plan which recommends the whole area as residential-agricultural or, one dwelling per forty acres. In addition, the tracts connect to a common road system and are subject to restrictive covenants for the Meadows of Baron O'Keefe. This would be the final division that would be permissible under those covenants.

JULY 23, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: CERTIFICATE OF SURVEY REVIEW: OCCASIONAL SALE (REELEY) (continued)

Barbara Evans asked Joan Newman if Lisa Reeley fits into the statute that allows one occasional sale every twelve months.

Joan Newman said yes, if this property were not located in the Meadows of Baron O'Keefe, it would not have been brought before the Commissioners at all.

Janet Stevens asked if Lisa Reeley owned any other parcels connected to this.

Greg Martinson said he did not believe so.

Ann Mary Dussault said she was going to vote against this, but wanted to point out that the argument that she was going to sell the property in order to finance her education had no bearing on the Commissioner's deliberations.

Janet Stevens moved and Barbara Evans seconded the motion that the occasional sale and remainder exemption applied for by Lisa Reeley be approved for the following reasons:

1. There has not been a previous division of this tract within the last twelve months; and
2. This sale complies with the covenants of the court settlement; and
3. There is no evidence of intent to evade the Montana Subdivision and Platting Act; and

This finding is contingent upon the following language being printed on the face of the survey:

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

The motion passed on a vote of 2-1, Ann Mary Dussault opposed.

HEARING: FAMILY GIFTS (ARMSTRONG)

Barbara Evans noted that this item had been postponed from the February 19, 1986 public meeting. She said this property is located near Clinton, off Schwartz Creek Road, and is part of original Cunningham property which has been heavily divided by exemptions primarily by the Cunningham family since the late 1970's.

Three parcels from Tract E-1-K, COS 3060 are intended to be created--two family gifts to sons, and one remainder.

Joan Newman, Deputy County Attorney said this issue was being referred to the Board of County Commissioners for further review because the following criteria, as listed in Resolution 85-077, are present:

1. This is a subsequent division of a tract created after July 1, 1974 in which these tracts are proposed to be created (two family gifts and one remainder).
2. The tracts connect to a common road system used by other tracts created through exemptions.
3. The same claimant has divided other property using exemptions (COS 3060, from the same parent parcel).
4. The arrangement of the proposed division suggests an intention to create multiple lots.

Jane Armstrong Dunn, who currently lives in Arizona submitted a letter to the Commissioners which said she previously had gifted two of her children parcels of land, and this request was to enable her to gift two other children with equal amounts of property. She said she was not attempting to evade the subdivision laws in any way.

Barbara Evans asked if anyone wished to speak on the issue. No one came forward to speak either for or against the proposal and the hearing was closed.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the occasional sale family transfer exemption of COS 3060 lot E-K for the following reasons:

1. There has not been a previous decision of this tract within the last twelve months; and
2. There is no evidence of intent to evade the Montana Subdivision and Platting Act

This finding is contingent upon the following language being printed on the face of the survey:

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

The motion passed on a vote of 3-0.

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

PRELIMINARY BUDGET HEARING

The meeting was called to order at 2:40 p.m. by Chairman Barbara Evans. Sign-up sheets were provided so that people could sign up to testify on particular issues or merely indicate support or opposition to something in the budget without having to testify. Barbara Evans announced her intention to use the sign-up sheets to organize the hearing by having everyone who wished to testify on a certain part of the budget complete their testimony and then move on to another part of the budget.

JULY 23, 1986 (continued)

PRELIMINARY BUDGET HEARING (continued)

Howard Schwartz, Executive Officer offered preliminary budget figures to the people in the audience and passed out copies. He said that funding just the County operations at just about the same dollar amount as last year would require a fairly large increase in the number of mills to be levied. Taxes will go up even if the budget remains the same. This is because of the large decline in the value of the mill, and because of the decline in the amount of outside funding sources, particularly revenue sharing. Therefore, the budget this year is exceptionally tight, tighter than it has ever been for as long as he has worked for the County. So therefore, when the Commissioners set out their requests to departments requesting that they submit budgets that were very tight, that is what is being presented here. He said the sheets distributed today are not quite up-to-date as some cuts have already been made, and more will be made. The Commissioners have just begun to make very preliminary decisions on Community Based Organizations, and now, the Commissioners want to hear what priorities the community has and that is the purpose of the hearing today.

Rita Baumgardner of 3626 West Central spoke in favor of the paving project for 36th, 37th, Central and Tower Streets. She said the request is for 30% of the project, or about \$22,000. She said the original petition was presented at the July 10, 1986 public meeting.

Ed Braach of 3616 W. Central also spoke on behalf of this paving project.

P.L. Clevenger of 2214 37th Avenue said he was here in support of the paving project.

Lucy Clevenger of 2214 37th Avenue said she supported the paving project.

Carl Malone of 3302 W. Central said he was in support of the County providing 30% support of this project.

Gary Stensatter of 3201 Russell Street, a civil engineer with Stensatter, Druyvestein and Associates said he has worked with the residents in this potential RSID area and he presented a map of the area proposed for paving. He said it was a total of about 4,400 feet of streets, and 70% of the residents had signed the petitions in support of this RSID. He said the air quality in the area would be improved with the paving.

Lowell Honey said the paving is sorely needed in that area, the surrounding streets are paved, and when you hit one of these unpaved ones, you hit potholes and bad roads.

Elmer Frame asked who was paying the other 70% of this project.

Barbara Evans said that for the record, the residents of the area would be paying for the remainder.

Delores Ball of 20695 E. Mullan in Clinton said she was the Missoula County Freeholders Budget Study Chairman. She said the organization believes that along with rights, citizens have a responsibility to work with government and not just sit back and complain. She said this past year they have done a comprehensive budget study. She said some of the figures that will be presented today by the Freeholders may have erroneous amounts, as the print out they were working from was dated June 5, 1986. She said in these days, it is folly to consider increased spending. She cited examples of increased spending in the areas of dues and memberships, consultant fees, common carrier travel, meals and lodging, County and private vehicles, books and tuition. She said there was an increase in these line items of \$82,000. The Health Department budget shows a 7.9% increase, and she asked what the additional money was for. She said the Southeast Asian interpreters should be eliminated. She said a lot of the Health Department's budget was from grants, but that people should be reminded that that money still comes from taxpayers, whether it is County money, State money, or Federal. She said the Health Department should not be offering a 10% discount to County employees, as those employees already have better wages and fringe benefits than the private sector. This is rubbing salt into the wound. She said she would advocate discharging many County employees who work in the private sector and let the taxpayers pay for those who are honestly in need. This would increase the tax base as well as cut government expense. She said Missoula County has a 4.68 employee-to-supervisor ratio, which is a lot of close supervision that should be looked at. She said the freeholders recommend that the County Officials seriously recommend the privatization of many government services to save tax dollars and increase efficiency.

Jack Traxler of 4403 Gharrett, also representing the Freeholders said the Planning Department was too big, and the budget is too big. He said the books, tuition, and mileage budgets say to him, "Where do these planners go? What do they do when they get there? If we are sending them to school, why did we hire them in the first place?" He recommended that fourteen of the planners be terminated, and in budget cuts, nothing should be sacred. He suggested that these fourteen planners be replaced with sheriff's deputies.

David Fox, 4536 Edwards, representing the Freeholders said he, too, agreed that there should be no "sacred cows". He said the County Fair Budget is too high, and the Fair should be a family affair, a community effort, and self-supporting. He said the \$75,000 budgeted for Open Space appears to be too much, as there appears to be no tangible return to the taxpayer.

Julie Hacker of Bonner, also representing the freeholders addressed the Commissioners and Administrative Staff Budgets. She said these are serious times, and the Commissioners should take the initiative and cut their staffs too. She said Missoula County has more employees than Flathead, Lewis & Clark and Cascade Counties, and spends \$100,000 more on administration than does Cascade County. She made the following recommendations:

1. freeze salaries
2. pare down activities such as dropping NACo membership, restricting travel to one state-wide annual meeting per year, and eliminate all out-of-state travel.

She questioned several line-items in the Commissioners/Ad Staff budget such as Home/Office/Com travel, contracted services, and building maintenance and repair. In addition, she suggested that the Community Based Organizations be cut from the budget and that they be self-supporting.

Vera Cahoon of Bonner, also representing the Freeholders expressed concerns about the County Attorney's budget. She suggested that the payment of dues to the Bar Association for attorneys be discontinued; bad check chasing be handled by the private sector; the consumer protection department is provided by the State, and Missoula County has the only such department in the state; the review of documents for recording and transfer be transferred to a clerk in the Surveyor's office; with the cut of funds from the State for the Chief Civil and Criminal Deputies, she said one or two staff positions should be cut; and requiring deputy attorneys to sit in on County meetings should be eliminated as they could be using their time better. She said she supports the budget requests made by the Sheriff's Department.



JULY 23, 1986 (continued)

PRELIMINARY BUDGET HEARING (continued)

John Wittenburg, 3939 Paxson, speaking on behalf of the Freeholders, said he supports the Sheriff's Budget except for two line items; firearms supply and contracted services, which both reflect a 300% increase. He said a weak department encourages people of a parasitic nature to live here, and theft, drug use and unlawful behavior of these people cause considerable misery and financial loss to the community. He said he would encourage the Commissioners to give the Sheriff everything he has requested in his three year projection this year. He said with a strong Sheriff's Department, the County Attorney and the Courts should have less to do.

Kathy Bousfield 2516 Highwood spoke in favor of the Child Care Health Program. She said the past year has been a very good one in terms of child health care in Missoula and it would not be cost effective to eliminate this program, as it is easier to treat early symptoms than it is to treat problems later on, and the health nurse position is necessary and needed.

Marilen Trotter, 2105 Gerald urged support and funding of the Child Care Health Program as it affects more than 10,000 Missoula County citizens, including children, parents, and day care providers. This program prevents many crises.

Carol Roberts, 644 Rollins representing Child Care Resources said healthy children become healthier adults with higher mental abilities, and this program is working to reduce illnesses in children, and she asked for reconsideration of this program.

Carole White, Director of the Children's Center, which is a downtown day care center said the nurse that she can call is very valuable and saves centers and parents a lot of money by determining what are emergencies and what are not. She said Yvonne Bradford did a very good job and she supports funding for the program.

Janet Stevens asked Carole White if she would be willing to pay for Yvonne Bradford's services if she were not funded through Child Care Resources.

Carole White said she could not answer, as she would have to consult her Board of Directors.

Barbara Evans asked if the people testifying on behalf of Child Care Resources are asking the taxpayers to pay for a service that is going to private day care centers. She asked to be convinced that the County should pay for that.

Carole White asked to be convinced to pay taxes for the high school when her children were in college.

Debra McClain, 2204 South 8th West said she was supporting a very valuable program, the County Homemaker's Program, and she would like to see it continue. She said she was very disappointed to hear that it may not, as she uses it often.

Janet Stevens said the Commissioners had not considered cutting any program, and she was not familiar with what she was talking about.

Debra McClain said she called the Extension Office and talked with Gerry Marks.

Gerry Marks said that due to cutbacks in state and federal dollars, a number of positions in Extension Offices across the state are slated for either cuts or cutbacks. He said in the Missoula Office is slated for some state funding cuts next year.

Debra McClain said she was interested in keeping the program, no matter what it takes.

Barbara Evans noted for the record that the following people had submitted letters of support for Child Care Resources: Kathy Slingsby, Evelyn Pocon, Candy Porter-Smith, Katherin Pappas, Katherine McGlyne. The following people wrote in support of CDC: Jan and Bud Mariska, and a support group of Parents of Children with Special Needs.

Theresa Tower said she supports the Extension Program.

Dorothy Ross spoke in support of the Extension Program.

Barbara Petroff said she supports the Extension Program.

Pascal Redfern said he had an answer to the question of why taxpayers should pay for services that should be absorbed by individuals. He said the answer was that they should not; the day of spend, spend, spend is gone. He said if both the husband and wife have to work in order to pay their taxes, it splinters the family. He said there are too many kids in day care, and too much strain on families because they have to work so hard to pay taxes.

Janet Stevens said that having had a chance to read through the comments that the Freeholders made and the comments they made today, that she would like to compliment the Freeholder's Association for taking the time to look through the budget and make some educated responses to it, and she appreciated that.

No one else came forward to speak, and the hearing was recessed at 3:45 p.m. until Thursday, July 24, at 7 p.m. at the Missoula City-County Library.

SUPERINTENDENT'S BAR BQ

In the evening, Commissioners Dussault and Stevens attended the Annual Superintendent's Bar BQ, held at the Fairgrounds.

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JULY 24, 1986

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 Carpenter Paper Company as principal for Warrant #14340, dated May 6, 1986, in the Missoula County High School Food Service Fund, in the amount of \$37.50 now unable to be found.



JULY 24, 1986 (continued)

DAILY ADMINISTRATIVE MEETING

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

1. The request for improvement on Wyoming Street was discussed and will be referred to the budget files.

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

CONTINUATION OF HEARING ON FY '87 BUDGET

The meeting was called to order at 7:00 p.m. in the Meeting Room of the Missoula Public Library by Chairman Barbara Evans. Also present were Commissioners Ann Mary Dussault and Janet Stevens, Budget Officer Dan Cox, and Executive Officer Howard Schwartz.

Howard Schwartz said that the problem the County is facing is that with the loss of Federal Revenue Sharing, the effects of miscellaneous lost revenues from the State, and reappraisal figures, and if the County is going to have the same number of tax dollars as last year, without raising taxes, the mill levies would have to go up by seven or eight percent. Given that reappraisal has raised some people's taxable valuation and lowered some others, and with revenue shortfalls, the County cannot play by the same rules that it has in the past. What has happened so far is that the County Commissioners have frozen salaries at last year's level, a hiring freeze has been placed on the County, and operations cutbacks have been made in all departments to fund them at last year's level. That would cut \$400,000 to \$500,000 out of the general fund. So now, the Commissioners are asking the public what the level of services should be, and what level of taxes people wish to bear, and basically what is needed and what is not, and what is important and what is not.

Barbara Evans noted that sign-up sheets had been circulated, whereby people could indicate their name, address, and what program or subject they were interested in speaking about, or supporting by their presence. She said the sign-up sheets would be used to categorize the testimony.

Kathleen McHale, 16545 Old Highway 93 in Florence said she was the Director of Birthright, a free, non-profit, non-denominational, emergency pregnancy service. She said most women would choose to give birth to their babies if they had the resources to care for them. She said Birthright is not affiliated with any other organization, and they do not lobby politicians or picket. Their goal with every client is to help her become self-sufficient whether she places the baby for adoption or keeps it. All Birthright services are free and confidential, and are not duplicated anywhere. The all-volunteer staff provides many services and she said they have saved the taxpayers of Missoula County more than they are asking for. She submitted a list of organizations that had sent referrals to Birthright the past two years.

Chris Behner, 509 So. 4th West, the Assistant Director of Birthright said the primary objective at Birthright is to improve the quality of life for their clients. They provide health care, meet basic needs such as diapers, cribs, maternity clothes and baby clothes. She said it was better to prevent than to treat them later. She said all Birthright workers are volunteers, and they were the only Community Based Organization turned down for funding this year. Even the Humane Society, which deals with dogs and cats rather than humans was funded. She said they had been told by letter that they would be granted an interview, but they were not, and did not know they were not going to be funded until July 23 when they were notified by letter. She read a letter from Geanie Jordan in support of Birthright, and related her own experiences in regard to the services she had received from the organization.

Nancy Morton, Greenough Drive, said she was the regional consultant for Birthright, which is an international organization with over 500 chapters in the United States. They help any girl who is distressed by an unplanned pregnancy to bring her baby to term. She said they were not affiliated with any political or any other organization. She said no woman has an abortion because she wants to have abortion. If given a choice, she will make the right decision; to see her pregnancy to term. She said Birthright has been in Missoula for eight years, and keeps a low profile. She said the money they applied for, \$65,000, may have been ambitious. What they needed was \$1,000, so they thought that if they asked for more, they would get what they needed.

Ann Mary Dussault said that whoever told them that gave them some very bad advice.

Geni Monroe a volunteer at Birthright spoke in support of Birthright. She then submitted additional letters of support.

Gottlieb Beirle of 9393 Miller Creek Road said he supported the paving of Miller Creek Road.

John Peterson, 9385 Miller Creek Road said the section from the end of the pavement to the end of civilization is just a little over a mile and a half long, and Grant Creek and the Rattlesnake area have been taken care of, and these people feel like orphans. He said the road is pretty well washboarded, the dust problem is severe, and the logging trucks pose a danger to people and livestock.

Wessie Rymal, 9375 Miller Creek Road said she supports the Miller Creek Paving Project. She said there are continuous accidents up there, the road is heavily used, and it needs to be paved from the end of the pavement to the 7½ mile marker.

Barbara Evans asked Dan Cox, the Budget Officer, how much it would cost to pave one and a half miles of Miller Creek Road.

Dan Cox, Budget Officer said the first mile, which has already been graded and is ready to pave would be in the neighborhood of \$150,000, but the last half mile would have to be rebuilt, and would cost anywhere from \$200,000 to \$300,000.

Barbara Evans asked how many people were in the room in support of the Miller Creek Paving Project. About 15 persons indicated their support.

Winifred Sanderson of 9491 Miller Creek Road said there was quite a bit of dust and too many keggers in the area, resulting in too many accidents on that road. She said the road should be paved, or a full-time deputy should be assigned to the area.

Frieda Bierly said the dust was a health hazard in the area.

Barbara Evans said that road repairs and construction used to be funded with Revenue Sharing money. That source of funding has been discontinued, and the County is only allowed to levy a certain amount for roads, and that maximum has already been reached.

JULY 24, 1986 (continued)

CONTINUATION OF HEARING ON FY '87 BUDGET (continued)

Janet Stevens said that one of the processes now would be that John DeVore, Operations Officer would get involved, talk to the residents and get an RSID started.

Dan Cox asked if the logging trucks were using the road. Several people said they were. He said that normally, logging companies will come in with a duster on any roads they are using. Several people said the last time that had been done was in 1984.

John Peterson said the heavy traffic creates a washboard effect, and he is sliding all over the road going 15 miles per hour.

Sharon Johnson, 2519 Wyle spoke in support of the YWCA's Battered Women's Shelter

Barbara Evans asked those persons in the audience who were in support of the Battered Women's Shelter to raise their hands. Seven hands were raised.

Dan Magone, Missoula County Sheriff, said the Battered Women's Shelter serves a very useful purpose as far as his department is concerned. When women and children are suffering from battering and other abuses, the Battered Women's Shelter is available for sanctuary. He said he was speaking for the Missoula City Police Department as well.

Barbara Evans noted that several people had signed up in support of the Extension Service. She asked those persons to raise their hands. Five hands were raised.

Minkey Medora of 645 Evans, a member of the Extension Advisory Council said she would appreciate the Commissioner's support of the Extension Service. She said she understood that it was a three-way funded program, and she understood that the cuts were not necessarily coming from the County, but she wanted the Commissioners to understand that there was a lot of support for the Extension Service.

John Wicks of 2525 South Higgins, the President of the Planning Board, said he was here to speak in favor of planning by calling for a drastic reduction in the funding of the Community Development Office. He said that as Missoula grows and changes, a good planning with foresight is needed to keep Missoula County a nice place to live and to avoid problems such as more malfunction junctions, the South Hills flooding, and Miller Creek Road problems. To do this, we need planning with foresight, not more regulations. He said the Community Development Office has a bad reputation for more regulation placed on top of regulation. He said a vast majority of members of the Planning Board have endorsed a budget proposal which would limit the functions of the Community Development Office to planning, zoning, and subdivision review, which would take a staff of no more than nine, and a budget of no more than \$325,000. He said the group endorses the current joint city-county interlocal agreement, subject to some minor adjustments. The remainder of the functions in the Planning Office are generally regulatory, and should be self-supporting, and accountable to the proper City or County officials. He said if these suggestions are implemented, the Office of Community Development would be in the business of helping people, rather than regulating and doing things to them. He said budget cuts are necessary, but they should not be just across the board. That would leave the same problems there.

Ann Mary Dussault said she was having a hard time understanding how there would be any cost savings with his plan, because what he was really recommending is that the functions simply be transferred to other entities or departments. She said she did not disagree with some parts of the proposal, just that she was not convinced that there is a cost savings involved; just a redistribution of costs.

John Wicks said the cost savings would be in the neighborhood of \$100,000 to \$150,000. The biggest function that would be spun off would be building inspection, which is essentially self supporting. Zoning enforcement on the other hand is a minor function, and Community Development Block Grants are self-enforcing. He said they do envision a cut-back of staff in planning and related support which would save in the neighborhood of \$150,000.

Jay Raser, 2425 Mullan Road said he hoped the Commissioners would view tonight's comments as positive steps forward. He said in 1976, the planning office functioned with a staff of nine and a budget of \$193,000. They reviewed on an average, 6-12 major subdivisions each month. He said now it costs much more to review a subdivision, and an average of 3 subdivisions are processed every month, and many of them are summary plats, which require little time. In 1976, there were 600 housing starts in Missoula. In 1985, there were 100, and in 1986, there will be even fewer. He said he would like to see the permits for flood-plain regulations cut, as the County could suffer large liability losses by issuing these permits. The person doing this is making \$19,000 a year and operating as a mail drop, as less than ten permits a year are being issued. In five years, the budget for Community Development has eaten up \$4,000,000.00 tax dollars, with staff salaries and benefits accounting for 77% of the budget, and with maintenance, building costs and other costs, the charge to the taxpayers for the Office of Community Development is over a million dollars per year.

Ann Mary Dussault said she did not disagree with what he was saying, but some of the figures he used are very misleading, and she thought he should be more careful. She said she had just done an analysis of every County department going back to 1980 and the Missoula County tax dollars that have been levied and used by those offices, and the fact of the matter is that the Planning Office has remained more stable than any other County fund. The tax dollars they were utilizing in 1980-81 are almost exactly the same as the tax dollar request for this fiscal year. The fluctuations in that office have to do with Community Development Block Grants, which are very large sums of money that come and go.

Jay Raser said that what bothers him is that a lot of things come and go, like Gramm-Rudman, and it is not right that the Community pay a salary to a planner to administer a block grant and then have the block grant disappear, then have to come up with the dollars to fund that position.

Ann Mary Dussault said she did not disagree with that, but when he starts throwing around four million dollar figures, he is making highly misleading statements in terms of what the actual Missoula County tax obligation is.

Jay Raser said his point is that the four million dollars is tax money whether it comes from Missoula County or not.

Phil O'Connell, 1505 Pattee Canyon Road, a member of the Planning Board said the things they are aiming at are enhancing the efficiency of the office and increasing the accountability of that office to the elected and appointed officials in the City and the County. He said the Planning Board perceives a real problem in the amount of work and the quality of the product for the amount of dollars that are put into it. He

JULY 24, 1986 (continued)

CONTINUATION OF HEARING ON FY '87 BUDGET (continued)

Phil O'Connell (continued)

said the amount of money spent has remained basically the same over the past decade, but the amount of work they are getting has decreased very significantly. He said the dollar figures could be contested, but it is not possible to contest the fact that back in the mid 70's they were doing comprehensive plans, adopting meaningful regulations, and now they are not. The people are there, the money has disappeared, and the product is not there. He said the Planning Board is trying to find a way to increase the efficiency of the operation, and increase the accountability of the personnel through an analysis of the functions that ought to be there. He said a better job could be done if the office stuck to planning, zoning, and subdivision review, and eliminate CDB Grant administration, graphic preparation, floodplain administration, and building inspection, which are not essentially land-use regulation activity. He said the executive branch of City/County government is much better able to administer those functions, and those functions should be under the direct control of the Commissioners and the Mayor. He said this would result in a reduction of more than 50% of the County mill.

Dale Harris, 1434 Jackson, a member of the Planning Board, said the four members of the Planning Board who were speaking tonight were doing so in a very positive manner, and they thought it was real critical that the Commissioners understand that they support the interlocal agreement, and they do support planning. He said it was unusual to have Board members come before the Commissioners saying, "We need to go through a major reorganization". He said the organization needs to tighten its belt and do some reassessing. He said the staff was very threatened by this, but he sees it as an opportunity. He said the mission of the Planning Office has become way too difused and has become a monster in its own right. He said that there is a need to focus on the core functions which are zoning, planning, and subdivision review. Instead of across-the-board cuts, he suggested functional cuts. He said his greatest frustrations as a board member is that there is not accountability.

Dr. Wayne Van Meter, 2224½ Rattlesnake, Chairman of the Health Board spoke in favor of the Health Department saying it was run very well, and benefits thousands of Missoula County residents every year. They help over 1200 needy people every month, and those people too, are very grateful. Some of the excellent programs at the Health Department are the seat belt program, the air and water pollution control program, and the health and nutritional services department. He presented a packet of letters in support of the Health Department which had been received from a wide spectrum of Missoula County residents.

Kirk Finch 2622 Garland Drive spoke in favor of the Child Health Program. He said they had made great strides in the last year and he said it would be a shame if the program were discontinued or down graded now.

Corrine Patterson, 1500 McDonald testified in support of the Child Care Resource Program. She said the program addresses preventive care and the developmental tests and speech and hearing therapy are very important. She said Yvonne Bradford has done a very good job and brought a great deal of care and enlightenment to the day care providers in Missoula County, and she asked the Commissioners to reconsider cutting that position.

Ann Mary Dussault said she was not particularly comfortable with having made that cut, but she was not comfortable with a lot of the cuts that the Commissioners had to make. One of the difficulties here was that last year when that program was funded, the transmittal letter made it clear that it was a one-time only funding, and she said that was one of the significant reasons why the cut was made, although the Commissioners did not have any doubts about how valuable the program is. However, she said that Child Care Resources knew last year that the allocation was for one year only.

Charleen Madden, a director of two day care centers spoke in support of retaining the Child Care Resources budget and Yvonne Bradford's position. She said rather than not funding this program, the funds need to be increased.

John Washburn, 12505 Flora Drive outlined some cuts he would like to see made. He said the Health Department has one supervisor for every four to five people. He said the Planning Department has 13½ planners, and the Commissioners could cut that number down to three. He said he would like to see a lot of the travel out of the County eliminated. He said he had heard a lot of talk about Proposition 27 that would be on the ballot in November, and people are tired of high taxes, and if the Commissioners don't make large cuts, people will vote for this, and there will be no property taxes.

Bill Jenter said the County has repossessed over two million dollars in real estate, and he was concerned that he and the rest of the taxpayers would have to take up that slack.

Fern Hart, Clerk and Recorder said there was considerable property that had very high SID assessments on them, they are largely undeveloped property, and don't carry a lot of taxes, but they did carry a lot of SID assessments, which she would estimate to be in the neighborhood of one and a half million dollars, which is not money that would go into the general fund. The repossessed property has more of an effect on municipal bonds.

Fred VanValkenburg, Missoula County Deputy Attorney spoke in favor of the Victim's Assistance Program, noting that the person that has been doing the majority of the work has been volunteering their services, and he said that position should be funded.

Janet Stevens noted that that position has been funded one-quarter time through the Sheriff's Office.

Deb Kimmet, Box 8764, spoke in behalf of the Battered Women's Shelter, and said she supported the idea of having the person work through the Sheriff's Department.

No one else came forward to testify. The following people signed up in support of these issues:

Marilyn Trotter, 2105 Gerald - Child Care Health Program  
Clara Kirkpatrick, 1105 Clark Fork Drive - Humane Society  
Kathryn Hodges, 2112 4th St. West - Battered Women's Shelter  
Mary Ann Gasparino, 315 Connell - Support of Planning Department  
Dorothy Wages, 9455 Miller Creek Road - Paving of Miller Creek Road  
Paul Wages, 9455 Miller Creek Road - Paving of Miller Creek Road  
S.K. Gaffney, 2400 Thomas - Battered Women's Shelter  
Kathryn Finch, 2622 Garland Drive - Child Health Program  
Sharon Johnson, 2519 Wylie - Battered Women's Shelter  
Terrel Hilmes, 625 S. 2nd West - Battered Women's Shelter

JULY 24, 1986 (continued)

CONTINUATION OF HEARING ON FY '87 BUDGET (continued)

Dawn Williamson, 740 S. Higgins #2 - YWCA Battered Women's Shelter  
 Lisa McCafferty, 5608 Longview - Battered Women's Shelter  
 Stephanie Monlux, 3738 W. Central - Extension Service  
 Carolyn Carter, 3815 Spurgin Road - Extension Service --4-H  
 Hazel Anderson, 1608 Jackson - Extension Service  
 Naomi MacInnes, 817 Locust - Extension Service - 4-H  
 Juanita Triplett, 610 Hickory - Battered Women's Shelter  
 Wilfred Sanderson, 9491 Miller Creek Road - Paving Miller Creek Road  
 Gail Knapp, 9440 Miller Creek Road, Paving Miller Creek Road  
 Arlyne Craighead, 9405 Upper Creek Miller Road - Paving Miller Creek Road  
 Melinda Peterson, 985 Miller Creek Road - Paving Miller Creek Road  
 Carol Heuer, 9389 Miller Creek Road - Paving Miller Creek Road  
 Cathy Paul, 9383 Miller Creek Road - Paving Miller Creek Road

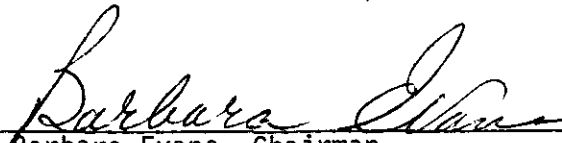
The hearing was recessed at 8:40 p.m.

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JULY 25, 1986

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

  
 Fern Hart, Clerk & Recorder

  
 Barbara Evans, Chairman

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JULY 28, 1986

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 Shirley Whitlock as principal for warrant # 213387, dated November 27, 1985, on the Missoula County Payroll Fund in the amount of \$508.57 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

CONTRACT AND AMENDMENT TO CONTRACT

The Board of County Commissioners signed a Contract between Missoula County and William Thomas Joern, an independent contractor, for the purpose of conducting a household pet census and licensing survey, as per the terms set forth, for the period from May 5, 1986, through June 30, 1986, for a total amount not to exceed \$3,000.00. An Amendment to the Contract was also signed extending the completion date to September 30, 1986, and revising the compensation schedule.

AGRICULTURAL EXEMPTION COVENANT

The Board of County Commissioners signed approval of the covenant on the Certificate of Survey for a tract of land located in Missoula County, Montana in the SE 1/4, of Section 10, T. 19 N., R. 16 W, P.M.M., whereby the owners, Richard E. and Robin Marks Idol, declare that the parcel shown on the Certificate of Survey contains less than twenty acres and shall be used exclusively for agricultural purposes and that no building or structure requiring water or sewage facilities will be erected or utilized.

Other matters included:

The Commissioners discussed the Clinton CDBG project - John Kellogg in the Office of Community Development will be notified that no further amendments are to be sought in this matter.

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

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July 29, 1986

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 Martinwood Subdivision Nos. 2 & 3, a plat correcting the north boundary of the subdivisions located in the SW 1/4, Section 11, T. 13 N., R. 19, P.M.M. for the purpose of dedicating a perpetual sewer easement to the public for the Rattlesnake Sewer Project; the owners of Lot 1, Block 1, Martinwood Subdivision No. 3 being Richard N. & Beverly H. Doyle, and the owners of Lot 7, Martinwood Subdivision No. 2 being Paul K. and Karen M. Overland. The Plat was returned to Joan Newman, Deputy County Attorney, for further handling.

AMENDED PLAT

The Board of County Commissioners signed the Amended Plat of Carline Addition, Block 1 and Vann Addition, Block 1, located in the SE 1/4 of Section 29, T. 13 N., R. 19 W., P.M.M., which was done to resolve right-of-way problems on Mount Avenue between the County and Cyrus S. Larson and Harold L. and Marvel D. Bauman and also resolves a gap between two landowners, Cyrus S. Larson and Lee U. and Betty L. Trautman. The Amended Plat was returned to Joan Newman, Deputy County Attorney, for further handling.

JULY 29, 1986 (continued)

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

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JULY 30, 1986

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 30, 1986, pages 4-30, with a grand total of \$165,696.59. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the Transmittal Sheet for pay period #15 (6/29/86 through 7/12/86) with a total Missoula County Payroll of \$363,716.79. The Transmittal Sheet was returned to the Auditor's Office.

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Michalla Brennan, an independent contractor for the purpose of serving as a public health intern to provide assistance with special projects as per the terms set forth, for the period from August 4, 1986, through January 1, 1987, for a total amount not be exceed \$2,600.00.

REPLACEMENT IDR BONDS

Chairman Evans signed Bond #'s R-9 through R-13 in the amount of \$10,000.00 each for the County of Missoula, Montana Medical Office Building Revenue Bond Series 1978, 7.25% Due June 1, 1997 (Missoula Community Hospital Project) to replace Registered Bond #R-3 at \$50,000.00 for the purpose of registering the bonds in the name of DA Davidson & Co. #81-0139474.

The Bonds were returned to Mike Sehestedt, Deputy County Attorney, for further handling.

Other matters included:

1. The Commissioners voted unanimously to remain a party to the lawsuit challenging legislation passed at the last special session limiting General Assistance to able-bodied persons to two months out of every 12 month period and notified the Montana Legal Services Association of their decision; and
2. The Board approved the following recommendation of Risk Manager, Hal Luttschwager and all County departments will be notified:

All losses, however small, and whether insured or not, should be reported to the Risk Manager to enable him to calculate the true cost of risk and to identify loss-causing problems, regardless of nature, because we can best predict and control future loss exposures with complete, accurate and reliable loss history information.

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

PUBLIC MEETING

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

HEARING: ANNEXATION TO FLORENCE RURAL FIRE DISTRICT

Information provided by Donna Cote, Recording Division Supervisor indicated that a petition has been received by the Clerk and Recorder's Office to annex parcels of land located in Missoula County to the Florence Rural Fire District, containing approximately 349 acres.

The petition for annexation to the Florence Rural Fire District presented by residences of the area to the Clerk and Recorder's Office has been checked and verified. It contains more than 50% of the owners of the privately owned land in the area to be annexed and a majority of the tax paying freeholders within the area described, so it meets the requirements of 7-33-2125 MCA, for annexation to adjacent area.

The Board of Trustees of the Florence Rural Fire District have approved the petition for presentation before the Board of Missoula County Commissioners and they have been notified of the hearing date.

It should be noted that some of the parcels have been deemed to be within the boundaries of the Florence Rural Fire District by Missoula County Resolution 81-196. This office consulted Michael Sehestedt 7-7-86 and he advised us to process the petition as presented because of some uncertainty.

The hearing was published in the Missoulian for 2 consecutive Sundays prior to the hearing date as required by statute.

The following have been notified of the hearing.

1. Florence Rural Fire District  
Box 164  
Florence, MT 59833
2. Ravalli County Commissioners  
205 Bedford  
Hamilton, MT 59840



JULY 30, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: ANNEXATION TO FLORENCE RURAL FIRE DISTRICT (continued)

3. Missoula Rural Fire District  
2521 South Ave. West  
Missoula, MT 59801

4. Benjamin and Donna Lawrence  
19802 Leo Hansen Road  
Florence, MT 59833

Deputy County Attorney Mike Sehestedt said this is an area that has been subject to substantial uncertainty as to whether or not it is within or without the district for years. Nothing of record indicates that it was ever petitioned to be included within the district, but it has been treated as if it was in the Florence Rural Fire District for years. In 1981, they requested the Commissioners to determine whether they were in or out and the Commissioners adopted resolution 81-196 which said that everyone in the NE $\frac{1}{4}$  of Section 25, R. 20W., T. 11N., is included within the Florence Rural Fire District;

He said that tax records indicate that some of the residents have been taxed as if they are in the district, and some are taxed on the basis of being out of the district. He said this petition today will serve a good purpose and will determine once and for all exactly what property is in the district.

Barbara Evans opened the hearing for public comment.

Bob Lovelace and Bob Krout, representing the Florence Rural Fire District said they had been giving service to the people in this area for ten years and hadn't gotten a dime for taxes, and that is why the petition was initiated.

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

Barbara Evans asked Mike Sehestedt if this was a situation whereby the Commissioners have no choice but to grant the request since a certain percentage of signatures have been gathered.

Mike Sehestedt said that was correct, unless there were protests by 50% or more of the property holders.

Commissioner Ann Mary Dussault arrived at the meeting at this point.

Janet Stevens noted that the Commissioners have just recently received a petition to change the name of Trudy Lane to Leo Hansen Road, and she said the name of the Street listed in the petition is Leo Hansen Road. She said the record should reflect the fact that the Commissioners have not acted on the request, and the legal name of the road, as recorded in the Surveyor's office is still Trudy Lane, not Leo Hansen Lane.

In addition, she said the residents of the area were wondering why their taxes are higher for this fire district than those just across the line, and she wanted to make them aware that the taxes are set by the rural fire districts, not the County.

Bob Krout of the Florence Rural Fire District said that Ravalli County taxes are lower than Missoula County taxes.

Ann Mary Dussault moved, and Janet Stevens seconded the motion that the proposed annexation of the property described as, Beginning at the W 1/16 corner common to Sections 24 and 25, T 11 N, R 20 W, PMM, said point being on the existing boundary of the Florence Rural Fire District; thence on and along said District boundary in a southerly direction to the SW corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 25; thence continuing on and along said District boundary in an easterly direction to the S 1/16 corner common to Section 25, T. 11 N, R 20 W and Section 30, T 11 N, R 19 W.; thence leaving said District boundary and running on and along the east boundary section line of said Section 25 in a northerly direction to the NE section corner of said Section 25; thence on and along the north boundary section line of said Section 25 in a westerly direction to the point-of-beginning; said parcel also being described as the NE $\frac{1}{4}$ , the E $\frac{1}{2}$ NW $\frac{1}{4}$ , the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and the N $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 25, T 11 N, R 20 W., PMM be annexed to the Florence Rural Fire District as there were insufficient protests to the annexation. The motion passed on a vote of 3-0.

HEARING: PROPOSED AMENDMENT TO COUNTY ZONING RESOLUTION NO. 76-113, Section 2.05

John Torma, of the Office of Community Development said this Amendment was initiated by the Montana Power Company, which wishes to place a substation on property zoned C-P1, and located in the east  $\frac{1}{2}$  of Section 25, T. 13 N., R. 20 W.

The intent section of the C-P1 regulations states: "This classification provides for major public lands and major public and quasi-public buildings and uses, including existing land reserves for future public and institutional use to serve the neighborhood, community, and region." A public utility installation fits under this general designation, although at this time it is not one of the uses permitted in the CP-1 zone.

On February 6, 1980, Resolution 80-24 was adopted. This Resolution amended the Missoula County Zoning Resolution to allow public utility installations as special exception uses in all residential and commercial zones except C-A1 and C-A2. This Resolution also allowed public utility installations as permitted uses in the C-11 and C12 zones.

Since public utility installations are allowed in nearly every zone in the county as either a special exception or a permitted use, it is logical that they should also be allowed as a special exception in the C-P1 zone, a zone which provides for major public and quasi-public buildings and uses.

He said the Planning staff recommended that "Public utility installations" be added to the list of special exception uses in "C-P1" Public Lands and Institutions Zoning Districts, he said and the Board concurs in this recommendation.

Barbara Evans opened the hearing for public comment.

Nick Kaufman, Land Use Planner for Sorenson and Company, speaking on behalf of the Montana Power Company said the failure to allow as a permitted use public utility installations in a P1 zone precludes such things as power facilities, substations, etc., and requires that they go through the Zoning Board of Adjustment to meet special exception criteria. He said he would encourage the Commissioners to pass this amendment.



JULY 30, 1986 (continued)

PUBLIC MEETING (continued)

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

Janet Stevens moved, and Ann Mary Dussault seconded the motion that the words, "public utility installations" be added to the list of special exemption uses in C-P1 Public Lands and Institutions of the Missoula County Zoning Resolution. The motion passed on a vote of 3-0.

RESOLUTION 86-80

The Board of County Commissioners then signed Resolution 86-80, a resolution amending Section 2.05 E. of the Missoula County Zoning Resolution to include public utility installations as a special exception use.

HEARING: CERTIFICATE OF SURVEY REVIEW - OCCASIONAL SALE (THORNTON LUMBER COMPANY)

Deputy County Attorney Joan Newman said Willis Thornton proposes to sell off a parcel approximately 15 acres in size near the industrial park off of Highway 10. Two previous splits have been made of parcels larger than 20 acres. Also, there was a previous occasional sale of a 4 acre parcel adjoining the present proposal. This proposal was referred to the Commissioners because the Resolution requires Commissioner's review of all divisions by the same claimant after the first one. She said the Comprehensive Plan recommends light industrial use in the area. She indicated the area, and the adjoining property on a map.

Barbara Evans opened the hearing for public comment.

Nick Kaufman of Sorenson and Company provided an aerial map of the area and indicated Mr. Thornton's property, the Highway and other landmarks. He said in 1970, Mr. Thornton had sold a twenty-acre parcel portion of his property, and soon after that, sold another twenty-acre parcel. Last year, he sold 4½ acres as an occasional sale, and this proposed sale would involve 15 acres that he wishes to sell to a trucking company. He said there is no real pattern of an attempt to evade the Subdivision and Platting Act.

Barbara Evans asked if anyone else wished to come forward to speak. No one else spoke, and the hearing was closed.

Janet Stevens asked if the Subdivision Act covered just residential land, or did it apply to commercial property as well.

Joan Newman said the law relates to all land divisions.

Janet Stevens asked if there was suitable access to this parcel.

Nick Kaufman said yes, but they would have to get permits from the State Highway Department for the approach.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to approve the occasional sale division of N½ Section 28, T 14 N., R. 20 W and finding it to be in the public interest to do so for the following reasons:

1. There has not been a previous division of this tract within the last twelve months; and
2. There is no evidence of intent to evade the Montana Subdivision and Platting Act.

This finding is contingent upon the following language being printed on the face of the survey:

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

The motion passed on a vote of 3-0.

CERTIFICATE OF SURVEY - OCCASIONAL SALE (MARTINSEN)

Deputy County Attorney Joan Newman said the property is in the Seeley Lake area. The parent parcel was first divided sometime prior to 1977, as shown in a retracement survey, COS 1237. Record owner is Western Montana Properties. Parcel C was divided by the occasional sale exemption in 1978 by Western Montana Properties. Someone named Martinsen signed as Vice President. The remainder from this division was divided into three parcels by Hugh Martinsen in 1979, COS 2078. One of these parcels C-2-C was further divided by occasional sale exemption by Mr. Martinsen in 1981 COS 2584. Mr. Martinsen now proposes to divide the remainder again by occasional sale into 2.5 acre parcels. Greg Martinsen has been the surveyor at least since the first retracement in 1977.

She indicated the area on a map and said the issue was before the Commissioners for the following reasons:

1. This claimant has divided property by exemption before, specifically the parcel from which this one came.
2. The arrangement of the proposed and existing divisions suggests an intention to create multiple lots.

Barbara Evans opened the hearing for public comment.

Greg Martinsen of Martinsen Surveys, representing Hugh A. Martinsen indicated the area on a map, and pointed out previous divisions, and current landowners. He said Hugh Martinsen was his brother.

Janet Stevens asked him to indicate the access to this parcel on a map. Greg Martinsen did so.

Ann Mary Dussault asked for further clarification and about county road access to all the divisions in the parcels. Greg Martinsen pointed out the various accesses to this, and previous splits of the parcel.

Ann Mary Dussault asked if these would be residential sites and if there were any current residences on these sites. Greg Martinsen said not at this time, but there were some potential buyers. However, the way the land is laid, there would be no further potential for any more splits.

Janet Stevens asked why Hugh Martinsen did not just go through the subdivision process in the first place.

JULY 30, 1986 (continued)

PUBLIC MEETING (continued)

CERTIFICATE OF SURVEY - OCCASIONAL SALE (MARTINSEN) (continued)

Greg Martinsen said it was because he had never intended to split the land any further than he had already until a buyer came to him a few months ago and wanted to buy this particular land.

Barbara Evans asked when the last split was done on this property. Greg Martinsen said it was 1983.

Joan Newman said the affidavit indicated that the last split was April of 1984. She asked who the Martinsen was who signed as vice president of Western Montana Properties.

Greg Martinsen said that was his father, now deceased.

Ann Mary Dussault asked what would happen when Mrs. Martinsen (Mrs. Hugh Martinsen's wife), gets an offer to buy the upper northwest corner of her 8.5 acres, which could be divided four times.

Greg Martinsen said if his sister-in-law decided to split her property, she would not divide it into more than three parcels. He said he would guarantee that; and he wouldn't let her.

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

Janet Stevens asked how many lots have already been created from this piece of property.

Joan Newman said it would appear that it has been broken into 6 lots by this claimant.

Ann Mary Dussault moved and Janet Stevens seconded the motion that the request to divide COS 2584, Tract C-2 be denied as it appears that there is a pattern which has developed which suggests an intention to create multiple lots through the uses of exemptions and occasional sales. The motion passed on a vote of 3-0.

ADOPTION OF DISASTER AND EMERGENCY PLAN

At issue was the adoption of a Disaster and Emergency Plan for Missoula County which was developed by the Civil Defense Department of Missoula County.

Ann Mary Dussault moved and Janet Stevens seconded the motion to adopt the Disaster and Emergency Plan for Missoula County, Montana.

Barbara Evans noted that Orin Olsgaard had done a very good and commendable job in developing this plan, based on actual trial runs.

The motion passed on a vote of 3-0.

RESOLUTION 86-81

The Board of County Commissioners then signed Resolution No. 86-81, a Resolution adopting a Disaster and Emergency Plan for Missoula County.

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

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JULY 31, 1986

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. 86-082

The Board of County Commissioners signed Resolution No. 86-082, whereby Missoula County accepts real property from Anna S. Anderson for Public Road and all other Public Purposes in a portion of NE¼ of Section 24, Township 13 North, Range 19 West, Principal Meridian, Montana, for the purpose of providing legal access for Montana Avenue as it intersects Speedway Avenue.

CHANGE IN SEMINAR REGISTRATION

Chairman Evans signed a letter to the National Institute of Corrections notifying them of a change in the registration for the National Academy of Corrections Seminar 6J301 from Judge Jack Green, who is unable to attend, to Justice of the Peace Mike Morris, who will be replacing him at the seminar.

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

LUNCHEON MEETING

Commissioner Dussault attended the Luncheon Meeting of the Exchange Club at noon and spoke to them on the Blue Ribbon Commission

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

Fern Hart  
Fern Hart, Clerk & Recorder

Barbara Evans  
Barbara Evans, Chairman

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AUGUST 4, 1986

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:

BYLAWS FOR CRIMINAL JUSTICE ADVISORY BOARD

The Board of County Commissioners signed approval of the Bylaws for the Criminal Justice Advisory Board, who will act as an advisory body to the Board of County Commissioners and the Missoula County Sheriff on matters associated with the management of the Missoula County Correctional Facility, as per the Articles set forth in the Bylaws.

RESOLUTION NO. 86-084

The Board of County Commissioners signed Resolution No. 86-084, a resolution annexing parcels of land located in the Florence-Carlton area of Missoula County containing approximately 349 acres, as per the legal description in the Resolution, to the Florence-Carlton Rural Fire District and are to be assessed for such annexation of a fire district levy along with other property already a part of said Florence Rural Fire District.

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

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AUGUST 5, 1986

The Board of County Commissioners did not meet in regular session; Commissioners Dussault and Stevens were in Helena where they attended a combined meeting of MACo Executive Board and the Youth Services Study Council.

SPRINKLER DEMONSTRATION

In the afternoon, Commissioner Evans participated in a residential sprinkler demonstration sponsored by the Missoula Rural Fire Department.

RSID MEETING

Commissioner Dussault attended a RSID meeting in the evening held at Target Range School.

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AUGUST 6, 1986

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 Midland Implement as principal for warrant #14371, dated May 6, 1986 on the Missoula County High School General Fund in the amount of \$31.27 now unable to be found.

AUDIT LIST

The Board of County Commissioners signed the Audit List dated August 6, 1986, pages 4-32, with a grand total of \$171,758.45. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and the Canyon View Park Association whereby the Canyon View Park Association is granted the authority and responsibility to operate and maintain, and otherwise keep in good repair the Canyon View Park, as per the terms set forth in the Agreement, and that the County Operations Officer is designated as the administrator for this Agreement. The Agreement was returned to John DeVore, Operations Officer, for further handling.

INTERLOCAL AGREEMENT

Chairman Evans signed an Interlocal Agreement between Missoula, Mineral and Ravalli Counties for the purpose of designating District XI Human Resource Council, an existing Montana non-profit corporation, as the agency in Missoula, Mineral and Ravalli Counties to operate programs under the federal Community Services Block Grant Program, and other human service programs as per the covenants and traditions set forth, for the period of October 1, 1986, through September 30, 1987. The Agreement was returned to Jim Morton, Director of HRDC, for further signatures and handling.

APPROVAL OF ACCESSIONS

Chairman Evans signed approval of the accessions for 1986 for the Missoula Museum of the Arts as per the Annual report from the Museum dated August 1, 1986. The form was returned to Mary Cummings, Director of the Arts Museum.

COLLECTION AGREEMENT

Chairman Evans signed a Collection Agreement between the Missoula County Sheriff's Department and the USDA Forest Service, Lolo National Forest, for the purpose of setting forth the terms whereby the Sheriff's Department will contract with the Forest Service for use of their aircraft for transport or surveillance for law enforcement purposes. The Agreement was returned to the Sheriff for further handling.

AUGUST 6, 1986 (continued)

Other matters included:

1. Action was delayed on setting up deferred payment schedules for delinquent taxes until after a meeting with the FHA; and
2. It was agreed that the County will fund aid-to-construction on the Mount Avenue RSID project.

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

PUBLIC MEETING

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

BID AWARD - CONTRACT FOR CONSTRUCTION OF THE MOUNT AVENUE REALIGNMENT, RSID NO. 417

Background information provided by Robert L. Holm, Project Engineer, Road Department indicated that:

Bids for construction of Mount Avenue Realignment, RSID No. 417, were opened on August 4, 1986. The following bids were received:

1. Russell & Sons Excavating	\$109,972.90
2. American Asphalt, Inc.	\$119,956.50
3. Western Materials, Inc.	\$ 98,990.00
4. L.S. Jensen & Sons, Inc.	\$102,638.65

The recommendation was to award a contract to the low bidder Western Materials, Inc. in the amount of \$98,990.00 contingent on the sale of bonds for the residents share of the construction R.S.I.D. and the approval of aid to construction funds, as the FY '87 budget proposal contains \$62,426.00 to cover the County's share of the construction costs.

Bob Holm said the County's Share would be 45%, approximately \$52,000.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to award the contract to the low bidder, Western Materials in the amount of \$98,990.00 contingent on the sale of bonds. The motion passed on a vote of 3-0.

BID AWARDS: PULP MILL ROAD GUARDRAIL INSTALLATION (SURVEYOR)

Background information supplied by Robert L. Holm, Project Engineer, Road Department indicated that:

Bids for installation of guardrail along a portion of Pulp Mill Road were opened on August 4, 1986. The following bids were received:

1. Nelcon, Inc.	\$ 13,500.00
2. Keeney Construction Co.	\$ 23,000.00
3. Alpine Asphalt & Building, Inc.	\$ 15,375.00

The recommendation from the Surveyor's Office was to award a contract to the low bidder Nelcon, Inc. for installation of the guardrail along a portion of Pulp Mill Road in the amount of \$13,500.00, as the FY '87 budget proposal contains \$20,000.00 to accomplish this installation and allow recreation of the roadway shoulders.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to award the bid to the low bidder, Nelcon, Inc. in the amount of \$13,500.00. The motion passed on a vote of 3-0.

HEARING: RESOLUTION OF INTENTION TO CREATE RSID NO. 420, STREET IMPROVEMENTS (GLENEAGLE AT GRANTLAND NORTH WINDSOR PLACE, ARGILE PLACE, AND A PORTION OF ST. ANDREWS WAY WEST.

John DeVore, Operations Officer said the RSID for the interior improvements at Gleneagle were previously created. During the design and planning phase, the developer has chosen only to develop one phase at a time. Therefore, the scope of work originally approved as RSID #410 has changed dramatically. In order to be in full compliance with the statutes it was felt the best approach was the creation of a new RSID for the reduced scope of work and assessment area.

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

Janet Stevens moved, and Ann Mary Dussault seconded the motion to create RSID 420. The motion was passed on a vote of 3-0.

PUBLIC COMMENT

David Owen, representing the Chamber of Commerce expressed some concerns that the Business Association's Roundtable expressed some concerns about current discussions regarding the Office of Community Development. He said the goal to members of the Roundtable is receiving planning services at one location.

The Roundtable believes the current structure can work only if the Planning Board is vested with the authority that was originally contemplated, specifically the authority to hire/fire the Planning Director, to set the Office of Community Development work program and determine its appropriations. The Roundtable believes that lines of responsibility need to be better defined so that the community can clearly know who is accountable for the various projects in the Office of Community Development.

Business Community's frustrations with the Office of Community Development are functional not structural. These difficulties cannot be adequately addressed through the budget process especially if discussion is predominantly political and focused exclusively on structural concerns.

Members of the Business Association Roundtable encourage the County Commission, City Council, Mayor, Planning Board and staff to analyze the functions of the office, determine a desirable work program with clearly stated goals and objectives, and determine a price for those functions and goals. If this price is beyond the fiscal realities of government, cuts can then be made along the lines of goals and objectives. The Business Community looks forward to continued discussions concerning priority of work for Office of Community Development using a work analysis as the best method to determine the price of planning in Missoula.

AUGUST 6, 1986 (continued)

PUBLIC MEETING (continued)

PUBLIC COMMENT (continued)

Nick Kaufman, a member of the Roundtable, said he concurred in what Mr. Owen had said.

Barbara Evans said that when the Commissioners attended a meeting with this group, it appeared that there was not a 100% consensus of opinion in the group as to who wanted what.

Nick Kaufman said a letter would be transmitted from the Homebuilders Association clarifying their position.

A general discussion regarding functional versus structural changes in the Office of Community Development ensued.

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

FINAL HEARING ON FY '87 BUDGET

The meeting was called to order at 1:50 p.m. by Chairman Barbara Evans. Also present were Commissioners Ann Mary Dussault and Janet Stevens. The following people testified:

Sue Maclean, 317 2nd spoke in favor of retaining the County Horticulturist position and for enlarging the position to full-time instead of half-time. In addition, she asked for another \$2,400 to fund the information and referral coordinator for Women's Place.

Deb Thomas, 930 Poplar, spoke in favor of Women's Place and asked that the full \$8,000.00 that they requested be granted.

Neva Larson, Box 98, Lolo, Montana said she had received counseling from Women's Place, is now a volunteer there, and it provides a very valuable service to many women of the area. She said there is no charge for the services at Women's Place, and she asked the Commissioners to fund the organization for as much as possible.

Linnea Wang, 4703 Miller Creek Road spoke in support of Women's Place. She said she is doing an internship this summer at Women's Place, and she has been overwhelmed by the amount of need there is for this organization.

Willis Hill, 3300 Grant spoke in support of the Foodbank, and the good things that the Meals on Wheels Program does for the Community.

Delores Ball, 20695 E. Mullan of Clinton commended the Commissioners for making 1.6 million dollars in budget cuts already, and expressed concern over what would happen if Initiative 27 was passed. She suggested some further cuts that the Commissioners could make, such as support for Larchmont Golf Course, Child Day Care, and various Community Based Organizations. She said 25 County Employees should be laid off, which would save \$375,000 plus 20% for fringe benefits. In addition, dues, memberships and mileage should be downscaled, the Planning Office could be cut back more, and she advocated the elimination of Rural Planning. She said she supports the Sheriff's Department and their budget requests.

Julie Hacker of Potomac asked the Commissioners to recoup the two million dollars that the Missoula Redevelopment Agency has taken. She said the handicapped accesses are being re-done, and this is unnecessary, and the Missoula Redevelopment Agency gets funds from several entities and uses it all to develop the downtown instead of using it for schools and other projects.

Emery Benson said he would favor the County separating the Coroner's Office from the Sheriff's Office because if there is a death in the jail, there is no outside investigation done. He said money from the Sheriff's budget should be redirected to the establishment of a Coroner's Office. In addition, school property is being rented out at very low rents, and he would like the Commissioners to see to it that the property is either rented out for fair market value or sold.

No one else came forward to speak, and the hearing was recessed at 3 p.m.

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AUGUST 7, 1986

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:

PERSONAL SERVICES CONTRACT

Commissioner Dussault signed a Personal Services Contract, dated August 1, 1986, between Ellen Lehy, Grant Director of the Missoula County Health Department, and the Montana Safety Belt Coalition for the purpose of providing the services listed in Section 2 of the Agreement for the Montana Safety Belt Coalition, Inc., as well as any additional services requested by the Coalition, as per the terms set forth, for the period from August 1, 1986, through January 31, 1987.

Other matters included:

1. The Commissioners gave approval for Kathy Crego, Personnel Director, to seek an outside legal opinion on the Sheriff's Deputies negotiations; and
2. The procedures for implementing the hiring freeze were approved, and that specific departmental requests will be reviewed; and
3. A general discussion was held on the benefits for those on Leave Without Pay (LWOP).

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

AUGUST 7, 1986 (continued)

CONTINUATION OF FINAL HEARING OF FY '87 BUDGET

The hearing was called to order at 7:00 p.m. by Chairman Barbara Evans in the Meeting Room of the Missoula Public Library. Also present were Commissioners Ann Mary Dussault and Janet Stevens, Budget Officer Dan Cox, and Howard Schwartz, Executive Officer.

Vera Cahoon said the Commissioners had not cut the Planning Department deep enough. She suggested that the Commissioners should cut the Community Based Organization's budgets, and make them self-supporting.

Ann Mary Dussault asked Vera Cahoon what the Freeholders Organization is doing about the School taxes, as the reality is that the increase in taxes is attributed, in a large part, to the school taxes.

Vera Cahoon said her organization was aware of that, and they were attempting to work with the schools.

Ann Mary Dussault said that when the tax bills go out, people call the County, assuming that they are at fault, and it is hard to get the message across that it is the schools who are pushing the tax bills up.

John Duncan, 240 North Higgins said there are too many County employees, and 340 employees makes Missoula County the 8th largest employer in the County, and the City of Missoula is the tenth largest employer with 285 employees.

Kristina Swanson 211½ W. Broadway thanked the Commissioners for their support of Women's Place.

Geneva Van Horne, 4 Martha's Court spoke in support of the Missoula Public Library, and she said she was distressed at the budget cuts for the Library, and she felt that the Community would suffer greatly from the Library being closed on Mondays.

Ed Schneegas, 1216 Creek Crossing spoke in support of the County Extension budget, and said the office provides a very good service in educating people not to use toxic chemicals.

Robert Watt, 451 Kensington said he would be willing to pay higher taxes if the Library could remain open on Monday. He said the Library provides a valuable service and is very important to the community. He said he had tried, through his work in the legislature, to have taxes levied on the ability to pay, and he would rather pay property taxes for the support of various things than to have them try to raise money themselves, so the people who use the service and benefit from it are the ones who are paying for it.

Mabel Watt, 451 Kensington said the Commissioners have a hard road to hoe, but she would support the library 100%.

Kerry Wall MacLane, 317 N. 2nd said he supports the County Extension Service's Horticulturist position, as she is the Down Home Project, and she does a very good job.

Martha Powell said she is afraid that Amendment 27 will pass, as people are fighting mad about their taxes.

Julie Hacker said the Planning Department must be cut even more than it has been, and the Commissioners and others must convince the school districts to cut their budgets and lower taxes.

Barbara Evans said that last year, the County included an insert in the tax bills, showing where the tax dollars were spent. This year, the County dropped \$4,000 from their assessment bills, and the schools went up 1.6 million, and nobody will notice that the School District is at fault.

Jim Cook, 1575 Sunflower said he operates a tree service, and the Horticulturist at the County Extension Service provides a valuable service to him and other people in the area, and he supports making the position a full-time one.

Mary Ann Gasparino, 315 Connell asked what the Commissioners were doing in regard to the interlocal agreement they had with the City for the Planning Office.

Janet Stevens said there was a provision in that agreement that the County has to give 90 days notice prior to the fiscal year in order to get out of the interlocal agreement, so if the City does not agree to the withdrawal, the agreement will stand until the next fiscal year.

Ann Mary Dussault said that any changes, unless they are mutually agreed upon cannot occur until the next fiscal year, and the Commissioners did not meet the deadline for this year. However, she felt that some of the proposed changes will be agreed upon with the City, the Rural Planning and Community Development Block Grant proposed changes, for example, There was some possibility of there being a reduction of staff.

Bob Watt asked why, if the state is in a terrible financial bind, the local government is in a terrible financial bind, everytime he reads the paper and President Reagan makes a speech, he says everything is fine, and everybody agrees with him, and the polls say they support what the President says. He says he cannot understand what is going on; everything is perfect, yet we are in a financial bind.

Mr. Powell, P.O. Box 4782 said he is relatively sure that poor Mr. Reagan is doing the best he can to get the country out of the mess that the democrats put us in.

Ted Schmidt, Director of the Missoula Public Library said he would like to thank the Commissioners and staff for their hard work on behalf of the library, and he would be available to answer questions that people may have about the library's new hours after the meeting. He said the cuts in the Library budget were necessary, and he realizes that it will create some hardships, but he said everybody is hoping for better times in the future.

Gary Marbut, a resident of Grant Creek Road, expressed concerns about the amount of taxpayers dollars being spent unnecessarily in Missoula County. He said it was very well possible that two little old ladies from Ravalli County who managed to get Initiative 27 on the ballot may very well prevail and get the initiative passed. Specific areas he targeted for budget cuts were: Planning, the City-County Health Department and funding for Community based organizations. He said there was no legal authority for the Commissioners to fund CBO's and it may be illegal to do so.

No one else came forward to speak and the hearing was adjourned at 7:45 p.m.

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AUGUST 8, 1986

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

MONTHLY REPORTS

Chairman Evans examined, approved and ordered filed the monthly reports of Justices of the Peace, David K. Clark and Michael D. Morris, showing collections and distributions for months ending June 30, 1986, and July 31, 1986.

MONTHLY REPORTS

Chairman Evans examined, approved and ordered filed the monthly report of the Clerk of District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for month ending July 31, 1986.

CONTINUATION OF FINAL HEARING ON FY '87 BUDGET

The hearing was called to order at 1:35 by Chairman Barbara Evans. Also present were Commissioners Ann Mary Dussault and Janet Stevens, and Budget Officer Dan Cox.

Deb Kimmet, Director of the Battered Women's Shelter thanked the Commissioners for their attention to her testimony through the budget process. She said she appreciated the funds that had been allocated for the YWCA, but wondered if another \$2,000 could be appropriated.

Chairman Barbara Evans said there was no additional money available.

Ann Mary Dussault said funds from the matching Victim's Assistance Grant is being switched around a bit, and the Battered Women's Shelter would be receiving additional funds from that this year. It is not additional money, just a rearrangement.

No one else came forward to speak and the hearing was recessed at 1:35 p.m.

*Fern Hart*

Fern Hart - Clerk and Recorder

*Barbara Evans*

Barbara Evans, Chairman

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AUGUST 11, 1986

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left at noon and was on vacation through August 15th; however, she was in town and available for signatures as needed.

AUDIT LIST

Commissioners Dussault and Stevens signed the Audit List, dated August 11, 1986, pages 5-10, with a grand total of \$84,299.12. 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. 86-086

The Board of County Commissioners signed Resolution No. 86-086, a resolution adopting the budget for Missoula County for fiscal year 1986-87 as follows:

RESOLUTION NO. 86-086

RESOLUTION ADOPTING A BUDGET FOR MISSOULA COUNTY  
FOR FISCAL YEAR 1986-87

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT HEREBY RESOLVED by this Board of County Commissioners "that the levies as detailed below be fixed and adopted," for fiscal year 1986-87, based on the value of a mill of \$112,620.00 County-wide, and a value of \$68,062.00 outside the city limits of Missoula.

AUGUST 11, 1986 (continued)

## RESOLUTION No. 86-086 (continued)

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 1986-87 as detailed below:

MISSOULA COUNTY-WIDE FUNDS	MILLS	ATTACHMENT
General Fund	39.22	A, B AND C
Bridge Fund	4.00	
Poor Fund	0.25	
Fair Fund	1.55	
Weed Fund	0.60	
Museum Fund	1.76	
Extension Fund	1.37	
Planning Fund	1.64	
District Court Fund	7.21	
Mental Health Fund	0.43	
Aging Fund	0.78	
Rodent Control	0.06	
Park/Recreation Fund	1.35	
Revolving	0.00	
Higgins Bridge	0.00	
Airport Bond	0.18	
Courthouse Bond	0.00	
Library Bond	0.30	
Museum Bldg. Reserve	0.00	
Health Insurance	0.00	
Risk Management	3.00	
Ambulance	0.01	
Judgement Levy	1.00	
CBO Trust Fund	0.00	
Drug Forfeiture	0.00	
Child Daycare	0.19	
Special Transportation	0.18	
Open Space	0.33	
Capital Improvements	0.00	
Library	4.50	
Tamarack Federation	0.00	
School District 1	0.00	
Sanders County	0.00	
LSCA Grant	0.00	
<b>TOTAL COUNTY-WIDE LEVY</b>	<b>69.90</b>	
<b>MISSOULA COUNTY-ONLY LEVY</b>		
Road Fund	13.83	
Health Fund	7.30	
Junk Vehicle	0.00	
<b>TOTAL COUNTY-ONLY LEVY</b>	<b>21.13</b>	

Dated this 11th day of August, 1986.

## BOARD OF COUNTY COMMISSIONERS

Barbara Evans  
Barbara Evans, Chairman

Ann Mary Dussault  
Ann Mary Dussault, Commissioner

Janet Stevens  
Janet Stevens, Commissioner

APPROVED AS TO FORM AND CONTENT:

Michael W. Schertelt  
Deputy County Attorney

ATTEST:

Gene Hart  
Clerk and Recorder

COUNTY OF MISSOULA  
COMPARISON FY 1986 TO FY 1987 GENERAL FUND BUDGET SUMMARIZED

8/11/86

ATTACHMENT "A"

DEPARTMENT	FY 1987 PERSONNEL	FY 1987 OPERATIONS	FY 1987 CAPITAL	FY 1987 TOTAL REQUEST	FY 1986 AMENDED BUDGET	PERCENTAGE CHANGE	1987 NON-TAX REVENUE
COMMISSIONERS	132,715.00	16,865.00	0.00	149,580.00	156,390.00	-4.35%	3,000.00
ADMIN. STAFF	122,887.00	15,625.00	0.00	138,512.00	149,851.00	-7.57%	2,383.00
ENERGY CONSERV.	2,822.00	0.00	2,541.00	5,363.00	54,941.00	-90.24%	2,541.00
JUSTICE OF PEACE	203,500.00	33,050.00	0.00	236,550.00	231,741.00	2.08%	188,000.00
ATTORNEY	522,464.00	45,645.00	135.00	568,244.00	589,660.00	-3.63%	75,042.00
C&R: ACCOUNTING	163,322.00	17,725.00	1,500.00	182,547.00	221,286.00	-17.51%	4,800.00
C&R: RECORDING	135,401.00	28,228.00	5,500.00	169,129.00	162,761.00	3.91%	208,000.00
C&R: ELECTIONS	61,465.00	60,258.00	0.00	121,723.00	142,759.00	-14.74%	17,000.00
TREASURER-TAX	264,959.00	13,916.00	0.00	278,875.00	281,199.00	-0.83%	103,175.00
TREASURER-M. V.	215,166.00	5,471.00	0.00	220,637.00	222,161.00	-0.69%	34,175.00
AUDITOR	93,773.00	2,912.00	0.00	96,685.00	92,916.00	4.06%	0.00
GENERAL SERVICES	1,021,228.00	423,922.00	71,000.00	1,516,150.00	1,579,117.00	-3.99%	478,501.00
DISASTER EMER. SVCS.	47,139.00	24,595.00	5,500.00	77,234.00	103,190.00	-25.15%	31,718.00
PERSONNEL	126,517.00	163,807.00	0.00	290,324.00	293,284.00	-1.01%	35,624.00
DATA PROCESSING	198,837.00	87,470.00	10,000.00	296,307.00	347,218.00	-14.66%	33,958.00
MATERIALS MGMT.	95,703.00	127,500.00	1,989.00	225,192.00	245,304.00	-8.20%	92,000.00
C. S. REPURCHASE	0.00	285,578.00	0.00	285,578.00	299,789.00	-4.74%	285,578.00
SUPT. OF SCHOOLS	108,852.00	17,150.00	0.00	126,002.00	143,140.00	-11.97%	18,985.00
SHERIFF	2,191,583.00	446,336.00	114,678.00	2,752,597.00	2,723,895.00	1.05%	100,000.00
SURVEYOR	78,309.00	41,376.00	0.00	119,685.00	110,678.00	8.14%	3,000.00
PUBLIC WORKS	55,839.00	78,475.00	2,000.00	136,314.00	51,363.00	165.39%	28,500.00
VETERAN BURIAL	0.00	30,000.00	0.00	30,000.00	30,000.00	0.00%	0.00
FINANCIAL ADMIN.	15,000.00	157,117.00	0.00	172,117.00	394,412.00	-56.36%	1,674,303.00
GENERAL GOVERN.	0.00	50,000.00	0.00	50,000.00	58,660.00	-14.76%	0.00
TOTALS	5,857,481.00	2,173,021.00	214,843.00	8,245,345.00	8,685,715.00	-5.07%	3,420,283.00

AUGUST 11, 1986 (continued)

## ATTACHMENT "A"

DEPARTMENT	1987 REVENUE	SHARING	TO BE FUNDED
COMMISSIONERS	0.00	146,580.00	
ADMIN. STAFF	0.00	136,129.00	
ENERGY CONSERV.	0.00	2,822.00	
JUSTICE OF PEACE	0.00	48,550.00	
ATTORNEY	0.00	493,202.00	
C&R: ACCOUNTING	0.00	177,747.00	
C&R: RECORDING	0.00	(38,871.00)	
C&R: ELECTIONS	0.00	104,723.00	
TREASURER-TAX	0.00	175,700.00	
TREASURER-M. V.	0.00	186,462.00	
AUDITOR	0.00	96,685.00	
GENERAL SERVICES	29,454.00	1,008,195.00	
DISASTER EMER. SVCS.	0.00	45,516.00	
PERSONNEL	0.00	254,700.00	
DATA PROCESSING	0.00	262,349.00	
MATERIALS MGMT.	0.00	133,192.00	
C. S. REPURCHASE	0.00	0.00	
SUPT. OF SCHOOLS	0.00	107,017.00	
SHERIFF	27,000.00	2,625,597.00	
SURVEYOR	0.00	116,685.00	
PUBLIC WORKS	57,951.00	49,863.00	
VETERAN BURIAL	0.00	30,000.00	
FINANCIAL ADMIN.	0.00	(1,502,186.00)	
GENERAL GOVERN.	0.00	50,000.00	
TOTALS	114,405.00	4,710,657.00	

COUNTY OF MISSOULA  
FY 1987 BUDGET SUMMARY

8/11/86

ATTACHMENT "B"

FUND	PERSONNEL	OPERATIONS	CAPITAL	ENCUMBRANCES	CASH RESERVE	1987 TOTAL	AMENDED 1986 TOTAL
GENERAL	5,857,481.00	2,173,021.00	214,843.00	75,224.00	125,000.00	8,445,569.00	8,894,146.00
BRIDGE	147,020.00	161,447.00	368,100.00	9,847.00	0.00	686,414.00	594,116.00
POOR	0.00	110,575.00	1,800.00	0.00	31,747.00	144,122.00	206,944.00
FAIR	203,535.00	318,565.00	20,000.00	0.00	0.00	542,100.00	540,756.00
WEED	44,115.00	63,544.00	650.00	3,225.00	0.00	111,534.00	146,429.00
MUSEUM	150,876.00	64,990.00	8,563.00	2,000.00	0.00	226,429.00	219,498.00
EXTENSION	149,885.00	51,285.00	1,475.00	0.00	0.00	202,645.00	201,502.00
PLANNING	363,884.00	87,751.00	12,031.00	0.00	0.00	463,666.00	806,862.00
DISTRICT COURT	1,023,692.00	649,190.00	35,000.00	0.00	0.00	1,707,882.00	1,908,955.00
MENTAL HEALTH	0.00	54,250.00	0.00	0.00	0.00	54,250.00	56,380.00
AGING	0.00	108,500.00	0.00	0.00	0.00	108,500.00	118,995.00
RODENT CONTROL	0.00	17,500.00	0.00	0.00	0.00	17,500.00	26,890.00
PARK	0.00	194,778.00	5,600.00	7,500.00	0.00	207,878.00	201,908.00
RSID REVOLVING	0.00	313,516.00	0.00	0.00	0.00	313,516.00	313,516.00
HIGGINS BRIDGE	0.00	340.00	0.00	0.00	0.00	340.00	543.00
AIRPORT BOND	0.00	54,756.00	0.00	0.00	0.00	54,756.00	58,800.00
COURTHOUSE BOND	0.00	5,971.00	0.00	0.00	0.00	5,971.00	43,240.00
LIBRARY BOND	0.00	99,699.00	0.00	0.00	0.00	99,699.00	108,956.00
MUSEUM BLDG RESERVE	0.00	5,471.00	0.00	0.00	0.00	5,471.00	3,600.00
HEALTH INSURANCE	49,187.00	1,092,352.00	0.00	0.00	0.00	1,141,539.00	1,227,636.00
RISK MANAGEMENT	34,026.00	481,481.00	400.00	0.00	0.00	515,907.00	407,411.00
AMBULANCE	0.00	6,050.00	0.00	0.00	0.00	6,050.00	12,919.00
JUDGEMENT LEVY	0.00	112,620.00	0.00	0.00	0.00	112,620.00	0.00
CBO TRUST	0.00	49,684.00	0.00	0.00	0.00	49,684.00	74,398.00
DRUG FORFEITURE	1,500.00	10,500.00	12,000.00	0.00	0.00	24,000.00	24,140.00
CHILD DAYCARE	0.00	26,450.00	0.00	0.00	0.00	26,450.00	24,693.00
SPECIALIZED TRANS	0.00	22,346.00	0.00	0.00	0.00	22,346.00	22,846.00
OPEN SPACE	0.00	67,288.00	0.00	0.00	0.00	67,288.00	51,894.00
CAPITAL IMPROVEMENTS	0.00	0.00	707,631.00	25,492.00	0.00	733,123.00	1,000,250.00
LIBRARY	412,487.00	115,389.00	91,159.00	0.00	0.00	619,035.00	600,901.00
TAMARACK FED	52,702.00	27,271.00	8,325.00	0.00	0.00	88,298.00	96,633.00
SCHOOL DIST 1	6,708.00	2,674.00	1,500.00	0.00	0.00	10,882.00	13,831.00
SANDERS COUNTY	1,028.00	695.00	5,339.00	0.00	0.00	7,062.00	8,062.00
LSCA GRANT	0.00	22,819.00	0.00	0.00	0.00	22,819.00	37,922.00
COUNTY-WIDE	8,498,126.00	6,572,768.00	1,494,416.00	123,288.00	156,747.00	16,845,345.00	18,055,572.00
ROAD	23,937.00	1,257,462.00	376,506.00	9,398.00	40,000.00	2,407,303.00	2,704,652.00
HEALTH	1,765,953.00	340,549.00	52,725.00	0.00	0.00	1,659,227.00	1,778,013.00
JUNK VEHICLE	23,226.00	28,048.00	24,590.00	0.00	0.00	75,864.00	76,723.00
COUNTY ONLY	2,013,116.00	1,626,059.00	453,821.00	9,398.00	40,000.00	4,142,394.00	4,559,388.00
* GRS TRUST	0.00	0.00	687,019.00	0.00	0.00	687,019.00	1,362,089.00
TOTALS	10,511,242.00	8,198,827.00	1,948,237.00	132,686.00	196,747.00	20,987,739.00	22,614,960.00

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

## ATTACHMENT "B"

FUND	% CHANGE	NON-TAX REVENUE	CASH BALANCE	AMOUNT TO BE LEVIED	MILLS @ 112,620	1986 LEVIES
GENERAL	-5.04%	3,534,688.00	493,437.00	4,417,444.00	39.22	33.15
BRIDGE	15.54%	120,497.00	115,437.00	450,480.00	4.00	4.00
POOR	-30.36%	8,275.00	107,818.00	28,029.00	0.25	0.24
FAIR	0.25%	349,100.00	18,628.00	174,372.00	1.55	0.98
WEED	-23.83%	9,750.00	34,124.00	67,660.00	0.60	0.87
MUSEUM	3.16%	22,100.00	6,419.00	197,910.00	1.76	1.52
EXTENSION	0.57%	38,102.00	10,479.00	154,064.00	1.37	1.31
PLANNING	-42.53%	353,133.00	(74,465.00)	184,998.00	1.64	1.94
DISTRICT COURT	-10.53%	1,581,368.00	(685,301.00)	811,815.00	7.21	6.00
MENTAL HEALTH	-3.78%	4,350.00	1,949.00	47,951.00	0.43	0.38
AGING	-8.82%	9,750.00	11,268.00	87,482.00	0.78	0.86
RODENT CONTROL	-34.92%	1,675.00	9,159.00	6,666.00	0.06	0.09
PARK	2.96%	42,750.00	12,678.00	152,450.00	1.35	1.39
RSID REVOLVING	0.00%	0.00	313,516.00	0.00	0.00	0.00
HIGGINS BRIDGE	-37.38%	0.00	340.00	0.00	0.00	0.00
AIRPORT BOND	-6.88%	2,400.00	32,470.00	19,886.00	0.18	0.21
COURTHOUSE BOND	-86.19%	0.00	5,971.00	0.00	0.00	0.00
LIBRARY BOND	-8.50%	10,550.00	55,792.00	33,357.00	0.30	0.36
MUSEUM BLDG RESERVE	51.97%	3,600.00	1,871.00	0.00	0.00	0.00
HEALTH INSURANCE	-7.01%	1,141,539.00	0.00	0.00	0.00	1.02
RISK MANAGEMENT	26.63%	19,250.00	158,797.00	337,860.00	3.00	3.00
AMBULANCE	-53.17%	875.00	3,919.00	1,256.00	0.01	0.08
JUDGEMENT LEVY	0.00%	0.00	0.00	112,620.00	1.00	0.00
CBO TRUST	-33.22%	45,405.00	4,279.00	0.00	0.00	0.00
DRUG FORFEITURE	-0.58%	10,321.00	13,679.00	0.00	0.00	0.00
CHILD DAYCARE	7.12%	1,950.00	3,411.00	21,089.00	0.19	0.17
SPECIALIZED TRANS	-2.19%	1,775.00	585.00	19,986.00	0.18	0.16
OPEN SPACE	29.66%	27,700.00	1,892.00	37,696.00	0.33	0.15
CAPITAL IMPROVEMENTS	-26.71%	484,903.00	248,220.00	0.00	0.00	0.00
LIBRARY	3.02%	80,270.00	32,171.00	506,594.00	4.50	4.18
TAMAPACK FED	-8.63%	81,586.00	6,712.00	0.00	0.00	0.00
SCHOOL DIST 1	-21.32%	6,625.00	4,257.00	0.00	0.00	0.00
SANDERS COUNTY	-12.40%	11,573.00	(4,511.00)	0.00	0.00	0.00
LSCA GRANT	-39.83%	7,623.00	15,196.00	0.00	0.00	0.00
COUNTY-WIDE	-6.70%	8,013,483.00	960,197.00	7,871,665.00	69.90	62.06
ROAD	-10.99%	1,148,500.00	317,664.00	941,139.00	13.83	14.58
HEALTH	-6.68%	1,182,746.00	(20,372.00)	496,853.00	7.30	6.79
JUNK VEHICLE	-1.12%	75,864.00	0.00	0.00	0.00	0.00
COUNTY ONLY	-9.15%	2,407,110.00	297,292.00	1,437,992.00	21.13	21.37
* GRS TRUST	-48.91%	687,019.00	0.00	8,807.00	0.00	0.00
TOTALS	-7.20%	10,420,593.00	1,257,489.00	9,309,657.00	91.02	83.43

NOTE: ROAD AND HEALTH CALCULATED AT MILL VALUE OF \$68,062

AUGUST 11, 1986 (continued)

COMMUNITY BASED ORGANIZATIONS  
BUDGET SUMMARIES

FY 1987

8/11/86

ATTACHMENT "C"

DESCRIPTION	POOR	AGING	MENTAL HEALTH	AMBULANCE	SPEC TRANS	DAYCARE	CBO TRUST
ARROW MEDICAL SVCS				5,000.00			
CHILD CARE RESOURCES						21,000.00	
CH CARE HEALTH PGM	0.00					5,200.00	
BIRTHRIGHT*							0.00
MSLA AGING SVCS		105,000.00					
CH & FAMILY RES CO							5,000.00
QUICK RESPONSE UNITS				800.00			
HUMANE SOCIETY							5,000.00
FOOD BANK	15,000.00						
SENIOR CIT CENTER		3,000.00					
URBAN TRANS (SPEC)					22,096.00		
NAT AMER SVC AG							5,000.00
FRIENDS TO YOUTH *							5,000.00
WATSON REC HOME	20,000.00						
COMP DEV CENTER			13,000.00				
MENTAL HEALTH CENTER			41,000.00				
WOMEN'S PLACE							10,400.00
BAT WOMEN SHELTER							13,000.00
SUBTOTAL	35,000.00	108,000.00	54,000.00	5,800.00	22,096.00	26,200.00	43,400.00
INT REG WARRANTS	0.00	500.00	250.00	250.00	250.00	250.00	
TOTAL	35,000.00	108,500.00	54,250.00	6,050.00	22,346.00	26,450.00	43,400.00

\* DENOTES NEW PROGRAM

ATTACHMENT "C"

DESCRIPTION	FY 1986 REQUEST	FY 1986 AWARD	FY 1987 REQUEST	FY 1987 AWARD	FY 1986 CARRYOVER
ARROW MEDICAL SVCS	8,200.00	8,200.00	8,200.00	5,000.00	
CHILD CARE RESOURCES	21,497.00	21,497.00	48,013.00	21,000.00	
CH CARE HEALTH PGM	39,310.00	26,310.00	32,342.00	5,200.00	
BIRTHRIGHT*	0.00	0.00	65,838.00	0.00	
MSLA AGING SVCS	155,580.00	105,000.00	105,000.00	105,000.00	
CH & FAMILY RES CO	5,000.00	5,000.00	5,000.00	5,000.00	1,250.00
QUICK RESPONSE UNITS	800.00	800.00	800.00	800.00	
HUMANE SOCIETY	0.00	0.00	10,000.00	5,000.00	0.00
FOOD BANK	9,000.00	6,000.00	15,525.00	15,000.00	
SENIOR CIT CENTER	15,000.00	5,000.00	6,000.00	3,000.00	
URBAN TRANS (SPEC)	22,096.00	22,096.00	22,096.00	22,096.00	
NAT AMER SVC AG	8,000.00	7,000.00	5,000.00	5,000.00	
FRIENDS TO YOUTH *	10,654.00	0.00	5,000.00	5,000.00	
WATSON REC HOME	6,300.00	6,300.00	24,000.00	20,000.00	1,575.00
COMP DEV CENTER	13,917.00	13,917.00	14,334.00	13,000.00	
MENTAL HEALTH CENTER	75,975.00	41,809.00	45,610.00	41,000.00	
WOMEN'S PLACE	8,136.00	8,136.00	26,140.00	10,400.00	2,034.00
BAT WOMEN SHELTER	12,000.00	12,000.00	19,000.00	13,000.00	3,000.00
SUBTOTAL	411,465.00	289,065.00	457,898.00	294,496.00	7,859.00
INT REG WARRANTS			0.00	1,500.00	
TOTAL	411,465.00	289,065.00	457,898.00	295,996.00	7,859.00



AUGUST 11, 1986 (continued)

MEMORANDUM OF AGREEMENT

The Board of County Commissioners designated Howard Schwartz, Executive Officer to sign the memorandum of Agreement for the "Project Work" program between the Missoula County Commissioners, the Work Site Agency, and District XI Human Resource Council, the Administering Agency, for the Workfare program for recipients of GA payments as per the terms set forth in the Agreement. The Agreement was returned to the Human Resource Council for further handling.

Other items included:

1. The Commissioners gave approval to Health Department personnel to proceed with the Interlocal Districting Agreement for Junk Vehicles between Missoula and Mineral Counties;
2. The problem regarding the sale of bonds for the Mount Avenue RSID was discussed - the Bond authorized John DeVore, Operations Officer to proceed with the sale of the 10-year bonds rather than the 15-year; and
3. The Commissioners voted approval of the determination that suitable access is provided in the division of the following property, as per the request from Jeff Macon of Seeley Lake:

the Northwest quarter of the Northwest quarter and the East half of the Southwest quarter of Section 8, Township 20 North, Range 16 West, P.M.M., Missoula County, Montana, less that portion contained in Certificate of Survey No. 2653.

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

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AUGUST 12, 1986

The Board of County Commissioners met in regular session; a quorum of the Board was present until noon. Commissioner Stevens left for Helena in the afternoon.

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming the Billings "Gazette" as principal for Warrant #14819, dated May 5, 1986, on the School District #1 Claims Fund in the amount of \$143.75 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

REPLACEMENT BOND

Chairman Evans signed Bond #R-13 in the amount of \$30,000.00 for the County of Missoula, Montana Hospital Revenue Refunding and Improvement Bond, Series 1978, 7.125%, Due June 1, 2007, (Missoula Community Hospital Project), to replace Coupon Bonds #359 thru #363 and \$1490 at \$5,000.00 each for the purpose of registering the Bond in the name of Alice C. Wilson and Lavern A. Wilson & Arlene D. McCurdy JTWR05 537242165.

The Bond was returned to Mike Sehestedt, Deputy County Attorney, for further handling.

Other items included:

BID AWARD

The following bids were received and opened on August 11, 1986, for 100 tons of MC-800 paving asphalt which will be used to repair a section of deteriorated paving on the Boy Scout Road at Seeley Lake:

	Cost FOB Refinery	Estimated Transportation Cost	Total Estimated Cost
Montana Refining Company	11,000.00	1,658.00	12,658.00
City Service Center	7,500.00	5,450.00	12,950.00
Farmers Union Central Exchange	12,500.00	3,360.00	15,860.00

Commissioner Stevens moved, with Commissioner Evans seconding the Motion, that the Contract be awarded, as per the recommendation of the Surveyor, to the lower bidder, Montana Refining Company, for 100 tons of MC-800 asphalt at a total cost of \$11,000.00 FOB the refinery. The motion passed by a 2-0 vote, with Commissioner Dussault absent.

Also,

1. Dusty Deschamps, County Attorney met with the Board regarding the vacant clerical position in his office - no action was taken and the request will be resubmitted; and
2. The Commissioners voted approval of the determination that suitable access is provided in the division of the following property as requested by Conrad Shelhamer; proposed division of COS-166 Tract C (two parcels larger than 20 acres along Highway 200 for the Rainbow Bend project).

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

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AUGUST 13, 1986

The Board of County Commissioners did not meet in regular session; Commissioner Stevens was in Helena attending a Youth Services Study Council Meeting, and Commissioner Evans was out of the office working on a County information project.

AUGUST 13, 1986 (continued)

WEEKLY PUBLIC MEETING CANCELLED

The Weekly Public Meeting scheduled for this date was cancelled.

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AUGUST 14, 1986

The Board of County Commissioners did not meet in regular session; Commissioner Stevens was on vacation August 14th and 15th, and Commissioner Evans was out of the office until noon.

AUDIT LIST

Commissioner Evans and Dussault signed the Audit List, dated August 13, 1986, pages 3-27 with a grand total of \$58,933.05. The Audit List was returned to the Accounting Department.


AGREEMENT

Chairman Evans signed an agreement, dated July 31, 1986, between Missoula County and the Montana Highway Traffic Safety Administrator for the purpose of administering the Missoula Integrated Program, a proposal to integrate traffic safety programs such as drinking and driving prevention and the seat belt promotion, as per the terms set forth, for a total payment not to exceed \$10,000.00. The Agreement was returned to the Health Department for further handling.

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AUGUST 15, 1986

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

  
Fern Hart - Clerk & Recorder

  
Barbara Evans - Chairman

\*\*\*\*\*

AUGUST 18, 1986

The Board of County Commissioners did not meet in regular session. Commissioner Stevens was on vacation; Commissioner Evans was out of the office all day; and Commissioner Dussault was on vacation the week of August 18-22nd.

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AUGUST 19, 1986

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

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 E. L. & Donna Thorsrud approving a six-month extension of the filing deadline for the summary plat for the Thorsrud Addition, making the new filing deadline April 9, 1987.

AGREEMENT

Chairman Evans signed an Agreement between the Department of Health and Environmental Sciences and Missoula County for the purpose of providing the services of the USDA's Special Supplemental Food Program for Women, Infants, and Children (WIC), as per the terms set forth during the period from July 1, 1986 through June 30, 1987. The Agreement was returned to the Health Department for further handling.

AGRICULTURAL EXEMPTION COVENANT

The Board of County Commissioners signed the Covenant on the Certificate of Survey to create a tract of land as an agricultural exemption, located in the NW $\frac{1}{4}$  of Section 22, Township 12 North, Range 17 West, P.M.M., Missoula County, Montana, whereby the owners Carmon and Bertha Mae O'Donnell certify that the purpose of this survey is to create a parcel as an agricultural tract, and that a covenant has been entered into with the governing body that the land will remain in agricultural use, and that this survey is, therefore exempt from review as a subdivision pursuant to Section 76-3-207(1) (c), M.C.A.

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

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AUGUST 20, 1986

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

FAIR PARADE

Commissioners Evans and Stevens participated in the Western Montana Fair Parade in the forenoon.

AUDIT LIST

Commissioners Evans and Stevens signed the Audit List, dated August 20, 1986, pages 7-35, with a grand total of \$156,673.63. The Audit List was returned to the Accounting Department.

AUGUST 20, 1986 (continued)

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Christopher Capital Corp. as principal for Warrant #146325, dated May 21, 1986, on the Missoula County Capital Improvement Fund, in the amount of \$4,795.64 now unable to be found.

PUBLIC MEETING

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

BID AWARD: RSID #417-BONDS FOR MOUNT AVENUE STREET IMPROVEMENTS

John DeVore, Operations Officer for Missoula County indicated that at the August 6th public hearing no bids were received. Therefore, bids were negotiated. The amount of bonds decreased because of the low construction bids and the assessable years were changed from 15 to 10 in order to get interested bond bids.

Two bids were received as follows:

Robert Rangitisch	11%
Charlie Hall	10%

Janet Stevens moved and Barbara Evans seconded the motion to award the bid to Charlie Hall at 10% for \$55,000.00. The motion passed on a vote of 2-0.

The Public Meeting of the Board of County Commissioners then recessed at 1:35 p.m.

Chairman Barbara Evans called the meeting of the Planning and Zoning Commission to order. Also present were Commissioner Janet Stevens, County Surveyor Dick Colvill, and County Assessor Fern Hart.

HEARING: CONSTRUCTION OF SINGLE-FAMILY RESIDENCE (MARK CONNELL) - ZONING DISTRICT #4

John Torma, Planner from the Office of Community Development said:

Mark and Nancy Connell are requesting approval of a proposed single-family and driveway to be constructed on Tract 1-B of Certificate of Survey No. 2851. The applicant's property consists of 5.04 acres and is located in the southwest 1/4 of the northeast 1/4 of Section 3, Township 12 North, Range 19 West, MPM.

The property is south of and adjacent to Pattee Canyon Drive, approximately 1.7 miles east of its intersection with Higgins Avenue South. It is located within Zoning District No. 4.

Zoning District No. 4 was established on June 17, 1957, and requires that the Planning Board and the County Planning and Zoning Commission review and approve all improvements and development of lots within the Zoning District.

The General Regulations for Zoning District No. 4 require that no lots be developed in conflict with the natural physiography.

After reviewing all testimony and documentation, the Board recommended that the applicant's requests to construct a single-family dwelling and driveway on Tract 1-B of Certificate of Survey No. 2851 be approved, based on the findings of fact set forth in the staff report and subject to the following condition:

That the vegetation between the Creek and Pattee Canyon Drive for 300 ft. west of the intersection with the private road be trimmed and maintained at a height of less than 3 feet.

While not a basis for approval or denial of this development request, he said the lack of fire protection is a concern. The Staff would therefore like to stress to the applicant that a fire danger exists in this area, and that emergency services may be limited by the private road serving the area.

Barbara Evans opened the hearing for public comment.

Nancy Connell of 625 Continental Way said she agreed with John Torma's assessment of the poor condition of the road, but said her concern is that it should not be stated as a condition for approval because the area in question is not on their land, and she understood that the criteria for approval is that a structure be consistent with the physiography which is an irrelevant issue. She said the homeowners in that area do intend to work on the road, by rebuilding it this fall, and revising the road maintenance agreement.

Dick Clemo, President of the Pattee Canyon Landowners Association said the area under question has been split into many, many parcels, and the Landowners Association feels that the problem is that there is nobody to say when a road access has to be improved. He said there were three homes in this area a year ago, now there are six, and next summer, there will be nine. He said there are 20 pieces of property that are accessing County road up there, and nobody seems to want to put their foot down and say, "this access has got to be improved". He said with all the development, the roads must be improved, the brush has got to be trimmed back, and the road has to be named. He said he favors the addition of these conditions on new homebuilders to improve the area. He said two more proposals for homes are coming next month, and with interest rates as low as they are, there will be a lot of development coming, and he would like to see the improvements made while the opportunity is there. He said people get their mail from clustered mailboxes, and the house numbers on the road do not follow any sequential order. He said it is very difficult to direct fire trucks and other visitors to the area.

Nancy Connell said that if the conditions are to be changed and there is new criteria, the Homeowners Association needs to rewrite the standards to be more specific. However, whatever conditions exist right now, should govern the decision today, and these proposed conditions should be a change for the future and not relevant to her proposal.

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

County Survey Dick Colvill asked if, when the Planning and Zoning Commission reviews a development for conflict with the natural physiology, can the Commission extend the conditions to include road inter-sections or property outside of the plat.

AUGUST 20, 1986 (continued)

PUBLIC MEETING (continued)

Diane Conner, Deputy County Attorney, said in her opinion that if the brush that is supposed to be cleared is not on the lot under consideration, the Commission could not put any restrictions on the development.

Barbara Evans asked who owns the lot with all the bushes on it.

Nancy Connell said it is owned by a private individual, not the County.

John Torma said it was his understanding that it is privately owned property. He said that when he reviews a development anywhere in the County, and it does not matter what zoning district it is in, public safety issues are always germane to the discussion, and he said the safety of the access of the inter-sections is being looked at; not in light of this particular zoning district, but in light of the public safety and welfare.

Janet Stevens asked if there was any County right-of-way along Pattee Canyon Road, and were the Commissioners, in fact putting a condition on this development demanding that private individuals maintain County right-of-way.

John Torma said that where the overgrown vegetation grows is not County right-of-way. He said the County right-of-way property in that area is fairly nebulous, and most probably is very close to the pavement, so the area in question is between the shoulder of the road and the creek, which is approximately 25 feet.

Janet Stevens said that it sounded to her like the Commission was asking the Connells to trespass on somebody else's property to cut the weeds down. It sounded like trespassing to her.

Diane Conner said she did not know of any basis for requiring the Connells to meet a condition that would require them to go on other people's property and to maintain that property.

Fern Hart asked John Torma what the homeowner's agreement said about this issue.

John Torma said the currently existing maintenance agreement for the road which is on file in the Court-house establishes all the conditions for the maintenance of that road. He said he did not think it had been updated for some time, and this issue is appropriate for inclusion in that document. He said the issue that would have to be resolved first would be the property owner's rights, but if the Commissioners decide that this is a public safety issue, that this could be accomplished somehow. He said the main concern would be that the County Commissioners and the Planning and Zoning Commission be aware of the problem that exists in the area, and that it is a very real threat to life at that intersection as well as others, and to begin to take the measures needed to alleviate the problem.

Janet Stevens said that everyone is well aware that there will soon be a number of problems created by the construction of what is anticipated to happen in the Pattee Canyon area, and if there is any way that any health hazards can be prevented, that is what should be done. However, she said she did not feel that the Connells could be forced to go on someone else's property and cut down whatever is there, and come out unscathed. She said she is concerned with the visibility in the area, but that should be addressed with the Homeowners Association rather than with attaching it to this request.

Fern Hart said she would like to suggest that the Planning and Zoning Commission meet and discuss what their authority is on issues such as this, as she felt that the Commission just could not consider another proposal until they see a plan that protects the safety of these people, and she would like to make a determination of who bears the cost of this kind of planning, and the research. She said this zoning district receives a lot of services for free, and if they had come in under the subdivision rules, they would have to pay for the services.

Barbara Evans said she agreed with Fern, but that there were some other things already in the mill, and those things should not be stopped in the middle of the stream while they get off the ship.

Dick Colvill said it was important to note that the Zoning Commission is not a subdivision review Commission.

Dick Colvill moved, and Janet Stevens seconded the motion to approve the Connell's request, and delete the portion of the staff recommendation relative to the condition that the vegetation at the intersection with the private road be trimmed and maintained at a height of less than 3 feet. The motion passed on a vote of 4-0.

Janet Stevens said she agreed with Fern that a meeting be set up to discuss the public health and safety and other issues in this particular zoning district.

The meeting of the Planning and Zoning Commission was recessed at 2 p.m.

Chairman Barbara Evans called the meeting of the Board of County Commissioners to order.

Janet Stevens moved, and Barbara Evans seconded the motion to adopt the findings of the Planning and Zoning Commission relative to the Connell's request to construct a single-family dwelling and driveway in Zoning District #4. The motion passed on a vote of 2-0.

CONSIDERATION OF: PINWOOD ADDITION (SUMMARY PLAT)

Planner Paula Jacques from the Office of Community Development said the Pinewood Addition consists of four lots on the old Milwaukee right-of-way in the Turah vicinity. Individual wells and septic systems will be used. All lots have access onto Turah Road, a county maintained gravel road. A variance has been requested from the paved driveway requirement.

The recommendation from the staff and from the Planning Board is for approval subject to the following conditions and variances:

Conditions

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. Cash-in-lieu of park land shall be donated to the County Park Fund.
3. The developer shall initiate an RSID to pave Turah Road. In the event that this fails, the following statement shall be printed on the face of the plat:

AUGUST 20, 1986 (continued)

CONSIDERATION OF: PINWOOD ADDITION (SUMMARY PLAT) (continued)

Conditions (continued)

Acceptance of a deed for a lot within this subdivision shall constitute a waiver of the right to protest a future RSID to pave Turah Road.

4. A statement requiring a minimum lot size of two acres shall be printed on the face of the plat.
5. This subdivision shall either be annexed into the Hellgate Pines Homeowners Association or the covenants submitted for review shall be adopted. Annexation into the Hellgate Pines Homeowners' Association is the preferred alternative with a separate set of covenants to be a less preferable alternative.

Variance

A variance shall be granted from the paved driveway requirement of the Subdivision Regulations because the lots are located outside of the area affecting non-attainment of air quality standards and because Turah Road, onto which the driveways will access, has a gravel surface at this time.

She said the owner of the subdivision has consented to the annexation into the Hellgate Pines Homeowners Association, and the documents will be filed with the Clerk and Recorder.

Barbara Evans opened the hearing for public comment.

Nick Kaufman, of Sorenson and Company, representing Harold Poulsen said the proposed subdivision is a four-lot subdivision that was originally proposed as a four-lot subdivision with a one-acre park. The developer was unable to meet the concerns of the Park Board with regard to maintenance and liability, so the park was deleted from the subdivision plat and Mr. Poulsen will be paying cash in lieu of parkland. He said the Hellgate Pines Homeowners Association will approach the Park Board requesting that the cash in lieu will be used to improve existing parks in Hellgate Pines I and II, and he thought that that request should be honored. In addition, he said the Poulsen's have requested annexation into the Hellgate Pines Homeowners Association, and those documents have been signed, and he thought filed earlier in the day.

Lee Tangedahl, representing the Hellgate Pines Homeowners Association, said he lives across the road from the proposed subdivision. He said the papers requesting annexation into the Homeowners Association had been filed earlier in the day. He asked about the health and sanitation conditions attached to the approval. Paula Jacques explained the conditions to him. He said all the concerns that the adjoining homeowners had previously have been resolved.

Nick Kaufman said that when Sorenson and Company got involved in the process, they were hired to retrace the 15 one-acre tracts. They also assisted Mr. Paulsen in arranging a family gift exemption and an occasional sale, as well as guiding him through the subdivision review process. He said this subdivision has been well planned and is a very good development.

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

Janet Stevens moved, and Barbara Evans seconded the motion to approve the summary plat of the Pinewood Addition subject to the conditions and findings of fact contained in the staff report. In addition, the variance from the paved driveway requirement will also be approved. The motion passed on a vote of 2-0.

HEARING: PROPOSED IDR BONDS MULTI-PURPOSE YMCA FACILITY

Under consideration was a resolution providing for the issuance of Industrial Development Revenue Bonds in the amount of \$1,500,000 to finance the costs of completing the new multi-purpose family facility.

Howard Schwartz said the Greater Missoula YMCA has requested Missoula County IDR bonds in the amount of \$1,500,000 for the purpose of financing the costs of completing the new multi-purpose facility that will include a 6-lane/25-yard indoor swimming pool, double gymnasium, running track, weight and rehabilitation fitness areas, and community meeting rooms. The total cost of this project is 3.1 million dollars. To date, 2.5 million dollars has been raised in pledges. Proceeds from the IDR bonds would be used to provide approximately \$700,000.00 in construction funds as the pledges are paid off over the next three to five years and provide funding of \$600,000.00 which is the difference between the total cost of the project and the pledges raised to date. Fundraising will continue in the expectation that this amount will ultimately be covered fully by pledges, although membership fees have been scheduled on the assumption that they would have to fund the full amount of this obligation.

Planner Mike Kress has reviewed the application for compliance with the County IDRB Policy, and he found that the application looked complete and appeared to meet the criteria for application for County IDR Bonds. Deputy County Attorney Mike Sehestedt has also reviewed the proposal and found everything to be in order.

Barbara Evans opened the hearing for public comment.

Tom Roy, Past President of the YMCA, and a current member of the Board of Directors, said he was available to answer questions.

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

Janet Stevens moved, and Barbara Evans seconded the motion that the issuance of Industrial Revenue Bonds in the amount of \$1,500,000.00 to finance the costs of completing the new multi-purpose family facility be found to be in the public interest, and that the resolution be signed. The motion passed on a vote of 2-0.

RESOLUTION NO. 86-087

A Resolution relating to a project and revenue bonds under Title 90, Chapter 5, Part 1, Montana Code Annotated: Approving and authorizing the greater Missoula Family Young Men's Christian Association project and the issuance of Industrial Development Revenue Bonds therefor.

The Board of County Commissioners then signed Resolution No. 86-087 as referenced above authorizing the issuance of \$1,500,000.00 in Industrial Development Revenue Bonds for the Greater Missoula Family Young Men's Christian Association Project.

AUGUST 20, 1986 (continued)

PUBLIC MEETING (continued)

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

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AUGUST 21, 1986

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. The Commissioners were at the Fairgrounds in the afternoon.

TOUR OF JOHN R. DAILY, INC.

In the morning, Commissioners Evans and Stevens accompanied Warren Wilcox on a tour of John R. Daily, Inc. to view their proposed expansion of the plant.

RESOLUTION NO. 86-088

The Board of County Commissioners signed Resolution No. 86-088, a resolution supporting Missoula Indian Alcohol and Drug Service, urging that the Indian Health Services to provide full financial support for Missoula Indian Alcohol and Drug Services in its treatment and prevention activities.

MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement between the United Food and Commercial Workers International, Local 1981, and the County of Missoula whereby they agree that the bargaining agreement between United Food and Commercial Workers International, Local 1981 and the County-City Library of the County of Missoula, Montana, from July 1, 1984, through June 30, 1986, shall remain in reffect for the term July 1, 1986, through June 30, 1987; and that the salaries of employees covered by this contract shall remain at the current levels, and such employees shall be ineligible for longevity (step) increases during the term of this Agreement.

The Agreement was returned to Kathy Crego, Personnel Officer for further handling.

CONTRACT

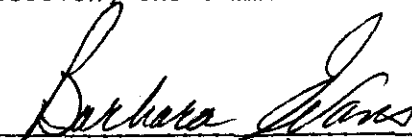
The Board of County Commissioners signed a Contract (#MT-CDBG-S85E-19) between Missoula County and the State of Montana Department of Commerce for the purpose of providing funding for project activities approved by the Department under the Montana Community Development Block Grant Program (CDBG) for FY 1985, for the period from July 28, 1986, to Nov. 14, 1987, for the project whereby the County will loan Mill Wood Systems, a local furniture manufacturing firm doing business under the name of Norco Products, \$275,000 towards a \$1.4 million relocation and business expansion project, as per the terms set forth, with the total amount of the contract not to exceed \$302,000.00.

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AUGUST 22, 1986

The Board of County Commissioners did not meet in regular session; the Commissioners were at the Fairgrounds all day.

  
Fern Hart, Clerk & Recorder

  
Barbara Evans, Chairman

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AUGUST 25, 1986

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Helena attending a MACO Executive Board Meeting; Commissioner Stevens was on vacation the week of August 25th through 29th; and Commissioner Evans was out of the office all day.

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AUGUST 26, 1986

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

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming LeRoy Mix as principal for warrant No. 15426, dated July 29, 1986, on the Missoula County High School General Fund in the amount of \$65.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

PAYROLL TRANSMITTAL SHEETS

The Board of County Commissioners signed the transmittal sheets for the following pay periods:

1. #16 (7/13/86 through 7/26/86) with a total Missoula County Payroll of \$359,038.54; and
2. #17 (7/27/86 through 8/9/86) with a total Missoula County Payroll of \$367,370.33.

The transmittal sheets were returned to the Auditor's Office.



AUGUST 26, 1986 (continued)

CONTRACTS

The Board of County Commissioners signed the following contracts:

1. Between Missoula County and Western Materials, Inc. for construction, installation, and completion of the Mount Avenue Realignment Project RSID #417, for a total amount of \$98,990.00; and
2. Between Missoula County and Nelcon, Inc. for construction, installation, and completion of the guardrail installation on Pulp Mill Road for a total amount of \$13,500.00.

The contracts were returned to Centralized Services for further handling.

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

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AUGUST 27, 1986

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 August 29, 1986, pages 6-36, with a grand total of \$202,662.06. The Audit List was returned to the Accounting Department.

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Education Management Systems as principal for warrant #3473, dated September 12, 1985, on the Lolo School District #7 Block Grant Fund 23 in the amount of \$5,752.80 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

AGREEMENTS

Chairman Evans signed the following Agreements between Missoula County and the Montana Department of Health & Environmental Sciences (DHES):

1. for the purpose of providing services under the Maternal and Child Health Services Block Grant (MCH), as per the mutual covenants and stipulations set forth for the period from July 1, 1986, through September 30, 1986, with total funding of \$8,056.00 available; and
2. for the purposes of inspecting and testing small public water supplies to ensure their safety; as per the mutual covenant and stipulations set forth, for the period from July 1, 1986, through June 30, 1987, for a total payment not to exceed \$4,815.00.

The Agreements were returned to the Health Department for further handling.

INTERLOCAL DISTRICTING AGREEMENT

The Board of County Commissioner signed an interlocal Districting Agreement between Missoula County and Mineral County for the purpose of administering and enforcing the provisions of the Montana Motor Vehicle Recycling and Disposal Act and Regulations, as per the terms set forth, for the initial period beginning July 1, 1986, through July 1, 1987, whereby Missoula and Mineral Counties will combine their State junk vehicle eligibility grants (as specified in 75-10-534 MCA) into a District Junk Vehicle Fund to be used for the control, collection, recycling, and disposal of junk vehicles and component parts, with at least five thousand dollars (\$5,000.00) of the District Junk Vehicle Fund to be expended in Mineral County during each fiscal year.

LOAN AGREEMENT & MORTGAGE

The Board of County Commissioners signed a Loan Agreement and Mortgage between Missoula County and Millwood Systems, Inc. (NORCO), whereby NORCO will borrow CDBG funds from the County to expand a business enterprise. The amount of the loan being \$275,000.00 to be repaid over a term of fifteen (15) years, as per the terms set forth and granting to the County a mortgage for the following described real property:

Tract 12-A in WORNATH ORCHARD TRACTS, TRACT 12, a subdivision of Tract 12 of the Amended Plat of Wornath Orchard Tracts, a platted subdivision in Missoula County, Montana.

The documents were returned to John Kellogg in the Office of Community Development for further handling.

Other matters included:

The Commissioners sent an official request to the State of Montana, Department of Administration, to include for Medicare coverage in our Social Security Plan and Agreement, all temporary employees of Missoula County, including those temporary employees hired prior to April 1, 1986.

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

PUBLIC MEETING

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

CONSIDERATION OF: SPORTCO ADDITION (FINAL PLAT)

Paula Jacques, Planner from the Office of Community Development said the preliminary plat of the Sportco Addition, consisting of four single family lots, was approved by the Commissioners on March 14, 1986. The subdivision is located on St. Francis Drive.

AUGUST 27, 1986 (continued)

PUBLIC MEETING (continued)

CONSIDERATION OF: SPORTCO ADDITION (FINAL PLAT) (continued)

Paula Jacques:

She said there were two conditions of approval:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. The developer shall petition to vacate the turn-around easement created with Gustafson Addition and recorded in Book 213, Page 1182, pursuant to the process described in Title 7, Chapter 14, Part 26, MCA. The document vacating the easement shall be filed at the same time as the plat.

She said that there were three conditions of approval attached to the preliminary plat of Sportco Addition. To date, the one requiring approval by the County Surveyor of the road, grading, drainage and erosion control plans for the extension of St. Francis Drive has been satisfied.

The condition relative to vacating the easement cannot be completed until the plat is ready to be filed -- this was specified at the request of the County Surveyor to insure that the turn-around easement was not vacated until the right-of-way for the extension of St. Francis was granted. The state Department of Health has not yet lifted sanitary restrictions on the subdivision, so that remains as a condition to be satisfied prior to plat filing.

Ann Mary Dussault moved and Barbara Evans seconded the motion to approve the final plat of the Sportco Addition subject to the conditions established by the Planning Board, with the additional piece of information going to the developers that it is not now nor has it ever been the policy of the Commissioners to participate in a developer RSID through Aid to Construction Program. The development, in this case, Sportco Addition, is required to bear the cost. The motion passed on a vote of 2-0.

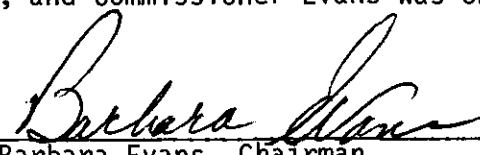
There being no further business to come before the Board, the Commissioners were in recess at 1:40 p.m.

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AUGUST 28 & 29, 1986

The Board of County Commissioners did not meet in regular session; Commissioner Dussault attended a HRDC Directors Association Meeting in Polson August 28th and 29th, and Commissioner Evans was on vacation August 28th and 29th.

  
Fern Hart, Clerk & Recorder

  
Barbara Evans, Chairman

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SEPTEMBER 1, 1986

The Courthouse was closed for the Labor Day Holiday.

SEPTEMBER 2, 1986

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 Interstate Brands as principal for warrant #14365, dated May 6, 1986, on the Missoula County High School Food Service Fund in the amount of \$4.80 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFER

The Board of County Commissioners approved and signed the following budget transfer for General Services and adopted it as part of the FY '87 budget:

No. 870001 a request to transfer \$6,000.00 from the Permanent Salaries Account to the Overtime Account as the original budget had lumped overtime with permanent salaries.

RESOLUTION NO. 86-089

The Board of County Commissioners signed Resolution No. 86-089, a resolution authorizing the establishment of an external bank account for Youth Court for payment of restitution as per the conditions set forth in the Resolution.

EXTENSION LETTER

The Board of County Commissioners signed a letter to Lee Snider approving a one-year final plat filing extension for the 7th Street Townhomes making the new plat submittal deadline September 4, 1987.

Other matters included:

The Commissioners met with Dick Colvill, County Surveyor, and discussed the bids for grading equipment and various bridge projects including Sawmill Gulch and the Forest Service Agreement.

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

SEPTEMBER 3, 1986

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 Janet Vieth (Royce) as principal for warrant #124485 on the Missoula County Trust Fund, dated July 31, 1986, in the amount of \$150.00 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 Proclamation proclaiming that the week of September 13th to September 20, 1986, be observed as "YMCA YOUTH SOCCER WEEK" throughout our community, and that it signal a job well done for the past ten years, and many more to come.

ENGINEERING AGREEMENT

The Board of County Commissioners signed an Agreement for Professional Engineering Services between Missoula County and the engineering firm of Stensatter, Druyvestein and Associates for professional services, as per the terms set forth, for the RSID No. 420 project of street construction in a portion of Gleneagle at Grantland (streets to be constructed are North Windsor, Argyll, St. Andrews Way West), for a total fee of \$11,950.00.

Other matters included:

1. Board Appointment  
The Board of County Commissioners appointed Joe Kipphut, the current "alternate", as a "regular" member of the Weed Control Board to fill out the unexpired term of Dale Johnson, who has resigned, through December 31, 1988;
2. The Commissioners voted to waive the \$5.00 County moving permit fee for the residents who are being displaced by the development of the River Road project and have to move their trailer homes (a total of \$25.00) - a memo will be sent to the Treasurer's Office to notify them;
3. John DeVore, Operations Officer proposed that a hearing be held on the creation of a maintenance RSID for the Golden West Sewer project - the Commissioners approved the request and a hearing will be held the last week in September; and
4. The proposed BLM land pool exchange was discussed - Jim Dopp, Assistant Operations Officer will write to the BLM saying that the County does not formally request a hearing; but if they prefer to have one, it would be all right with the Commissioners.

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

PUBLIC MEETING

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

CONSIDERATION OF: RENTAL SUBDIVISION (ED AND ELLEN THOMAS - 2620 NORTH AVENUE WEST)

Paula Jacques, Planner from the Office of Community Development said the Thomas subdivision is a proposal to add a second residential structure to a 2.2 acre tract that is a portion of Lot 14, Cobban & Dinsmore Orchard Homes #3. The property is located at 2620 North Avenue West and currently contains a two bedroom house, garage and barn. The Thomas' propose to locate a modular home on the front portion of the parcel. It would have its own septic system and well. As the land is located within a platted subdivision, the addition of the second dwelling creates a subdivision by lease or rent that is subject to the local review process.

Chairman Barbara Evans arrived at the meeting at this point.

Paula Jacques said the Planning Board had adopted the staff recommendation which was to approve the Thomas Rental Subdivision subject to the following conditions and findings of fact:

Conditions

1. The structure shall be situated as shown on the applicant's site plan.
2. The applicant shall obtain a septic permit from the Health Department.
3. The septic system shall be placed outside of the additional right-of-way on North Avenue.

Findings of Fact

Criterion 1: NEED -- The property is located in Zoning District #12, a citizen initiated zone which permits one and two family dwellings, with a required minimum lot size of 12,000 square feet. The Comprehensive Plan recommends urban single family use at a density of up to six units per acre. The addition of a second dwelling to the 2.2 acre tract complies with both the zoning and Comprehensive Plan.

Criterion 2: PUBLIC OPINION -- No public hearing is required with summary review and to date, no comments have been received. The property was posted to notify area residents of the request.

Criterion 3: EFFECTS ON AGRICULTURE -- The property has been used for horse pasture in the past. However, the Cobban & Dinsmore Orchard Homes Addition #3 was platted in 1901, beginning the conversion of the land to residential use.

Criterion 4: EFFECTS ON LOCAL SERVICES -- The lot, which currently contains a residential structure, has access to the public and private services required by residential uses. The County Surveyor has noted that the right-of-way for North Avenue is only thirty feet wide at this point and requested that setbacks be maintained so that additional right-of-way can be required in the future. The approximate 100 foot setback proposed by the applicant leaves ample room for future road improvements. This portion of North Avenue has a 24 foot paved service and drainage swales. Area elementary students attend C.S. Porter School and secondary students attend Big Sky High School.

SEPTEMBER 3, 1986 (continued)

PUBLIC MEETING (continued)

CONSIDERATION OF: RENTAL SUBDIVISION (ED AND ELLEN THOMAS - 2620 NORTH AVENUE WEST)(continued)

Findings of Fact (continued)

Criterion 5: EFFECTS ON TAXATION -- The addition of another residential structure will increase the tax revenue generated by this site. It is located in an area to which tax-supported services are already provided.

Criteria 6 & 7: EFFECTS ON THE NATURAL ENVIRONMENT, WILDLIFE AND WILDLIFE HABITAT -- This rental subdivision is located in an area already developed for residential use, thus the primary impact on the environment has already occurred.

Criterion 8: EFFECT ON PUBLIC HEALTH AND SAFETY -- The applicant must obtain a permit for the installation of the new septic system from the Health Department. As no new parcels are being created, it will not be reviewed as a subdivision by the Health Department. Tom Barger, Environmental Health Specialist, stated that soils in the area are adequate for septic systems. The subdivision is located in the Rural Fire District and is close to health and emergency services.

Janet Stevens asked the Thomas's if they had any objections to the conditions that have been recommended for this subdivision.

Ed Thomas, 2620 North Avenue West said he was in agreement with the conditions.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the Thomas rental subdivision subject to the conditions and findings of fact as stated on the record. The motion passed on a vote of 3-0.

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

MASTER PLAN PRESENTATION

In the evening, Commissioners Dussault and Stevens attended the Presentation of the Missoula Fire Protection and Emergency Services Master Plan which was held in the City Council Chambers.

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SEPTEMBER 4, 1986

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending a Department of Labor Job Training Advisory Council meeting.

AUDIT LIST

Commissioners Evans and Stevens signed the Audit List, dated September 3, 1986, pages 4-25, with a grand total of \$43,353.70. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

PAYROLL TRANSMITTAL SHEET

The Board of County Commissioners signed the transmittal sheet for pay period #18 (8/10/86 through 8/23/86) with a total Missoula County payroll of \$357,856.92. The transmittal sheet was returned to the Auditor's Office.

AGREEMENT

Chairman Evans signed an Agreement between the Department of Health and Environmental Sciences and Missoula County for the purpose of assisting Missoula County to conduct its own air pollution control program, as per the conditions set forth, for the period from July 1, 1986, through June 30, 1987. The Agreement was returned to the Health Department for further handling.

RESOLUTION NO. 86-090

The Board of County Commissioners signed Resolution No. 86-090, a resolution adopting an Amendment to Resolution No. 76-113, the Missoula County Zoning Regulations, as follows:

Section

2.05 E. Add: Public Utility Installation

RESOLUTION NO. 86-091

The Board of County Commissioners signed Resolution No. 86-091, a resolution fixing the form and details of up to \$55,000.00 for RSID No. 417 bonds and directing their execution and delivery, for the purpose of street improvements on Mount Ave. between Eaton St. and Reserve St. located in Section 29, Township 13 North, Range 19 West, P.M.M.

RESOLUTION NO. 86-092

The Board of County Commissioners signed Resolution No. 86-092, a resolution of intention to create RSID No. 910 for the purpose of providing funds for the ongoing maintenance of the Golden West Community Sewer System, which was constructed by RSID No. 260, created on July 24, 1975, and was deeded over to Missoula County once it was constructed.

RESOLUTION NO. 86-093

The Board of County Commissioners signed Resolution No. 86-093, a resolution of intention to create RSID No. 421 for the purpose of the construction of watermains and appurtenances to serve Lots 1 through 27 of Gleneagle at Grantland, as per the terms set forth in the Resolution.

SEPTEMBER 4, 1986 (continued)

RESOLUTION NO. 86-094

The Board of County Commissioners signed Resolution No. 86-094, a resolution of intention to create RSID No. 422 for the purpose of the construction of approximately 4,200 feet of paved roadway complete with drainage structures to serve Gleneagle at Grantland, as per the terms set forth in the Resolution.

RESOLUTION NO. 86-095

The Board signed Resolution No. 86-095, a resolution of intent to create RSID No. 423 for the purpose of constructing wells, pumphouse, water supply main and storage tank to serve Gleneagle at Grantland, as per the terms set forth in the Resolution.

NOTICES OF PASSAGE OF RESOLUTIONS OF INTENTION

Chairman Evans signed the Notices of Passage of the above resolutions of intention to create RSID Nos. 910, 421, 422 and 423, setting the hearing date for each for October 1, 1986, at 1:30 p.m.

Other matters included:

The Commissioners discussed the request from Robert G. & Edwina D. Anderson to determine suitable access for the land parcel described as the east half of the Southeast one-quarter of the Northeast one-quarter of Section 12, Township 11 North, Range 19 West, P.M.M. and made the determination as follows:

that the accesses and easements to the parcels consisting of twenty acres or larger are unsuitable for the purposes of providing appropriate services such as fire protection, school busing, ambulance, and snow removal; consequently, the land-owners should expect that such services may not be provided.

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

GAMBLING COMMISSION

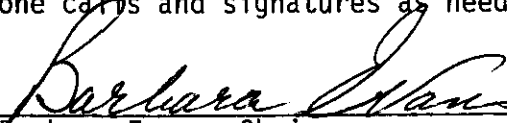
Commissioner Evans attended a meeting of the Gambling Commission held in the afternoon.

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SEPTEMBER 5, 1986

The Board of County Commissioners did not meet in regular session; Commissioner Dussault was in Helena where she attended the "Taxation and Montana Economy" Conference on September 5th and 6th, and Commissioner Evans was out of the office all day, but was available for phone calls and signatures as needed.

  
Fern Hart, Clerk & Recorder

  
Barbara Evans, Chairman

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SEPTEMBER 8, 1986

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

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

CONTRACT

The Board of County Commissioners signed a contract between Missoula County and Dr. William Stratford, an independent contractor, for the purpose of providing psychiatric services and to assist in developing a suicide prevention program in the Missoula County Jail for the care and keeping of inmates incarcerated therein, as per the terms set forth, for the period from September 1, 1986 through June 30, 1987, for compensation of \$75.00 per hour of services performed.

CONTRACT

The Board of County Commissioners signed a contract, dated July 1, 1986 between Missoula County and Motorola Communications and Electronics, Inc. for the purpose of maintenance of the County Communications System, as per the terms set forth, through September 30, 1987, as per the cost summary (Exhibit A) attached to the Contract. The Contract was returned to John DeVore, Operations Officer, for further handling.

AGREEMENT

The Board of County Commissioners signed an Agreement between Missoula County and Mineral County regarding reimbursement by Mineral County to Missoula County for the costs incurred by Missoula County in those cases in which an attorney, employed by Missoula County as a Public Defender, is appointed to represent a person accused of crime in the courts of Mineral County, as per the terms set forth. The Agreement was returned to Dick Vandiver, Court Operations Officer for further signatures and handling.

AGREEMENT

The Board of County Commissioners signed an Agreement between Missoula County and Loyd L. Kimble and Gregory C. MacDonald of Billings, MT., the owners of 53 lots in Mountain Shadows Subdivision No. 1, Missoula County, against which there are delinquent taxes and assessments, and for which the owners have agreed to provide for the repayment of the delinquent taxes, penalty and interest, as per the terms set forth; and the County has agreed that it will not apply for a tax deed in accordance with Section 15-18-203, MCA, so long as the Agreement is current status. The Agreement was returned to Mike Sehestedt, Deputy County Attorney, for further handling.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

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SEPTEMBER 9, 1986

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was out of the office all day because of illness.

AUDIT LIST

Commissioners Evans and Stevens signed the Audit List dated September 9, 1986, pages 5-25, with a grand total of \$149,693.64. The Audit List was returned to the Accounting Department.

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Jean Keegan as principal for warrant #1140, dated June 2, 1986, on the Sunset School District 30 General Fund in the amount of \$115.68 now unable to be found.

MONTHLY REPORT

Chairman Evans examined, approved and ordered filed the monthly report of the Clerk of District Court, Bonnie Henri, showing items of fees and other collections made in Missoula County for the month ending August 3, 1986.

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, dated July 1, 1986, between Missoula County and the following organizations:

1. The Western Montana Comprehensive Developmental Center, whereby the County will purchase evaluation and treatment services for children and adults in Missoula County, as per the terms set forth, through June 30, 1987, for a total amount of \$13,000.00; and
2. Watson's Receiving Home, whereby the County will purchase services for victims of abuse and neglect in Missoula County as per the terms set forth, through June 30, 1987, for a total amount of \$20,000.00 to be funded under the Missoula County Victim/Witness Assistance Program.

CONSTRUCTION LOAN AGREEMENT

The Board of County Commissioners signed a Construction Loan Agreement between Missoula County and Millwood Systems, Inc., whereby the County has agreed to loan Millwood Systems \$275,000.00 from CDBG funds it has received to be used for building construction and to increase employment opportunities for low and moderate income persons residing within the Lender's jurisdictional area, as per the loan being evidenced by a promissory note and mortgage executed by the Borrower and personally guaranteed by James M. McDonald, Carolyn McDonald, and Charles F. Knudson, and is to be repaid upon completion of construction and in no case later than December 1, 1986. The Agreement was returned to John Kellogg in the Office of Community Development for further handling.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

LUNCHEON MEETING

Commissioner Evans attended a luncheon meeting with Bev Gibson of the Montana Association of Counties to discuss plans for the 1988 MACo Annual Conference which will be hosted by Missoula County.

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SEPTEMBER 10, 1986

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 because of illness.

INDEMNITY BOND

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Mary K. Ghormley (Davis) as principal for warrant # 122489, dated May 21, 1986, on the Missoula County Trust Fund in the amount of \$200.00 now unable to be found.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

MEMORANDUMS OF AGREEMENT

The Board of County Commissioners signed memorandums of Agreement, dated July 1, 1986, between Missoula County and the following organizations:

1. The Missoula Senior Citizens Center Association, Inc., whereby the County will purchase transportation on the mini-bus for the purpose of grocery shopping and care of medical needs, as per the terms set forth, through June 30, 1987, for a total amount of \$3,000.00;
2. The Missoula County Humane Society, whereby the County will subsidize spay and neutering services for dogs and cats in Missoula County; as per the terms set forth through June 30, 1987, for a total amount of \$5,000.00;
3. Women's Place, whereby the County will purchase 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, through June 30, 1987, for a total amount of \$10,400.00 contingent upon receipt of Federal Criminal Justice Block Grant Funds by Missoula County;
4. YWCA Battered Women's Shelter, whereby the County will purchase crisis intervention, shelter and related services for victims of domestic violence in Missoula County, as per the terms set forth, through June 30, 1987, for a total amount of \$13,000.00, contingent upon receipt of Federal Criminal Justice Block Grant Funds by Missoula County; and



SEPTEMBER 10, 1986 (continued)

5. Arrow Medical Services, whereby the County will purchase ambulance services and to respond to Missoula County law enforcement and fire protection calls, including, but not limited to, 9-1-1 Emergency Dispatch Center calls, prisoners in the County Jail; and persons receiving County medical assistance, as per the terms set forth, through June 30, 1987 for a total amount equal to 50% of the usual and reasonable cost of such ambulance services, up to a maximum of \$5,000.00.

#### AGREEMENT TO SELL AND PURCHASE

Chairman Evans signed an Agreement to Sell and Purchase, dated July 30, 1986, between Missoula County and David and Britt G. Finley for one of the easements needed for the Rattlesnake Sewer Project as per the terms set forth for the sum of \$100.00 consideration. The Agreement was returned to John DeVore, Operations Officer, for further handling.

#### EXTENSION LETTER

The Board of County Commissioners signed a letter to Greg Martinsen of Martinsen Surveys approving a 30-day extension for the final plat filing for the Beeler Addition, making the new plat submittal deadline October 18, 1986.

Other matters included:

The Commissioners met with Dick Vandiver, Court Operations Officer and discussed the contract for conflict work in indigent cases - it was decided that formal bids will be called for prior to awarding a contract.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

#### PUBLIC MEETING

The meeting was called to order at 1:30 by Acting Chair Janet Stevens. Also present was Commissioner Ann Mary Dussault.

#### BID AWARD: TURTLE POND FOOTBRIDGE (GREENOUGH PARK) SURVEYOR

Information provided by Fred Crisp, P.E. from the County Surveyor's Office indicated that bids were taken on September 2, 1986 for glued-laminated treated timbers for the Turtle Pond Footbridge in Greenough Park RS-3. The only submitted bid is too high to allow the purchase of other materials necessary to complete the structure. The project will be rebid and alternate designs allowed.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to reject all bids as per the recommendation from the County Surveyor's Office. The motion carried on a vote of 2-0.

#### BID AWARD: COMPUTER SYSTEM (PUBLIC DEFENDER'S OFFICE)

Information provided by James D. Dolezal, Data Processing Manager for Missoula County indicated that three bids were received. They were:

<u>VENDOR</u>	<u>HARDWARE</u>	<u>1st Year MAINTENANCE</u>	<u>1st Year TOTAL COST</u>	<u>5 Year TOTAL COST</u>
4-G's	22,085	3,000	25,085	34,685
Business Machines	28,715	1,250	29,965	41,115
Emery	22,895	1,860	24,755	32,995

Business Machines bid an alternative network that was not in the bid specifications, according to the information supplied by Jim Dolezal. In addition, he offered the opinion that two firms, 4-G's and Emery both had excellent bid responses.

The recommendation, based on total first year actual cost and total five year estimated cost was to award the bid to Emery Computers.

Ann Mary Dussault moved and Janet Stevens seconded the motion to award the bid to Emery as per the recommendation from the Data Processing Manager. The motion carried on a vote of 2-0.

Commissioner Barbara Evans arrived at the meeting at this point and assumed the Chairmanship.

#### HEARING: CERTIFICATE OF SURVEY REVIEW - FAMILY TRANSFER - RON LANE

Information provided by Deputy County Attorney Joan Newman indicated that Mr. Ron Lane owns two lots in the Meadows of Baron O'Keefe - both are 20 acre tracts. He wants to give a 10 acre parcel from each to one of his children. The settlement of the litigation requires all subsequent divisions to be reviewed by the Board of County Commissioners. Mr. Lane has not done any previous divisions by exemption.

Barbara Evans opened the hearing for public comment. No one came forward to speak.

Joan Newman indicated that Mr. Dennis Lind, an attorney representing Mr. Lane had told her he wished to address the issue but had not yet arrived at the meeting. She asked that the Commissioners hold this matter in abeyance until Mr. Lind's arrival. The Commissioners agreed.

The public meeting of the Board of County Commissioners was then recessed at 1:35 p.m.

#### HEARING: PLANNING AND ZONING COMMISSION - PRIVATE ROAD - ZONING DISTRICT #4 (STEVE SICKLES)

Chairman Barbara Evans convened a meeting of the Planning and Zoning Commission at 1:35 p.m. Also present were Commissioners Ann Mary Dussault and Janet Stevens, County Surveyor Dick Colvill, and County Assessor Fern Hart.

John Torma, Planner from the Office of Community Development told the Commission that Mr. Steve Sickles is requesting approval of a proposed private road to be constructed on property described as G.L.O. Lots 2 & 3, Section 2, Township 12 North, Range 19 West, MPM. This road is to serve as an access drive to the proposed building site of a future single-family residence. The applicant's property consists of 60 acres in the north 1/2 of the northwest 1/4 of Section 2, T12N, R19W.

SEPTEMBER 10, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: PLANNING AND ZONING COMMISSION - PRIVATE ROAD - ZONING DISTRICT #4 (STEVE SICKLES) (cont.)

Mr. and Mrs. Sickles purchased the property in April of 1986 for the purpose of building their home on it. Mr. Sickles has also stated that he intends at a future date to split this 60 acre parcel into three 20 acre parcels and transfer ownership of two of the parcels to his two sons who would then build their homes on them. The entirety of this 60 acre parcel is located within Zoning District No. 4.

The access to the existing 60 acre parcel of land is a private gravel road which currently serves as access for two existing single-family residences near the base of the road and other privately owned parcels further uphill. The first 30 to 50 feet of this road is paved and also serves as the entrance to the single-family residence nearest to the intersection with Pattee Canyon Drive. The existing private road is approximately 1/2 mile long and junctures with Pattee Canyon Drive approximately 2 1/3 miles east of the Higgins Street intersection.

Zoning District No. 4 was established on June 17, 1957 and requires that the Planning Board and the Missoula County Planning and Zoning Commission review and approve all improvements and development of property within the zoning district.

The General Regulations for Zoning District No. 4 require that no lots be developed in conflict with the natural physiography. The Planning Board's recommendation is approval of the applicant's request with the one condition that "the method and materials used in seeding and mulching the cuts and fills of the road be approved by the Director of the Office of Community Development."

John Torma then showed slides depicting the site, the existing road, the proposed road, the accesses, and the physiography of the land.

He asked that the following statement from County Surveyor Dick Colvill be entered into the public record:

"On August 13, 1986, I viewed the private drive entrance onto Pattee Canyon Road. This entrance is paved and being used by two residences now. The speed limit on Pattee Canyon Road at this point is 35 MPH. The sight distance to the east is 178 feet and to the west is 250 feet. With the removal of two Cottonwood trees and one (1) 4' Pine and one (1) 5' Douglas Fir and some Knapweed, the sight distance could be improved to 250 feet to the east and 350 feet to the west. We would require 350 feet on an approach permit. The tree trimming and other brushing could be accomplished on our right-of-way."

He said there were a number of ways that physiography could be looked at; one of them is from an engineering standpoint (does the physiography preclude an engineering solution to a problem), and two, aesthetics (what are the impacts in relation to the physiography of the land), and three, the relationship to non-human residents (the particular eco system that one is dealing with). He said he had viewed the physiography primarily on its impact to other residents of the canyon. He said the fact that the proposed road traverses two sides of the drainage which face in on each other, and are not visible from the rest of the canyon led him to conclude that even though this proposal does have a considerable impact on the physiography of the canyon, the visual impact on the neighbors is not there. He said there is a possible impact to the other residents of the canyon due to the sedimentation and run-off, which is inevitable due to these road cuts. That is the reason for the recommendation that the methods used for the seeding and mulching of the road cut be approved by the Director of the Office of Community Development. He said he would recommend that this approval of the fill come before the development of this road. He said that the Planning Board, on August 5, had recommended approval of the portion of this road that is on the applicant's property, and not that portion of it for which the easement is under question.

At this point, (1:53 p.m.) the hearing before the Planning and Zoning Commission was suspended in order to resume the prior hearing before the Board of County Commissioners in regard to the Certificate of Survey Review by applicant Ron Lane.

HEARING: CERTIFICATE OF SURVEY REVIEW - FAMILY TRANSFER - RON LANE (cont.)

Dennis Lind, representing Mr. Ron Lane, said this was a request for a family exemption in the Meadows of Baron O'Keefe. Mr. Lane is requesting approval to gift parcels to his children, ages 23 and 25, as he has had financial difficulty with the property.

Barbara Evans asked if anyone else wished to speak on this matter. No one came forward and the public hearing was closed.

Janet Stevens asked if these properties were being put into a trust or were they being deeded over to the children.

Dennis Lind said they were being deeded directly over to the children.

Janet Stevens moved, and Ann Mary Dussault seconded the motion to approve the request for a family transfer exemption for Ron Lane for the following reasons:

1. There has not been an occasional sale of this property within the past twelve months; and
2. There is no evidence that there is any intent to evade the Montana Subdivision and Platting Act.

The motion passed on a vote of 3-0.

The Public Meeting of the Board of County Commissioners was then recessed at 1:55 p.m., and the Planning and Zoning Commission was reconvened.

HEARING: (PLANNING AND ZONING COMMISSION) PRIVATE ROAD, ZONING DISTRICT #4 - Steve Sickles (continued)

Chairman Barbara Evans called the Commission back into session and opened the hearing for public comment.

SEPTEMBER 10, 1986 (continued)

HEARING: (PLANNING AND ZONING COMMISSION) PRIVATE ROAD, ZONING DISTRICT #4 - Steve Sickles (continued)  
Tom Boone,

An attorney representing Mr. Sickles said Mr. Sickles was agreeable to doing the recommended road work at the intersection of Pattee Canyon Road and his access. He said part of the easement will be on property that Mr. Sickles owns, but the problems come in when Mr. Sickles is attempting to build a road over someone else's property that he has an easement to. He said Mr. Sickles had attempted to obtain other access to his property, but has been unable to secure access from adjoining landowners off Snowshoe Lane. After the negotiations with Dr. Cox and Dr. Cimino had broken down, the engineer had determined that this proposed road was the most logical access to be constructed.

Terry Druyvestein, the engineer hired by Mr. Sickles, outlined the engineering plans that had been done for the road. He said there was not a large erosion potential due to the soil consistency, and the road was not too steep for vehicles to traverse, and the construction of the road would not be too difficult.

Janet Stevens asked about the size of the drainage pipe which would be used in the culvert.

Terry Druyvestein said that due to the flood frequency of the canyon, the pipe was sized at 36 inches, which would provide more than ample service.

Ann Mary Dussault asked how deep the draw is where the culvert will be placed.

Terry Druyvestein said it was not a narrow, sharp draw, about 30 feet wide at one point, and 150 feet at its widest point. He said a fairly good sized fill would be used, he thought about 9 feet of fill would be used. He indicated the draw and the fill area on a blackboard.

Ann Mary Dussault asked about the plastic that would be used in the construction.

Terry Druyvestein said the plastic would be used just during the construction of the culvert, to divert the water around the culvert and keep the water from eroding the surrounding land. The plastic would be removed when the water was diverted back into the culvert.

Ann Mary Dussault asked if there would be any further maintenance involved after the construction other than the cleaning of the culvert.

Terry Druyvestein said the only maintenance problem he could foresee would be activities from beaver ponds and the like.

Janet Stevens asked if this culvert would cause more sediment to run down into Pattee Creek.

Terry Druyvestein said he thought that it would make no change.

Barbara Evans asked if there would be any provision made for Mr. Sickles to keep the pipe open.

Terry Druyvestein said no, but it would be to his advantage to keep the culvert open as it would wash out the road and he would have to rebuild it.

Barbara Evans asked if anyone else wished to speak in favor of this proposal.

Steve Sickles asked if he could reserve the right to speak later.

Barbara Evans asked if anyone wished to speak in opposition.

Dick Clemow, President of the Pattee Canyon Landowner's Association gave a history of the zoning of the area, and said the current plan was drafted in 1972. There were discussions then about how to define conflict and physiography, and apparently, those discussions are still going on. He said the zoning statutes say, "no conflicts", and the building of this road would disrupt three acres of trees, and a great deal of land would be disrupted to build one home. This was not a conflict, but a clash with the zoning of the area. If there were ten homes that were going to be put in there, this request might be more appropriate.

Janet Stevens asked Mr. Clemow if he meant to say that if Mr. Sickles were disrupting the land for ten homes, it would be all right?

Dick Clemow said he was talking about the impacts of this development versus the benefits to be gained.

Fern Hart asked if the three acres everyone was talking about was three acres total, or would the road just cross the three acres?

Dick Clemow said he figured on his calculator that three acres of road surface would be involved.

Dick Colvill asked Mr. Clemow if he concurred with Mr. Sickel's assessment that the road would not be visible to anyone else in the canyon besides the Sickles.

Dick Clemow said that in context to the zoning, it is understood that everyone who develops their property is doing it on their own land, but those developments could conflict with the physiography. He said the road would be visible to anyone looking across the canyon.

Dick Fritz-Sheridan, a resident of Pattee Canyon spoke at length about the effects of clear cutting, and said that Mr. Sickles' request reflected a narcissistic attitude about the land. He said the building of this road would create a significant alteration to the eco system of the area, and the land would not heal.

Ron Erickson said the neighbors in the area had several concerns about the physiography, as well as the aesthetics; such as watershed, safety, and water and grazing land for deer. He said there were two other alternatives that Mr. Sickles could pursue; one would be to select a different and more accessible building site, and the other would be for him to buy access on roads that already exist. He said he was asking the Commissioners to deny the permit, and he gave the Commissioners a hand-out which discussed natural physiography.

Nancy Erickson read a letter from JoAnn Rubie whose land is directly below Mr. Sickles' development. The letter addressed probable run-off from the road and other probable problems with the divergence of the stream. She said the natural physiography of the area would be disturbed with the building of this road.

SEPTEMBER 10, 1986 (continued)

PUBLIC MEETING (continued)

Rosalee Peterson, a resident of Pattee Canyon said she would be able to see the road and the clear cutting from her property. She said that this development has the future potential of a subdivision equaling 12 homesites or more, which could pose higher fire danger, packs of dogs, and decreased use of the area for recreation.

Bill Farr said he was a runner who regularly uses Pattee Canyon and he said the proposed road would be very visible to people using the canyon. He said the road will have a very great impact on the area, and he thought Mr. Sickles should use the existing roads.

John Means said the road would be very visible, and he has found that living in Pattee Canyon means that what he does, such as removing gravel from the area, does affect the neighbors. He said the road will not stabilize and would be hard to maintain.

Mercedes Sperry said there are many problems with the Pattee Canyon Road, as there are many drunks, speeders and blind curves in the area, and she wondered who would be responsible for deaths on the blind curves. She said this proposed road does not have a good access. She said she does not object to growth, just to development on a blind curve.

Alexandra Clemow said she lives on the access of this proposed road, and she wanted the Commissioners to address the issue of safety. She said more development means more fire danger, and a 12% grade to the building site means additional danger, not only to Mr. Sickles, but to other residents of the area.

Terry Druyvestein said he would like to add some comments relative to the proposal; one that this is not a development, it is just one house being built on two lots, and there are no 60 degree slopes on this project. He said it would be a 60 foot rise in 100 feet of distance which is not a 60 degree slope. He said there are very few places in the canyon where the road would be visible.

Tom Boone, an attorney representing Mr. Sickles described his definition of physiography, which is the physical geography of the land to use the contours of the land to get the building site.

Steve Sickles said he had been looking for land such as this to develop for a long time. He said this land is quality land, and constitutes a significant financial investment for him and will be treated as such. He said nothing will be done that will bother or infringe on the rights of his neighbors. He has hired expert engineers to survey the land and map out the best road approach. He said he had tried to determine what the best building site on the property would be, and experts had agreed with him that this was the most desirable site. He said he had tried to negotiate with Mr. Cimino and Mr. Cox to get access to this property through their property, and to use Snowshoe Lane. He said an engineer named Weatherly had tried to map out access through Mr. Cimino's property, but the grade was too steep and the road would have been too dangerous. Mr. Cox was simply not interested in selling him any more property to gain another access. He said getting access from Mr. Cox would have been the best way, the safest way, and the least expensive way to go. He said when he began to build his road, he did not know that the Homeowner's Association required him to get a permit to cut the trees and build a road on his own property. As soon as he was told about the regulations, he ceased the work. He said he would like to have a clearer definition of the word "physiography", and wanted to know if the land could ever be disturbed at all. He said it sounded to him like if he was building three, or even ten houses on his land, it would be more acceptable to the Homeowners than just this one home. He said in various conversations with Mr. Clemow, he had felt that Mr. Clemow was threatening him with not being able to split the property, and not being able to paint the house the colors he wanted.

At this point, Mr. Sickles distributed pictures of the property to the Planning and Zoning Commission. He said another property in the area came before the Planning and Zoning Commission the same night that his had, and the other request was passed without comment, and his proposal was turned down. He asked if the County would agree to his proposal if he removed the trees from the area around the access to Pattee Canyon Road, and he said he would be willing to pay for and erect speed and warning signs near the access. He said he had had problems with a Mr. Crocker and had felt threatened by comments made to him. In closing, he said he was willing to follow all applicable laws, and expressed his willingness to do anything necessary to preserve the integrity of the land. He said if he wanted to, he could build a logging road and clear cut the entire area, and there would be nothing anyone could do about it. So, his coming before the Board shows his intention not to run roughshod over anyone or anything.

Dick Colvill asked Mr. Sickles if he had investigated other building sites on his land that wouldn't require him to cross the creek.

Steve Sickles said there were two other possible sites that would allow room for septic tanks, but the slopes and mature trees that are in this particular site make it the most favorable to him. He said that he would like to reassure the Commission and his neighbors that he was not going to split and further develop his property other than his lot and two others for his family.

Fern Hart asked if there had been any protest by the Homeowners Association against the building of Snowshoe Lane years ago.

Ron Erickson said that when Mr. Cimino built Snowshoe Lane, he called it a logging road, and it was never reviewed by anyone. However, he did not destroy any property or a ravine like Mr. Sickles wants to do. In answer to Janet Stevens's questions about how Mr. Cimino built his road, Mr. Erickson said that Mr. Cimino's original request was a subdivision request, and when it was turned down, he built a "logging road" without any review. He said Mr. Cimino's subdivision request was turned down because of the road and the access.

Fern Hart said she would be interested in looking at the case records for Mr. Cimino's road.

Barbara Evans said she had concerns in regard to the fire danger, and there were two conflicting reports about the fire danger; one from the staff report that says that the road would not meet standards for a class 4 fire area, and would not accommodate fire apparatus, making response to emergency situations extremely difficult if not impossible. Another letter from Creighton Sayles, the Fire Marshall says that road grades should not exceed 8% with possible variances for short distances of 10%. They also recommended a road width of 20 feet to allow access, and that the road be named, numbered, and signed at each intersection, and individual sprinklers be installed in all homes. Barbara said that she believed if people are adults and want to live in an area where there is no fire protection, that is their choice. But in a forested canyon of this sort, with a history of fire danger, people should be concerned about access for fire trucks; thereby endangering the forest and other homes.

SEPTEMBER 10, 1986 (continued)

PUBLIC MEETING (continued)

Steve Sickles said a grass fire could be contained on his property. He said the insurance company had no concern about the house and had indicated that there would be no increase in his rates for this house. He said if the insurance company was not concerned, he wasn't either, although he was going to install sprinkler systems in his house.

Terry Druyvestein said fire trucks would be able to get to the Sickles' property, as it would be a 14 foot wide road. He said it did not meet County standards, but it does meet the needs of the area. He said it would go against the natural physiography of the land to make it 20 feet wide. He said the entirety of the road, except for the first several hundred feet, basically only serves one property.

Barbara Evans said her concern was not so much for Mr. Sickles' home as he is an adult and can take that chance if he chooses, but she has a concern for the rest of the canyon.

Ann Mary Dussault asked Terry Druyvestein if he had personally looked at the Snowshoe Lane possibility while the negotiations were going on.

Terry Druyvestein said no, he did not, and had no comment about the grade, slope, or the kind of road that could be built off Snowshoe Lane. He said by the time Mr. Sickles had come to him, he had already finished unsuccessfully negotiating with the Cox's and Cimino's and had had Mr. Weatherly from Sorenson and Company look at that.

Mr. Sickles said that he had tried three other options for gaining access to his house, but had been unable to work anything out.

Ann Mary Dussault asked if Mr. Sickles were able to negotiate an agreement with Mr. Cimino and Mr. Cox, would he be willing to use those roads.

Mr. Sickles said yes, but he doubted if anything could be worked out.

Barbara Evans said that Gharrett and Hillview, which are about 14% grades do not present too much problem for the fire trucks. They move slower, but they do get up the hill.

Fern Hart said that having been on the Planning Board, and being a strong advocate of Planning, and understanding how much the people in Pattee Canyon care for their area, she sees a lot of development coming, and the residents of the area will have many serious decisions like this, and she suggests that a better tool than the present zoning restrictions is needed.

Janet Stevens said that the responsibility for change is not just on the homeowners, but on the Commission as well, to improve the problem in that area. She asked if there was a way to try to talk to Dr. Cox one more time before making a decision on this.

Alex Clemow said she had talked to Dr. Cox, and he had indicated that it would take more land than he was willing to give Mr. Sickles his access.

Steve Sickles said he had tried to buy land from Mr. Cox in the ravine bottom where he was trying to increase the length of the ravine bottom to get better access. He said his negotiations with Mr. Cox had nothing to do with the adjoining Cimino property and Snowshow Lane. He said Mr. Cimino said he would give him permission to use his road if Mr. Sickles could persuade Dr. Cox to give Mr. Cimino equal right and easement to serve his 10 acres. However, those negotiations failed as well, as Mr. Cox and Mr. Cimino are not the best of friends.

Ann Mary Dussault moved, and Fert Hart seconded the motion that the permit be denied.

She said her reasons for making the motion were that she was not interested in denying Mr. Sickles access to his property, and she was not persuaded by arguments about the poor access off Pattee Canyon, and she was not persuaded that joggers and others would be negatively impacted by allowing this road to be built, and she was not persuaded by arguments that the road through this property should be denied because it is visible to other property owners, but she was concerned about two factors that are clearly in the public interest:

1. The regulations for Zoning District #4 require that no lots be developed in conflict with the natural physiography. The necessity of filling the streambed in order to accomodate the road and the possible impact on the watershed would substantially alter the natural physiography of the land.
2. Information received from the Missoula Rural Fire Department indicates that the road would not meet Fire District Standards for a "Class 4 Fire Hazard" area, and thus, would not accomodate fire apparatus, making response to emergency situations extremely difficult, if not impossible.

Barbara Evans said she agreed with Ann Mary, but would like to see the Commission postpone action for two weeks to allow Mr. Sickles some time to try to negotiate with the other landowners.

Janet Stevens asked Deputy County Attorney Mike Sehestedt if Mr. Sickles could come in with a different proposal if this request is denied. And could Mr. Sickles just simply go ahead and build a "logging road"?

Mike Sehestedt said Mr. Sickles could do either, but at this point, if Mr. Sickles started a logging road, the Commission might have to look at the question of subterfuge.

Dick Colvill said he disagreed with Ann Mary, and was not particularly concerned with the fire issue, as he felt the fire trucks could easily get to that property.

Ann Mary Dussault said that her feelings were that when the Fire Department issues a statement on the record that indicates that they would not recommend this road for fire purposes, if the Commission approves it, and something happens, she would suspect that it would increase the liability to the County significantly, so she feels compelled to take that statement into consideration.

The motion carried on a vote of 3-1 (Dick Colvill voted no, Barbara Evans abstained)



SEPTEMBER 10, 1986 (continued)

PUBLIC MEETING (continued)

The Homeowners Association was advised by Barbara Evans and Janet Stevens to look at the zoning regulations in their area as it would not solve all the problems in the future. It was suggested that they contact the Office of Community Development for guidance in developing a new plan.

The hearing before the Planning and Zoning Commission was adjourned at 4:05 p.m.

The Board of County Commissioners reconvened at 4:05 p.m.

Ann Mary Dussault said she would be willing to help negotiate with Dr. Cox and Dr. Cimino on behalf of Mr. Sickles if they desired. She asked that Mr. Boone and Mr. Sickles meet with her after the Commissioners meeting to discuss the matter further.

There being no further business to come before the Board, the Commissioners were in recess at 4:06 p.m.

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SEPTEMBER 11, 1986

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Stevens left at noon for Helena to attend a Youth Services Study Council Meeting.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

CONTRACT AMENDMENT

The Board of County Commissioners signed an amendment to the Personal Services Contract between the Missoula City/County Health Department and Valerie Smith, extending the completion date for the Contract to October 17, 1986. The amendment was returned to the Health Department for further handling.

MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement, dated July 1, 1986, between Missoula County and Friends to Youth, whereby the County will purchase counseling services for victims of incest battering, sexual assault, rape and other types of domestic violence in Missoula County, as per the terms set forth, through June 30, 1987 for a total amount of \$5,000.00 and is contingent upon receipt of Federal Criminal Justice Block Grant Funds by Missoula County.

Other matters included:

1. The Board discussed the request for a temporary position in Justice Court - the Personnel Department will be contacted to see if they have money for temporary employees;
2. The resignation of Tom Kirkpatrick from the Area Agency on Aging was discussed - it was decided to leave the position vacant until the end of the year when other terms expire and applicants will be advertised for; and
3. The continuing problems with the "No Parking" signs on 33rd Avenue were discussed - it was agreed that the sign should only be placed in front of Wally Sept's residence and not affect the whole street.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

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SEPTEMBER 12, 1986

The Board of County Commissioners did not meet in regular session; Commissioner Stevens was in Helena attending a Youth Services Study Council Meeting, and Commissioner Evans was out of the office all day, but available for phone calls and signatures as needed.

INDEMNITY BOND

Acting Chairman Dussault examined, approved and ordered filed an Indemnity Bond naming Cascade Custodial Supply as principal for warrant #2355, dated March 1, 1986, on the Target Range School District #23 General Fund in the amount of \$34.00 now unable to be found.

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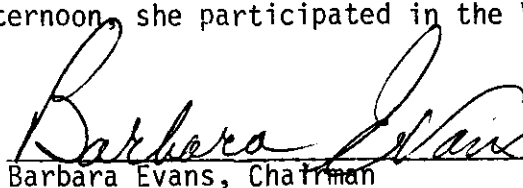
SEPTEMBER 13, 1986

SOCCER CELEBRATION & VOLUNTEER FAIR

On Saturday forenoon, Commissioner Stevens participated in the soccer program anniversary celebration, which was held at the Fort Missoula Fields; and in the afternoon, she participated in the Volunteer Festival which was held at Southgate Mall.



Fern Hart, Clerk & Recorder



Barbara Evans, Chairman

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SEPTEMBER 15, 1986

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. 86-096

The Board of County Commissioners signed Resolution No. 86-096, revocation of an agricultural covenant for a parcel of land owned by Chester M. and Margaret A. Murphy located in the S $\frac{1}{2}$ , Sec. 26, T. 12 N., R. 22 W. in Missoula County, resolving that it is in the public interest to allow the use of said 13.36 acre parcel for residential purposes; that the covenant stated on the face of the Certificate of Survey No. 2842, Tract 1, that the land be used exclusively for agricultural purposes, is hereby revoked by this resolution; and that this resolution shall become effective upon filing it of record and Tract 1 shall hereafter be designated as an occasional sale exemption.

RESOLUTION NO. 86-097

The Board of County Commissioners signed Resolution No. 86-097, 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) with a "PUD" (Planned Unit Development) overlay. The PUD stipulations are on file at the Office of the Missoula County Clerk and Recorder.

MEMORANDUMS OF AGREEMENT

The Board of County Commissioners signed Memorandums of Agreement, dated July 1, 1986, between Missoula County and the following organizations:

1. The Missoula Area Agency on Aging, whereby the County will purchase planning and coordination services of aging programs in Missoula County, as per the terms set forth, through June 30, 1987, for a total amount of \$105,000.00; and
2. Missoula Youth Homes, Inc., whereby the County will purchase short-term crisis intervention for youth at risk in Missoula County, as per the terms set forth, through June 30, 1987, for a total amount of \$20,000.00.

MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement between Missoula City-County Health Department and Pruyn Veterinary Hospital, whereby the veterinary hospital will provide a facility to impound, house and care for quarantined cats or kittens, as per the terms set forth in the Agreement, for the period commencing September 1, 1986, through June 30, 1987, for a total amount of \$3,000.00.

Other matters included:

Commissioners Evans and Stevens voted to authorize Mike Sehestedt, Deputy County Attorney to explore the possibility of settlement of the deputy sheriff's lawsuit on the labor contracts, and authorized Mike Sehestedt to continue as legal counsel. Commissioner Dussault voted No on the issue.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

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SEPTEMBER 16, 1986

The Board of County Commissioners met in regular session; all three members were present in the afternoon. Commissioner Evans was out of the office all forenoon.

AUDIT LIST

Commissioners Dussault and Stevens signed the Audit List, dated September 16, 1986, pages 3-30, with a grand total of \$104,965.87. The Audit List was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

CONTRACT AMENDMENT

The Board of County Commissioners signed an Amendment to the personal service contract between the Missoula City-County Health Department and Dave Dent extending the completion date on the contract to January 9, 1987 with up to an average of 40 hours per week through September and up to an average of 25 hours per week through the remainder of the contract period, for a total amount not to exceed \$8,100.00. The Amendment was returned to the Health Department for further handling.

MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement between the Missoula City-County Health Department and the Missoula County Humane Society, whereby the Humane Society will provide a facility where the large numbers of stray, abandoned, and lost cats in the community may be sheltered, as per the terms set forth, for the period from September 1, 1986, through June 30, 1987, for a total amount of \$6,080.00.

Other matters included:

BOARD APPOINTMENT

The Board of County Commissioners appointed Tim Stine to fill the vacancy on the East Missoula Rural Fire District Board of Trustees until the next school election, which will be held April 7, 1987, at which time the residents who live within the boundaries of the East Missoula Rural Fire District will elect a trustee to fill the vacancy on the Board.

Also, the Commissioners approved a request from Sherene Petersen et.al. to close Wapikiya Drive between the intersections of Saranac and Lakota on Sunday, October 5, between 2:00 and 6:00 p.m. for a block party.

SEPTEMBER 16, 1986 (continued)

The minutes of the daily administrative meeting are on file in the Commissioner's Office.

MEETING

Commissioner Evans attended a Crimestoppers meeting at Noon at Quality Inn.

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SEPTEMBER 17, 1986

The Board of County Commissioners met in regular session; all three members were present.

NO-HOST BREAKFAST MEETING

In the morning the Board of County Commissioners attended a no-host breakfast held at the Quality Inn with representatives of the Chamber of Commerce et.al. for the purpose of discussing Community issues.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

EMPLOYMENT AGREEMENT

The Board of County Commissioners signed approval of an Employment Agreement, dated September 2, 1986, between the Fourth Judicial District Court of the State of Montana and Richard D. Vandiver, for his continuing employment as the Court Operations Officer of the Fourth Judicial District Court, as per the Mutual Covenants set forth for a term of 15 months (July 1, 1986, through October 31, 1987) for an annual base salary of \$34,673.60 for fiscal year 1987.

CONCURRENCE FORM (STATE HIGHWAY DEPARTMENT)

Chairman Evans signed the concurrence of Missoula County in the proposal for the Montana Department of Highways project to reconstruct the present Montana 200 from Rainbow Bend to Potomac, MT, a distance of 7.2 miles, to be a limited access facility, but not necessarily to be a specific access plan. The form was forwarded to the State Highway Department in Helena.

Other matters included:

The Commissioners discussed the request for determination of suitable access from Willis Thornton of Thornton Lumber Company for a portion of N 1/2, S. 28, T. 14 N., R. 20 W., and voted unanimously that suitable access is provided in the division of the above referenced property, and in order to file the survey, the following statement must be included on the plat or on a separate statement attached to it:

"Pursuant to its review under M.C.A. 76-3-609, the Board of County Commissioners has determined that the accesses and easements to the parcels consisting of twenty acres or larger which are created herein are suitable for the purposes of providing appropriate services such as fire protection, school busing, ambulance, and snow removal. This determination does not guarantee the provision of these services. County road maintenance will be provided only when the roads are accepted by Commissioner resolution. A permit from the State Highway Department also must be obtained to assure access.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

PUBLIC MEETING

The meeting was called to order at 1:30 p.m. by Chairman Barbara Evans. Also present were Commissioners Ann Mary Dussault and Janet Stevens.

HEARING: CERTIFICATE OF SURVEY REVIEW: (PARINI)

Deputy County Attorney Joan Newman said Rose Parini first divided her 22+ acre parcel into four parts in 1980 by creating two family gift parcels and an occasional sale and remainder. One of the family gift parcels was later sold and has been divided by the purchaser into 3 parcels.

Two months ago she applied to divide her 8.88 acre remainder into parcels to give to the same two children who previously received parcels. At that hearing, she was denied the family gift exemption. The Board of County Commissioners indicated however, that Rose could advise her son to apply for an occasional sale, or that she could sell her whole remainder. At the same time as Rose submitted her present occasional sale affidavit, her son Brian also submitted an affidavit for an occasional sale. On the basis of the previous hearing, I approved that administratively. Because the present occasional sale affidavit would trigger the evasion criteria, the present application has been referred to the Commissioners for the following reasons:

1. The claimant has previously divided the parent parcel by use of exemptions, including the occasional sale and family transfer.
2. That at a prior hearing, the applicant indicated an intent to subdivide the property.

She indicated the proposed division on the map, and showed previous splits of the parcel.

Barbara Evans opened the hearing for public comment.

Greg Martinsen, of Martinsen Surveys, representing Mrs. Rose Parini, said Mrs. Parini had simply asked him to submit this request in its present form, and he was complying with her wishes.

No one else came forward to speak and the hearing was closed.

Barbara Evans asked Joan Newman how she felt this request fits with the state statute on subdivision law.

Joan Newman said that the statute says that a division by occasional sale once every year is an exemption and is an exception to the Subdivision and Platting Act, unless it is done with the intention of evading subdivision Review. Missoula County's resolution has listed a number of factors that tend to indicate an

SEPTEMBER 17, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: CERTIFICATE OF SURVEY REVIEW: (PARINI) (continued)

Joan Newman (continued)

intent to evade subdivision review; the Attorney General has offered his opinion; Missoula County's interpretation has generally been that intent is basically a personalized kind of factor rather than the ultimate affect on the property; and a person is not automatically entitled to an Occasional Sale every year if there is an intent to evade subdivision review. She said she did not see any difference in this request from the one Mrs. Parini had submitted several months ago. Although Mrs. Parini's financial circumstances are such that she does need to sell part of the property to support herself and her children, that has no bearing on the issue here.

Janet Stevens said that it was her recollection that at the last hearing, Mrs. Parini stated that her intent was to create multiple lots to sell, which indicate an attempt to evade the Subdivision Law.

Joan Newman said that in respect to the Attorney General's opinion, what is critical is the activity by the applicant, not the history of the lot. Mrs. Parini could sell her entire remainder, and then someone else would be entitled to an occasional sale, but part of the rationale there is that this would prevent one person from benefitting financially several times by exempt transfers.

Ann Mary Dussault moved and Janet Stevens seconded the motion that the Certificate of Survey be denied on the basis that there is a history indicated on the record of division of parcels for the apparent intent of creating multiple lots for subsequent sale.

Barbara Evans said that she recognizes that Ann Mary and Janet are totally correct in their assumptions about this particular matter, but it does not make it any easier for her because Mrs. Parini is a widow, trying to provide for her children, but the law is clearly the law and she would have to support the motion.

The motion passed on a vote of 3-0.

HEARING: OCCASIONAL SALE (STEWART)

Deputy County Attorney Joan Newman said David Stewart's parcel is part of an area that was platted at Seeley Lake Homesites #10, but the plat was vacated at some point. It appears that Stewart purchased a 38+ acre parcel from the owner in 1978. He subsequently created a 2.43 parcel by occasional sale in 1983, and another 3.16 acre parcel by occasional sale in 1984.

The present application is apparently to create a parcel to sell to the person who bought the 1984 parcel. Thus these two would be in the same ownership but still be two parcels.

She said she personally felt that a relocation of common boundaries could be done without question. This would simply eliminate one of the parcels which would not have the effect that the current proposal does of creating a subdivision without review.

She indicated the area on a map, explained the proposed boundary lines and said that the reason this was brought before the Commissioners was that the claimant has previously divided the land by use of the occasional sale/remainder exemptions.

Dick Ainsworth, of Professional Consultants, Inc., representing Mr. Stewart, said that the reason Mr. Stewart doesn't want to do a boundary adjustment, even though he is selling the land to the same person who bought the previous parcel is because the buyer is buying this on a contract, and does not want to get into a situation where if he defaulted on this purchase, he would lose both parcels. He said the buyer wants to attach this parcel to his existing ownership, but does not want to encumber it with a contract for deed by adjusting the boundary and doing away with the piece that he already owns free and clear.

Ann Mary Dussault asked if there were any other homesites on either parcel.

Dick Ainsworth said no, it was basically commercial property. He indicated the other structures and adjoining businesses on a map.

Barbara Evans opened the hearing for public comment. No one came forward to speak either in favor or against the proposal, and the hearing was closed.

Joan Newman said that she wished to bring to the Commissioner's attention that the affidavit seems to indicate that this would be the third occasional sale from Mr. Stewart from this parcel.

Ann Mary Dussault moved and Janet Stevens seconded the motion to approve the occasional sale on the basis of the following findings of fact:

1. There has not been a previous division of this tract within the last twelve months; and
2. There is no evidence of intent to evade the Montana Subdivision and Platting Act.
3. The explanation for financing of the transfer seems to be a reasonable justification in lieu of relocation of a common boundary.

This finding is contingent upon the following language being printed on the face of the survey:

This Certificate of Survey was not reviewed for adequate access, installation of utilities, or availability of public services; nor does this approval obligate Missoula County to provide road maintenance or other services.

The motion passed on a vote of 3-0.

The Board of County Commissioners then recessed at 1:50 p.m.

HEARING: PLANNING AND ZONING COMMISSION ZONING DISTRICT #4, - IBSEN

Chairman Barbara Evans called the meeting of the Planning and Zoning Commission to order at 1:50 p.m.

SEPTEMBER 17, 1986 (continued)

PUBLIC HEARING (continued)

HEARING: PLANNING AND ZONING COMMISSION ZONING DISTRICT #4, IBSEN (continued)

Also present were Commissioners Ann Mary Dussault and Janet Stevens, County Surveyor Dick Colvill, and County Assessor Fern Hart.

John Torma, of the Office of Community Development said Mr. and Mrs. C.C. Ibsen are requesting approval to construct a 28 ft. wide by 64 ft. long daylight basement and to relocate onto it an existing 14' x 64' mobile home.

The property is located in the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Sec. 3, T12N, R19W. The property is south of Pattee Canyon Drive, and is accessed by the private road which intersects Pattee Canyon Drive approximately 1.7 miles east of its intersection with Higgins Avenue South. It is located within Zoning District No. 4.

Zoning District No. 4 was established on June 17, 1957, and requires that the Planning Board and the County Planning and Zoning Commission review and approve all improvements and development of lots within the Zoning District.

The General Regulations for Zoning District No. 4 require that no lots be developed in conflict with the natural physiography.

The property subject to this request is currently owned by Dr. H.R. & Cora Mae Crisman, who are the parents of Mrs. C.C. Ibsen. The applicants have stated that they intend to purchase this property if their development request is granted.

He showed slides of the access, the intersection, the property, the area where the basement will be constructed, and the existing mobile home. He noted that the vegetation that blocks the view from the intersection has been trimmed by Mr. Ibsen and no longer presents a problem.

He said the relocation of a non-conforming structure (the mobile home) onto a basement structure that would not have any kind of structure over half of it and would have a non-conforming structure under the home would result in an entirely new situation of non-conformity and thus, would not satisfy the requirements of Zoning District #4. Whether or not this development proposal would visually impact the rest of the canyon is not the criterion on which the Planning Staff made its decision, that decision was made based upon what Zoning District #4 states are conforming and non-conforming structures.

He said the recommendation from the Planning Staff was to deny this request since it did not satisfy the requirements of Zoning District #4.

This development request would result in the relocation of an existing nonconforming mobile home onto a basement structure "constructed with a flat floor roof about ground and no house over it." Zoning District #4 does not recognize mobile homes as family dwellings.

Dick Colvill asked what the Planning Board's recommendation was.

John Torma said the Planning Board's recommendation was a split vote, three votes for and three votes against, therefore this request comes to the Planning and Zoning Commission with no recommendation from the Planning Board.

Barbara Evans opened the hearing for public comment.

Carl Ibsen, 2235 Pattee Canyon Road said he presently does not own the property. He owns the trailer, but his father-in-law owns the land. He said he wants to buy the property, but it would be pointless if he can't enlarge the living quarters. He said they had lived in the trailer on the property since 1976. He has cleared the brush and bushes along the road that are adjacent to his driveway, and has talked to most of the neighbors in the area about the proposed construction. He said he felt that he has improved the land, and he asked for approval of his request.

Ann Mary Dussault asked Mr. Ibsen how he would get from the mobile home into the basement.

Carl Ibsen indicated on a drawing how he would build a split level entry in the mobile home. He said the basement would merely expand his living quarters, they would not be living in the basement, or renting it out to others. He said whether or not he builds the basement won't make the road any more or less dangerous, as it is already in place. He said he was trying to comply with all ordinances and laws in both spirit and intent.

Ann Mary Dussault asked if he had checked into getting a building permit.

Carl Ibsen said he had not gone past this process yet; he was waiting to see what happened here. But he had the plans drawn up by a professional and didn't see where there would be any problem.

Janet Stevens asked John Torma if Mr. Ibsen could move his trailer around on the lot without asking for permission.

John Torma said that is an unclear issue in Zoning District #4.

Barbara Evans opened the hearing for public comment.

Greg Martinsen said he was not opposed or in favor of the proposal, but he owns property in the area and wanted to know where his access would be located. Mr. Ibsen noted the position on a map.

Stacey Weldele-Wade said she lives south of the Ibsen property, and she understood that the intent of the zoning precludes mobile homes, but she has no objection to this proposal, as this was a unique situation with the mobile home already there, and this would be an improvement to the lot.

Carl Ibsen said he was not actually relocating the trailer, he was only moving it 15', and the ground has already been graded and scraped. He said the Zoning Regulations require that all power lines be underground by 1977, and all existing and pre-existing power lines should have been placed underground by now, but they have not been. He said that indicated some latitude in the zoning regulations.

Ron Erickson, a member of the Pattee Canyon Land Board, said he was opposed to this proposal, as he felt this was in violation of the regulations in Zoning District #4. He said he thought the Ibsens should have

SEPTEMBER 17, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: PLANNING AND ZONING COMMISSION-ZONING DISTRICT #4, IBSEN (continued)

Ron Erickson (continued)

applied for a variance, even though this is an improvement on existing property. He said there was the possibility that the Ibsens might sell the place, and someone else would move in and move the trailer off the basement, and live in the basement, which would violate the rules of the district.

Alexandra Clemow, a resident of Pattee Canyon said she felt this proposal was in violation of Zoning District #4 regulations and she was opposed to it and wanted the Commission to deny the request.

No one else came forward to speak either in favor or against the proposal, and the public hearing was closed.

Dick Colvill asked Joan Newman if there was some way that the Commission could tack a condition on this request that would say that if the trailer were ever moved off the foundation, the move would have to be reviewed again, or the trailer would have to be moved off the lot.

John Torma said the Planning and Zoning Commission could attach whatever conditions it feels appropriate, but his feeling was that that does not really address the issue of whether or not this request satisfies the requirements of Zoning District #4.

Janet Stevens asked Mr. Ibsen if he would object to a condition like Mr. Colvill suggested.

Carl Ibsen said he would have no objection to that, but he felt that it was already covered under the regulations; that is, if he ever moves if off, it would have to go through review again.

Dick Colvill said he understood that that was kind of a gray area.

John Torma said the Commission was discussing two different things. Mr. Ibsen was referring to the fact that any development on a lot requires review in Zoning District #4. The question of whether or not a relocation of a non-conforming building is permitted in Zoning District #4 is the issue here today.

Dick Colvill asked what the difference would have been in this hearing if the Ibsens had applied for a variance.

John Torma said a variance acknowledges the fact that the development that is being proposed is not in compliance with the requirements of that particular zoning district. He said that if strict reinforcement of the regulations would result in unnecessary hardship to the applicant, then a variance can be granted. He said that is a different question than is being debated today; that is, is this development in compliance with the regulations with Zoning District #4.

Ann Mary Dussault moved and Janet Stevens seconded the motion that approval be given to the Ibsens to construct a 28 foot by 64 foot daylight basement and to relocate onto it an existing 14 foot by 64 foot mobile home, on property described as Tract A, Plat H3-A, NW $\frac{1}{4}$ , Section 3, T12N, R19W, in Zoning District #4, finding no intent to violate the intention of the zoning, and finding this construction not to be a non-conforming use.

Janet Stevens said the reasons that she was supporting the request is the Zoning District #4 does not specifically disallow a portion of a basement to become a deck structure. And the issue about the utilities being required to be underground has been refuted by Mr. Ibsen, and the fact that that requirement has been disregarded in a number of instances indicates that it has not been enforced on everyone.

Ann Mary Dussault said she would like to point out that the points that the staff made were appropriate for the staff to make, and that a literal interpretation and a narrow interpretation of the regulations in Zoning District #4 would justify that, but her own opinion is that in this situation there are shades of gray that would indicate that there is not an intent to violate the zoning, and she was wondering how many hoops the Commission wants to put these folks through before they get approval to build.

Fern Hart said she agreed that the staff report was well done, and it was important for the Planning Staff to bring the closest interpretation possible.

The motion carried on a vote of 5-0.

HEARING: PLANNING AND ZONING COMMISSION-ZONING DISTRICT #4 - WELDELE-WADE

John Torma, from the Office of Community Development said Stacey Weldele-Wade and Jon Wade are requesting approval of a proposed single-family dwelling, barn/garage, pumphouse, and driveway to be constructed on Tract 3D-1 of Certificate of Survey No. 3351. The applicant's property consists of 5 acres and is located in the southeast  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$  of Section 3, Township 12 North, Range 19 West, MPM, in Zoning District #4.

Zoning District #4 was established on June 17, 1957, and requires that the Planning Board and the County Planning and Zoning Commission review and approve all improvements, development, and splits of lots within the Zoning District.

He showed slides of the area, the proposed homesite, and the access road to the property.

This development request was reviewed in a public hearing before the Planning Board on September 2, 1986. The Planning Board recommended to the Planning and Zoning Commission that the request be approved subject to the two conditions and based on the findings of fact as set forth in the staff report.

CONDITIONS

1. That the exterior of the three buildings and the driveway subject to this request be completed within three years from the date of approval of this request by the County Commissioners. Any development not included in this proposal and any development which is begun after the three year expiration date must be submitted to the Planning Board and the County Planning and Zoning Commission for approval.
2. That the exterior of any of the buildings included in this proposal must be completed within one calendar year from the date on which the building permit for that building was issued.



SEPTEMBER 17, 1986 (continued)

PUBLIC MEETING (continued)

HEARING: PLANNING AND ZONING COMMISSION-ZONING DISTRICT #4 - WELDELE-WADE (continued)

Barbara Evans opened the hearing for public comment.

Stacey Weldele-Wade said she and her husband have looked at the details of Zoning District #4, and they believe that the plans they have submitted are in compliance with all the considerations. The proposed home does take into consideration the physiography of the land. The tentative construction schedule is to build the barn this year and to begin construction of the home next spring. She said they are in agreement with the conditions suggested by the Planning Department.

She said they were aware of the fire danger in the area, and have planned to install a gravity flow water system, and they would be willing to help maintain the road in order to aid emergency vehicles access to the area.

Dick Colvill, in referring to the site plan of the home, asked why there was no driveway to the house.

Ann Mary Dussault asked about the drainfield that was located between the barn and the house.

Stacey Weldele-Wade explained how the house was being built, including a covered walkway from the garage to the barn.

Alexandra Clemow said she was very much in favor of this homesite and could see no conflict of physiography.

Ron Erickson also spoke in favor of this plan and complimented the parties involved in developing a good plan.

Mrs. Ibsen said there would be a meeting of area residents within a week to discuss road maintenance.

No one else came forward to speak, and the hearing was closed.

Fern Hart moved and Ann Mary Dussault seconded the motion to accept the proposal of Stacey Weldele-Wade and Jon Wade to construct a single-family dwelling, barn/garage, pumphouse and driveway on Tract 3D-1, of Certificate of Survey No. 3351, located in the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 3, Township 12 North, Range 19 West, Zoning District #4, based on the findings of fact contained in the staff report, and subject to the following two conditions:

1. That the exterior of the three buildings and the driveway subject to this request be completed within three years from the date of approval of this request by the Planning and Zoning Commission. Any development not included in this proposal and any development which is begun after the three year expiration date must be submitted to the Planning Board and the County Planning and Zoning Commission for approval.
2. That the exterior of any of the buildings included in this proposal must be completed within one calendar year from the date on which the building permit for that building was issued.

The motion passed on a vote of 5-0.

The Planning and Zoning Commission recessed at 3 p.m.

The Board of County Commissioners then reconvened at 3:05 p.m.

CONSIDERATION OF: HAROLD WHALEY ADDITION (SUMMARY PLAT)

Paula Jacques, of the Office of Community Development showed slides of the accesses, structures and adjoining property.

She said the Whaley Addition is the redivision of Lot 5, Riggs Addition #2, located on Marie Drive off of Mullan Road. A lot approximately four acres in size will be created for the existing single-family dwelling; the two mobile homes will be located on the remaining one acre lot. A variance was obtained from the maximum density of one unit per acre for the lot with the two mobile homes (this is a temporary situation -- the lot will ultimately be in compliance with the zoning density).

A variance has been requested from the requirement that Marie Drive be paved. Marie Drive is an off-site access road less than 500 feet in length. Since the property is in the floodplain which will limit the addition of more dwellings on the street and the applicants oil a portion of the road and will waive their right to protest a future paving RSID, the Staff recommendation is to grant the paving variance.

Though the lot is in the 100 year floodplain, existing septic systems constructed with permits can be maintained.

She said the Staff and Planning Board recommendation is that the Whaley Addition be approved subject to the following conditions, variances and findings of fact.

Conditions

1. Sanitary restrictions shall be lifted by State and local health authorities.
2. The applicant shall obtain a floodplain permit for any construction proposed in the 100 year floodplain.
3. An approach permit shall be obtained prior to construction of the new home.
4. An R.S.I.D. shall be initiated to pave Marie Drive. If that fails, the following statement shall be printed on the face of the plat:

Acceptance of a deed for a lot within this subdivision shall constitute a waiver of the right to protest a future RSID to pave Marie Drive.

VARIANCE

The Missoula Planning Board recommends that a variance be granted from the requirement that Marie Drive and individual driveways be paved. The reason for granting this variance is that the mitigating measures proposed by the applicant (road oiling and the RSID waiver) adequately protect the public interest given that no increase in density is proposed or likely given the location of the subdivision in the mapped floodplain.



SEPTEMBER 17, 1986 (continued)

PUBLIC MEETING (continued)

CONSIDERATION OF: HAROLD WHALEY ADDITION (SUMMARY PLAT) (continued)

FINDINGS OF FACT

Subject to the above conditions and variances, the Missoula Planning Board further finds the Harold Whaley Addition to be in the public interest based upon a review of the following criteria:

Criterion 1: NEED -- This subdivision is located in a C-RR1 zone, which permits single-family development at a density of one unit per acre. A variance has been granted from this maximum density standard subject to two conditions that will require eventual removal of both mobile homes thus compliance with all zoning standards: one will be removed upon completion of construction of the proposed home on Lot 2; the other to be removed when no longer occupied by the present occupant, an elderly family member.

The Comprehensive Plan recommends a density of two units per acre along Mullan Road and one unit per ten acres on this property. The Riggs Addition #2, with a density overall of one unit per five acres, was platted in 1965 prior to adoption of the 1975 plan. This land was subsequently zoned C-RR1 in 1977. The rural low density residential classification of one unit per ten acres is described in the 1975 planning document as applicable in areas wishing to maintain a rural atmosphere, where agricultural and horticultural activities are secondary to the residence but nonetheless important. It also recognizes the need for environmental protection and encourages clustering of residential units to maintain undivided open space.

In Deputy County Attorney Joan Newman's memorandum of June 4, 1986, the relationship between zoning, subdivision decisions and the Plan is discussed. Where zoning is in place, subdivision decisions must acknowledge those restrictions, which are superior to the Plan itself. Though neither the adopted zoning nor this subdivision proposal are in strict compliance with the Comprehensive Plan, the redivision of existing subdivided land does achieve the goal of clustering residential development in an area already served by a public road and other services.

Criterion 2: PUBLIC OPINION -- No public hearing is required of a summary subdivision and to date, the only comment received in response to either the subdivision or zoning request was from a neighbor who did not object.

Criterion 3: EFFECTS ON AGRICULTURE -- The primary impact on the agricultural potential of this land occurred in 1965 with the platting of the Riggs Addition #2.

Criterion 4: EFFECTS ON LOCAL SERVICES -- As this subdivision is located within an existing subdivision and no actual increase in density is proposed, no impact on local services is anticipated. Marie Drive, an unpaved county road, is an off-site access road less than 500 feet in length from a paved road, thus the Subdivision Regulations require that it be paved to the point where both lots have paved access. The applicant has requested a variance from this standard which the Staff recommend be granted. A condition of approval also recommended is that paving be attempted through an RSID and that the waiver statement be printed on the face of the plat if that initiative fails. In addition, the applicant and neighboring property owners oil the road to control dust. These measures were recognized by both the County Surveyor and the Health Department as adequate for the circumstances. As a practical matter, the floodplain effectively limits the density along Marie Drive.

Criterion 5: EFFECTS ON TAXATION -- The addition of a permanent structure and creation of the additional lot should result in an increase in tax revenue.

Criteria 6 & 7: EFFECTS ON THE NATURAL ENVIRONMENT, WILDLIFE AND WILDLIFE HABITAT -- The platting of Riggs Addition #2 in 1965 and conversion to residential lots has had the primary impact on the environment and wildlife. The property is located in the fringe portion of the 100 year floodplain which permits residential uses. The elevation of the 100 year flood, according to the Flood Insurance Study, is approximately 3134.2 feet on this property. The elevations taken from the same reference point as the floodplain elevations show the natural ground elevation to be higher than the flood elevation. However, only FEMA can remove property from the floodplain, thus a floodplain permit must be obtained for construction of the permanent dwelling. In addition, the existing septic system to which the two mobile homes are connected can be maintained but not enlarged, and must be abandoned if out of use for more than 180 days. That system was built with permits and was sized to accommodate the proposed three bedroom house. Surrounding lots, however, would find it difficult to subdivide unless sewage was piped outside of the floodplain, effectively limiting future development within this subdivision.

Criterion 8: EFFECTS ON PUBLIC HEALTH AND SAFETY -- The subdivision is located within the jurisdiction of the Missoula Rural Fire District and close to health and emergency services in Missoula. Though shown to be in the mapped 100 year floodplain, the natural ground elevations seem to indicate that the potential for inundation during a 100 year flood event is limited.

Barbara Evans opened the hearing for public comment.

Andy Fisher of Eli and Associates, representing the Whaleys said he agreed with the report and all the conditions on it and offered to answer questions.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the summary plat and variance request subject to the conditions and findings of the fact contained in the staff report. The motion passed on a vote of 3-0.

CONSIDERATION OF: JOCKO ADDITION (SUMMARY PLAT)

Paula Jacques, Planner from the Office of Community Development said the Jocko Addition is a proposed division of a twenty acre parcel in the Jocko area into five four acre lots. The lots would have access onto Grey Wolf Road, a BIA gravel road maintained by the County through an agreement. Individual septic systems and wells are proposed.

The Comprehensive Plan recommends that the area be utilized as open resource land with a residential density of one dwelling per forty acres. The area surrounding this land is in agricultural use and little COS activity has occurred -- few parcels exist smaller than twenty acres and most are larger. The staff recommendation to deny this request is based upon a need to do a rural plan amendment prior to approval of the subdivision. The staff report outlines several issues of concern which need to be addressed in a comprehensive manner as a guide to development. Lake County and the Salish & Kootenai Tribe have stated an interest in participating in a plan for this large neighborhood.

SEPTEMBER 17, 1986 (continued)

PUBLIC MEETING (continued)

CONSIDERATION OF: JOCKO ADDITION (SUMMARY PLAT)(continued)

Paula Jacques (continued)

She showed slides of the area and said that there are several concerns that the Planning Staff and area residents have about this division, including water contamination from septic tanks, and effects on the bear habitat.

She said the recommendation from the Planning Staff and the Planning Board is that the summary plat of the Jocko Addition be denied subject to the findings of fact.

FINDINGS OF FACT

Criterion 1: NEED -- The Community Development Staff relies upon the Comprehensive Plan as a guideline for evaluating this criterion in the absence of specific market data. The Comprehensive Plan recognizes the need to allocate land for a variety of uses throughout the County in a way which balances the physical capabilities of the land, the ability to provide the requisite public and private services, and community goals and objectives. Toward that end, the land use element of the Comprehensive Plan recommends that the land comprising the Jocko Addition be used as open and resource land. The intent of this classification is to recognize the role which natural resources play in the life of county residents. It was intended to protect areas important for resource production and extraction, to protect areas subject to natural hazards, and to reserve land for future development where development within the time frame of the 1975 Plan would be premature. Residential use is therefore secondary and a density of one dwelling per forty acres is recommended. Agricultural, recreational and forestry activities and related uses are encouraged in these areas.

Several factors lead the Staff to conclude that the subdivision is not in compliance with the specific recommended land use or the broader intent of the Comprehensive Plan. The predominant land use in the area is agricultural. The land remains in large acreage tracts as a result, with few divisions into parcels the size proposed with this subdivision, unlike in other areas of the County. Attachment #9 shows land divisions in Section 20 and Attachment #11 shows that the surrounding area is similarly divided. The area is also recognized in the "Inventory of Conservation Resources" (1985) as prime farmland, if irrigated, and is also near identified grizzly bear habitat (both discussed in greater detail below). Deputy County Attorney Joan Newman, in a memorandum dated June 5, 1986, offered several guidelines for determining substantial compliance with the Comprehensive Plan, but noted that a project inconsistent with the Plan, as well as other uses in existence in the area, should be rejected.

At the same time, the Staff is sensitive to the need to update the Comprehensive Plan, adopted in 1975. The document itself noted the need for continual update so that the plan remains current with changes in infrastructure, community attitudes, the economy and other elements. Implementation of an out of date comprehensive plan through zoning and subdivision regulations proves difficult and controversial. The Staff is cognizant that changes may have occurred which warrant an update of the Plan in this area, and therefore strongly recommends that a neighborhood planning effort be instigated in this area prior to approval of any subdivisions. The neighborhood planning process makes it possible to examine an area in depth -- transportation facilities, land capabilities, schools, health and safety services, characteristics of the population and the goals of area residents for their neighborhood. The more detailed information which results from such a study then becomes the basis for informed land use decisions. The subdivision review process is necessarily more limited to the proposal at hand.

This is an ideal time to begin a neighborhood planning process in this area. The historic use of agriculture is still largely intact, but can be expected to change, as evidenced by this subdivision proposal. Planning for that change before development decisions are made protects the quality of life of area residents and reduces the cost to both individuals and local government of correcting the results of unplanned growth.

The Jocko Addition is located in an area which logical planning boundaries cross jurisdictional boundaries -- Missoula and Lake Counties and the Flathead Indian Reservation. The Staff has spoken with representatives of each entity; Lake County is interested in a cooperative planning effort and the Tribal Council will be considering this subdivision and the planning proposal at its meeting on Friday, August 29th.

Criterion 2: EXPRESSED PUBLIC OPINION -- No public hearing is required of summary subdivisions under State law and local regulations, but as one is nonetheless usually conducted, the Staff has begun a practice of posting property for which subdivision applications have been received. Area residents have been concerned about how development of the McLeod Ranch as a whole would proceed. To date, those concerns focus upon preserving the rural lifestyle, conflicts between small lot development and agricultural use, the impact on the school system, road maintenance, the availability of water for irrigation purposes with increased domestic use, and degradation of the quality of water with greater numbers of septic systems given the practice of flood irrigation. All are issues which should be the focus of discussion and review in a neighborhood planning process. Discussions with area residents indicate an interest in such a project.

Criterion 3: EFFECTS ON AGRICULTURE -- Kit Sutherland, District Conservationist, noted that the soils are classified as prime, if irrigated, and of local importance, if not irrigated. There is a ditch running along the south boundary of the subdivision and a representative of the Flathead Irrigation District confirmed that the lots do have water rights. As the land is not actually irrigated at this time it is classified as locally important, rather than prime. As Kit Sutherland pointed out, many elements enter into a determination of the agricultural value of farmland, and it is possible that prime farmland could be found unworthy of retention because of other factors. Some factors bolstering its agricultural value are the surrounding agricultural use, low density residential development, and water rights. One factor working in favor of the subdivision is the existing road network.

The effect of subdivision on agriculture would not be confined to this land, however. Farmers and ranchers frequently voice opposition to subdivisions adjacent to their land because of conflicts between the two uses. Again, a neighborhood plan could identify areas most appropriate for residential development and ways of mitigating that impact on agricultural land.

Criterion 4: EFFECTS ON LOCAL SERVICES --

a) Roads -- The County maintains Grey Wolf Road, assuming the rights to that road and the maintenance responsibilities from the Bureau of Indian Affairs. The right-of-way width is not clear, and County Surveyor Dick Colvill would require that the thirty foot easement along Grey Wolf Road be dedicated as right-of-way as a condition of plat approval. In response to a question regarding the ability of the road network to handle traffic if the entire area were developed as four or five acre parcels as proposed with the Jocko Addition, Colvill stated that area roads could easily handle the traffic though dust would be a problem as they are all gravel roads. As Grey Wolf Road is an off-site access road in excess of 500 feet

SEPTEMBER 17, 1986 (continued)

PUBLIC MEETING (continued)

CONSIDERATION OF: JOCKO ADDITION (SUMMARY PLAT) (continued)

FINDINGS OF FACT (continued)

from a paved road, paving is not required; the statement of waiving the right to protest a future paving RSID must appear on the face of the plat.

A related transportation issue is the improvement of Highway 93 between this area and its intersection with the interstate. It has greatly facilitated access to and from Missoula, which adds to area residents' concerns that this area may become another bedroom community to Missoula. The probability of this occurring strengthens the need to initiate an area planning process.

b) Schools -- The Jocko Addition is in the jurisdiction of Joint School District #8. A letter from Marvin Trask attached to this report states that the school system can easily handle the predicted increase in students with this subdivision. In a follow-up conversation with Trask, he stated that with the new school further subdivisions of this nature would not pose a problem; in fact, the system could handle a 50% increase in the student load.

Criterion 5: EFFECTS ON TAXATION -- There are two types of land ownership on the Reservation -- fee simple patents, which can be owned by Indians and non-Indians alike, and trust patents, held by either individual Indians or the tribe communally. Fee simple land is subject to local taxation. As the land within the McLeod Ranch had been under a trust patent, it has not been subject to taxation. A fee simple patent was granted on the entire acreage thus it will be subject to local taxation in the future. Classification of this land as suburban tracts rather than agricultural would yield greater tax revenue. Traditionally, residential development does not generate through taxation the revenue necessary to recoup the cost of providing tax supported services. This burden is intensified as development moves away from an urban center where services are currently provided. Again, a neighborhood plan could contribute to economy in providing services by identifying areas for more concentrated development.

Criteria 6 & 7: EFFECTS ON THE NATURAL ENVIRONMENT, WILDLIFE AND WILDLIFE HABITAT -- Information on soil types provided by Kit Sutherland indicates that the 38B, Big Arm gravelly loam has limitations for septic systems, meaning that some mitigating measures may be necessary in system design, and no problems for home-site development. The impact of more septic systems on water quality is a concern that is repeatedly voiced by area residents -- specifically, the combination of irrigation, shallow wells and a growing number of septic systems.

Tom Barger, Environmental Health Specialist, states that flood irrigation in the area has resulted in high groundwater but when irrigation is eliminated these results are satisfactory. Sprinkler irrigation is preferred, but Barger noted that the difficulty lies not in obtaining assurance that flood irrigation will not be used, but enforcing that practice. In a follow-up conversation he also stated that flood irrigation outside of the Jocko Addition would have some impact on groundwater within this subdivision, but that this was beyond control. He concluded by saying that if the flood irrigation problem was resolved and it meets other standards, then water quality problems would not develop.

Area residents expressed concern that increased domestic use such as for lawn watering would lessen the amount of water available for agricultural use. A representative of the Flathead Irrigation District said that the system has experienced water quantity problems during the last two years but attributed it to lack of precipitation and early warm weather. The Jocko District has no storage capacity thus is limited to what water is available, the source of which is the Jocko, Placid Creek and Upper and Lower Jocko Lakes and Black Lake.

The proximity of the subdivision to grizzly and black bear habitat is a concern with wildlife authorities. In an article for Western Wildlands, authors Charles Jonkel and Ray Demarchi comment that subdivisions bring bears and people unaccustomed to bears and their habits into contact, and that the grizzly is the ultimate loser over time (Western Wildlands, Volume 10, Number 2, pp. 24-27). Christopher Servheen, Grizzly Bear Recovery Coordinator with the U.S. Fish and Wildlife Service, echoed this sentiment, saying that bears managed to use this area, particularly in spring and fall, despite the presence of people currently.

Servheen suggested mitigating measures that may reduce the potential for conflict, including bear-proof garbage containers, limiting activities which attract bears such as raising pigs and chickens, eliminating beehives or surrounding them with electric fences. Jonkel and Demarchi likewise suggested mitigating measures such as protective covenants, land exchanges or acquisition but noted that the cooperation of several political entities was needed to implement these on a large scale. This is true even in the vicinity of the Jocko Addition, where natural "neighborhood" boundaries include land under the jurisdiction of two counties and the Salish & Kootenai Tribes. Reducing human/bear conflicts is an issue which could be addressed in a cooperative planning effort, identifying areas appropriate and otherwise for higher residential use and mitigating measures which would be most effective if implemented throughout the area.

Criterion 8: EFFECTS ON PUBLIC HEALTH AND SAFETY -- Water supply and sewage disposal issues were discussed above. The Jocko Addition is located in the Arlee Fire District. It is a volunteer fire department; Chief Duane Nord reported that five acre parcels do not pose a major fire protection problem but that further divisions would.

Paula Jacques suggested that a Rural Planning Study be done, as the residents of the area had requested it. She said the three Governmental entities in the area, Missoula County, Lake County and the Salish & Kootenai Tribes have all indicated an interest in a joint study before any subdivision of this area be done. She suggested that a three month time frame be looked at.

Barbara Evans opened the hearing for public comment.

John Carter asked what the study would encompass.

Paula Jacques said the area plan would look in greater detail at the issues of a given area more than a county-wide planning area could.

Michelle Bradshaw said she agreed that a study should be done, and she suggested that residents of the area be part of the plan.

SEPTEMBER 17, 1986 (continued)

PUBLIC MEETING (continued)

CONSIDERATION OF: JOCKO ADDITION (SUMMARY PLAT)(continued)

Andy Fisher of Eli and Associates, representing the developers, said that one issue has not been considered, and that is the fact that the McLeod Ranch, a small area of the Jocko was the only thing under consideration here, not the whole Jocko Valley. The ranch has already been broken up into 14 individual parcels, and this is just one of those parcels.

He said when the ranch was broken up into parcels, the County was not consulted, and the residents were not consulted, and evidently, there was no requirement to do so. He said he would like to refute some of the issues that have come out both from the staff report and the residents.

As to the question of need, he said the staff uses the Comprehensive Plan, and the developers use the market. He said the current owners are land speculators, and in their judgment, this area is going to develop. The area is attractive, has low air pollution, few environmental constraints, low land prices, and is an easy commute to town. People are going to move there, and that is why smaller lots are being developed.

In regard to local services, he said the County Surveyor says existing roads can handle the traffic of the entire area; not just this subdivision, but the entire area. The Superintendent of Schools says the existing facilities can handle a 50% increase in enrollment.

He said the land was in trust, and that meant zero bucks for taxation purposes and now it will be on the tax rolls.

The natural environment issue is moot as the major effect has already happened. The ranch is busted and already being sold in parcels, and there will be many different owners. He said there is a lot of questions about water rights on the reservation, and the developers live with what is, and the Flathead Irrigation Project in St. Ignatius says the developers have rights, and they accept that, and away they go.

Public Health and Safety means the issue of septic systems, groundwater, flood irrigation, etc. and the developers viewpoint is that there is a Health Department both County and State which have extensive regulations, and the developers are willing to accept those regulations. And if they cannot meet those regulations, the subdivision dies.

The Arlee Fire Chief says there is no problem with fire control in this proposed subdivision but the residents of the area say water shortage is a problem. In the past few years, water has been in short supply in the area, but he said this twenty acre parcel has existing water rights and the amount of water that they are entitled to does not change whether this is approved or not. On that entire area, there is no prior right, everybody shares, according to how much land you own. If there is water available, everybody gets more, if it is dry, everybody gets less.

He said one resident was concerned about the plans for the neighboring area by Lake County. He said he had checked the Assessor's roles, and they seem to show that many of the parcels are less than 10 acres, and it would appear that Lake County has not declared a moratorium on small parcels. He said they were also concerned that the Tribe was not consulted, and to the best of his knowledge, the ranch, in its entirety was offered to the Tribe, and they did not want it.

He said the resident's concern over becoming a bedroom community were not clear to him, as people have a right to live where they want. His advice to the landowners would be not to sell if they didn't want other people living in the area.

The other big issue, he said was agriculture, and his own personal philosophical thoughts about this are that the current comprehensive plan is biased toward large acreage, mono crop operations, and in this area, its cows and hay. If you don't have a cow standing on it, it's not agricultural land is the opinion they are getting. He said those are the kinds of operations that are going broke right now, and the feds are spending about 35 billion dollars this year to keep those kinds of people running, and Missoula County is supporting that.

He said the big guys aren't making it, and smaller businesses and developments would. Nobody wanted to buy this as an operating ranch, and it went through several renters before it was ultimately split.

He said the issue of additional planning studies worries him, because he does not think that the plan could be done in three months. Three sets of bureaucrats from three different political jurisdictions, three sets of elected politicians from three different jurisdictions cannot agree to something in three months, especially with input from the area residents. He said there was not much to be gained by going through that in the first place, as the facilities are already there to support this development.

The final issue he wanted to address was characteristics of population and goals of residents. She said the area residents said they were not properly informed about the development, but this is a minor subdivision and to the residents, this is the valley, but to his clients, this is a minor subdivision. He said there was not enough money involved to have him running around the Jocko Valley conducting seminars. There were realtor signs up and the developers could have been contacted at any time. He said he had done a quick and dirty survey of looking up landowners in the assessor's books, and found that there were 147 owners of 100 parcels. 63% of them are less than 40 acres, and 39% are less than 20 acres, and 26% are less than ten acres, so these are not the first small lots to happen in this area.

In closing, he said there was going to be a great demand for land in the valley, and many requests for development, and he said the demand should be met, because it would benefit the County. He said the developers had been playing by the rules, and he had two of the most notorious evaders around as clients, (Saben Enterprises), and they are going through the process and not asking for special privileges.

Brad Trosper, an employee of the Confederated Salish and Kootenai Tribes said the Tribes support the Missoula Planning Board's recommendations to deny the Jocko Addition Summary Plat, and the Tribes also endorse the idea of an area-specific plan be done for this portion of the County, and they are interested in participation in this process provided that the jurisdictional authority of the Tribes, Missoula County, or any other participant is not eroded.

Michelle Bradshaw said that she and other residents of the area were concerned about health concerns, the quality of life in the area, and the impact of fire protection, schools, and the rural character of the area being kept as it is. She said the Commissioners should be concerned about what the residents of the area want. She said she was a renter in the area.

No one else came forward to speak and the hearing was closed.



SEPTEMBER 17, 1986 (continued)

PUBLIC MEETING (continued)

CONSIDERATION OF: JOCKO ADDITION (SUMMARY PLAT) (continued)

Ann Mary Dussault said she would like to discuss the County's agricultural policy with Andy Fisher. She said the Democratic view of national agricultural policy rewards the large irresponsible agricultural enterprise that goes in and tears up land and inappropriately uses it and does nothing to benefit the small mid-size family farm.

Janet Stevens asked Andy Fisher what would happen if the twenty acre parcels did not sell.

Andy Fisher said he did not know, there were no concrete plans, perhaps COS's.

Barbara Evans said she was surprised that there were very few people here to object to this proposal, as she was led to believe that many residents of the area were opposed to this. She said she believes that a plan is probably necessary for the area, but she agrees that adding or changing rules in the middle of the game is not appropriate. She said this issue should be looked at as what it is; a summary plat submission, and that should not in any way inhibit or stop the planning process for the remainder of the area.

Janet Stevens asked if the Commissioners have the authority to delay approval for a specific amount of time.

Joan Newman said that would not be possible unless there was a specific agreement on the part of everyone involved.

Barbara Evans asked if the Commissioners were at the deadline.

Paula Jacques said it was within a couple of days.

Ann Mary Dussault asked if, in the future, the developers wanted to resubmit this proposal, would they be required to pay a fee in order to do that.

Paula Jacques said if it was denied and they resubmitted it, she did not see how the developer could not be recharged.

Ann Mary Dussault said the Commissioners could waive that fee if they so choose.

Paula Jacques agreed.

Janet Stevens said if the developers would agree, the Commissioners could delay approval of this for a three month period at which time those three governmental entities could come up with a plan for the area.

Paula Jacques said she would have no problem with that, but she doubts that anything favorable to this development would come out that study, and she would hate to guarantee that.

Janet Stevens said it might answer some questions such as groundwater, etc.

Andy Fisher said they had not submitted anything to the Health Department, as they were waiting for approval.

Ann Mary Dussault said it was like a dozen examples in Missoula County. One septic system is going to get approved, a well is going to get approved, then two, then three, then four and then five, and somewhere down the road, the Commissioners get a bevy of really angry residents because, by God, their septic systems are all failing and they don't have any water in their wells and why did the Commissioners approve that? It wasn't one that did it, it wasn't two that did it, it was the cumulative impact over time, because they allowed the market to determine the lots that were going to be sold. The same thing applies to roads; the first house won't care, the second house won't care, but when number six and seven go up, they are in to the Commissioners wondering why the road is not oiled because there is so much dust, by God, they were the ones that bought the property because the Commissioners were the ones that allowed it. She said what she was trying to say was that it is not the Commissioners intent at this point to say that this subdivision might not be ok. The staff rightfully raised a number of issues, and even if this was going to be approved, this whole thing would have to go back for a set of conditions, which might be a mile long.

Janet Stevens said that was why she wanted to delay action on it until the conditions have been drawn up. Because she did not feel comfortable making a decision on this without knowing what needs to be done there.

Andy Fisher asked what areas in particular she was concerned with.

Ann Mary Dussault said services, water, groundwater, septic system impact, overall impact, etc.

Andy Fisher asked if it would be ok if he went ahead and got Health Department approval.

Ann Mary Dussault said he could not do anything, the question is, what can the County do.

Janet Stevens said what is required is for the Commissioners to delay action so the Commissioners can get that information.

Ann Mary Dussault said compliance was not going to come on a basis of individual decisions, the whole area has to be looked at comprehensively, and in the course of that, decide what practices would allow for different kinds of development, and especially the irrigation methodology that is in use up there, which will play havoc with wells and septic systems.

Andy Fisher said they had talked with the state about this issue, and they have made adjustments like this before.

Ann Mary Dussault indicated on a map where flooding could occur and then run into other people's property, and on this subdivision in particular.

Andy Fisher said the majority of the adjoining property is downgrade, and this subdivision is the upgrade corner of the property. He said he was doing the best he could, and didn't know what else he was expected to do. He said he was playing by the rules.

Ann Mary Dussault said he was not playing by the rules, as the Comprehensive Plan calls for less density than was being proposed here.

SEPTEMBER 17, 1986 (continued)

PUBLIC MEETING (continued)

CONSIDERATION OF: JOCKO ADDITION (SUMMARY PLAT) (continued)

Andy Fisher said the Commissioners have allowed densities to exceed the Comprehensive Plan by COS, and he had brought those in himself.

Ann Mary Dussault said the Commissioners did that because they had no other choice.

Andy Fisher said some had been done in the Nine Mile and the Six Mile that exceeded the density with COS's, but the Commissioners won't do it with subdivisions, and he wonders what that is telling developers.

Ann Mary Dussault said he better not try that here, because he would not get a COS on any of these parcels, she would guarantee it.

Andy Fisher said he was not talking about this issue; he was talking about all of the 14 owners who would be buying these parcels. Would they all be turned down too if they want to sell five acres to their brother-in-law, or give some to their kids.

Barbara Evans said the Commissioners have no latitude in the Certificate of Survey process to impose those types of things. If they meet the criteria that they have not had exemption sale before, the Commissioners have little latitude to deny that unless they can, in their own minds, determine that they are deliberately evading the subdivision review process.

Andy Fisher said he thought that was one of the reasons that COS's were reviewed, that they exceeded the density of the Comprehensive Plan.

Barbara Evans said that would trigger review, but it is not a State law.

Ann Mary Dussault moved and Janet Stevens seconded the motion that this summary plat be denied, based on a need to do a rural plan amendment prior to review of the subdivision. The review should be completed by the end of the winter, and once Missoula County's portion of that process is completed, this proposal may be resubmitted in its present form with a complete waiver of any financial requirement on the part of the developers. The motion passed on a vote of 2-1, Barbara Evans opposed.

Barbara Evans said she voted against the motion because she believes that there needs to be a planning process in the Jocko, but she did not believe that the Commissioners should add to, or change the rules in the middle of the game, and the developers have lived up to their obligations in submitting this.

Ann Mary Dussault said that the planning process may very clearly indicate that this would be consistent with the needs of the area, and approve it, but what would be needed then, at that point would be to develop a list of conditions that would be necessary if this Commissioner would be inclined to approve it.

Andy Fisher said it has been his experience that when the Planning Staff recommend denial, the Commissioners are not able to write their own conditions, and the process needs to be reworked.

Ann Mary Dussault agreed, and told the Bradshaws that it was not the Commissioners intent to stop development in the Jocko, and a great deal of subdividing of land goes on through the COS process, which the Commissioners have very little control over, and developers with their backs against the wall are going out of their way to do it, and the development patterns that generally occur because of that are far worse than what can be accomplished through the subdivision process.

There being no further business to come before the Commissioners, the Board was in recess at 4 p.m.

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SEPTEMBER 18, 1986

The Board of County Commissioners met in regular session; all three members were present.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following matters were considered:

1. The Board met with Jim Fairbanks, Appraisal Supervisor, and Mike Sehestedt, Deputy County Attorney, regarding the request from Minuteman Aviation, Inc. for tax exempt status - the request was denied and a letter will be sent;
2. Dan Cox, Jane Ellis and Fern Hart met with the Commissioners regarding the Accounting Management System - an agreement will be worked up;
3. The request from Gary Como for a letter of introduction from the Commissioners for the 4th Annual "Outlaws Christmas Dinner and Social" was approved; and
4. The Commissioners voted unanimously to authorize Chairman Evans to sign the letter of intent to participate in Intercap, which is a program the State has to help finance capital purchases - John DeVore, Operations Officer, will prepare the document.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

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SEPTEMBER 19, 1986

The Board of County Commissioners met in regular session; all three members were present in the afternoon. Commissioner Stevens attended a Commission on Courts of Limited Jurisdiction meeting in Helena in the forenoon, and Commissioner Evans was out of the office all forenoon.

AGRICULTURAL EXEMPTION COVENANT

The Board of County Commissioners signed approval of a covenant for a Certificate of Survey for a parcel of land located in the NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , NE $\frac{1}{4}$ , SW $\frac{1}{4}$  and the SE $\frac{1}{4}$ , NW $\frac{1}{4}$ , Section 13, T.13N, R.20W, P.M.M., the owner of record being Henry J. Schmidt, stating that the divided land will be used exclusively for agricultural purposes and that the covenant shall be a covenant running with the land and revocable only by mutual consent of the governing body and the landowner of record, at the time any such application for revocation of this covenant is made.

INDEMNITY BOND - Acting Chairman Dussault examined, approved and ordered filed an Indemnity Bond naming Peggy Haaglund as principal for warrant #124868, dated August 19, 1986, on the Missoula County Trust Fund now unable to be found.

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SEPTEMBER 20, 1986

On Saturday forenoon, Commissioner Evans participated in the ribbon-cutting ceremony for the grand re-opening of the Hart-Albin Store in Southgate Mall.

Fern Hart  
Fern Hart, Clerk & Recorder

Barbara Evans  
Barbara Evans, Chairman

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SEPTEMBER 22, 1986

The Board of County Commissioner did not meet in regular session; Commissioner Stevens was out of the office the week of September 22 through the 26th, and Commissioner Evans was in Boulder, Colorado, the week of September 22nd through the 26th attending the PONI Program sponsored by the NIC (National Institute of Corrections).

INDEMNITY BOND

Acting Chairman Dussault examined, approved and ordered filed an Indemnity Bond naming Thomas Printing, Inc., as principal for warrant #500022, dated June 5, 1986, on the Missoula County Fair Fund in the amount of \$60.00 now unable to be funded.

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SEPTEMBER 23, 1986

The Board of County Commissioners did not meet in regular session.

INDEMNITY BOND

Acting Chairman Dussault examined, approved and ordered filed the following Indemnity Bonds:

1. Naming Sherry Richardson as principal for warrant #125313, dated September 2, 1986, on the Missoula County Trust Fund in the amount of \$424.02 now unable to be found; and
2. Naming Kathy Ann Wilson (Taylor) as principal for warrant #125658, dated September 10, 1986, on the Missoula County Trust Fund in the amount of \$75.00 now unable to be found.

PARK DEDICATION

At Noon, Commissioner Dussault attended the dedication of a new City Park, the John H. Toole Riverfront Park, located at the end of South 4th East.

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SEPTEMBER 24, 1986

The Board of County Commissioners did not meet in regular session; Commissioner Dussault left for Helena late in the afternoon to attend a MACo Board of Directors Dinner Meeting in the evening.

WEEKLY PUBLIC MEETING CANCELED

The Weekly Public Meeting scheduled for this date was canceled as two of the Commissioners were out of town.

APPROVAL OF PAYMENTS REQUIRED BY AGREEMENT

The Board of County Commissioners approved the payments required by an Agreement entered into between Chris Rockey (hereinafter Employee) and the Missoula City-County Planning Board (hereinafter Board) entered into to supersede and replace the employment contract between Employee and Board and to satisfy and release any claim which one party may have against the other, as per the mutual covenants set forth in the Agreement, with the Board of County Commissioners taking no position on the merits of the matter other than to affirm that the agreement is within the authority of the Planning Board.

Commissioner Dussault signed the Agreement; Chairman Evans and Commissioner Stevens were out of town, but gave approval via conference calls as noted on the Agreement.

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SEPTEMBER 25 & 26, 1986

The Board of County Commissioners did not meet in regular session; Commissioner Dussault was in Helena September 25th & 26th attending a MACo Board of Directors Meeting.

Fern Hart  
Fern Hart, Clerk & Recorder

Barbara Evans  
Barbara Evans, Chairman

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SEPTEMBER 29, 1986

The Board of County Commissioners met in regular session; all three members were present in the forenoon. In the afternoon, Commissioner Dussault attended a District MACo meeting in Butte.

AUDIT LIST

Commissioners Dussault and Stevens signed Audit Lists as follows:

1. dated September 24, 1986, pages 2-27, with a grand total of \$112,489.18; and
2. dated September 25, 1986, pages 3-20, with a grand total of \$851,246.35

SEPTEMBER 29, 1986 (continued)

The Audit Lists were returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

RESOLUTION NO. 86-098

The Board of County Commissioners signed Resolution No. 86-098, a resolution endorsing the concept of expanded sewer service and density allocations in the Rattlesnake Valley as per the resolution adopted by the Missoula Consolidated Planning Board.

PLAT

The Board of County Commissioners signed the plat for the Beeler Addition, a subdivision of tracts A & B of Certificate of Survey No. 3262, located in the NW $\frac{1}{4}$  of Section 25, T.15N, R.22W., P.M.M. Missoula County, Montana, an area of 5.65 acres, with the owners of record being Barbara A. Beeler (A-1, A-2) and Bernard A. Beeler (B-1, B-2, B-3).

MEMORANDUM OF AGREEMENT

The Board of County Commissioners signed a Memorandum of Agreement, dated July 1, 1986, between Missoula County and the Missoula Food Bank, whereby the County will purchase food gleaning and redistribution services, as per the terms set forth through June 30, 1987, for a total amount of \$15,000.00.

CONTRACT

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Alan English, an independent contractor, for the purpose of conducting CO studies at Rose and Boyd Park monitoring sites, involving span and zero QA checks once per week and trouble shooting equipment and instruments; designing, constructing, and testing an auto exhaust sampler for source apportionment study; and assisting staff in the collection of source samples for the winter air pollution study; as per the terms set forth, for the period from September 22, 1986, through June 30, 1987, for a total amount not to exceed \$3,600.00.

MEMORANDUM OF AGREEMENT

Commissioners Dussault and Stevens signed a Memorandum of Agreement, dated July 1, 1986, between Missoula County and Native American Services Agency, whereby Missoula County will purchase planning and coordination services of Native American programs in Missoula County, as per the terms set forth, through June 30, 1987, for a total amount of \$5,000.00, contingent upon receipt of General Revenue Sharing Funds by Missoula County.

MEMORANDUM OF UNDERSTANDING AND AGREEMENT

The Board of County Commissioners signed a Memorandum of Understanding and Agreement, whereby the Board of County Commissioners and the Clerk and Recorder/Treasurer of Missoula County have agreed to the points set forth in the Agreement to provide joint management of financial functions; the Agreement shall be in effect for one year at which time it shall be reviewed and may be extended as deemed appropriate.

Other matters included:

1. The County Commissioners voted unanimously that suitable access is provided in the division of the property referenced in Book 122 (Micro) Page 542, Book 185 (Micro) Page 22, Book 134 (Micro) Page 377, owned by Leroy and Molly Holden and that in order to file the survey, the following statement must be included on the plat or on a separate statement attached to it:

"Pursuant to its review under M.C.A. 76-3-609, the Board of County Commissioners has determined that the accesses and easements to the parcels consisting of twenty acres or larger which are created herein are suitable for the purposes of providing appropriate services such as fire protection, school busing, ambulance, and snow removal. This determination does not guarantee the provision of these services."

2. The Commissioners voted unanimously that suitable access is provided in the division of the property located in the W $\frac{1}{2}$ , SW $\frac{1}{4}$  of Section 26, Township 1 N, Range 20 W, owned by Robert, Richard and Errol Durnford, and that in order to file the survey, the following statement must be included on the plat or on a separate statement attached to it.

"Pursuant to its review under M.C.A. 76-3-609, the Board of County Commissioners has determined that the accesses and easements to the parcels consisting of twenty acres or larger which are created herein are suitable for the purposes of providing appropriate services such as fire protection, school busing, ambulance, and snow removal. This determination does not guarantee the provision of these services. County road maintenance will be provided only when the roads are accepted by Commissioner resolution. A permit from the County Surveyors Office also must be obtained to assure access;" and

3. The Commissioners voted 3-0 to approve the applications from NORCO for property tax incentives as per Resolution No. 86-043.

The minutes of the daily administrative meeting are on file in the Commissioners Office.

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SEPTEMBER 30, 1986

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 Warren Wright, Welfare Director for their regular monthly meeting.

SEPTEMBER 30, 1986 (CONTINUED)

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the forenoon, the following items were signed:

APPLICATION FOR PROPERTY TAX INCENTIVE

The Board of County Commissioners signed approval of the application by Millwood Systems, Inc. for tax incentive for new and expanding industry under the provisions of 15-24-1402 MCA and by Resolution No. 86-043 which was adopted by Missoula County on May 1, 1986. The application was forwarded to the Assessor's Office.

SUBORDINATION AGREEMENT

Chairman Evans signed a Subordination Agreement, whereby for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable consideration, the County of Missoula, Montana and First Security Bank of Missoula, agree that that certain trust indenture dated November 25, 1985, and recorded at Book 232, Page 1367, of Micro Records of Missoula County, wherein Jalynn, Jannette and Jaclyn McDonald are Grantors, Insured Titles, Inc., is Trustee, and the Bank is Beneficiary, is secondary and is subordinate for all purposes to that certain Promissory Note and Mortgage dated the 9th day of September, 1986, wherein Millwood Systems, Incorporated of Missoula, Montana, is Mortgagor and the County is Mortgagee, which Promissory Note and Mortgage is recorded at Book 247, Page 1445 of Micro Records of Missoula County, Montana, in the original amount of \$275,000.00. The Agreement was returned to John Kellogg in the Office of Community Development for further handling.

Other matters included:

1. The Commissioners met with Health Department Personnel regarding vacancies in that department. The Commissioners approved the requests to fill the vacant positions; however, the Health Department will be required to use up health and sick leave before hiring replacements unless the State will pay for it; and
2. The request for a "No Motor Vehicles" sign in the Kimwood Development Park was discussed. A petition will be needed from the surrounding landowners agreeing to the request and will then be referred to the County Park Board; and
3. The Board approved the request of Dick Vandiver, Court Operations Officer, to spend the \$35,000 Capital funds allocated for the public defender and court operations computer system as detailed in his memo of September 26, 1986; however the Commissioners stated there is no authorization to spend any additional money left over or rebates received for calling credits or supplies.

The minutes of the daily administrative meeting are on file in the Commissioner's Office.

QUARTERLY JAIL INSPECTION

In the afternoon, Commissioner Evans and Dan Corti of the Health Department conducted the quarterly inspection of the Missoula County Jail.

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