

OCTOBER 1, 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 September 30, 1986, pages 4-30 with a grand total of \$96,896.61. 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:

Resolution No. 86-099

The Board of County Commissioners signed Resolution No. 86-099, a resolution creating RSID No. 411 for the purpose of constructing access road complete with drainage structures, friction surface and parking lot for Gleneagle at Grantland, Missoula County, as per the terms set forth in the resolution.

Notice of Sale of Bonds

Chairman Evans signed the Notice of Sale of Bonds for RSID No. 411, in a total amount not to exceed \$366,000.00, as per the terms set forth. The sale date was set for November 5, 1986 at 1:30 p.m.

Agreement

The Board of County Commissioners signed an agreement between Missoula County and the City of Missoula for the purpose of allowing the City to obtain Building Maintenance and Custodial Service for City Hall from the County's General Services Department pursuant to the provisions set forth in the agreement, through June 30, 1987 for a total cost not to exceed \$40,366.00.

Budget Transfers

The Commissioners approved and signed the following budget transfers for the Health Department and adopted them as part of the FY'87 budget:

1. No. 87002, a request to transfer \$253.30 from the Contracted Services account to the Mileage-Private Vehicle (\$153.30) and Tuition Registration fees (\$100.00) accounts as additional funds are needed; and
2. No. 87003, a request to transfer \$650.00 from the Contracted Services (\$600.00) and Legal Publications (50.00) accounts to the Meals, Lodging and Incidentals (\$600.00) and Printing (\$50) accounts as additional funds are needed; and
3. No. 87004, a request to transfer \$2,500.00 from the On-Call (442200) account to the On-Call (44200) account as the original budget was in the incorrect activity.

Other items Included:

1. The proposed sale or swap of the Spurgin Road property to Montana Power was discussed - The appraisal came in at \$18,500.00; John DeVore, Operations Officer, was authorized to proceed with the negotiations; and

OCTOBER 1, 1986 (continued)

2. The Commissioners approved the financial structure for the South Hills Drainage as proposed by John DeVore, Operations Officer, and Dick Colvill, County Surveyor, with tax exempt entities such as schools, churches, etc., to be included. The County will sign the proposed resolution and it will be sent to City Officials for their consideration.

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

PUBLIC MEETING

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

HEARING: VACATION OF TURNAROUND EASEMENT IN GUSTAFSON ADDITION

Background provided by Joan Newman, Deputy County Attorney indicated that as part of the conditions of the final plat approval for the Sportco Addition, the Board required a petition to vacate a portion of a turnaround easement created in the platting of the Gustafson addition (which will now be affected by the Sportco Addition). A special procedure is applicable for alterations of public right-of-way where the change is requested to conform with subdivision lines. The procedure requires a petition of the owners of the portion of the road requested to be changed. The required petition has been submitted by the owners of Lot 5, Gustafson Addition, where the change has been requested. The only additional requirement is a public hearing and notice of it. The Board may grant the request if the change could be done without material damage, injury, or inconvenience to the public using the road.

Joan Newman, Deputy County Attorney indicated the area on a map and said the proper petition has been submitted, and she could see no problem with this vacation.

Barbara Evans opened the hearing for public comment.

No one came forward to speak either for or against the matter, and the hearing was closed.

Janet Stevens asked Joan Newman if a site inspection by one of the Commissioners and the County Surveyor was required.

Joan Newman said she thought that had been taken care of during the planning process of the plat approval, and she thought that this instance would not require strict compliance with that law, and the intent of the statute has been satisfied.

Ann Mary Dussault moved, and Janet Stevens seconded the motion that the vacation of the turnaround easement created as part of the Gustafson Addition/Sportco Subdivision be vacated according to the petition. The motion carried on a vote of 3-0.

HEARING: REQUEST TO VACATE A PORTION OF DEMER STREET IN FRENCHTOWN.

Background information provided by Donna Cote, Recording Division Supervisor, indicated that this is a petition to vacate Demer Street in the Townsite of Frenchtown, Mt., Section 34, Township 15 N., Range 21 W.

Herbert Simpson, whose property abuts Demer Street in this particular area, would like to have the street vacated for the following reasons:

OCTOBER 1, 1986 (continued)

1. The drainage problem needs to be corrected; and
2. It will save the County a minimum of \$2,000.

Title to the property adjacent to the street in this area is vested in the following:

1. Alverd R. & Ellen Macure (vested)
P.O. Box 115
Frenchtown, Mt. 59834

Herbert G. & Betty Lu Simpson (contract buyer)
P.O. Box 441
Frenchtown, Mt. 59834
2. Raymond L. & Laura E. Howell (vested)
15985 Mullan Road
Missoula, Mt 59802

Gus Johnson (contract buyer)
10410 Highway 10 W.
Missoula, Mt 59801
3. N.P. & M.P.R. Co. (now Burlington Northern R.R.)
N. 9507 Division
Spokane, Washington 99218

The contract buyers have signed the petition, as of this date we have not received a letter from the Burlington Northern R.R. as required by law (MCA 7-14-2616).

Additional persons who may be affected by the petition and have been notified of the hearing are the following:

Dick Colvill, Missoula County Surveyor
Joan Newman, Deputy County Attorney
Frenchtown Rural Fire Department

The Notice of Hearing was published in the Missoulain on September 21, 1986.

Janet Stevens said she had personally inspected the property and had been told that a sump had been improperly installed in this street, which causes extreme flooding at the slightest rainfall. In order to fix the problem, Mr. Simpson is willing to take control of this piece of land and fix the sump and drainage himself.

Joan Newman said that since this petition was filed, the Clerk and Recorder's office had determined that it was part of the Frenchtown unincorporated townsite. There is a special alternative for vacations of public rights-of-way in a platted townsite. Normally, the vacation of a public right-of-way requires the signature of ten property owners in the road district whether or not they own property abutting the road. For vacation in a platted townsite, it requires 100% of the property owners abutting the property. During the process, it was determined that Burlington Northern owns property abutting this portion of the road to be vacated, and did not sign the petition. Efforts have been made to get the signatures, but it had not been received yet. She said her opinion was that the hearing could be noticed, with a note that it might have to be continued, because the County does not have the proper signatures yet. She suggested that the Commissioners take the public testimony and defer a decision until the signatures from Burlington Northern are received.

OCTOBER 1, 1986 (continued)

Barbara Evans asked if there would be anything wrong with making a motion and voting on it contingent upon receiving the signatures from Burlington Northern.

Joan Newman said she did not see any problem with that, but the vacation could not take effect until all the signatures were received.

Fern Hart said her office had contacted Mr. Dick Stafford, and he had called him again this morning, but he said the decision would have to come through their property and legal departments, and he did not indicate how long that would take.

Barbara Evans opened the hearing for public comment

Herb Simpson said as of 12:55 this afternoon, there was 28 inches of water standing in the street, and yesterday, he had dumped 20 yards of gravel in it to keep the adjoining bakery from flooding, and this morning, there had been a lawsuit filed against him for damage to that building. He said he had been fighting this problem for three years, and unless he could repair it this fall, he thought the spring rains would be disastrous for that area.

Barbara Evans asked Fern Hart if there was anything the Commissioners could do to get the Burlington Northern to expedite the matter.

Fern Hart said Wendy Cromwell had already called, but perhaps a letter from the Commissioners would help.

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

Janet Stevens asked if the people who request a vacation are the ones who get the property deeded over to them.

Joan Newman said in this case, yes, the adjoining landowners would split this land up to the center line with the three property owner all getting one third.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the vacation of Demer Street in the townsite of Frenchtown, Section 34, Township 15 N., Range 21 W., contingent upon receiving Burlington Northern's signature on the petition. The motion passed on a vote of 3-0.

Ann Mary Dussault asked if the property in part, would revert to Burlington Northern.

Joan Newman said that was correct, and that Burlington Northern had expressed some concern about their increased tax assessment if this street was vacated.

Janet Stevens said that the vacated property would be split three ways, and the taxes would not rise very much for any of the three property owners.

HEARING: INTENT TO CREATE RSID NO. 910 (MAINTENANCE OF GOLDEN WEST COMMUNITY SEWER SYSTEM)

John DeVore, Operations Manager for Missoula County said RSID #260 was created in 1974 to construct the sewer system serving the residents of the Golden West subdivision. Since that time, the system has received little, if any, maintenance.

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John DeVore continued by saying the current operation of the system is inadequate and if aggressive maintenance is not implemented immediately, the potential for failure of the system in the immediate future is real. If this should occur, it will cause a liability problem for the County as well as a disruption in service to the residents. The purpose of this maintenance RSID is to provide the necessary funds to both repair the system and provide operating revenue in the long run. He said he recommends the creation of RSID #910.

Woody Germany of Sorenson and Company said he had been employed by the County to determine the current status of the system since that company had originally designed the system. He said the system, which is a lagoon system, had not been well maintained, and the aeration system had not operated since 1980. He said there are about 15 homes on the system which was designed for 40. He added that the system is now overgrown with weeds which need to be trimmed and killed, and the aeration system needs to be started up and maintained.

Barbara Evans opened the hearing for public comment. She asked that anyone in favor of RSID #910 speak first. No one came forward. She then asked if anyone wished to speak in opposition.

Maureen Tanner said there were no weeds there now, since she had cut the weeds two months ago. She said there are more homes connected to the system than the record indicates. When the sewer plant was first installed, she paid an SID for it, paying \$8,000 at 7% for ten years. Since it was installed, six homes connected to the system and did not pay into the RSID. She said that should be checked out. She said there was supposed to be \$5,000 in a bank account to maintain this system, but she is unsure of who has control over the money, perhaps Ed Cheff. The Planning Office was unable to tell her who owns the land. She asked why adjacent landowners to the system who don't have a house on their property should have to help pay to maintain it.

Mary Backstrom said Mr. Stegner was supposed to have turned over all the money for the maintenance to the Homeowner's Association, and the people who live there have no answers to any questions about the money.

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

John DeVore, Operations Manager said the system was designed in 1974 and the property belongs to Missoula County, and the system also belongs to Missoula County. He indicated the system and the adjoining area on a map. He said when the RSID was done, the Homeowner's Association was supposed to operate the system, and because it was built with an RSID, the County's policy is to create a maintenance RSID to fix it. He said it would cost \$5,000 to fix the system, and \$4,000 per year to maintain it, making the first year RSID \$9,000. He said when the maintenance is done, the County would determine who is connected to the system then assess all those landowners. He said this would be done the same as was done in Lolo; if adjacent property owners do not have a house, but have sewer service available, they are still assessed to maintain the system. He said there is research being done about the question of too much water in the El Mar Estates and not enough in Golden West, and even if the two systems are combined, Golden West would still be responsible for maintaining the system that they use, and El Mar would be responsible for the additional expense of their operational costs and maintenance. He said if the \$5,000 that the Homeowner's Association reportedly has can be found, that money would be used for the first year costs to fix the system. He said he would try to locate Ed Cheff and ascertain the whereabouts of the money.

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Maureen Tanner asked what would happen to the hay that is currently growing on the system.

John DeVore said there were two possibilities: 1. find someone to cut it for free and give the hay to that person, or the County could cut the hay and sell it, and the money could be used to maintain the system.

Barbara Evans advised Maureen Tanner to talk to John DeVore after the meeting to discuss the operation of the system.

Joan Newman asked if required and sufficient notice of the hearing was given and if there had been any written protest.

John DeVore said notice had been given and no written protests had been received.

Ann Mary Dussault asked John DeVore if he was currently looking into the matter of homes that were hooked up to the system but were not paying for it, and if those homes would be involved in this RSID.

John DeVore said those homes would not be involved in this RSID. He said that during the course of the life of the system, there was one legitimate hookup and money exchanged hands, and six or more homes hooked into the system with the approval of the developer and no money had changed hands. He said the matter is being looked into and then the boundaries will be adjusted to make sure that everyone that is on the system will be included.

Janet Stevens moved and Ann Mary Dussault seconded the motion to create RSID #910 to maintain the sewer system constructed with RSID #260. The motion passed on a vote of 3-0.

HEARING: INTENT TO CREATE RSID #421 (CONSTRUCTION OF WATER MAINS AND APPURTENANCES)-GLENEAGLE AT GRANTLAND

HEARING: INTENT TO CREATE RSID #422 (PAVED ACCESS ROAD)-GLENEAGLE AT GRANTLAND

HEARING: INTENT TO CREATE RSID #423 (CONSTRUCTING WELLS, PUMP-HOUSES, WATER SUPPLY MAIN AND STORAGE TANK)-GLENEAGLE AT GRANTLAND

Barbara Evans said that these three hearings would be consolidated as they all relate to the same subdivision.

John DeVore said these RSID's would replace RSID's that were created a year and a half ago for the construction of water, roads and other improvements at Gleneagle Subdivision at Grantland. He said since that time, the developer has reduced the scope of work originally approved. This rationale for this reduction in scope of work has to do with the current market conditions. In effect, the developer has chosen to develop the project in phases rather than as originally planned. The Missoula County Attorney's office has rendered an opinion that in order to comply with this request, a new RSID must be created which reflects the scope of work which will be constructed under this first phase of development.

Barbara Evans opened the hearing for public comment. No one came forward to speak either for or against the creation of the RSID's, and the hearing was closed.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to approve the creation of RSID's #421, #422, and #423 in Gleneagle at Grantland.

OCTOBER 1, 1986 (continued)

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

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OCTOBER 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:

Resolution No. 86-100

The Board of County Commissioners signed Resolution No. 86-100, a budget amendment for FY'87 for the Health Department, including the following expenditure and revenue, and adopting it as part of the FY'87 budget:

<u>expenditure</u>	<u>budget</u>
capital-office equipment	<\$3,500>
2270-610-441000-946	
<u>revenue</u>	<u>revenue</u>
interest	<\$3,500>
2270-610-331149	

Resolution No. 86-101

The Board of County Commissioners signed Resolution No. 86-101, a budget amendment for FY'87 for Capital Improvements, including the following expenditure and revenue, and adopting it as part of the FY'87 budget:

<u>expenditure</u>	<u>budget</u>
capital-remodel	\$3,500
2410-250-414506-921	
<u>revenue</u>	<u>revenue</u>
interest	\$3,500
2410-250-361000	\$3,500

Extension Letter

The Board of County Commissioners signed a letter to Robert W. Todd and Gilbert C. Dopp approving a request for a plat filing extension for Roske Addition to January 1, 1987; however, no further requests for extensions will be considered without a public improvements agreement.

Other items included:

1. The Commissioners voted unanimously to approve the personnel policy for the Larchmont Golf Course;
2. The Employee Assistance Program was discussed-the policy statement and contract will be signed October 6th; and
3. Given the adoption of the EAP (Employee Assistance Program), the Personnel Department will be directed by the Commissioners to evaluate the need for any other counseling programs (e.g.

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Sheriff's Department) outside of the EAP.

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

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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, Michael D. Morris and David K. Clark, for collections and distributions for the month ending August 31, 1986.

District XI Counties Meeting

The Board of County Commissioners attended a meeting of the MACo District XI Counties (Missoula, Mineral and Ravalli) which was held in Missoula; in the afternoon, the MACo and County officials met with several of the state legislators.

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OCTOBER 4, 1986

In the forenoon, Commissioners Evans and Stevens participated in the University of Montana Homecoming Parade.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

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OCTOBER 6, 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 October 6th and 7th due to illness.

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. #19 (8/24/86 through 9/06/86) with a total Missoula County payroll of \$355,826.85; and
2. #20 (9/07/86 through 9/20/86) with a total Missoula County payroll of \$357,728.19.

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

Agreement

The Board of County Commissioners signed an agreement between Missoula County and Local Unit No. three of the Montana Public Employee's Association for the purpose of defining the wages, hours and other working conditions of the employees who are

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represented by the association, as per the terms set forth, for the period from July 1, 1986, through June 30, 1988. The Agreement was returned to Kathy Crego, Personnel Director, for further handling.

Contract

The Board of County Commissioners signed a contract between Missoula County and St. Patrick Hospital for the purpose of providing an Employee Assistance Program (EAP) as per the terms set forth, for the period beginning October 1, 1986, and ending September 30, 1986, for a monthly fee of \$1.75 per covered employee. The contract was returned to the Personnel Director for further handling.

Policy Statement No. 86-C

The Board of County Commissioners signed Policy Statement No. 86-C, the Missoula County Employee Assistance Program (EAP) for the purpose of providing employees the opportunity to deal with personal problems through special arrangements with outside, professional counseling resources; and the overall objective of the Missoula County EAP is to assist in coping effectively with personal and/or job stress in order to retain valued employees, increase job effectiveness, and encourage a positive work climate; as per the policy and procedures set forth. The policy statement was returned to the Personnel Director for further handling and distribution.

Other matters included:

1. The Commissioners directed Kathy Crego, Personnel Director to evaluate the need for any other counseling programs (e.g. Sheriff's Department) outside of the EAP.
2. The Board approved an extension for the payment on a tax deed contract by Ron Leno until December 31, 1986; and
3. The Capital Finance program was discussed with John DeVore, Operations Officer, and he was given authorization to proceed.

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

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OCTOBER 7, 1986

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

Audit List

Commissioners Dussault and Stevens signed the Audit List dated October 7, 1986, pages 6-35, with a grand total of \$118,353.11. 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. 86-102

The Board of County Commissioners signed Resolution No. 86-102, a resolution authorizing the sale and issuance of \$3,493,128 tax and revenue anticipation, as per the determinations and definitions set forth, between Missoula County and the Montana

OCTOBER 7, 1986 (continued)

Economic Development Board; the note is issued in anticipation of taxes and revenues budgeted to be received and appropriated for expenditures during the fiscal year ending June 30, 1987, and this Note shall constitute a general obligation of the Issuer, Missoula County.

Approval of Snow Plowing and Sanding Policy

The Board of County Commissioners reviewed and signed approval of the yearly update of the Missoula County Road and Snow Plowing and Sanding Policy, the only changes being the addition of Catlin, Wyoming, Kemp and Railroad Streets to the "Priority Routes," as they had traffic over 1,000 ADT.

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

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OCTOBER 8, 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 because of illness, but was available for signatures as needed.

"Dare a Disability Day"

Commissioners Dussault and Stevens participated in the "Dare a Disability Day" held in conjunction with National Employ the Disabled Week.

Monthly Report

Chairman Evans examined, approved, and ordered filed the monthly report of Clerk of District Court, Bonnie Henri showing items of fees and other collections made in Missoula County for the month ending September 30, 1986.

John DeVore, Operations Manager for Missoula County said RSID #260 was created in 1974 to construct the sewer system serving the residents of the Golden West subdivision. Since that time, the system has received little, if any, maintenance.

Daily Administrative Meeting

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

Resolution No. 86-103

The Board of County Commissioners signed Resolution No. 86-103 as follows, with the attachments being on file with the original Resolution in the Clerk and Recorder's Office.

RESOLUTION NO. 86-103

FIXING TAX LEVIES FOR MISSOULA COUNTY
FOR FISCAL YEAR 1986-1987

WHEREAS, the Board of County Commissioners of Missoula County, Montana has approved and adopted the Budget for Fiscal Year 1986-1987 as required by law; and

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

OCTOBER 8, 1986 (continued)

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 \$68,733 County-wide, and a value of \$113,415 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 1986-1987 as moved, seconded and passed by the Board and as detailed below:

MISSOULA COUNTY-WIDE FUNDS	MILLS	ATTACHMENT
GENERAL FUND	39.22	
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 BUILDING 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	
	MILLS	ATTACHMENT
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	
<u>TOTAL COUNTY-WIDE LEVY</u>	69.90	
MISSOULA COUNTY-ONLY LEVY		
ROAD FUND	13.83	
HEALTH FUND	7.30	
JUNK VEHICLE	0.00	
<u>TOTAL COUNTY-ONLY LEVY</u>	21.13	
CITY OF MISSOULA	129.76	
MISSOULA COUNTY SCHOOLS	Various	
STATE OF MONTANA		

OCTOBER 8, 1986 (continued)

UNIVERSITY MILLAGE FUND	6.00
STATE ASSUMPTION/COUNTY WELFARE	12.00
MILL LEVIES ON LIVESTOCK:	
SHEEP	
COMMISSION FUND 02425	26.00
BOUNTY FUND 02425	15.00
SANITARY BOARD FUND 02427	34.00
OTHER LIVESTOCK:	
COMMISSION FUND 02425	36.00
BOUNTY FUND 02425	10.00
SANITARY BOARD FUND 02427	34.00

SPECIAL FIRE DISTRICTS

CLINTON RURAL	29.03
MISSOULA RURAL	32.76
ARLEE/JOCKO VALLEY RURAL	10.73
FLORENCE-CARLTON RURAL	16.63
EAST MISSOULA RURAL	12.79
FRENCHTOWN RURAL	5.60
SEELEY LAKE	19.77

	MILLS	ATTACHMENT
OTHER SPECIAL DISTRICT LEVIES		
SOIL CONSERVATION	.64	
S.O.S. HEALTH CENTER	8.00	
CARLTON CEMETERY	1.34	
MISSOULA URBAN TRANSIT	9.82	
MISSOULA COUNTY AIRPORT	2.00	

SPECIAL ASSESSMENT DISTRICTS

RURAL SPECIAL IMPROVEMENT	Various
LOLO MOSQUITO CONTROL	
JOCKO IRRIGATION	
FRENCHTOWN IRRIGATION	
MISSOULA IRRIGATION	
FOREST FIRE PROTECTION ASS'N	
ELK MEADOWS WATER DISTRICT	
SEELEY LAKE REFUSE DISTRICT	

All of the above attached, approved and ordered entered into the official minutes of the Board of County Commissioners of Missoula County this 8th day of October, 1986.

BOARD OF COUNTY COMMISSIONERS

Barbara Evans/s
Barbara Evans, Chairman

Ann Mary Dussault/s
Ann Mary Dussault, Commissioner

Janet Stevens/s
Janet Stevens, Commissioner

APPROVED AS TO FORM AND CONTENT:

Michael Sehestedt/s
Michael Sehestedt, Deputy County Attorney

ATTEST:

Fern Hart/s
Fern Hart, Clerk and Recorder

OCTOBER 8, 1986 (continued)

Resolution No. 86-104

The Board of County Commissioners signed Resolution No. 86-104, a resolution accepting and approving the petition for inclusion in Rural Special Improvement District No. 406 as presented by R.R. Tipp, as per the terms set forth, for the purpose of obtaining access to sanitary sewer improvements constructed on Larkspur and a portion of 21st Avenue and financed through Rural Special Improvement District No. 406.

Resolution No. 86-105

The Board of County Commissioners signed Resolution No. 86-105, a Resolution of Agreement between the City and the County agreeing to the terms of Rural Special Improvement District Number 419, the South Hills Drainage Project, as per the terms set forth. The Resolution was forwarded to the City for signatures.

Public Notice

Acting Chair Dussault signed a public notice that all water and sewer service to all uninhabited Glacier General Properties located in the Westview #3 Subdivision, Lolo, Montana are terminated; with the reason for the termination being the result of unliquidated claims between the Glacier General Assurance Company and the County of Missoula and this termination of service will remain in effect until the claims against the Glacier General Assurance Company are honored.

Certification Form

The Board of County Commissioners signed certification that the rural road mileage in Missoula County, exclusive of the Federal-Aid Interstate, Primary and Urban systems, amounts to 1511.889 miles. The form was returned to the State Highway Department.

Other matters included:

Board Appointment

The Board of County Commissioners appointed Mike Kress, Acting Director of the Office of Community Development, as a member of the Missoula County Park Board to replace Chris Rockey, who recently resigned.

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

PUBLIC MEETING

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

HEARING: CERTIFICATE OF SURVEY REVIEW-OCCASIONAL SALE (MURPHY)

Deputy County Attorney Joan Newman said this property along the Bitterroot River near Lolo was purchased by Mr. Murphy in 1973. The affidavit indicates that he made an occasional sale from the parcel in 1977 of a parcel approximately 1 to 2 acres. In 1978, he made a second occasional sale of about 4 acres, which is adjacent to the first occasional sale parcel. He now proposes a third occasional sale parcel adjoining the first two. The divisions appear to be a three lot subdivision along the river. She added that the first occasional sale was transferred to someone, but the second one was never transferred to anyone. As a legal question, she said the Attorney General ruled in 1980 that the occasional sale was effective when the property was actually transferred; however, prior to 1980, the Attorney

OCTOBER 8, 1986 (continued)

General didn't have that opinion and people did file COS's with two or three occasional sales on them, and then stockpiled them and sold them whenever they wanted to. As a legal point, she said one applies the law that was in effect at the time, because the rules are not changed after someone has relied on it. The fact that Mr. Murphy had not transferred this property then, does not make any difference. In the past, the evasion rule criteria has considered comprehensive plan designations, and this is in the Lolo area comp plan, which is, in effect, designated as open and resource land, but there is no other development on this land. If a building permit were applied for, she said Mr. Murphy would have to show substantial compliance with the comprehensive plan.

Janet Stevens asked how much property Mr. Murphy owns in the area.

Joan Newman said he owns the whole quarter section, plus some property across the river.

Dick Ainsworth of P.C.I., representing Mr. Murphy, indicated all of Mr. Murphy's holdings on a map. He noted that it had been eight years since Mr. Murphy's last occasional sale.

Janet Stevens asked about the access to the property.

Dick Ainsworth indicated the access on map, and said it was a private road. He said Mr. Murphy now resides in Polson, and it is his understanding that he intends to dispose of all his property in this area..

Ann Mary Dussault said that the difficulty is that regardless of the fact that he is selling this property over a period of time, there appears to be a pattern of intent to divide property by evading the subdivision act. She said she would like to see Mr. Murphy take the remaining property and bring in an overall development plan.

Janet Stevens moved and Ann Mary Dussault seconded the motion to deny the request for the following reasons:

1. There is a history indicated in the record of division of parcels for the apparent intention of creating multiple parcels for subsequent sale.
2. That the configuration of the lots indicates an intent to create multiple lots.

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 1:55 p.m.

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OCTOBER 9, 1986

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was out of the office October 9th and 10th because of illness.

Indemnity Bond

Acting Chair Dussault examined, approved and ordered filed an Indemnity Bond naming Western Materials, Inc., as principal for Warrant #4747, dated June 11, 1986, on the Bonner School District #14 General Fund in the amount of \$81.00 now unable to be found.

OCTOBER 9, 1986 (continued)

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 Memorandums of Agreement between Missoula County and the following organizations:

1. The Western Montana Regional Community Mental Health Center, where by the County will purchase mental health services for Missoula County residents as per the terms set forth, through June 30, 1987, for a total amount of \$41,000;
2. Child Care Resources (training) 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, 1987 for a total amount of \$21,000.00; and
3. Child Care Resources (health) whereby the County will purchase professional services related to providing a child care health program to identify and solve health problems which are unique to children and which may be compounded by grouping young children together, as per the terms set forth, through June 30, 1987, for a total amount of \$5,200.00, contingent on the receipt of General Revenue Sharing funds.

Resolution No. 86-106

The Board of County Commissioners signed Resolution No. 86-106, a resolution to vacate an easement located within Lot 5 of Gustafson Addition, as per the legal description contained in the resolution in accordance with the Commissioner's condition of final plat approval for the Sportco Addition.

Quit Claim Deed

The Board of County Commissioners signed a Quit Claim Deed from Missoula County to Sportco, Inc., for an easement located within Lot 5 of Gustafson Addition and also being within Tract 7 of Massey McCullough Acres Tract 3 and Tract 7, in conjunction with Resolution No. 86-106.

Other matters included:

The next assignment for the Management Analyst in the Auditor's office was discussed. It was agreed that the analyst be assigned the task of reviewing the Constable positions in the JP Courts.

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

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OCTOBER 10, 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 as needed.

OCTOBER 10, 1986 (continued)

Employer Awards Breakfast

In the morning, Commissioners Dussault and Stevens attended the Employer Awards Breakfast held at Community Hospital in conjunction with national "Employ the Disabled Worker" week.

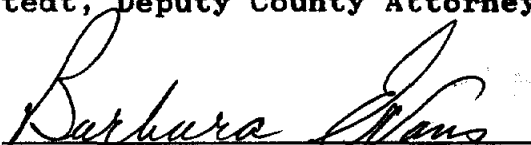
Quit Claim Deed

Acting Chair Dussault signed a Quit Claim Deed between Missoula County and Roland M. and Terry C. Allen; whereby in consideration of the sum of \$1,790.11, the County does quit claim to the Allens the following described real estate:

That property situated in Missoula County and described as in SE 1/4, SE 1/4, SE 1/4, Plat I, less 330 x100 ft., Section 19, Township 13, Range 19, which was sold to Missoula County for taxes levied and not paid in 1977 in the amount of \$86.63 on July 19, 1978.

The deed was returned to Mike Sehestedt, Deputy County Attorney, for further handling.


Fern Hart, Clerk and Recorder


Barbara Evans, Chairman

* * * * *

OCTOBER 13, 1986

The Courthouse was closed for the Columbus Day observed holiday.

OCTOBER 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:

Resolution No. 86-107

The Board of County Commissioners signed Resolution No. 86-107, a resolution creating RSID No. 910 for the purpose of providing the necessary funds to maintain the community sewer system to serve the development known as Golden West, as per the terms set forth in the Resolution.

Agreements

Chairman Evans signed agreements between the Department of Health and Environmental Sciences and Missoula County as follows:

1. for the purpose of providing local sanitary review of minor subdivision as per the terms set forth, for the period from July 1, 1986, through June 30, 1987; and
2. for the purpose of developing and implementing programs to educate the public about AIDS and to reduce its risk, as per the terms set forth. for the period from September 15, 1986, through June 30, 1987, for a total amount of \$5,442.00.

The agreements were forwarded to Helena for further handling.

OCTOBER 14, 1986 (continued)

Resolution No. 86-108

The Board of County Commissioners signed Resolution No. 86-108, a resolution adopting and authorizing the execution of the Trust Agreement for Self-Insurance Plan of Missoula County, Montana and that the First Interstate Bank of Missoula shall act as Trustee and Hal K. Luttschwager, Risk Manager for Missoula County, shall act as Administrator of the Trust Agreement.

Trust Agreement

The Board of County Commissioners signed a trust agreement for a Self Insurance Plan of Missoula County, Montana which provides that First Interstate Bank of Missoula will hold and invest and reinvest proceeds paid to it to establish a trust fund to cover claims against the County; as per the terms set forth in the Agreement. The agreement was forwarded to Hal Luttschwager, Risk Manager, for further handling.

Other matters included:

The Emergency Services Mutual Aid Agreement was discussed and given tentative approval by the Commissioners pending legal review by Mike Sehestedt, Deputy County Attorney.

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

* * * * *

OCTOBER 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 item was signed:

Notice of Sale of Bonds

Chairman Evans signed the Notice of Sale of Bonds for RSID No. 411 in a total amount not to exceed \$186,000.00 for the purpose of constructing access roads, complete with drainage structures, friction surface, and parking lot for Gleneagle at Grantland, Missoula County, Montana, setting the sale for November 12, 1986 at 1:30 p.m.

The minutes of the daily administrative meeting are on file in the Commissioner's 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: 1 HEAVY DUTY 4X4 UTILITY VEHICLE (HEALTH DEPARTMENT)

Background information provided by Jon Shannon, Environmental Health Specialist indicated that the Missoula County Junk Vehicle Program has set aside money in a capital improvement fund for the purchase of a vehicle. The vehicle is used for the junk vehicle program only and is not associated with the County Motor Pool. There is no fiscal impact to the County. The only bid received was from Bitterroot Motors for \$13,744. The recommendation from the Health Department was to award the bid to the only bidder, Bitterroot Motors, for \$13,744.

OCTOBER 15, 1986 (continued)

Janet Stevens moved, and Ann Mary Dussault seconded the motion to award the bid for one heavy duty 4x4 vehicle for the Health Department to Bitterroot Motors in the amount of \$13,744. The motion passed on a vote of 3-0.

BID AWARD: 2 MOTOR PATROL ROAD GRADERS-(SURVEYOR)

Information provided by Dick Colvill, County Surveyor, indicated that bids for two road grades were opened October 14, 1986 with the following results:

<u>BIDDER</u>	<u>INITIAL COST AFTER TRADE</u>	<u>LIFE CYCLE COST</u>
Long Machinery	\$163,744.00	\$385,493.56
Davies Inc.	\$158,212.64	\$386,928.99

The life cycle cost consisted of the initial cost plus present worth of the maintenance cost for 10 years minus the trade-in value after 10 years. His recommendation was to award the contract to the low life cycle cost bidder, Long Machinery, in the amount of \$163,774.00. In response to questions about the low life cycle cost bidding, he indicated the method on a chart.

David Davies, President of Davies, Inc., said he would like to express his thoughts on the Missoula County current bid on the two road graders. He said he knew the Surveyor's Office was recommending the Long Machinery bid based on the "life cycle costing formula". Long's initial high bid becomes about \$1,500.00 lower in ten years than this formula, if all things remain constant. He said this attempt at fairness and protection for the County was respected; however, we are living in times of change, and what was true two or three years ago may need some interpretation in today's cash crunch.

1. The initial difference between Davies, Inc. and Long's bid is \$5,561.36. This is cash out of the county's funds now---money actually spent.
2. Operating costs go on every hour for the next ten years--the John Deere is cheaper per hour to operate--money actually spent.
3. The resale value 10 years from now is an estimate only based on today's information--John Deere's reputation is improving--who is to say what it really will be in 1996.

He then submitted a Dataquest Green Guide which is used for estimating resale value, and discussed trade-in values for various models. He said another significant fact is the John Deere 5 year warranty which is given at no additional cost, which he said would lower operating costs every hour. He said Davies Inc. had always had a good reputation with Missoula County and he hoped the Commissioners would consider all these facts before spending more cash because of a "resale value" which he said is deceptive. He asked the Commissioners to award the bid to the low bid, Davies, Inc.

Dick Colvill, County Surveyor, said that life-cycle cost bidding is the rule that the Commissioners set up and are the rules everybody is playing with now, and this is not the time to be changing the rules. He said this same method was used two years ago when graders were bought, and Davies was the low bidder through this process, and did not object to it then.

David Davies said that he would like to point out that the resale figures that Caterpillar submitted are not realistic in today's market, and that is the big sway in the formula.

OCTOBER 15, 1986 (continued)

Bill Scott from Long Machinery said that as far as resale figures are concerned, he looks at grader bids on a wholesale basis, and as far as trade-in values are concerned, it doesn't matter what the figures are, they can be treated as on a wholesale basis, or the dollars can be applied to the trade-in value. As far as the trade-ins are concerned, they were looking at them on a wholesale basis, and by the time they put some money into repairs of the trade-ins, it brings them up to the quick-sale amount.

A general discussion of trade-in and re-sell values ensued.

Barbara Evans asked Dick Colvill if the 5 year warranty offered by Davies, Inc. was an important enough factor to outweigh the \$1,500 difference in figures.

Dick Colvill said the bid specs only called for a one year warranty, and the extra 4 year warranty offered by John Deere/Davies Inc. is worth nothing if the machine doesn't fail.

Terry Wahl, Operations Analyst for the Surveyor's Office said he did not think that it was a true five-year warranty. The bid specs called for a one-year warranty on all parts and labor, and the John Deere bid offers only a half year total machine warranty, and the remaining four and a half years is on the drive train only, so it is not a true five year warranty and does not even meet the specs calling for a full year total machine warranty.

Mike Sehestedt, Deputy County Attorney, said he had some concern regarding the fact that the Commissioners are considering a non-conforming bid, and he said he would like to look at the bids before any decision is made.

Janet Stevens said she agreed with that, and felt that the bids needed to be looked at before the Commissioners made a decision. She said other companies have complained about the County's bidding process to begin with, and if other bidders are rejected because they do not meet the specifications, then the Commissioners should not be considering any other non-conforming bidders.

Mike Sehestedt said the two bidders, Long Machinery, and Davies, Inc., were behaving in a most professional manner, and the competitive nature of the bids have made it very difficult for the Commissioners, and in light of the new information about one of the bids not meeting specifications, he would recommend that the bid be postponed for one week.

Chairman Barbara Evans said she would exercise the option of the chair and postpone the bid award for a week, and have the County Attorney's office review the bids.

Janet Stevens admonished the County Surveyor's staff for not letting the Commissioners know that there was a problem with the bid specs before the time for awarding the bid.

Mike Sehestedt said he would have to determine if the deviations from the specs are material or substantial, and if it would preclude consideration of the Davies bid.

CONSIDERATION OF MORLOCK RENTAL SUBDIVISION (JERRY MORLOCK)

Background provided by Paula Jacques of the Office of Community Development indicated that the Morlocks are requesting subdivision approval to place a second dwelling on the east one-half of Lot 26, Cobban and Dinsmore Orchard Homes. As proposed by the Morlocks, the dwelling meets the density and setback requirements of the C-RR3 zoning. There are four conditions

OCTOBER 15, 1986 (continued)

recommended in the staff report, three of which pertain to access to the existing and proposed dwelling. The remaining condition of approval requires connection to city sewer of the existing dwelling if it does not have a septic system which meets county standards. A variance from the road standards of the Subdivision Regulations is necessary to allow both dwellings to share a single driveway, subject to the conditions recommended in the staff report.

The recommendation from the Planning staff and the Planning Board is that the Morlock Rental Subdivision be approved subject to the following conditions, variance and findings of fact:

Conditions

1. The existing driveway shall be abandoned and an approach permit for a new single access shall be obtained from the County Surveyor prior to obtaining a zoning compliance permit for the second dwelling.
2. The applicant shall pave the first twenty feet of the approach onto River Road.
3. The new residence shall connect to city sewer under contract; the existing residence shall also be connected to sewer if the existing septic system does not conform to Missoula County Health Department Standards.
4. A thirty-foot private road easement with half a cul-de-sac bulb shall be approved by the Community Development Staff and filed with the Clerk and Recorder prior to obtaining a zoning compliance permit for the second dwelling.

Variance

1. A variance is granted from road standards of the subdivision regulations in order to allow the two dwellings to share a single driveway.

Findings of Fact

Criterion #1: NEED - -The Missoula Comprehensive Plan recommends that the area be developed for single family use at a maximum density of six units per acre. The property is zoned C-RR3, which permits single dwellings at a maximum density of four units per acre. The density proposed by the applicant conforms to both the Comprehensive Plan and the zoning.

Criterion #2: EXPRESSED PUBLIC OPINION - - No public hearing is required as part of the summary review process; however, the staff posts the property for which a summary subdivision is proposed. To date, no comments have been received.

Criterion #3: EFFECTS ON AGRICULTURE --Though a portion of the nearby lots are used for pasture, the location of this property within the urban area with ready access to services including city sewer limits the agricultural potential of the land. The area is one in transition of five acre tracts with limited agricultural use to suburban residential development.

Criterion #4: EFFECTS ON LOCAL SERVICES -- The parcel already contains a dwelling and is located within an area with access to the necessary public and private services. The County Surveyor has requested that the existing driveway be abandoned so that both homes can be served by the proposed new driveway.

OCTOBER 15, 1986 (continued)

Criterion #5: EFFECTS ON TAXATION -- The addition of a second dwelling to the lot will result in some additional tax revenue. This development 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. There is an irrigation ditch crossing the rear portion of the lot but no septic systems or other development is proposed which cause concern.

Criterion #8: EFFECT ON PUBLIC HEALTH AND SAFETY -- The new home will connect to city sewer; it is recommended that the existing septic system be abandoned in favor of connection to city sewer unless it meets Health Department standards. This will contribute to maintaining the quality of the groundwater. The first 20 feet of the driveway will be paved to limit carryout of dirt onto the county road to mitigate the impact of the paving variance on air quality. Sharing access onto River Road contributes to safe vehicular circulation by limiting the number of intersections.

Janet Stevens moved and Ann Mary Dussault seconded the motion to approve the Morlock rental subdivision subject to the conditions, variance and findings of fact contained in the staff report. 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 1:45 p.m.

Joint Meeting

In the evening, the Board of County Commissioners attended a joint City-County meeting held at the Chamber of Commerce regarding the Office of Community Development.

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OCTOBER 16, 1986

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 October 15, 1986, pages 5-37, with a grand total of \$2,322,704.13. The Audit List was returned to the Accounting Department.

Daily Administrative Meeting

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

Budget Transfers

The Board of County Commissioners approved and signed the following budget transfers for the Historical Museum at Fort Missoula and adopted them as part of the FY'87 budget:

1. No. 87004A, a request to transfer \$450.00 from the tuition, registration fees account to the shipping/freight (\$300) and small tools (\$150) accounts as these accounts were originally underbudgeted; and

OCTOBER 16, 1986 (continued)

2. No. 87005, a request to transfer \$3,600.00 from the capital remodel account to the building and grounds maintenance account because remodeling projects were completed out of the operations budget and now that account needs to be reimbursed.

Other matters included:

The special exception request by Montana Power Company was discussed and referred to John DeVore, Operations Officer, for response from the Commissioners, indicating their support of the request.

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

Seminar Panel

At noon, Commissioner Evans served on a panel at the Restitution Seminar which was held at the Quality Inn.

Meeting

In the evening, Commissioner Evans and Health Department personnel attended a meeting held at the Frenchtown School concerning the water contamination problem in the Frenchtown area.

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OCTOBER 17, 1986

The Board of County Commissioners did not meet in regular session. Commissioner Stevens was in Helena attending a Commission on Courts of Limited Jurisdiction Meeting; and Commissioner Evans was out of the office all day; but available for signatures and phone calls as needed.

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OCTOBER 18, 1986Dedication/Auction

On Saturday afternoon, Commissioner Stevens participated in the dedication of the Washington Grizzly Stadium at the University of Montana; and in the evening, took part in the Missoula Museum of the Arts Auction held at the Museum.

Fern Hart
Fern Hart, Clerk and Recorder

Barbara Evans
Barbara Evans, Chairman

* * * * *

OCTOBER 20, 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 the Missoula City-County Health Department and the University of

OCTOBER 20, 1986 (continued)

Montana, Department of Geology, an independent contractor, for the purpose of conducting a aquifer study of the Missoula Valley, 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, 1986, through June 30, 1987, for a total amount not to exceed \$14,613.11. 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 Adam Rys-Sikora, an independent contractor, for the purpose of conducting laboratory analysis of hivol filters and ambient air samples, gravimetric and gas chromatograph, and equipment and procedure development for the source apportionment study for the Environmental Health Division of the Health Department, as per the terms set forth, for the period from October 1, 1986, through January 16, 1987, for a total amount not to exceed \$4,000.00. The contract was returned to the Health Department for further handling.

Other matters included:

The Commissioners determined by a 3-0 vote that suitable access is provided in the division of the property recorded in Book 198, Micro, p. 2309, owned by Gregory C. MacDonald of Kimble Properties, Inc., and that in order to file this 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 Commissioner's office.

Norco Ceremonies

In the afternoon, the Board of County Commissioners and Personnel from the Office of Community Development attended ceremonies held at Norco Manufacturing on Blue Mountain Road, initiating the construction project and acknowledging the receipt of the \$275,000 loan from the CDBG funds.

OCTOBER 21, 1986

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 October 21, 1986, pages 9-34 with a grand total of \$254,871.72. The Audit List was returned to the Accounting Department.

OCTOBER 21, 1986 (continued)

Dedication

In the forenoon, the Board of County Commissioners attended the dedication of the Susan Talbot Youth Care Center located on River Road.

Interlocal Agreement

The Board of County Commissioners signed an interlocal agreement between the City of Missoula and the County of Missoula to cooperate in extension of City sewer service to portions of the Rattlesnake Valley in Missoula County, as per the terms set forth, to provide for the financing and administration and transfer of ownership of the Rattlesnake Interceptor, with the total cost estimated at \$1,629,300.00 to be funded from the sources identified in the agreement.

Interlocal Agreement Amendment

The Board of County Commissioners signed an amendment to the interlocal agreement between the City of Missoula and Missoula County to cooperate in the provision of planning, building inspection, zoning services, and floodplain administration to the residents, amending the current agreement as follows in order to remove building inspection from the cooperative effort embodied in the interlocal agreement effective October 6, 1986:

1. Building inspection activity shall be excluded from the interlocal agreement;
2. The term "building inspection" shall be deleted from the title of the agreement, and from all other provisions of the interlocal agreement;
3. Section 4: Fiscal Administration subparagraph (1)c. shall be amended to read as follows:

The City and County agree that floodplain administration is an integral part of the planning program and shall be incorporated into the Office of Community Development.

4. "Funding for building inspection activities for the period July 1, 1986 through October 6, 1986, shall be as set forth in the fiscal year 1987 budget of the Office of Community Development as approved by the City of Missoula and Missoula County." (It is understood that after the building inspection division has been transferred to the City, it will be the City's responsibility to fund the division in the future;)

5. The City and County shall make mutually agreeable arrangements for transfer of personnel and property.

* * * * *

OCTOBER 22, 1986

The Board of County Commissioners met in regular session; a quorum of the Board was present in the afternoon. Commissioner Dussault attended a Montana Association for Rehabilitation Conference in Butte; and in the forenoon, Commissioner Stevens attended a review of the Clark Fork Corridor with Senator Max Baucus et. al., and Commissioner Evans attended a meeting of the County Transportation Committee.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Stacy Otto as principal for Warrant #3132, dated May

OCTOBER 22, 1986 (continued)

13, 1986, on the Clinton Elementary District #32 lunch fund in the amount of \$10.00 now unable to be found.

Quit Claim Deed

The Board of County Commissioners signed quit claim deeds needed for the completion of acquisition of the right-of-way for the Kona Ranch Bridge from Missoula County to the following:

1. to William F. and Janet M. Leach for a parcel of land located in the SW1/4, NE1/4, of Section 8, Township 13 North, Range 20 West, Principal Meridian, Montana; and
2. to Walter L. & Margaret J. Houdyshell for a parcel of land located in the SW1/4, NE1/4, of Section 8, Township 13 North, Range 20 West, Principal Meridian, Montana.

The deeds were returned to Mike Sehestedt, Deputy County Attorney for further handling.

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: TWO (2) MOTOR PATROL ROAD GRADERS (SURVEYOR)

It was noted that the decision on this bid award had been postponed from October 15 to give the County Attorney's office an opportunity to check the bids for compliance with the specifications. Bids were opened October 14, 1986 with the following results:

<u>BIDDER</u>	<u>INITIAL COST AFTER TRADE</u>	<u>LIFE CYCLE COST</u>
Long Machinery	\$163,744.00	\$385,493.56
Davies Inc.	\$158,212.64	\$386,928.99

The life cycle cost consisted of the initial cost plus present worth of the maintenance cost for 10 years minus the trade-in value after 10 years. His recommendation was to award the contract to the low life cycle cost bidder, Long Machinery, in the amount of \$163,774.00. There is \$190,000 in the current road budget for the graders.

Barbara Evans said she would like to address the representative from Long Machinery, Bill Schwenk, regarding a letter he sent to the Commissioners regarding his frustrations with the delay of the award of the bid. She said she was irritated at the letter, and realized he had not been with Long Machinery for a long period of time, but in the past, when motor grader bids were let, there were many delays on behalf on Long Machinery in order to give them time to talk with the Commissioners and get a better understanding of the bidding process. She said she thought an apology was in order from him, and his complaint and letter had been totally unwarranted. In addition, she said there was a question as to whether or not Davies, Inc. was a qualified bidder, and Mike Sehestedt, Deputy County Attorney had been asked to look into the bids.

Mike Sehestedt said that after examining the bid documents for the motor patrol graders, it was his opinion that while the John Deere bid deviates from the bid specs in that a six month whole-machine and five-year power train warranty was offered instead of the one year whole machine warranty called for, this deviation was not so substantial as to require rejection of the bid. He said he based this conclusion on the ground that a variation from bid specifications generally must be so great as to destroy the

competitive nature of the bidding process before rejection of the bid is required. This conclusion is reinforced by the fact that the bid specification in this case called for either Cat or John Deere equipment. The John Deere warranty which was bid in this case appears to be the only warranty that a John Deere dealer can offer. He said that based on the foregoing conclusions, he believed that the competitive process would be more adversely affected by rejecting the John Deere bid on a warranty basis than it would be by considering both bids, and determining the award based on the best interests of Missoula County. He said the County has reserved the power to waive irregularities and informalities in the bid documents and he said he believed the Commissioners should exercise that power in this case and consider both bids.

Barbara Evans noted that Sam Yewusiak, Fair Manager was in attendance, and one of the jobs he does for the County is to procure surplus equipment, and he had found some surplus road graders.

Sam Yewusiak said he knew nothing about road graders, per se, but he knew there were 19 or 20 grades up in Alaska, and he had talked with the State Acquisitions Director from South Dakota who is trying to buy them, who said they are in excellent shape, fully hydraulic with winter cabs and good rubber. The acquisition cost to South Dakota which would probably be comparable with Missoula is that three of them, delivered on a flat car would be \$10,000 for all three. He said in his opinion, they could be a pig in a poke, or they could be like the \$67,000 tractor he had gotten recently that only had 6 hours on it. He said in order to check them out fully, he would have to look at the government documents; however, someone should actually go up and look at them.

Barbara Evans asked Dick Colvill how soon he could leave for Alaska.

Dick Colvill said he had no desire to go to Fairbanks, and said he had bought surplus equipment before, and it was available right here in Montana now, but he felt that the winter snow plowing operation demands top-rate equipment and demands equipment that has top-rated service people right here in the County, and that is why he wanted to consider only the John Deere and Caterpillar bids. He said an off-beat brand that is down half the winter is not a good investment, and in his business, reliability is more important than cost.

Janet Stevens said that her feeling was that the Surveyor's office was Dick Colvill's department until January 3, but the Commissioners have a couple of options: taking his advice, or postponing the decision until January 4.

Barbara Evans asked Mike Sehestedt what the time frame was in the bid specifications for awarding the bids.

Mike Sehestedt and Dick Colvill agreed that it was 45 days after the day of opening, and said that the decision has to be made by the 28th of November, but the graders are needed when the first snow blows, and the unsuccessful bidder would probably like to have his bid bond returned. He said that in his opinion, there was enough money in the budget to buy these two graders and then send sam up to Alaska to buy three more.

Barbara Evans said that she had some mixed emotions on this issue. She said she liked to support the local businesses, and she knows how the public feels about waste in government. She said if the public had the choice of the Commissioners spending ten, twenty, or even fifty thousand dollars to get two or three used road grades, she thought they would prefer that rather than spending \$190,000 or \$163,000 for two graders. On the other

OCTOBER 22, 1986 (continued)

hand, she said she agreed that the County Surveyor, as the elected official in that department, knows what he wants and what he needs.

Janet Stevens said that if anyone complains about the amount of money spent on the graders, she would have to inform them that it was the County Surveyor's recommendation that the Commissioners spend \$163,000 instead of \$50,000.

Dick Colvill said that if the Commissioners wanted to buy a cheaper road grader that there was no question that it could be done, the question is, can you buy a cheaper road grader that does the job?

Barbara Evans said that the reason she tends to feel that it would be worthwhile to have Sam get the information is that it's possible that some of it is Caterpillar or John Deere.

Janet Stevens asked Dick Colvill how many road graders the County has, and when the next bid for new graders will come up.

Dick Colvill said the County has 9 graders, and the next bid award would be in two years.

Janet Stevens said that out of the \$190,000 in the current budget for road graders, \$164,000 would be spent for these two, which would leave \$25,000 in the budget. She wondered if it would be wise to check into the surplus anyway, in addition to buying these two new graders for \$164,000.

Dick Colvill said he would have no objection to this, but it would cost a couple of thousand dollars to send a mechanic to Alaska to inspect the graders. He said if enough information could be gathered ahead of time, it might be that no one would have to make the trip, that is, if the graders were not what the county was looking for.

David Davies said he appreciated the Commissioners looking into all the aspects of this bid, and from a taxpayer's point of view, it would be worthwhile to check out the graders in Alaska.

Bill Schwenk said he too, liked to save the taxpayers money whenever possible, but he also liked to see local businesses prosper.

Horace Brown, a member of the County Surveyor's staff, said that he agreed that if the County could save some money, and these graders from Alaska are good machines, that someone should take a look at them, but he would have no further comment at this time.

Dick Colvill said he still wanted to buy the two graders in the bid, but if the Commissioners wanted him to look at the others in addition to these two, he would look into that. He said winter is coming, and he needs graders now. The chances of finding good graders at surplus are about 30% out of 100%.

Janet Stevens said that in reference to the letter Mr. Davies sent to the Commissioners on this date, there were some valid points, and she felt that the Commissioners should review their life-cycle cost formula after this bidding process is complete.

Janet Stevens moved and Barbara Evans seconded the motion to follow the recommendation of the County Surveyor and award the bid for two road graders to the low life cycle cost bidder, Long Machinery in the amount of \$163,774.00. The motion passed on a vote of 2-0.

OCTOBER 22, 1986 (continued)

Dick Colvill asked if he should proceed with looking at the surplus graders in Alaska.

Janet Stevens said that was what the Commissioners would like to see him do, and they would also like to see the bid process reviewed.

THE BOARD OF COUNTY COMMISSIONERS RECESSED AT 1:55 P.M.

HEARING: PLANNING AND ZONING COMMISSION--ZONING DISTRICT #4 (BUCKLEY)

Barbara Evans convened the hearing before the Planning and Zoning Commission to hear the request of Elizabeth and James Buckley to conduct a single-family dwelling, studio/shop, and driveway on property described as Lot 9, Pattee Canyon Estates, a subdivision on Lupine Road in Zoning District #4. Also present at the hearing were Commission members Janet Stevens, Fern Hart, and Dick Colvill.

John Torma, Planner from the Office of Community Development said that Zoning District #4 was established on June 17, 1957, and requires that the Planning Board and the Planning and Zoning Commission review and approve all improvements and development within the zoning district. On October 7, 1986, the Missoula Consolidated Planning Board recommended that this request be approved subject to the condition that the accessory building (studio/shop) not involve the conduct of any business, industry, or commercial enterprise, and the findings of fact as stated in the staff report. He then showed slides of the proposed site, the access road, the slope of the land, and the physiography.

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

Dick Colvill asked if there would be a driveway to the studio.

John Torma said the site plan did not indicate a driveway. He said information provided to him by the applicant indicated that furniture building as a hobby would be conducted in the studio. He said he told the applicant that the zoning would not permit him to use the studio as part of his business, which is home remodeling.

Fern Hart asked if it would violate the zoning laws if Mr. Buckley built the furniture in the studio and then brought it to town to sell it.

John Torma said if it was a business activity like that, it would violate the zoning. In other parts of the county, this activity can go on, under the definition of home occupation.

Janet Stevens asked what the difference would be between furniture building for resale in town and somebody painting pictures in their home and then bringing the paintings to town for sale.

John Torma said what also comes into play here is the good neighbor policy. The only time the Planning Office hears about these things is when this type of activity gets to the point where it has a negative impact on the neighbors. The zoning office does not go out and look for these types of zoning violations, they only act when they get a complaint.

A general discussion concerning the rules of zoning district #4, home occupations, and impact on other residents ensued.

OCTOBER 22, 1986 (continued)

Barbara Evans said the problem could be alleviated by adding two words to the condition, changing it to read, "that the accessory building (studio shop) not involve the on site conduct of any business, industry, or commercial enterprise".

Janet Stevens and John Torma said they thought that would address the problem satisfactorily. Joan Newman agreed.

Fern Hart moved, and Janet Stevens seconded the motion to approve the single family dwelling, studio/shop and driveway requested by Elizabeth and James Buckley in zoning district #4, based on the findings of fact as set forth in the staff report, and subject to the following condition:

That the accessory building (studio/shop) not involve the on-site conduct of any business, industry, or commercial enterprise.

The motion passed on a vote of 4-0.

The hearing before the Planning and Zoning Commission was recessed at 2:12 p.m.

The Board of County Commissioners reconvened at 2:12 p.m.

There being no further business to come before the Board, the Commissioners were in recess at 2:13 p.m.

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OCTOBER 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 signed:

Resolution No. 86-109

The Board of County Commissioners signed Resolution No. 86-109, a budget amendment for the CBO fund for FY'87, including the following expenditure and revenue and adopting it as part of the FY'87 budget:

expenditure
2315-675-450703-593
Victim Witness Grant Program

budget
\$1,318

revenue
2315-675-333002
Victim Witness Grant Program

revenue
\$1,318

Resolution No. 86-110

The Board of County Commissioners signed Resolution No. 86-110, a budget amendment for the County Attorney for FY'87, including the following and adopting it as party of the FY'87 budget:

expenditure
1000-090-410420-214
1000-090-410420-301

budget
<\$900>
<\$418>

revenue
1000-090-333002
Board Crime Control

revenue
<\$1,318>

OCTOBER 23, 1986 (continued)

Resolution No. 86-111

The Board of County Commissioners signed Resolution No. 86-111, a budget amendment for the Junk Vehicle fund for FY'87, including the following and adopting it as part of the FY'87 budget:

<u>expenditure</u>	<u>budget</u>
2430-790-443000-947	\$4,100
Cap-Vehicle	

<u>revenue</u>	<u>revenue</u>
No Revenue Account Affected-This uses Cash	

Budget Transfers

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY'87 budget:

1. No. 870006, a Victim Witness Grant transfer to transfer \$1,182.00 from the County Attorney's postage account to the Ad Staff's permanent salaries (\$961.00) and fringe benefits (\$221.00) accounts;
2. No. 870007, a Victim Witness Grant transfer to transfer \$2,343.00 from the Accounting Department's permanent salaries (\$1,025.00) and the Financial Administration department's special taxes/assessments (\$1,318.00) accounts to the Ad Staff department's permanent salaries (\$1,886.00) and fringe benefits (\$457.00) accounts;
3. No. 870008, a request from the Auditor to transfer \$30 from the Books and Subscriptions account to the meals, lodging and incidentals account for the Auditor and Deputy Auditor to attend a one night seminar; and
4. No. 870009, a request from the Sheriff's Department (drug forfeiture) to transfer \$582.00 from the drug enforcement account to the capital-technical equipment account for the purchase of a capital item.

Certificate of Acceptance

Chairman Evans signed the Certification of Acceptance for County maintenance for Catrina Lane, a private paved street serving duplexes which was platted and upgraded to a County standard paved street as part of the Catrina Addition. The certificate was returned to the Surveyor's office.

Resolution No. 86-112

The Board of County Commissioners signed Resolution No. 86-112, a resolution for inclusion in RSID No. 406, whereby the County accepts and approves the petition received from Robert B. Hancock of 4208 Larkspur Drive for inclusion in RSID No. 406 in order to gain access to the sewer main constructed under said RSID.

Audit Letter

The Board of County Commissioners signed a letter to Susan Reed, County Auditor, acknowledging receipt and review of the audit of the Sheriff's Department for the period from July 1, 1985, through June 30, 1986. The audit was forwarded to the Clerk and Recorder's Office.

OCTOBER 23, 1986 (continued)

Mutual Aid Agreement

The Board of County Commissioners signed an Emergency Services Mutual Aid Agreement providing for mutual cooperation and aid among the various local governing bodies and emergency services entities for the purpose of providing voluntary assistance among participating jurisdictions in responding to any disaster or emergency that overextends the ability of an individual local government to reduce, counteract, or remove the danger. Such assistance may include, but is not limited to rescue, fire, police, medical, communication, and transportation services and facilities to cope with problems which require use of special equipment, trained personnel, or personnel in large numbers not locally available.

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

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OCTOBER 24, 1986

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

Fern Hart
Fern Hart, Clerk and Recorder

Barbara Evans
Barbara Evans, Chairman

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OCTOBER 27, 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.

Daily Administrative Meeting

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

Agreement

Chairman Evans signed a Nutritional Services Agreement, whereby Child Start, Inc., a private non-profit corporation, sponsor of the Head Start Program in Missoula, Montana which will contract with the Missoula City-County Health Department to provide nutritional services to the Head Start Program. The nutritional services will be provided by a qualified nutritionist as per the terms set forth, for the period from September 1, 1986, until May 31, 1987, for a total amount of \$675.00.

Other Matters Included:

The Commissioners tentatively agreed to accept Montana Power's offer of \$18,500.00 for one acre of land on Spurgin Road and to deposit the money in the County's General Fund (financial administration); all participants will be notified, explaining the decision, and the final decision will be made next week.

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

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OCTOBER 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. 86-113

The Board of County Commissioners signed Resolution No. 86-113, a budget amendment for FY'87 for the Sheriff's Department, including the following expenditures and revenue and adopting it as part of the FY'87 budget:

<u>expenditure</u>	<u>budget</u>
1000-300-420110-257 Fire Retardant Clothing	\$1,500
1000-300-420180-946 Radios	\$2,509
<u>revenue</u>	<u>revenue</u>
1000-300-342013 Forest Service Receipts	\$4,009

Resolution No. 86-114

The Board of County Commissioners signed Resolution No. 86-114, a budget amendment for the Library for FY'87, including the following expenditure and revenue; and adopting it as part of the FY'87 budget:

<u>expenditure</u>	<u>budget</u>
2220-410-460150-328 Western Library Network Conversion Costs	\$885
<u>revenue</u>	<u>budget</u>
2220-410-361005 money already received from LSCA project	\$885

Contract

The Board of County Commissioners signed a professional services contract between Missoula County and Robert A. Martin as independent contractor for the purpose of performing temperature sonde pibal (weather balloon) releases to determine temperatures and wind vector profiles of the atmosphere below approximately 10,000 feet as such information is vital for the Health Department's air quality forecasting capabilities, as per the terms set forth, for the period from December 1, 1986, through February 28, 1987, for a total amount not to exceed \$1,000.00.

Extension Letters

The Board of County Commissioners voted to approve requests for extension and signed letters as follows:

1. to Lloyd A. and Mary C. Twite, approving a 6 month extension to the performance agreement of October 30, 1984, in regard to construction of fire walls for the units in Catrina Addition making the expiration date of the Agreement June 1, 1987; and

OCTOBER 28, 1986 (continued)

2. to A.P. Hollinger, approving a 120-day plat filing extension for Lots 52-55 in Big Sky Lake estates, making the new filing deadline March 13, 1987.

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

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OCTOBER 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 item was signed:

Resolution No. 86-115

The Board of County Commissioners signed Resolution No. 86-115, resolving that the County Treasurer prepare a Quit Claim Deed for each of the parcels to the persons and organizations appearing on the Tax Deed recorded for Lincoln Hills #6, Lot 10, and Lincoln Hills #6, Lot 21, quit claiming and relinquishing Missoula County's right, title and interest, if any, acquired by the Tax Deeds recorded in book 239 of micro records page 2487 and book 239 of micro records page 2493, because an error was made in not notifying all interested parties, pursuant to 15-18-202; and because of the error, the Board of County Commissioners is authorizing the County Treasurer to cancel the Tax Deeds issued and the Notice of Application for Tax Deed needs to be republished and posted.

Other matters included:

1. The Commissioners voted to deny the request from Fret Stout for a refund of penalty and interest on his taxes as per a previous discussion;
2. Rural meetings were discussed and it was agreed to schedule hearings that affect rural areas to be held in that area; and
3. The Board approved the open-space program as reviewed by Amy Eaton of the Office of Community Development.

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

Proclamation

The Board of County Commissioners signed a proclamation declaring November 1, 1986 as Clinton Day, U.S.A., recognizing the excellent quality of life which each of the 26 Clinton Communities in the United States affords as they join together to celebrate their joint existence.

OCTOBER 29, 1986 (continued)

PUBLIC COMMENT

David Owen, representing the Chamber of Commerce, said he wished to address the Commissioners on two issues:

1. The need for a podium in Room 201; and
2. A request for the Commissioners to consider the abolition of the County sign ordinance. He said he would offer the services of the Chamber of Commerce to help write a new ordinance which would be less restrictive and take into account the density of the affected area.

Ann Mary Dussault asked if he had any examples of ordinances that might be appropriate on which to base the proposed new regulations.

David Owen said he did not think that the Office of Community Development was the proper enforcing authority for the sign ordinance, and the only time it is being enforced is when someone asks that it not be enforced. He said he would send a written proposal to the Commissioners for further action.

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

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OCTOBER 30, 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 Dani J. Dougherty as principal for warrant #1950, dated October 27, 1986, on the Missoula County Trust Fund in the amount of \$400.00 now unable to be found.

Audit List

The Board of County Commissioners signed the Audit List, dated October 30, 1986, pages 6-35, in the amount of \$550,666.50. The Audit List was returned to the Accounting Department.

Daily Administrative Meeting

At the daily administrative meeting, the following matters were discussed:

The Commissioners met with representatives of the Personnel Department and discussed hiring recommendations for requests from the Health, Road, and Sheriff's Departments, the labor-management grant status, and the status of the personnel procedures policy statement; also, the Commissioners were updated on the liability insurance trust, road department negotiations, the Sheriff's lawsuit, leave without pay requests, and the Attorney General's opinion on Health insurance.

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

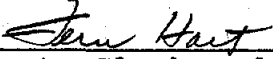
Gambling Commission Meeting

In the afternoon, Commissioner Evans attended a meeting of the Gambling Commission.

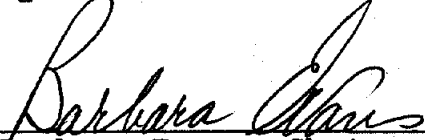
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OCTOBER 31, 1986

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Helena attending a MACo Executive Board meeting; and Commissioner Evans was out of the office all day, but available for signatures and calls as needed.



Fern Hart, Clerk and Recorder



Barbara Evans, Chairman

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NOVEMBER 3, 1986

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

Daily Administrative Meeting

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

Payroll Transmittal Sheets

The Board of County Commissioners signed the payroll transmittal sheets for the following pay periods:

1. #21 (9/21/86 through 10/04/86) with actual Missoula County payroll of \$352,431.27; and
2. #22 (10/05/86 through 10/18/86) with a total Missoula County payroll of \$353,140.51.

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

Quit Claim Deeds

The Board of County Commissioners signed the following quit claim deeds pursuant to Resolution No. 86-115 from Missoula County to the Lincoln Hills Development Company for the following described premises in Missoula County:

1. Lot 10 of Lincoln Hills #6, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof, and cancels the Tax Deed recorded in Book 239 Micro Records at page 2487, recorded May 14, 1986; and
2. Lot 21 of Lincoln Hills #6, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof, and cancels the Tax Deed recorded in Book 239 Micro Records at page 2493, recorded May 14, 1986.

Other matters included:

The Commissioners gave approval to Howard Schwartz, Executive Officer to put together a personal computer package using salary savings from the half-time secretary position. A final decision will be made after the numbers are available.

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

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NOVEMBER 4, 1986

The Courthouse was closed for the Election Day holiday.

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NOVEMBER 5, 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:

NOVEMBER 5, 1986 (continued)

1. naming Missoula Federal Credit Union as principal for warrant #12264, dated October 20, 1986, on the Missoula Urban Transportation District fund in the amount of \$358.97 now unable to be found; and
2. naming Missoula Federal Credit Union as principal for warrant #12263, dated October 20, 1986 on the Missoula Urban Transportation District fund in the amount of \$1,228.79 now unable to be found.

Audit List

Commissioners Evans and Dussault signed the Audit List, dated November 5, 1986, pages 7-29 in the amount of \$97,749.82. 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:

Engineering Agreements

The Board of County Commissioners signed Agreements for Professional Engineering Services between Missoula County and Stensatter, Druyvestein and Associates as per the terms set forth, for the following:

1. RSID No. 421, the construction of a water distribution system for Lots 1-27 of the Gleneagle at Grantland Subdivision complete with fire hydrants and water service lines for a total cost of \$3,800.00;
2. RSID No. 422, the construction of an access road complete with drainage structures for Gleneagle at Grantland for a total of \$18,000.00; and
3. RSID No. 423, the construction of a water supply and storage system complete with transmission lines, booster pumps and other appurtenances as required to serve the entire Gleneagle at Grantland area for a total of \$25,000.00.

The agreements were returned to John DeVore, Operations Officer, for further handling.

Memorandum of Agreement

The Board of County Commissioners signed a Memorandum of Agreement between Missoula County and Missoula Child and Family Resource Council, whereby the County will purchase program coordination, advocacy and education services to benefit victims of child abuse and neglect in Missoula County, as per the terms set forth, for the period from July 1, 1986 through June 30, 1987, for a total amount of \$5,000.00 contingent upon receipt of Federal Criminal Justice Block Grant Funds by Missoula County and also contingent upon the County receiving General Revenue Sharing Funds as budgeted for FY'87.

Resolution No. 86-116

The Board of County Commissioners signed Resolution No. 86-116, a Budget amendment for General Services for FY'87, providing for budget revisions which are to be transferred from the Office of Community Development as per the attachment to the Resolution in the amount of \$6,774.00.

NOVEMBER 5, 1986 (continued)

Resolution No. 86-117

The Board of County Commissioners signed Resolution No. 86-117, a budget amendment for FY'87 for Planning, providing for decreases in the expenses and revenues in the Comprehensive Planning function of the Planning fund as per the attachment to the Resolution in the amount of \$6,774.00.

Other matters included:

1. The Commissioners reaffirmed the decision of last week regarding the sale of an acre of County land located on Spurgin Road to Montana Power Company; and
2. John DeVore, Operations Officer reported to the Commissioners on the CDBG projects and discussed the Gleneagle Subdivision RSID's.

The minutes of the daily administrative meeting are on file in the Commissioner's 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: Construction Bids-RSID #411 (Gleneagle at Grantland)

Information provided by John DeVore, Operations Officer for Missoula County, indicated that this bid was for the road construction at Gleneagle Way relative to RSID #411. Three bids were received for the project:

American Asphalt	\$101,668.10
L.S. Jensen & Sons	\$109,636.43
Western Materials	\$109,445.15

All bids were in compliance with the bid specifications and were below the engineer's estimates. He said he would recommend the award of the contract to American Asphalt, contingent upon the award and sale of bonds.

Janet Stevens moved, and Ann Mary Dussault seconded the motion to award the bid to American Asphalt for construction of roads at Gleneagle Way relative to RSID #411, in the amount of \$109,636.43, contingent upon the award and sale of bonds. The motion passed on a vote of 3-0.

Hearing: Request to Vacate Portion of Grant Street in Riverside Addition.

Information provided by Donna Cote, Recording Division Supervisor indicated that this is a petition to vacate Grant Street north of Idaho Street in the Riverside Addition. The owners whose property abuts the street in this particular area would like to have the street vacated for the following reason: to prevent the land from being used as a public land dump which will enhance this piece of property and be beneficial to the County as taxable land.

NOVEMBER 5, 1986 (continued)

Title to the property adjacent to the street in this area is vested in the following persons:

- | | |
|---|---|
| 1. Fred and Harlene Fortune
4707 Aspen Drive
Missoula, MT | 4. Margaret B. Bossard
1825 25th St.
Missoula, MT |
| 2. Norman & Janet Nickman
3865 Fox Farm Road
Missoula, MT | 5. Mary Herbig
1905 River Road
Missoula, MT |
| 3. David Jacobsen
5205 Elk Ridge Road
Missoula, MT | Michael Willumsen
1837 River Road
Missoula, MT |

It was noted that Mary Herbig and Michael R. Willumsen have not signed the petition or consented to the proposed abandonment. Additional persons who may be affected by the petition and/or have been notified of this hearing are: Joan Newman, Deputy County Attorney, Dick Colvill, County Surveyor, and Bruce Suenram, Missoula Rural Fire Department. Notice of the hearing was published in the Missoulian on October 26, 1986.

The hearing was opened for public comment

Joy Earls said she was an adjacent property holder and had not been notified of the hearing. She said she has a notice of purchaser's interest for the property previously owned by Mary Herbig at 1905 River Road. She said she was speaking in favor of the vacation, as the property is unsightly. She submitted several photographs of the area.

Fred Fortune, owner of Missoula Fireplace said he owns the property that Mrs. Earls was referring to, and said the hopper in question is a storage bin for pelletized fuel. He said he had been short of funds of late, and his construction project had not been progressing as smoothly as it should have been. The building is partly erected, and this street vacation would give him better access to his property. He said he intended to clean the area up.

No one else came forward to speak either in favor of, or in opposition to the proposed vacation and the hearing was closed.

Barbara Evans asked Deputy County Attorney Mike Sehestedt what latitude the Commissioners had in requiring that the property be cleaned up as a condition of the vacation.

Mike Sehestedt said the question would be whether or not it would be in the public interest to do so. He said he felt that it would be a legitimate exercise in public interest to impose a condition upon certain undertakings or happenings, or the Commissioners could vacate conditional upon certain acts.

Barbara Evans said that before any action could be taken on this vacation, one Commissioner and the County Surveyor would have to go inspect the property.

Ann Mary Dussault said she had already inspected the property, and she suggested that the Surveyor could go out at his convenience to inspect the property.

Barbara Evans said the decision on the vacation would be made at the next public meeting.

NOVEMBER 5, 1986 (continued)

Other Business

Ron Therriault, Chairman of the Confederated Salish and Kootenai Tribes spoke briefly about the Consumer Council for the Mission Valley Power, which is involved with the contracting of the power element of the Flathead Irrigation and Power Project. The attainment of the management of the power project through a contract under the Indian Self-Determination Law has been a long process, and now the management wishes to involve consumers in the planning. He said representatives on the consumer council are being sought from Missoula, Sanders, and Lake County. He asked the Board of County Commissioners to forward the names of at least two persons who might want to serve on the Board. He submitted a letter from Wyman D. Babby, Superintendent of the Flathead Agency which explained the Consumer Council. However, the letter was addressed to the Mineral County Board of Commissioners, and there was some question about Missoula County's involvement in the project. Mr. Therriault assured the Commissioners that the letter was in error, and Missoula County was a participating county, not Mineral County.

Pat Smith, an attorney for the Bureau of Indian Affairs explained the Mission Valley Power project and how the members should be chosen.

Ann Mary Dussault asked if the Superintendent of the Flathead Agency would do the advertising for the positions.

Ron Therriault said yes, the advertisements would be placed by the Flathead Agency.

A general discussion of the candidate's criteria and the appointment process ensued. It was decided that the Commissioners would forward the names to the Agency within a month.

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

Joint City-County Meeting

In the evening, the Board of County Commissioners attended a joint City-County meeting held at the Chamber regarding the Office of Community Development.

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NOVEMBER 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 item was signed:

Budget Transfer

The Board of County Commissioners approved and signed budget transfer No. 870010, a request from 9-1-1 to transfer \$21,247.00 from the permanent salaries account to the temporary salaries account because of an error in the original budget, then adopted it as part of the FY'87 budget.

NOVEMBER 6, 1986 (continued)

Other items included:

1. The purchase of a computer for the Commissioner's Office was approved;
2. The Commissioners approved the request from the library to replace their photocopier with a lease-purchase agreement and the payments are to come from their revenue sources; and
3. The Board approved the Health Department's request to hire a temporary employee to replace Pat Thorson who is on leave without pay.

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

Speech Contest Judge

In the evening, Commissioner Dussault served as a judge at a high school speech contest sponsored by the Soil Conservation District.

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NOVEMBER 7, 1986

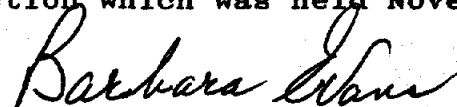
The Board of County Commissioners met in regular session in the forenoon; a quorum of the board was present. Commissioner Stevens was out of the office all day; and Commissioners Dussault and Evans were out of the office all afternoon.

Election Canvass

In the forenoon, Commissioners Dussault and Evans and Bonni Henri, Clerk of District Court, served as the Board of Canvassers for the canvass of the general election which was held November 4 1986.



Fern Hart, Clerk and Recorder



Barbara Evans, Chairman

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NOVEMBER 10, 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.

Monthly Report

Chairman Evans examined, approved and ordered filed the monthly report for the Clerk of the District Court, Bonni Henri, showing items of fees and other collections for the month ending October 31, 1986.

Daily Administrative Meeting

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

NOVEMBER 10, 1986 (continued)

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Commissioners/Ad Staff/Energy Department and adopted it as part of the FY'87 budget:

No. 870011, a request to transfer \$4,500 from the Commissioner's Permanent Salaries (\$2,747.00) and Fringe Benefits (624.00) accounts and Energy's Permanent Salaries (\$1,129.00) accounts to the Ad Staff Capital/Technical Equipment account for the purpose of purchasing a computer system for the office.

Contract Amendment

The Board of County Commissioners signed an amendment to the Health Department's Contract with Don Evans for personal services amending the following section of the contract as follows:

3. Performance Schedule-an average of 15 hours per week through the contract period beginning October 1, 1986; and

4. Compensation for Services-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 \$400, based on actual progress toward completion of the project.

Other items included:

Board Appointments

1. The Board of County Commissioners reappointed Karen Ward to a three-year term on the Missoula Planning Board with her term expiring October 31, 1989; and

2. Commissioners Dussault and Stevens voted, with Commissioner Evans voting no, to appoint John Coffee to a three-year term on the Missoula Planning Board, with his term expiring October 31, 1989; and

Also,

1. The Commissioners approved a request from the Sheriff's Department to add Patrol Sergeant Howard Reed to the Coroner's list, replacing Sergeant Tom Woods, who has terminated his employment;

2. A tentative decision was made that Commissioner Stevens will be Chairman of the Board in 1987. This was necessary because of having to get the signature plate for signing warrants ordered; and

3. It was decided that the County will hold its own hearing on the Western Equities IDRB project request. The hearing date was set for December 2, 1986, at 1:30 p.m.

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

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NOVEMBER 11, 1986

The Courthouse was closed for the Veteran's Day Holiday.

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NOVEMBER 12, 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 November 12, 1986, pages 7-31, with a grand total of \$65,221.36. The Audit list was returned to the Accounting Department.

Daily Administrative Meeting

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

Replacement Bonds

Chairman Evans signed Bonds #R-11, R-12, and R-13 in the amount of \$5,000 each for the County of Missoula Hospital Revenue Bond, Series 1975 (Missoula Community Hospital Project), to replace Registered Bonds #R-8, R-9, and R-10 at \$5,000 each for the purpose of transferring the Bonds from Catherine D. Fields to D.A. Davidson and Company #81-0139474 per transfer instructions. The replacement bonds were returned to Mike Sehestedt, Deputy County Attorney, for further handling.

Lease Agreement

Chairman Evans signed a Lease Agreement between Missoula County and the Missoula County Council on Aging as per the terms set forth, whereby the County will lease to the Council approximately 45 square feet, more or less, located in the first floor of the Missoula County Courthouse Annex for the provision of food services, with the agreement that this service must be provided according to and in concert with the Missoula County Employees Council, for the period from November 15, 1986, through October 31, 1987, for a rental fee of \$45.00 per month. The agreement was returned to John DeVore, Operations Officer, for further handling.

Memorandum of Agreement

The Board of County Commissioners signed a memorandum of agreement between Missoula County and the El Mar Estates Homeowners Association, granting the El Mar Estates Water and Sewer subcommittee the authority and responsibility to operate and maintain the community water and sewer system created through the RSID process, as per the terms set forth. The agreement was returned to John DeVore, Operations Officer, for further handling.

Agreement

The Board of County Commissioners signed an agreement between Missoula County, Dale's Dairy, and Montana Power Company, as per the terms set forth, as part of the consideration for the conveyance of a parcel of ground to be known as the Missoula #7 Substation, stating the conditions agreed to by Montana Power Company in conjunction with the County Attorney, conveying a substation site and access road easement to them; and with Dale's Dairy, who has an existing agricultural lease with the County, as the water pipeline installed will cross this particular leased property. The agreement was returned to John DeVore, Operations Officer, for further handling.

NOVEMBER 12, 1986 (continued)

Other items included:

1. The Commissioners approved the Rattlesnake Sewer Project Interlocal Agreement and it will be sent to the Attorney General for his approval;
2. The Shady Grove project was discussed. John DeVore, Operations Officer, will send a memo to the City County listing the options; and
3. An Attorney General's opinion will be requested regarding jurisdictional issues in the 1975 Comprehensive Plan.

The minutes of the daily administrative meeting are on file in the Commissioner's 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: Bond Bids for RSID #411-Gleneagle at Grantland

Information provided by John DeVore, Operations Officer indicated that one bond bid was received as a result of advertising of the above-referenced RSID project:

Dain Bosworth Inc., at a net effective rate of 8.186%

The recommendation from Mr. DeVore was to award the bond bids to Dain Bosworth contingent upon the receipt of the good faith check in the amount of \$3,720.00, and subject to the renegotiation of the B coupon rate. It was noted that the good faith check had arrived earlier in the day.

Ann Mary Dussault moved and Janet Stevens seconded the motion to award the bond bids for RSID #411 to construct an access road to Gleneagle at Grantland to Dain Bosworth Inc. The motion passed on a vote of 3-0.

Decision: Request to Vacate a Portion of Grant Street in Riverside Addition.

Barbara Evans noted that this item had been discussed at the November 5, 1986 public hearing. As required by law, Commissioner Ann Mary Dussault and County Surveyor Dick Colvill both inspected the property. Mr. Colvill indicated to the Commissioners that there could be some problems with this vacation.

Ann Mary Dussault indicated the area on a map supplied by the County Surveyor's Office, and said that Mr. Colvill felt that if the two people who did not sign the petition, Joy Earls and Michael Willumsen ever subdivided their property, they would have a difficult time getting access to the back portion of the property, which faces Idaho Street. She said Mr. Willumsen was notified and did not offer any testimony. Joy Earls attended the hearing on this matter a week ago and did not object to the vacation.

Barbara Evans asked if there would be access from River Road.

Ann Mary Dussault said it was not clear to her why easements could not be given down the lot line, but she wanted to make it clear that Mr. Willumsen had been notified of the hearing.

NOVEMBER 12, 1986 (continued)

Ann Mary Dussault moved, and Janet Stevens seconded the motion to vacate Grant Street north of Idaho Street in Section 20, T13N, R19W, from N R W of Idaho Street to the south boundary of Lost 9 & 10, Cobban and Dinsmore, Orchard Homes No. 2 as requested by the petitioners. The motion passed on a vote of 2-0. Barbara Evans abstained.

Other Business:

Joan Newman, Deputy County Attorney said the County Surveyor's office was interested in completing the follow-up of street and road vacations. She said they would like to assume the responsibility for writing the resolutions and the quit claim deeds, then forwarding these documents to the Commissioners for signature. The Commissioners agreed to this arrangement.

David Owen, representing the Chamber of Commerce, asked the Commissioners to repeal the sign ordinance, which is, in actuality, a part of the zoning regulations. He said a new ordinance should be written. The Commissioners asked Joan Newman what the process would be for repealing the current regulations, and she said there would have to be notice given, and a public hearing held.

Ann Mary Dussault said she thought it would be appropriate to forward a request to the County Attorney's office requesting appropriate methods for proceeding on this matter. She said she had reservations about repealing the ordinance, and she thought the Commissioners ought to decide what it is they want to do—repeal the ordinance or write a new one changing the things that are wrong. A discussion ensued concerning which zoning districts or areas the sign ordinance pertains to, and the process for amending it.

Janet Stevens said she was concerned with the fact that the agreement is in effect now, and it is penalizing people that want to put a sign up outside the regulations. Other people who don't give a hoot about the law put a sign up whenever and wherever they want, and the people who try to go through the system are the ones who get penalized.

Ann Mary Dussault said it was also unfair to ask the zoning office to go out and enforce the regulation and ticket everyone who was not in compliance. There is no budget for enforcement.

Janet Stevens said she favored repealing the old regulations, and putting a deadline on the County for writing a new one.

Ann Mary Dussault said she would favor not taking any action today, and referring the matter to an administrative meeting. Barbara Evans and Janet Stevens agreed with this recommendation.

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

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NOVEMBER 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:

NOVEMBER 13, 1986 (continued)

Encroachment Permit

The Board of County Commissioners signed an Encroachment Permit, whereby Missoula County agrees to permit Gerald R. Mitchell and Kathleen L. Mitchell, 1612 Lakeside Drive, Lolo, Montana to encroach upon a portion of County right-of-way in the NE 1/4, NE 1/4 Section 26, T.12.N., R. 20W., with said encroachment limited to the existing chain link fence in the County right-of-way adjacent to lot 34, block 12, Greenwood Addition, as per the terms set forth, effective for a period of ten years, renewable at the option of the County.

Audit Letter

The Board of County Commissioners signed a letter to Susan Reed, County Auditor, acknowledging receipt and review of the audit of the Missoula County Treasurer's Office for the 26 month period ending April 30, 1986. The audit was forwarded to the Clerk and Recorder's Office for filing.

Notice of Hearing

Chairman Evans signed the Notice of Hearing on a petition for annexation to the Missoula Rural Fire District for Lots 1,2,3,4,5,6,7 and Common Area in Lime Springs Addition to Grantland, Section 28, Township 14N., Range 19 W., Missoula County, Montana, setting the hearing date for November 26, 1986, at 1:30 p.m.

Notice of Hearing

The Board of County Commissioners signed a notice of hearing on an appeal of a decision which approved the transfer of territory from Alberton Joint Elementary District #2 to Superior School District #3. The Mineral County Commissioners and the Missoula County Commissioners shall hear the appeal as a joint board on December 5, 1986, at 1:30 p.m. in the Alberton Community Center, for the purpose of determining whether the County Superintendent's decision that the transfer from the Alberton District to the Superior District was advisable and in the best interests of the residents of the territory to be transferred. The notice was posted as per the instructions received from the County Attorney's Office, and copies were mailed to all interested parties.

Agreement for Services

The Board of County Commissioners signed an agreement between Missoula County and John B. Stone, for snow plowing services on the County maintained Sunset Hill Road in the Greenough Area from the Blackfoot Bridge to the first ranch driveway as per the terms set forth for the period from December 26, 1986, through March 15, 1987, at the rate of \$25.00 per hour, not to exceed \$10,000 total. The agreement was returned to the Surveyor's Office for further handling.

Other Items Included:

A discussion was held regarding the current sign ordinance. It was agreed that an opinion be requested from the County Attorney's Office as to whether or not the County can hold a hearing on repealing, amending, or altering the sign ordinance.

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

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NOVEMBER 14, 1986

The Board of County Commissioners met in regular session in the forenoon, a quorum of the Board was present. Commissioner Stevens was out of the office in the afternoon; and Commissioner Evans was out of the office all day, but available for calls and signatures as needed.

Fern Hart
Fern Hart, Clerk & Recorder

Barbara Evans
Barbara Evans, Chairman

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NOVEMBER 17, 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 held in Missoula in the forenoon.

DAILY ADMINISTRATIVE MEETING

At the morning administrative meeting, the following items were signed:

Budget Transfer

Budget Transfer #870012 was signed to transfer \$25.00 from 2360-460-460452-301 to 2360-461-460453-206 and \$75.00 from 2360-460-4604520307 to 2360-461-460453-307 in order for the Museum Board to reimburse the Art Museum for postage and copy costs.

AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF MISSOULA AND MISSOULA COUNTY TO COOPERATE IN THE PROVISION OF PLANNING, BUILDING INSPECTION, ZONING SERVICES, AND FLOODPLAIN ADMINISTRATION

The Commissioners signed the above referenced amendment in order to remove the function of building inspection from the cooperative effort embodied in the current interlocal agreement, effective October 6, 1986, and providing the following:

1. Building inspection activity shall be excluded from the interlocal agreement; and
2. The term "building inspection" shall be deleted from the title of the agreement, and from all other provisions of the interlocal agreement; and
3. Section 4, Fiscal Administration, sub-paragraph (1)c. shall be amended to read as follows:

The City and County agree that floodplain administration is an integral part of the planning program and shall be incorporated into the Office of Community Development;

4. Funding for building inspection activities for the period July 1, 1986 through October 6, 1986 shall be as set forth in the fiscal year 1987 budget of the Office of Community Development, as approved by the City of Missoula and Missoula County. (It is understood that after the building inspection division has been transferred to the City, it will be the City's responsibility to fund the division in the future); and
5. The City and County shall make mutually agreeable arrangements for transfer of personnel and property.

NOVEMBER 17, 1986 (continued)

AGREEMENT BETWEEN THE COUNTY OF MISSOULA AND LOCAL UNIT NUMBER ONE OF THE MONTANA PUBLIC EMPLOYEES ASSOCIATION FROM JULY 1, 1986 THROUGH JUNE 30, 1988

This agreement between the County of Missoula, the City/County Board of Health and the Montana Public Employees Association, Inc. was signed. The purpose of the agreement is to define the wages, hours and other working conditions of Health Department employees, represented by Local Unit Number One of the M.P.E.A., the mutual covenants contained in the agreement having been established through the mutual collective bargaining process. The agreement was returned to Personnel Officer Kathy Crego for processing.

Resolution No. 86-118

The Board of County Commissioners signed Resolution No. 86-118, vacating a portion of X-L Avenue.

Resolution No. 86-119

The Board of County Commissioners signed Resolution No. 86-119 in order to accept real property for public road and all other public purposes relative to the vacation of X-L Avenue. This easement was conveyed to Missoula County by L & E Company.

Quitclaim Deed

Pursuant to the easement reference above, the Commissioners signed a quitclaim deed conveying, releasing and remitting unto L & E Company a tract of land located in and being a portion of the Northwest one-quarter Northwest one-quarter of Section 21, Township 13 North, Range 19 West, Principal Meridian, Montana, Missoula County Montana and more particularly located in Cobban and Dinsmore Orchard Homes No. 2, a filed subdivision of Missoula County. The above referenced documents were returned to Deputy County Attorney Mike Sehestedt so that he could take care of further processing and recording.

The following matter was discussed at the morning administrative meeting:

Relative to setting a hearing date for proposed rate changes for the Seeley Lake Refuse Disposal District, the Commissioners decided that Commissioner Ann Mary Dussault would talk to Kent Brown of the Refuse Disposal District Board and County Treasurer Jane Ellis to determine a time table for the legal notice and public hearing in regard to the proposed changes. Deputy County Attorney Diane Conner was to draft publication notices for the hearings in Seeley Lake and Missoula. Jeff Macon of the Seeley-Condon Chamber of Commerce was to be notified of these proceedings as well.

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

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NOVEMBER 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 items were signed:

NOVEMBER 18, 1986 (continued)

Agreement to Extend Preliminary Approval

An agreement was signed between Missoula County and A. Warren Wilcox, Robert E. Rowe and Jerome J. Lubbers to extend the preliminary plat for the development known as Brookside on the Rattlesnake for 11 years from the date of approval (November 3, 1982) as per the terms set forth.

Professional Services Contract

The Board of County Commissioners signed a professional services contract with Metamorphosis, an independent contractor, for the purpose of developing and assisting in the implementation of a performance appraisal system. The agreement was returned to Kathy Crego, Personnel Officer, for further handling.

The following items were discussed at the morning administrative meeting:

Commissioner Ann Mary Dussault moved that two interns be hired for this legislative session. The motion failed for a lack of a second. Janet Stevens moved, and Barbara Evans seconded the motion, that one intern be hired, with that person to be based in Missoula as an intern to Executive Officer Howard Schwartz and Administrative Assistant Leslie McClintock. Of the \$4,000 available for this purpose, the intern will be paid \$2,000 and the remaining \$2,000 will be used to supplement travel and expenses for the Commissioners and staff to go to Helena from time to time during the session. The motion passed 2-1 with Ann Mary Dussault voting no.

Commissioner Janet Stevens moved, and Commissioner Ann Mary Dussault seconded the motion that the Board of County Commissioners approve the replacement of the Commissioners Journal sheets with a system of computer print-outs and microfilming of the permanent minutes and journals of the proceeding of the Board of County Commissioners. The motion passed by a vote of 3-0.

The Board of County Commissioners set the hearing date of December 10, 1986 for the South Hills Comprehensive Plan Amendments; and discussed the possibility of an amendment to the County Zoning Regulations relative to the section dealing with outdoor signs.

The Board of County Commissioners approved filling the position of Master Welder at the Missoula County Road Department on a full-time basis. Personnel Officer Kathy Crego and County Surveyor Dick Colvill were present when this decision was made.

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

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NOVEMBER 19, 1986

The Board of County Commissioners met in regular session; all three members were present in the forenoon. Commissioner Dussault left at noon for Los Angeles, California in order to attend a seminar.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Carpenter Paper Company as principal for warrant No. 14823, dated May 5, 1986, on the School District #1 claims fund, in the amount of \$78.12, as it cannot be found.

NOVEMBER 19, 1986 (continued)

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

Budget Transfer

The Board of County Commissioners signed Budget Transfer No. 870013, transferring \$1,400 from 2180-340-410371-114 (work study-Youth Court) to 2180-065-410378-114 (work study-Court Operations) because a line item was deleted to exclude the court operations segment in modifying the Youth Court budget.

In addition, the following matters were discussed:

Executive Officer Howard Schwartz reported that he and Judy Wing, Executive Director of United Way, are following up on the Blue Ribbon Commission on Human Services recommendations, particularly in three areas of administrative consolidation. The Commissioners will oversee the following areas: Victim/Witness Programs--Janet Stevens; Children's Services-Barbara Evans; and Counseling Organizations-Ann Mary Dussault. It was noted that there would be considerable overlap.

DES Coordinator Orin Olsgaard was given approval to talk to Bruce Suenram about using the Weed Department Building at the County Shops on Reserve Street for a Rural Fire Department Station.

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.

Hearing: Request to vacate a portion of Wylie Avenue in the Park Addition.

Information provided by Donna Cote, Recording Division Manager, indicated that this is a petition requesting vacation of a portion of Wylie Avenue in Park Addition, SE 1/4, NW 1/4, Sec 14, T13N, R19W from the SW corner of Lot 23, Block 10, Park Addition to the Center Line of Dickenson. Thomas E. and Mary Jane Geraghty whose property abut Wylie Avenue in this area would like to have it vacated for the following reasons:

1. Wylie is a dead end street.
2. ROW was platted prior to 1900; closed in 1902; reopened in 1928 but this portion was never developed nor will it ever be.
3. This property is located in the flood way of the Rattlesnake Creek.
4. The west half of the ROW would become park land; the right half would be placed on the tax rolls.
5. Preservation of the natural vegetation: The petitioners gave an easement through their private land to prevent the sewer line from removing a beautiful grove of pine trees located in the ROW.
6. About ten years ago, the ROW in front of lots 24 through 27 was devegetated, including several large Ponderosa Pines, by the County. This area was never improved and has been a constant problem, eyesore, and concern. The petitioners say they would hate to see this last 157 feet treated the same way.

NOVEMBER 19, 1986 (continued)

Title to the property adjacent to the street in this area is vested in the following parties:

Thomas E. & Mary Jane Geraghty
1718 Traynor Drive
Missoula, MT 59802

Missoula County
Courthouse
Missoula, MT 59802

Additional persons who may be affected by the petition and/or have been notified of the hearing are:

Joan Newman, Deputy County Attorney
Dick Colvill, County Surveyor
Missoula Rural Fire Department

Granting of this request is to be subject to the following:

1. Extension of the sewer easement (already granted) from the west boundary of Lot 23, Block 10, to the center of Wylie Avenue.
2. Immediate transfer of that portion of the ROW from the center line of Wylie Avenue to the South half of Lot 16, Block 9.

The notice of hearing was published in the Missoulian on November 9, 1986.

The hearing was opened for public comment.

Thomas Geraghty, the petitioner, showed the Commissioners the area on an aerial photo, and said he had no further comment.

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

It was noted that the law requires that one Commissioner and the County Surveyor inspect the property before any action is taken on a vacation, so the matter was postponed for one week.

There being no further business to come before the Board, the Commissioners were in recess at 1:37 p.m.

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NOVEMBER 20, 1986

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Los Angeles, California November 20 and 21, where she attended a PIC (Private Industry Council) seminar sponsored by the Department of Labor's Job Training Partnership Act.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated November 19, 1986, pp. 5-36, with a grand total of \$512,997.62. The Audit List was returned to the Accounting Department.

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NOVEMBER 21, 1986

The Board of County Commissioners did not meet in regular session; Commissioner Evans was out of the office all day, but available for signatures and phone calls, if needed.

Fern Hart
Fern Hart, Clerk and Recorder

Barbara Evans
Barbara Evans, Chairman

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NOVEMBER 24, 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.

Daily Administrative Meeting

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

Payroll Transmittal

The Board of County Commissioners signed the payroll transmittal for pay period No. 23, for the pay period from 10/19/86 through 11/01/86. The total Missoula County payroll was \$346,491.69. The transmittal sheet was returned to the Auditor.

Resolution No. 86-120 and Accompanying Quitclaim Deeds

The Board of County Commissioners signed Resolution No. 86-120, to vacate a portion of Grant Street. In addition, the two quitclaim deeds which accompanied the resolution were signed. The first quitclaim deed conveyed to Fred and Harlene Fortune, 4707 Aspen Drive, a tract of land located in the section, range and township noted in Resolution No. 86-120 and more particularly described as the east half of Grant Street lying between blocks 4 and 5 of Riverside Addition; and the second quitclaim deed conveyed to Norman J. Nickman and Janet C. Nickman, 3865 Fox Farm Road, and David P. Jacobson, 5205 Elk Ridge Road, a tract of land also located in the section, range and township noted in Resolution No. 86-120 and more particularly described as the west half of Grant Street lying between blocks 4 and 5 of Riverside Addition.

Commissioner Evans and County Surveyor Dick Colvill conducted a site inspection in the afternoon on the request to vacate a portion of Wylie Avenue in Park Addition.

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

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NOVEMBER 25, 1986

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

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

NOVEMBER 25, 1986 (continued)Final Plat for Pinewood Addition

The Board of County Commissioners signed the final plat for Pinewood Addition, a subdivision of Tract A, COS No. 3251. The owner is Harold L. Poulson. Cash-in-lieu of parkland in the amount of \$1,544.00 was contributed to the County cash-in-lieu fund.

COS Utility Site Exemption

The Board of County Commissioners signed a COS utility site exemption for a tract of land described as a portion of tracts 1 and 5 of Certificate of Survey No. 3323. The exemption was filed with the intent to qualify for the exemption which requires that the parcel be used for a utility site and that no structure requiring water or sewerage disposal be erected on the parcel.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an indemnity bond naming Peggy Williams as principal for warrant No. 54805, dated October 10, 1986 on the School District No. 1 payroll fund in the amount of \$792.62, because it cannot be found.

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

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NOVEMBER 26, 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 November 26, 1986, pages 4-39, with a grand total of \$266,481.59. The Audit List was returned to the Accounting Department.

Budget Transfer

The Board of County Commissioners signed Budget Transfer No. 870014, transferring \$2,500 from 2180-340-410371-328 to 2180-065-410378-328 (contracted services) to 2180-100-410301-361 (books, resource material and subscriptions) for the Indigent Legal Fund. The reason given for the transfer was to adjust the budget to purchase needed library materials.

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: Proposed Revisions to County Subdivision Regulations

Barbara Martens of the Planning Office said that the staff began the process of revising the Subdivision Regulations approximately 11 months ago, and had held meeting with various interest groups to determine what types of concerns there were over the existing set of regulations. From those comments, the first draft was written and sent out to subdivision reviewing agencies and the various interest groups. Some of the main concerns voiced by the public over the existing regulations were that they were unclear, contradictory, hard to read, and that the process was too long. The intent during the revision process was to update the

NOVEMBER 26, 1986 (continued)

regulations to comply with state law; to provide a set of regulations that are easy to read and understand by someone who is not used to dealing with the subdivision regulations on a day-to-day basis; to delete portions of the regulations that have proven ineffective or unenforceable in the past; to combine the City and County regulations as much as possible; and to make the process less cumbersome. She said a great deal of work had gone into the document, and everyone who might possibly have any interest in the process was contacted one way or another. She said the original intent was to make this document shorter than the current regulations, but the new document is quite thick due to the expansion of some areas to take away the ambiguities of the past, and appendixes were added or expanded to give better understanding of various sections. She outlined some of the changes in the document from the first draft to the document the Commissioners were considering on this date. She said the Planning staff, and the County Attorney's office had met with the Rural Fire District over proposed fire standards, and at this time, were still awaiting proposed standards from the district, which probably will not be sent until the end of the year. She said she would recommend that the Commissioners go ahead and make a decision which could be amended if the fire standards necessitate that action. She pointed out amendments made by the Planning Board, and said that they had voted unanimously to adopt these regulations. She said the County Surveyor had recommended that the gravel design standards for local rural roads be deleted, Commissioner Evans had submitted some changes, and a resident had also asked for a revision. Those changes were not included in the draft document under consideration today.

The hearing was opened for public comment.

Nick Kaufman, land use planner with Sorenson and Company, said he and others had been led to believe that these new regulations would be a major revamping of the Subdivision Regulations, and not just a rewrite. He said one of the major problems with subdivision review in Missoula County is that it conflicts with state law. With the new regulations, and with the County's control of exemptions through the hearing process, landowners no longer have the freedom they used to have to divide their property, and that puts a burden on elected officials, and the subdivision review process has to remain an objective process. The danger is that there are many interests involved, and it is very easy to add on to the regulations. For example, he said the regulation regarding the Irrigation District to provide easements is superfluous. And the new requirements that the Fire District will be submitting after the first of the year may not meet the intent of the law. He said he saw a pattern of the Commissioners controlling land division, as long as everyone remembers that there is a whole bundle of things that are important as land division regulations are being written....not just the needs of the Irrigation District or Rural Fire. He said that because of the way State law is written, and because we are a democracy, we are very political, and the review of subdivisions is a very political process, not an objective process, although it is more objective in the County than the City. He said he hoped that Missoula County works through the next legislative session to try to make changes in state law which are meaningful so that the subdivision review process stays, or becomes a more objective process. He said he fears that there will be more and more regulations added.

He said that Judge Harkin has ruled that more than one primary structure on a single lot is a subdivision, and the owners have to go through the subdivision rules and regulations. His concern is that these subdivision regulations were basically written to control the division of land and to create lots, and when you put two structures on a single piece of property, you are not

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creating lots. He said he did not feel that there were adequate guidelines for how to subdivide property just by placing two structures on a piece of property.

Barbara Evans asked if he felt that the subdivision regulations are lacking in that they do not contain a criteria for subdividing property.

Nick Kaufman said that was correct. He did not feel that the original subdivision regulations were written with the intent that a person placing multiple buildings on a single piece of land is a subdivision; that is clearly covered by zoning. He said these regulations are not per se performance standards for buildings; they are performance standards for dividing property and creating lots.

Janet Stevens asked if the problem with the subdivision regulations had been corrected with this revision.

Barbara Martens said that what they had done was the result of concerns that the staff and others had, and they had added the phrase, "where applicable", so that, for instance, if a person is not putting in a road, they would not be required to ask for a variance to all the road standards.

Janet Stevens asked Nick Kaufman if these new regulations were about as clean as they could be, considering the way the statutes are written, and the way the case law has come down.

Nick Kaufman said there were still problems, even though a lot of hard work had gone into the rewriting. He said work needs to be done both on this document and at the State level.

Janet Stevens asked him to be more specific about what the County needs to go to get further down the road.

Nick Kaufman said he did not have any further specific comments other than what he had presented to the Planning Staff. He said the process itself needs to be more objective, and he did not know how to tell her to write it into the subdivision regulations. He said it was an administrative function of the governing bodies, in this case, the County Commissioners. He said the subjective part of any regulation is the interpretation and the administration of the regulation, and there is a propensity to put more and more regulations on land development, and what he is saying is not unfounded, by any means. He said that every time someone proposes an additional regulation, it should be looked at very closely. You never see anyone proposing to take away a regulation or a part of a regulation. He said one of the specific things that could be taken out of the regulations right now is the irrigation district criteria.

Ann Mary Dussault said she appreciated Mr. Kaufman's comments, but it was not really helpful to the Commissioners to be told that they could do more without offering some specifics, especially when he says in the same breath that the problem is with the state statute that the Commissioners are required to live under. She said if he had more specifics, she thought the entire point of this exercise was to see how far they could go under the governing statutes.

Nick Kaufman said he did not think she should ignore the general comments, because he thought they were valid also.

Ann Mary Dussault reminded him that the Commissioners were not the legislature.

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Nick Kaufman said he agreed with that, but the Commissioners do review local subdivisions, and they do make decisions based on expressed public opinion, and there is a tendency to put more weight on that than the other criteria, because it is a function of the democratic system we live under.

Ann Mary Dussault asked if the hub of his argument was the weight that the Commissioners or the Planning Board put on expressed public opinion.

Nick Kaufman said he would like to see the process continue to be objective. He said he thought the County Commissioners do a good job of making it objective, but if there is a large crowd, there is a tendency toward more weight being put on the public opinion. He said his second general comment is to be cautious as people come in with special interests and want changes in the regulations. He said the Commissioners should weigh that relative to the other needs.

Barbara Evans said that from her point of view, the whole purpose of this exercise was to reduce the subdivision regulations.

Nick Kaufman said they had certainly been streamlined in the summary subdivision process as well as the major, and that is why he was speaking as a proponent.

Barbara Martens said the irrigation district's request for 20 feet easements had been scaled back so that all easements are now reviewed by a case-by-case basis. Also, they don't always require a 20 foot easement, they go by the size of the irrigation ditch. That requirement has been revised.

Nick Kaufman said he still had a problem with the language in those written standards. He said he had problems with the West Central Village development in regard to the irrigation easement standards. He said that section should be stricken from the regulations.

Joan Newman said that according to State law, a subdivider has certain obligations when the land is in a certain irrigation district.

Nick Kaufman said that he had platted a number of developments in Orchard Homes, and the first time he had ever run into any concerns with the irrigation district was when he was platting West Central Village. He said if it is the ditch company's obligation to enforce the law, then they should do it, not the County Commissioners.

Joan Newman said the impression she had is that this is simply an acknowledgement of certain legal requirements whenever land is within a certain irrigation district.

Nick Kaufman said that it goes beyond an acknowledgement, as the regulations say you shall meet the requirements of the irrigation district, and if you don't meet those requirements, the County Commissioners will not approve your subdivision.

Joan Newman said that she would like to address his other concern with the Rural Fire District, and to let him know where they were with that. The State Fire Marshall and the legislature have adopted the uniform fire code as state law, and at this point, the State Fire Marshall can come and tell you how wide fire access roads can be, etc. If the subdivision regulations provide a method of having fire code review before there is building or commitment, that is a way of coordinating.

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Nick Kaufman said he would prefer getting comments from the reviewing agencies such as the rural fire departments, and city fire department instead. He then discussed fire requirements, standards and codes at some length.

Barbara Evans said the reason she wants something from the fire chiefs in the subdivision regulations is that for the last few years, every time there has been a subdivision to review, and the fire chief comes and says it does not meet fire standards, the Commissioners have had to say that they were not changing the rules in the middle of the game, and if the standards are to be met, they should be incorporated into the regulations.

Nick Kaufman said the next thing the Commissioners will see, now that they have control of the regulations, is exactions. He said the fire department will want a fee beyond the general levy, or contribution of equipment or fire apparatus, and he thought this would occur in other areas of the County that provide services because of the budget situation. He said the general taxing system should provide that, and he would caution the Commissioners about looking at that, too.

Ann Mary Dussault said people are saying they do not want any more property taxes, and fees for services and user fees are the new golden rule. She said there were two initiatives on the last ballot that back her argument. She said the public seems to feel that they would like to pay for their house when it burns down, rather than pay the fee necessary on their property taxes.

Nick Kaufman said it was a far higher wisdom than he that writes initiatives.

Ann Mary Dussault agreed with him.

Joan Newman said she would like to address the other issue that Nick Kaufman raised regarding the additional structure, or more than one structure for rental use on a single lot. She said that that is what Judge Harkin has ruled, and it is agreed that several structures on one lot don't have to be surveyed, separating them into parcels, but the additional buildings do raise more questions than are addressed through zoning. Additional structures do raise some concerns on public improvements, grading and drainage. But only a fair, reasonable application of that is all that is necessary, where appropriate. She said that additional and separate structures raise concerns other than just density in zoning. She said the new regulations that say the standards apply "where appropriate" address that.

Barbara Evans expressed concern over the regulations being able to be interpreted arbitrarily.

Joan Newman said there was always an opportunity for an appeal of an administrative interpretation.

Ann Mary Dussault asked Joan to research the questions Nick Kaufman had raised in regard to the Irrigation District. She said there is a need to make the system more predictable for people, recognizing that it gets real iffy when it comes to public comment and public pressure, but she would not like to err on the side of taking things out of the regulations, and have the unexperienced developer get caught in the back end with a set of regulations that they didn't know were there because they had not been referenced to some degree in a document that they thought was the manual.

Dick Ainsworth, of P.C.I. said he agreed with the comments made by Nick Kaufman, but he felt that the revisions are only a rehash of the original document, and they had been led to believe by

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former Planning Director, Chris Rockey, that a totally new and different type of subdivision regulation would be written. He said the new document was supposed to have some innovative things in it, but unfortunately, does not. It is a longer document, but that does not necessarily make it better. He said he appreciated all the time that was put into revising the document. He said Bruce Suenram, the Rural Fire Chief never attended any of the meetings where the document was being revised, and he did not know if that department had any input into the new regulations, although in the past, Mr. Suenram had indicated that he would like some say in the matter.

Dick Colvill, County Surveyor said the last page of the Subdivision Regulations titled "Gravel Design Standards-Local Rural Roads" should be deleted. This causes some conflicts with the Engineering Standards and Design Standards for paved roads. Gravel roads should meet the same standards for paved roads except for substituting a gravel surface for the paved surface. This will allow for future upgrading to the paved road standard. An example of this conflict is the bridge width of 24 feet. If the local gravel road was paved to the County 24 foot paving standard, the bridge wouldn't meet AASHTO Standards and we would have a non-standard high liability bridge. For liability reasons, we must follow the AASHTO Standards and not attempt to substitute a one-page standard for a whole design manual. He said those regulations were probably written by him in the past, but things have changed in the last two years, and everybody treads in fear of the legal profession.

Ann Mary Dussault asked if he was saying that the gravel design standards should be removed from the regulations entirely, or should the regulations indicate that those standards are contained in yet another document in another place.

Dick Colvill said that it is referenced in the regulations already. He discussed the regulations and the cost of road building at length.

Dick Ainsworth said he had no problem with removing those standards from the regulations, as long as those standards are enforced in other way. But he would like to see them take into account different types of subdivisions, and different types of areas. When asked what kind of innovative things he would like to see in the regulations, he said he would like to be real innovative and throw all these regulations out and start from the bottom up. He said he did not have any real good answers, he had hoped that Chris Rockey had some good answers when he proposed rewriting these regulations.

Gary Marbut said he agreed with what Dick Ainsworth and Nick Kaufman said, and he would like to see the regulations trimmed down in order to better serve both the public interest and subdividers and developers. He submitted some written comments which are on file in the Commissioner's Office.

Barbara Evans noted that some changes will be made in the regulations before a final decision is made. The public hearing was closed.

Ann Mary Dussault moved and Janet Stevens seconded the motion to postpone further action on the proposed revisions to the County Subdivision Regulations until the public meeting of December 10. The motion carried by a vote of 3-0.

NOVEMBER 26, 1986 (continued)

Bid Award-Contractor Snow Plowing

Information provided by Dick Colvill, County Surveyor, indicated that this contract provides for contractor backup snowplowing in the Condon area. Bids were opened November 19, 1986 with the following bids received:

<u>BIDDER</u>	<u>TRUCK PLOW</u>	<u>PATROL PLOW</u>	<u>DUTY STATION</u>
P & N Enterprises	\$17.33/hr		Condon
Dennis Jettee		\$39.50/hr	Condon
Wilderness Exc.	\$40.00/hr	\$45.00/hr	Seeley Lake
Nelcon Inc.		\$65.00/hr	Missoula

The recommendation from the County Surveyor was to award the contract to the second low bidder, Dennis Jettee, Condon, Montana for patrol plowing at \$39.50 per hour. Mr. Colvill said the low bidder, P & N Ent. planned to plow with a pickup truck which didn't meet the specifications and couldn't plow heavy snow. Mr. Colvill said Dennis Jettee plowed last year and did a good job. There is \$6,000 in the current road budget for emergency contractor snowplowing.

Ann Mary Dussault moved and Janet Stevens seconded the motion to award the bid to Dennis Jettee for backup snowplowing in the Condon area in the amount of \$39.50 per hour. The motion passed on a vote of 3-0.

Decision: Request to vacate a portion of Wylie Avenue

Barbara Evans said this petition is a request to vacate a portion of Wylie Avenue in Park Addition, SE1/4NW1/4, Sec. 14, T 13 N, R 19 W. In compliance with State law, she and County Surveyor Dick Colvill had inspected the property.

Dick Colvill said his only concern with the vacation is that he would like two conditions attached:

1. That Mr. Geraghty extend the sewer easement from the west boundary of Lot 23, Block 10, to the center of Wylie Avenue, and;
2. Immediate transfer of that portion of the ROW from the center line of Wylie Avenue to the South half of Lot 16, Block 9.

Barbara Evans moved and Ann Mary Dussault seconded the motion to vacate a portion of Wylie Avenue subject to the following conditions:

1. That Mr. Geraghty extend the sewer easement from the west boundary of Lot 23, Block 10, to the center of Wylie Avenue, and;
2. Immediate transfer of that portion of the ROW from the center line of Wylie Avenue to the South half of Lot 16, Block 9.

The motion passed on a vote of 3-0.

Hearing: Petition for Annexation to Missoula Rural Fire District (Lime Springs Addition to Grantland)

Information provided by Donna Cote, Recording Division Manager indicated that a petition has been received by the Recording Division to annex parcels of land located in Lime Springs Addition to Grantland Subdivision more particularly described as follows:

Lots 1,2,3,4,5,6,7 and Common Area, Lime Springs Addition to Grantland, Section 28, Township 14N., Range 19W., Missoula County, Montana, containing 22.09 acres.

NOVEMBER 26, 1986 (continued)

The petition for annexation to Missoula Rural Fire District presented by Bill Reed of the 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. Notice of the hearing was published in the Missoulian for two consecutive Sundays prior to the hearing as required by statute. The Board of Trustees has approved the petition and Bill Reed of the MRFD has been notified of the hearing date.

The recommendation from Bruce Suenram, Fire Chief of the Missoula Rural Fire District was to annex this property into the Missoula Rural Fire District, though he noted that due to an oversight, this subdivision was not annexed into the Fire District during the subdivision review process. All petitions have been signed for annexation. The Missoula Rural Fire District Board of Trustees approved the annexation at the August 23, 1986 Board Meeting.

It was noted that there was no one present to speak either in favor or against the annexation.

Janet Stevens asked if any written protests had been received.

Sharyn Solum, Administrative Aide, indicated that no protests were received.

Barbara Evans noted that there being no protests, statutorily, the Board of County Commissioners would automatically be granted.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to approve the annexation to the Missoula Rural Fire District of the following property:

Parcels of land located in Lime Springs Addition to Grantland Subdivision more particularly described as follows:

Lots 1,2,3,4,5,6,7 and Common Area, Lime Springs Addition to Grantland, Section 28, Township 14N., Range 19W., Missoula County, Montana, containing 22.09 acres.

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 2:45 p.m.

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

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NOVEMBER 27, 1986

The Courthouse was closed for Thanksgiving Day.

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NOVEMBER 28, 1986

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

Barbara Evans
Barbara Evans, Chairman

* * * * *

DECEMBER 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 morning, the following items were signed:

Resolution No. 86-121

The Board of County Commissioners signed Resolution No. 86-121, an annexation to the Missoula Rural Fire District of parcels of land located in the Lime Springs Addition to Grantland Subdivision, and more particularly described as follows:

Lots 1,2,3,4,5,6 and 7 and Common Area, Lime Springs Addition to Grantland, Section 22, Township 14 N., Range 19 W., Missoula County, Montana, containing 22.09 acres.

Resolution No. 86-122

The Board of County Commissioners signed Resolution No. 86-122 for the purpose of establishment and operation of the Missoula Museum of the Arts, in accordance with MCA 17-16-2202, and with the terms set forth in the agreement.

Also at the daily administrative meeting, the Commissioners made the following board appointments:

District XI HRDC Human Resource Council Board of Directors and Program Council

The Commissioners appointed the following people to serve for two years as the County representatives:

Board of Directors: Howard Schwartz
Leon Stalcup

Program Council: Howard Schwartz
Leon Stalcup
Janet Stevens
Warren Wright

* * * * *

DECEMBER 2, 1986

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

Audit List

Chairman Barbara Evans and Commissioner Ann Mary Dussault signed the audit list, dated 12/1/86, pages 4-18, for a grand total of \$56,257.27.

DAILY ADMINISTRATIVE MEETING

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

Agreement between the County of Missoula and Local Unit #2 (Nurses) of the Montana Public Employees Association from July 1, 1986, through June 30, 1988.

DECEMBER 2, 1986 (continued)

The Board of County Commissioners signed the above referenced agreement in accordance with the terms set forth. The agreement was returned to Personnel Officer Kathy Crego for further handling.

PUBLIC HEARING:

The following public hearing was held in Room 201 of the Courthouse Annex, beginning at 1:30 p.m.:

PUBLIC HEARING: TO DETERMINE WHETHER A PROPOSAL BY GREAT WESTERN EQUITIES GROUP, INC. FOR \$4 MILLION DOLLARS IN STATE OF MONTANA INDUSTRIAL DEVELOPMENT REVENUE BONDS IS IN THE PUBLIC INTEREST.

The purpose of this public hearing is for the Board of County Commissioners to determine whether the issuance of \$4 million dollars to Great Western Equities Group, Inc. is in the public interest, the Board of County Commissioners having exercised its option to hold the public hearing locally, although the decision on whether or not to issue the bonds will be made by the Montana Economic Development Board of the Department of Commerce in Helena.

Chairman Barbara Evans explained that Great Western Equities Group, Inc. had applied for IDRB's in the amount of \$4 million dollars in order to acquire, improve, equip and operate a domestic beaver ranching operation, with headquarters to be located in the old Burlington Northern Depot on North Higgins in Missoula and ranches to be located at Rock Creek, at two locations in Hamilton (both on Westside Road) and at a location 12 miles south of Stevensville. The operation would include breeding and raising beaver at the ranch sites, with by-products to include pelts, castor and meat.

Barbara Evans opened the public hearing, asking Executive Officer Howard Schwartz to explain the proposal and the Commissioners' role. Howard Schwartz said that the Commissioners had elected to hold a public hearing on the proposed issuance of Industrial Development Revenue Bonds in the amount of \$4 million for Great Western Equities Group, Inc. as set forth above. He said that the actual issuers of the bonds, if found to be in the public interest, would be the Montana Economic Development Board. He said that under the law giving this body the authority to issue IDRB's it was necessary to ask the governing bodies of the local jurisdictions in which the proposed project is located about whether they choose to have a public hearing on whether or not this is in the public interest. He said that the County Commissioners, like the City Council, had chosen to hold the public hearing, so the hearing today concerns whether or not the bonds are in the public interest. He added that over the last several months--and that Mr. Crum had mentioned to him that he took responsibility for the fact that this thing had come up so quickly--but over the past several months when this was first considered, and over the past several weeks when it had been reactivated, four or five issues had emerged as critical questions in the whole process. He had met with Mr. Crum that morning to explain those to him, and he had said that he would be willing to address those points that afternoon at the hearing. In addition, Dan Corti, Environmental Health Specialist with the City/County Health Department, who had done an analysis of potential water quality problems was present and available to answer questions. In addition, Mike Kress, Acting Director of the Community Development Office, had reviewed the application to see if it conformed to the County's IDRB policy as well. He said that the Office of Community Development had found that if the question of processing the beaver pelts and the animals themselves is excluded, the project did seem to conform to the County's policy. He said that the issues that Mr. Crum would

DECEMBER 2, 1986 (continued)

address when he explained his project were: 1) precisely what the bond proceeds would be used for; 2) what the corporate structure and organization of Great Western Equities Corporation is and how the new organization of the business will be financed, both through the IDRB process and also through raising private capital; 3) the question of how the beavers will be harvested and processed, which has been an issue of concern; and finally 4) how he proposed to deal with the water quality issues raised by Mr. Corti in his report.

Howard Schwartz then mentioned that the County's IDRB policy asks that applicants follow the Little Davis-Bacon Act and also, wherever possible, to hire locally during construction and then later on. He said that he hoped that Mr. Crum would address that as well. He said that if anyone present wanted to look at the proposal, a copy of the application and a description of the process were available.

Barbara Evans asked the other two Commissioners if they wanted to make a comment or ask any questions prior to opening the public comment portion of the hearing.

Commissioner Janet Stevens made a comment to address an issue that had come up shortly before 1:30 p.m. about the tax deed that the County has on the Rock Creek property. She said that the tax deed is on the improvements on the property, not on the land. She said that had been addressed also in the proposal, which stated that they would be paying the tax deed amount of \$5,200 as part of the purchase price of that property.

Barbara Evans opened the public comment portion of the hearing, asking that proponents speak first. The following people spoke:

1. Dennis Crum spoke on his own behalf, stating that Great Western Equities, Inc. is a ranching and manufacturing company that is, at the moment, principally concerned with the raising of beaver in a ranched environment. It wishes to consolidate its business and expand its business in Western Montana through expanding the ranches that already exist in the Bitterroot Valley and in Missoula County and raising the beaver for the skins that become the basis for manufacturing its garments. He said that the reason that this is so important is evident when one understands the upcoming situation with anti-trap laws, with the Hudson's Bay Company last week giving notice that it was going to sell completely out of the pelt business. He said that these occurrences indicated that companies like Great Western Equities, Inc., interested in ranching animals for a market that's getting larger and larger in the world each year is the proper approach to being able to continue to have animals to enjoy and use as a renewable resource. He said that the company's products were men's and women's fur coats, adding that they were in the process of granting a license arrangement of the manufacture of leather goods for men and that they were currently testing a fragrance for men which was made from the castor gland of the beaver. He said that the company intended, as a first level, to grow to about 5,000 pair, producing enough offspring each year to make 2400 jackets. He said that when the financing was completed, they planned to spend in labor and feed and direct expenses in Western Montana, approximately \$26 million over a nine-year period. He said that as they were able to bring the manufacturing--which does not exist now--to Montana, they will spend \$34 million in manufacturing. He said that there were manufacturers in Western Montana who were capable of making the shells--or the cloth part--of the fur, since they were mostly made into reversible garments. He said that there were no manufacturers trained in making the fur side, but that it was not a situation that was unchangeable. He said that when you get to 2,500 to 5,000 fur pieces a year, it would make sense to try to

DECEMBER 2, 1986 (continued)

locate that also in Western Montana. He said that the company wished to headquarter in Missoula, and that the headquarter facility would contain computers, software, and equipment for operating the day-to-day business. He said that neither raw pelts nor raw leather would be stored on the premises, although they would from time to time have furs or designs in the vault that they planned on building there. He said that the office in Missoula would not house anything but finished products or soft pelts. He said that they planned on purchasing and renovating the third floor of the Burlington Northern Depot, and that 5% of the bond funds are targeted for that. He said that they did not plan to make changes to the outside of the structure but only to the inside to make it usable for office space. He said that the jobs that they would create in Western Montana over the five-year period would be approximately 138 jobs that do not now exist. He said that in man-weeks of impacted jobs that do exist, they estimated about 3,800 man-weeks of employment for people in construction and other jobs that exist now, but that would not have these man-weeks spent if they did not come here to spend this amount of money. He said that the company is targeting \$2.7 million in new construction over a four-year period, and approximately \$656,000 in assorted equipment for the operation.

With regard to disease control, he said that serums exist that have come about through the work of many people for many years in this business. He said that there are serums for tularemia, leptospirosis, and salmonella. He said that these diseases, that people may or may not be acquainted with, are controllable within the beaver.

He said that there is not an odor problem which the animals because there is water flowing through the pens. He said that they had found that if there is enough water for the beaver to swim in and to carry the wood chips away, there is just not an odor problem. He said that they did not plan to burn beaver feces on these sites, but would grind it and sell it as plant food, or dispose of it. He said that no funds from the Industrial Development Revenue Bond would go toward purchasing any company at all. He said that these funds are targeted expressly for improvements, capital equipment and construction. He said that the funds would not be used to buy feed or pay labor in any respect. He said that the company does not plan to harvest animals in Missoula County, but that the harvesting would take place in Ravalli County.

Outlining the complete funding package, he said that the Industrial Development Revenue Bond is approximately \$4 million and that the remainder of the funds--also \$4 million dollars--will be obtained in an underwriting from the public sector. He said that this money would be used as follows:

1. Approximately \$2.2 million dollars for feed and ranch care and paying the help and feeding the animals; and
2. Approximately \$1.8 million in manufacturing and promotion of products.

He said that on one side, they would have approximately \$4 million for pens and equipment that is the capital side; and that on the other side, they would have approximately \$4 million dollars to operate on a day-to-day basis. He said that they understood that no funds from the revenue bonds could be used for day-to-day operations, but only for capital and equipment. He said that the company has agreed to use Sorenson Engineering to help the company with water quality and control. He said that they had budgeted \$75,000 per site for the water situation and that Tom McCarthy of Sorenson Engineering was present at the

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hearing to answer questions concerning this issue. He said that each ranch is programmed to have cement collection ponds for the wood chips to settle in to. He said that these wood chips, depending on the final design that Mr. McCarthy brings forward, would be either cleaned or aerated in such a way that the wood chips would not leave the ranch site. He said that the wood chips could also be used as plant food when they got into a large operation. He said that they would not burn the fertilizer, but would dispose of it in landfills from the settling ponds. He said that they would install chip pickers at the entrance of the settling pond to begin to remove the chips that come from the animals. He explained that the beaver eat the bark, shredding the wood to make a nest. He said that when the mother beaver wants to clean the nest, all the chips come out and you have to be ready for that. He said that the best way to be ready for that is to create a situation where the chips never have a chance to leave the property. He said that they would also install a succession of finer and finer screens to get everything possible taken out of the water before it leaves the ranch. He said that clocks would be installed to control the water going through the ranch, explaining that in the dead of winter when it's thirty below, you don't want the water off, although most of the year it is possible to turn the water on for fifteen minutes and then off for fifteen minutes, cutting down the flow of water and saving the company money in the process of running its pumps. He said that all of these ideas had come out of a discussion with Tom McCarthy, who had visited the ranch and had made initial recommendations on what could be done in terms of dealing with the water.

He added as an aside that the company, since its raising animals for the purpose of harvesting the pelt, is not in competition with the trappers of Western Montana who are trapping for a living. He said that mother nature makes lots of very nice brown beaver, but mother nature can't raise them in colors and in consistent quality, and that's what the company is about, simply put. He said that they were improving on mother nature and making the quality and color of beaver fur consistent. He said that way they were not posing a threat to the trappers who are making a living at that in Western Montana.

Mr. Crum introduced other company personnel present at the hearing: Mr. Jerry Milligan, who has approximately 40 years experience in beaver farm management and Mr. Macdell Roundy. He said that between the two of them, they have 70 years experience with beaver. He added that he personally has 23 years experience in the ranching beaver and manufacturing, so they had about 90 years experience among the principals in the company.

He said that Great Western Equities, Inc. is acquiring the ranches that exist and expanding them. He said that new technology and a new thrust would be brought to this industry, adding that everything would be brought together in one company that, when properly funded, could do a job of producing consistent-quality fur and leather products for sale.

Commissioner Barbara Evans asked Mr. Crum to speak to the treatment of the animals asking that he focus on how humanely they are cared for.

He said that when they took over the Stevensville facility this year, they had the Ravalli County Humane Society come out for an inspection. He said that they had wanted them to know what the company did and how they did it and that the animals were being cared for. He said that a beaver ranch is a location where two animals live in a pen, water flows through the pen, which is mostly cement, the animals have a house behind the pen area where the animals can go to maintain body temperature in extreme cold

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or swim in the water when its very warm. He said that they had duplicated the wild environment in about 40 square feet, which contained a swimming tub in the front, a place where the beaver can eat the wood, a shake-off where they can comb themselves and get out of the wind and a nest they can go back into to maintain body temperature and be out of the elements. He said that the animals are fed mostly a pellet that is manufactured in Western Montana. He said that the beaver eats about 3/4 lb. of this pelletized feed every day and that they eat a small amount of wood for the bark. He said that there are a number of ways that they harvest the animal, if the Commissioners wanted him to speak to that. He said that they had found that you can inject an air bubble into the heart of a beaver to dispatch it. In his opinion, it would not serve to use a system like some of the mink ranchers use, i.e. to put the animals into a vacuum and remove all the air, a very quick situation. He said that they had found it best to kill the animals with a 22-short, in one ear and out the other. He said that this severs the brain, the animal drops and there is just not a lot of activity after that goes on.

Chairman Barbara Evans asked if there were any other questions for Mr. Crum before he finished his testimony.

There were no other questions of him at this point.

Chairman Evans asked if anyone else wished to testify in support in finding this issuance in the public interest. The following people spoke:

2. Bob Lake, the President and General Manager of Lake Milling, Inc., of Hamilton, a feed manufacturing farm and supply store, said that his business has been located in Hamilton for several years. He said that he was also the immediate past Chairman of the Board of the Montana Chamber of Commerce and a member of the Montana Ambassadors. He said that he was bringing up these associations mainly because they were particularly interested in bringing into the state viable industries that would have a positive effect on the state's economy. He said that some of the criteria used to indicate whether the industries that are looking to come in are viable and really fit into the future of Montana include 1. does it produce a product or provide a service that can be exported from Montana to bring in outside capital; 2. does it use raw materials available in Montana, and preferably from renewable resources, to generate activity in current businesses; 3. is it a non-polluting industry that does not have an adverse effect on either air or water quality; 4. is it a unique business that is not just another version of existing business; 5. will it employ Montana people; and 6. is it secure, with little or no potential of loss to the state. He said that it was his opinion that this project does meet all these criteria, especially the use of Montana's renewable resources, stating that the feed that the company currently uses--and he assumes that it will continue to be used because a lot of research had gone into it--is mainly formulated from locally-grown ingredients. He said that it does help the agricultural economy in Western Montana by using up some of the locally-produced products produced on Montana farms. He said that he was sure that everyone was aware of the problems currently experienced by the agricultural community in Western Montana, and added that he wanted to suggest that anything that offers to use up part of these ingredients, should be given a real serious consideration. He said that one thing about a strong agricultural economy in Montana or anywhere else, if you have a strong ag economy, you will have a strong business economy. He urged the Commissioners to find the issue in the public interest.

3. Tom McCarthy, an engineer with Sorenson & Company, said that he had visited several of the ranch sites with Mr. Crum and with

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Mr. Don Gomer, in order to take a look at the discharge from the ranch site. He said that they had not been asked to look at any sanitation-related processing, or any sanitation related to domestic on-site sewage--employee facilities and that type of thing. He said that they had also not been asked to do a design at this point, but that Dennis himself had been concerned about the quality of the discharge, as he saw it, at a couple of the facilities and wanted to know what preliminary recommendations they might make as an approach to addressing some of those issues. He said that, as a background, he had not read Environmental Health Specialist Dan Corti's report and did not know what issues he had brought up, so couldn't address them specifically. He said that he was just going to reiterate the preliminary review that they had made. He said that he had not visited the Rock Creek site, but it was his understanding that site was scheduled for demolition and reconstruction, so basically anything that was there was going to be destroyed, and this really wasn't material to anything that he was doing.

He said that the proposed size of a particular ranch would be 1,000 breeding pairs. He said that present facilities receive about 3/4 of a gallon per minute flow per breeding pair, which amounts to a little over one million gallons of water per day. He said that in other words, there's an enormous volume of water that flows through these facilities. He said that the two facilities that he saw were supplied by a well, so it was a high quality water that was coming into the facility. Another was being supplied by a spring, he said, adding that was probably a fairly good quality of water that was coming into the facility there.

He said that each breeding pair would have approximately three kits, which would result in a peak population of about 5,000 animals. This many animals would use somewhere around 3,000 to 4,000 pounds of feed per day, and they would use maybe about one cord of wood, which is about another 3,000 pounds. He said that the real issues that they were asked to look at was how to get this nutrient load and suspended load out of the discharge water, and also whether there appeared to be a pathogen problem, in other words a bacterial problem.

Commissioner Ann Mary Dussault asked if the sites that were being talked about had already been purchased by Western Equities and if they were currently being operated as beaver ranches.

Tom McCarthy said that these are currently operating beaver ranches and he had not known at the time he visited them exactly whose ownership they were under. He said that Dennis was either intending to purchase them or he owned them at that time.

Commissioner Dussault asked whether they were currently operating in Ravalli County, then, and Tom McCarthy responded that they were and he was describing the situation of how they were operating and the size they would come to if they went to a thousand pairs, which was similar to what would be put in at Rock Creek when it was eventually completed.

Tom McCarthy then discussed some common pathogens, beginning with giardia. He said that giardia had been one of his primary concerns, but as he was neither an expert on giardia nor beaver, he had called Dr. Herb Hanich, a D.V.M. in town, and had asked him to look into the giardia issue, specifically to find out if that was a problem and how it could be handled. He said that he had a simple two-page report which he would leave with the Commissioners, but summarized the report by saying that there were three main groups of giardia: those that infest amphibians, those that infest rodents and birds and those that infest man and mammals. Dr. Hanich had said that it was not particularly clear

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in his research that these organisms cross-infest each other. He said that an example would be that deer giardia does infect man, but some of the other forms of giardia may not be cross-transmittible to each other. He said that Dr. Hanich pointed out that the beaver lives in an environment where it is always exposed to water-borne giardia, and therefore is very susceptible to this contamination. He said that the beaver is therefore always suspect in these contamination instances. He said that Dr. Hanich had pointed out that the 1984 Rattlesnake contamination had been attributed to beaver. Research indicates that dogs are carriers of giardia, with percentages ranging anywhere from 30 to 80% in some areas. One of Dr. Hanich's recommendations, therefore, was that the beaver be separated as much as possible from animals such as dogs, cats, deer or water supplies which are frequented by those same animals. The general conclusions were that if a beaver is found to be contaminated, the giardia can be treated and cured, and once the animal is treated, unless it becomes contaminated again, it is no longer a carrier, so it is not necessary to destroy an animal once it becomes contaminated. Dr. Hanich therefore recommended that water supplies be kept free of giardia contamination and that the beaver ranches should be designed so that there is a series of pens and the water flows through a series of pens, and that a method of stool analysis be conducted periodically on the end pens. This would indicate whether giardia exists in that particular colony of beaver and medication can then be applied and the animals treated and cured. Another of Dr. Hanich's recommendations was that sanitation facilities be kept at safe distances from the beaver colonies and that dogs and other mammals be kept away from the facility entirely. In his closing remark, Dr. Hanich had pointed out that the discharge streams that this effluent would be going into are presently contaminated with giardia cysts and are exposed to that from other sources, with the main point being that the beaver ranch can be operated in such a manner that giardia is not a problem and if it does become a problem, it's correctable.

Tom McCarthy then went on to discuss other issues. He said that one of the other concerns in relation to water quality was the enormous quantity of water that we're dealing with--a million gallons a day. He said that a thousand families would produce only about a third of that volume of water, so we're dealing with an enormous volume of water. He said that as Dennis Crum had pointed out, his firm had recommended that they set up as much of the operation up on a zoned timing system so that they were not dealing with continuous flow but planned flow, in order to reduce these volumes to a third or a fourth of that. He said that although this is good quality water, and one of the solutions to pollution is dilution--because it's measured in parts-per-million--their approach was to get the volume down so that there would be something to deal with in an economic manner.

He said that one of the main things that becomes a problem on the present site is the cellulose material from the beaver--they eat the bark and they chew up all this wood and you have a pulp waste that goes down the stream. Basically, this goes into some settling points, but since water wants to flow, this would be a pretty difficult item to get out of the water unless you use a drum screen or a disc screen, and they had recommended that a form of screening be set up so that the pulp waste could be taken out of the water before it enters any discharge facilities. He said that these kinds of drum screens are used on major irrigation ditches to catch grasses and grains and other things that get into the water so that those things can be gotten out of the water before it goes on down to a pumping station or something like that.

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He said that another recommendation would be a primary sedimentation chamber. He said that the concrete lagoon that Dennis Crum is proposing would be the easiest sedimentation chamber to maintain.

The last recommendation would be to establish a giardia testing program. He said that in researching this, one of his first responsibilities had been to contact the State Department of Health to find out what their authority and jurisdiction in this area were. He said that when he visited the Stevensville facility, he had noticed a pasture on the north side which contained many cattle, which were running around in the same discharge stream that the beaver ranch was discharging into and the cattle seemed to be as much of a contaminant problem as the beaver were. He said that he wanted to find out exactly what the authority of the DHES was and what the requirements were. He had found that they can be a big brother and will look over everyone's shoulders in this type of situation. He said that once you create an animal containment facility, the DHES has jurisdiction. Open agricultural use of land--such as pasturing horses, livestock, hogs and other types of uses like that--is considered a "natural use," but putting in something like a feed lot, a hog lot or something where the animals are contained, then the DHES has jurisdiction. He said that he had not been able to get specific answers from them as to what their criteria would be for discharge, basically because they would have to look at that on a site-by-site basis. He said that if they were putting in something like you see down in Colorado--one feedlot with 100,000 head of cattle in it--there would be some different requirements than if one of the local ranchers wanted to put in a 100-head dairy barn and a lot facility. He said that it would be the same way with this beaver situation. He said that they did have a file on some of the ranches in the Bitterroot that had been generated over a period of years. Basically, it had centered on a cellulose wood problem, and he had pointed out the kinds of approaches that would be suggested, and the DHES seemed to think that was the proper approach, and then based on actual testing and design review, they would keep their final comments related to that. What they were leaving open was that additional treatment might be required.

Commissioner Janet Stevens said that what he was saying, then, was that once we have a ranch where animals are contained, the DHES has to approve its operation.

Tom McCarthy responded that the Water Quality Bureau would have authority in the design of that facility, then; otherwise, if you were just running a pasture, the Bureau would not have input into it. But if the animals were put into a feedlot, the Bureau could come down and put requirements on him. He said that if they were near an area like the Lee Metcalf Wildlife Sanctuary and they just turned a thousand beaver loose in there and were randomly trapping them, they wouldn't have input, but as soon as you put them in a pen, then they do have input.

He said that basically summed up his findings and initial recommendations.

Commissioner Ann Mary Dussault asked him about the two facilities he had looked at. She said that he had mentioned that the water source for one was a well and for the other was a spring. She said that as she understood it, the source of water for the Rock Creek facility was a well. She said that her question was where the discharge would be going, and said that if he knew specifically about Rock Creek, that would be helpful. She said that she was curious about the ones in Ravalli County, but was more interested in Rock Creek.

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Tom McCarthy responded that he was not familiar with the exact layout at Rock Creek. He said that the two facilities he had looked at were the ones in Stevensville and Hamilton. He said that discharges from those two ranches were to side channels of the Bitterroot. Because they were dealing with a very high quality of water coming in and a very low percentage of contamination going into that water, it was a pretty high quality effluent that comes out of that, he said, as long as you can get the suspended material out of it and are relatively satisfied that you haven't induced any pathogenic organisms.

Commissioner Dussault then asked if to his knowledge the Water Quality Bureau currently tested or required testing on the discharge on the two facilities in Ravalli County.

Tom McCarthy said that he didn't believe that they did. He said that the only types of testing that they had discussed was to see if giardia was in the colonies--one of the Bureau's primary concerns. He said that he was curious as to how you take a 60-pound beaver and make him take a pill.

Commissioner Dussault asked, "How do you?" and Tom McCarthy replied, "Apparently, you give him a shot."

Chairman Barbara Evans asked if either of the other two Commissioners had any more questions to ask Mr. McCarthy. Commissioner Dussault said no, but she would have some questions later for Environmental Health Specialist Dan Corti or Environmental Health Director Elaine Bild, but she would just as soon hear the other testimony at this point.

Barbara Evans asked if anyone else cared to speak in favor of this proposal.

Dennis Crum asked if the Commissioners understood that the Rock Creek facility had a spring area that they were pumping out of. He said that they were moving all of the animals off that facility and would put a well in when they go forward.

Commissioner Dussault responded that she did understand that, and said that she had a whole series of questions about the role of the Water Quality Bureau and what our staff has found out. She said that she intended to ask those questions after they had heard all the testimony.

Chairman Evans asked again if anyone else wished to speak in favor of this proposal. No one else came forward. She asked if anyone wished to speak in opposition, stating that she had a couple of statements that she wanted to read into the record:

1. Jo Lasich, who had called and asked that her comments be noted in opposition because, "Our environment doesn't need such a large influx of beavers."

2. Butch Turk, who said, "There are more worthwhile proposals available than one that creates luxury items such as coats and hats, and this proposal would back people who are involved in the inhumane treatment of animals."

Chairman Evans asked again if anyone else wished to speak in opposition. She then asked if anyone wished to make a general comment, neither in favor of nor against. The following people made general comments:

1. Fred Rice, who said that he was present to speak neither in favor of nor against the proposal, but to simply "pone." He said that he hoped that what he was about to say was common knowledge or things that would be addressed by the Health Department staff

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later. He said that he had also received a number of calls in the last few days having to do with the issue of water quality, and in particular to express concern over the potential effect that nutrient loading might have on the section of the Clark Fork River that would be impacted by the Rock Creek site. He said that he had spent a certain amount of time watching the spring-fed slough that lies below the existing facility, which will be expanded to somewhere in the vicinity of 1200 pens, and in the last three or four years, that particular slough has gradually begun to eutrophy. He said that this opinion was shared by a number of the people he had talked to about this, some of whom are trained in looking at this sort of thing, and some of whom had simply observed that something seems to be going on in this slough.

Barbara Evans asked Mr. Rice to define "eutrophy." He said that what happens in eutrophication is that a lot of plants and algae grow and the flow of water decreases and dead or decaying matter collects on the bottom. He said that as you put more nutrients into a stream, you get more plant-life and eventually there is a change in the kind of metabolism that goes on in the bottom. He said that basically, the whole situation was changing there. An historical point of view was that many of the sloughs along the Clark Fork have provided habitat for large numbers of water fowl, deer, various fish and insect life, etc. He said that the current operation at Rock Creek appears to be having a deleterious effect on the fish life, and there appears to have been fewer water fowl using that site. He said that a number of problems existed that appear to be out of the Commissioners' hands; one being that he did not understand why this particular site was not in the floodplain. He said that apparently when the interstate was built, it had been decided that the sloughs on the south side of the interstate were in the floodplain, but the sloughs on the north side were not. He said that this was a bureaucratic decision that did not have a whole lot to do with the reality of what constitutes a floodplain.

He said that another concern was the drainage ditch--the Clinton Ditch--which has its headwaters in the vicinity of the discharge point for these sloughs, which is directly into the Clark Fork, and the headgate comes directly out. He said that this could conceivably cause some increased plant growth in the ditch area, which would require use of herbicides, which, in turn, would have an effect on aquatic life downstream if any of the herbicide were ever accidentally released into the river. He said that unfortunately this is something that happens all too frequently in other areas of the state. He said that the reason that he was bringing up these kinds of considerations was to make sure that if the Board of County Commissioners did choose to endorse this project and find it in the public interest, that they accompany that finding with a strongly worded statement that asks that the non-degradation clause which had been fought so hard for in the lower portion of the river would be adhered to above Milltown.

Chairman Barbara Evans asked Mr. Rice to explain for the record what his educational background was that would give him knowledge of these things.

Mr. Rice responded that he was a fly fisherman.

Chairman Evans asked if anyone else cared to "pone," or make comments for or against the proposal. The following people spoke:

2. Peter Nielsen spoke as a representative of the Clark Fork Coalition, an alliance of 46 organizations and businesses from throughout the Clark Fork River basin in Montana and Idaho. He

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said that the purpose of the organization was to protect and improve the quality of the Clark Fork River and Lake Pend Oreille and thereby improve the quality of life in Western Montana and Northern Idaho. He said that the group believes that the Clark Fork River is an important and viable social and economic resource for the region. He said that the purpose of today's hearing is to determine whether the requested Industrial Development Revenue Bonds are in the public interest. He said that the current beaver ranching operation near the mouth of Rock Creek on the Clark Fork River has been discharging excess loads of nutrients and fecal coliform bacteria into the river without an MPDES (a Montana Pollution Discharge Elimination Permit) Permit. He said that there may be further concerns about the discharge of giardia into the river, which recharges Missoula's underground water supply. He said that the plan, as described by Mr. McCarthy previously, does not seem to address the issue of nutrient discharge, although it did seem to address the issue of giardia and possibly other suspended materials such as bark and wood. He said that it was inconceivable to his organization that the expansion of the beaver ranching activities, which is already recognized to constitute a water quality problem, can be regarded as in the public interest without state-approved plans for waste water treatment and management and demonstration that Missoula County's beneficial uses of the Clark Fork River will be protected. He said that the State of Montana's water quality statute provides a layer of protection for Montana's high-quality waters, like the Clark River, through the non-degradation policy. He said that this policy requires point-source dischargers to provide the degree of waste water treatment necessary to maintain that existing high quality and to protect existing and anticipated beneficial uses of the resource. He said that furthermore, the State Board of Health had adopted rules to implement that policy. These rules allow a new or increased point source discharger to come before the Board of Health and Environmental Sciences with a petition to allow that new or increased discharge to occur. He said that the Board of Health may allow this increase in pollution only if all existing and beneficial uses are fully protected, if the facility is providing minimum levels of treatment, and if the increase is viewed, following public hearings, to be economically and socially justified and in the public interest.

He said that the Clark Fork Coalition acknowledged that it was not the role of the County Commissioners to pass final judgment on the issues of waste water treatment or the protection of aquatic resources, but they respectfully request that the Board condition its approval, if it chose to give approval, of the issuance of these bonds by stating that the proposed activities will not be regarded as in the public interest unless: 1) all applicable state water quality laws and regulations are satisfied and 2) that all existing and anticipated uses of the aquatic resources of the Clark Fork River are protected, including domestic water supplies, fish and wildlife, recreational uses and livestock and agricultural uses. He said that such an action would send a clear message to this company and to the State that we wish to encourage economic development in Montana and in Missoula County, but that we insist on protecting the economic and environmental resources that already exist here. He said that the issue is not one of "jobs versus environment," adding that the point is that we want both.

Commissioner Dussault asked Mr. Nielsen about his indication that the current beaver ranching operation on Rock Creek is discharging either directly or indirectly into the Clark Fork.

Mr. Nielsen replied that the ranch was discharging directly into the slough, which discharges directly into the Clark Fork.

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Commissioner Dussault asked whether any background data was available to suggest the claims of what is being discharged there.

Mr. Nielsen replied that the information he had cited was based on information he had gained from conversations with personnel at the Missoula County Environmental Health Department, and said that the question could be directed at them for the correct numbers.

Commissioner Dussault asked whether, assuming that water quality issues were taken into consideration when the new facility up there is constructed, was it not conceivable to argue that under those conditions we will in fact be creating a better situation than we have now.

Mr. Nielsen said that it was very possible that they could do better, but said that if they expand the number of animals at that site without addressing the nutrient problem, it would be a big problem. He said that there was a nutrient problem in the Clark Fork already. There are excess growths of algae and slime growths throughout the river basin and the lower Clark Fork River and the reservoirs and Lake Pend Oreille were in a state of approaching cultural eutrophication, which is advanced aging of the lake. He said that all lakes fill in and die eventually. He said that young lakes, like Pend Oreille and Flathead Lake, are clean and clear and young, but when you add the activities of man to these lakes, it speeds up the aging process. Nutrient discharges are a big concern of the Clark Fork Coalition.

Commissioner Dussault said that the answer to her question, though, was yes, and he replied that it was.

Chairman Evans asked if anyone else cared to speak on this issue, adding that if someone agreed with previous testimony that they just simply state that they agree with the previous testimony. The following people spoke:

3. Louis Ball said that he had heard people talk about the content of the wood-fiber removal process, but had heard no mention of the testing of the nutrients or of the effluent. He asked if anything had been planned and what processes would be used if this should occur.

Chairman Evans said that they would have to address that question to the Health Department. She said that she had thought that the question he was going to ask was on the Little Davis-Bacon Act.

Mr. Ball said that he could ask that one too.

Chairman Evans said that the Missoula County IDRB Policy and State Law required that the Little Davis-Bacon Act be adhered to on projects involving use of IDRB funds.

Mr. Ball said that the statement had been made that people employed on this project would be paid prevailing wage. His question was what is prevailing wage.

Chairman Evans said there was a process for determining that.

Mr. Ball replied that this was true for the building trades, but as far as he knew there was no such determination for farm hand or trades of this nature.

Commissioner Dussault said that those costs would not be involved in the issuance of the bonds. It would be the construction and the equipment that would be required to be done within the confines of the Little Davis Bacon Act.

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Mr. Ball said that he understood that, but asked if this was a business we could afford in this area.

Commissioner Dussault said that the question is whether this was a business we can't not afford.

Mr. Ball said that if it pays minimum wage, he didn't think we could afford it in this area because of the fact of it being a drain on the economy and on the taxpayers. He said that some of his main concerns were whether the employees would be paid minimum wage and whether they would be paid health benefits. He said that we all know that minimum wage does not provide an income adequate to provide a person with his own health insurance. He said that he understands that some four-fifths of this project will be in Ravalli County, but still we were looking at a number of people who would like to have a job, but who would like to make an adequate income.

Chairman Evans said that she would bet that there were a lot of them standing in the welfare line that would be happy to have a job, and she was not going argue with him.

Mr. Ball said that he just wanted to make a comment. He said that last night he had witnessed an accident where a young man stopped and put out a car fire and in the process had burned himself. He said that the man didn't have any insurance, and although he had stopped to help somebody and had gotten injured in the process, he couldn't afford any medical care. He said that he saw things like that happen all the time, and it bothered him. He said that the income of \$3.50 an hour is way below what Missoula County should even consider in support of something like this. He said that if this project is paying in excess of this wage, he would support it wholeheartedly, because Missoula County does need the jobs.

Chairman Evans asked if anyone else cared to speak on this issue. The following people spoke:

4. J. P. O'Hart, who said that he lives in Missoula, stated that what he had to say was not exactly new but he didn't think anyone in the room had heard it for a long time. He said that he wanted to speak for the beaver. He said that once upon a time, thousands of years ago, a bunch of ragged refugees from a failed civilization washed up on the shores of North America. He said that they had been so long institutionalized in a civilization that some would imagine makes this one looks kind of crude, that they didn't know how to live in a natural environment any more; they didn't remember how two-leggeds were supposed to live in relation to all the other animals on the earth. He said that they did not need to do that where they were anymore, and when that collapsed around their ears and sank into the sea, as some would have it, they had no knowledge of how to live. He said that some of the refugees washed up on what we now know as the Gulf Coast, and there they had to make a go of it. Their legends and their stories of themselves tell us that after having a real difficult time there and trying to somehow eke out a survival, they were met by a presence, a personage, who introduced them to the life of this continent and to the ways of this continent. He said that one of the things that this person offered to them was the beaver stick. This presence said that in order to remember how to live in a natural way on this continent, these people should study the way of the beaver, because the beaver are a family. The beaver know how to live in a family way and they conduct their lives in that way, in their natural environment. He said that the beaver are a community kind of people. He said that he gave them the stick and said that this was how the beaver keep their communities peaceful and healthy, so whenever the beaver have to consider something important for themselves, they

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pass the stick around and the one holding the stick speaks and everyone else listens. That way, each one gets their turn and each one has their say. There aren't struggles for dominance because everyone gets their chance. And so these people--these refugees--these ones who are starving and who probably wouldn't have made it otherwise--took this advice and studied the beaver, and they learned how to live. They remembered how to live in a family way, which is as essential to human beings as it is to beavers. Humans are not viable organisms as individuals.

Chairman Evans asked Mr. O'Hart to please address his statement to whether or not the IDRB proposal should be found in the public interest.

Mr. O'Hart said that he would say what he had to say, if the Commissioners would be kind enough to listen, and then the Commissioners should decide whether or not his statements were relevant.

He said that he felt that it was really important, after having heard at some length, the side of the two-leggeds in this issue, that we ought to consider the animals that are being viewed for exploitation. They have a life; they have a story; they have a way of being that is natural to them and essential to their health and their wholeness. He said that he thought it was worthy of our consideration and that it had been too long ignored. He said that there were consequences to going on and ignoring it that maybe ought to be brought up right here, today. These things had to do with water quality and the quality of our own family lives here, because these people learned over the years that the beaver are a very powerful presence in North America, and, in fact, western civilization came into this country on the backs of the beaver. The beaver carried the fur companies and the explorers and drew your people into this region and gave them a foothold here, the beaver did, so they are a powerful people. But if you only look at them as something to exploit, you're going to miss much of what the beaver have to offer you, because the beaver have teachings to offer, and a way of being here on this land. He said that the beaver are powerful. If you want to know how powerful the beaver are, you can go and ask the Iroquois, who participated in that onslaught against them, and who now have no more nation, who lost all of their land, except for a small part where they are crowded up next to chemical factories on another polluted river called the St. Lawrence. They helped the white people trap the beaver and suffered immensely for it, and they know it. You can go and ask the Cree people what the beaver has given to their people over the ages, over the generations, and you can ask them what it's like now to live in a world where they don't have the teachings and the medicine of the beaver anymore. It's not easy. Go to Rocky Boy and you'll see the hardships under which those people live, so what I'm saying to you, he said, is that if you pen up the beaver and you suffer the beaver to undergo this kind of degradation, this forceful removal from their natural environment, you ought not be too surprised if one day you wake up and find yourselves penned up as well. You ought not be too surprised if you wake up and find yourselves utterly dependent on circumstances and situations over which you have no control. You ought not be too surprised if you wake up one morning and there is no water here for you, because the beaver have power with the water. If you want to abuse the beaver, you had better be careful. They are a very tolerant people, but their patience isn't endless. If you want to confine them in these unnatural environments, to exploit them, and feed them to the dogs after you've skinned them, go ahead. But don't think there aren't consequences to this, and don't think you can escape them. Look around at the interstate system. There's a system of pens already made for you, and there are those who have visions of exploiting

DECEMBER 2, 1986 (continued)

you in the same way that the beavers are being exploited now. Thank you. That's all I have to say.

Chairman Evans thanked him and asked if anyone else had any comments to make. Since no one came forward, she closed the public comment portion of the hearing, and asked Commissioner Dussault if she had questions to ask of the Environmental Health staff.

Commissioner Dussault asked if Dennis Crum had any response to testimony that he had heard and then asked Environmental Health Specialist Dan Corti if he were going to speak for the Health Department.

Dennis Crum stated that the company was in the process of moving the animals off of the Rock Creek site. He said that they have about eighty head left to go, and that they were shutting that facility down in preparation for a complete new pen structure and water quality device there. He said that he had talked to his rancher this morning about the slough next to the Rock Creek facility and apparently some wild beaver had dammed it up, and Fish, Wildlife & Parks had removed those wild beaver, so the slough is now lower because of the removal of the dam down under the interstate. He said that he wanted to respond to the last gentlemen, stating that he would much rather live in a culture that raised an animal for the purpose of manufacturing things that people want to buy instead of continuing to subject the wild environment to the highs and lows of trapping that goes on. He said that he had lived through the years in California where no deer were permitted to be hunted and had seen the problem there, so thank goodness there were people in the world ranching animals to provide for a market that is continuing to grow. He said that they did have a renewable resource, and if they got up to a level of 5,000 or 10,000 pair of animals, whatever level they got up to, they would have the ability to save the top 8% of the young every year and maintain that many animals. He said that mother nature, because of man, can't do that, but they could.

Commissioner Janet Stevens said that the main focus in her mind was on the water quality of Rock Creek, as well as of the Clark Fork, and asked him if he would have any problem following the requirements and guidelines of the Water Quality Bureau that might be placed on him.

Dennis Crum said that as long as they were not going to subject his business to unreasonable amounts of capital being spent, he had spent \$75,000--and he could agree to go to \$100,000, 25 or 30% more. He said that he could agree to do that because he did not like to waterski in bad rivers or water wherever he was. He said that waterskiing was one of his hobbies, so he would not be adverse to doing everything he could, within reason, to address that issue.

Commissioner Dussault asked him about the Rock Creek operation. She said that based on his figures, it appeared as though the majority of the current operation will cease to exist when the new facilities are built. She asked him what the source of the water would be when the new facilities were built.

Dennis Crum replied that the source would be a well. She asked where discharged into specially-designed pumps that Sorenson Engineering helps them design so that they could clean the debris out of the water and check it and treat it and put it into the slough.

Commissioner Dussault said that then the water would go into the slough, which is the current discharge point, and then the slough would discharge into the Clark Fork.

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Dennis Crum stated that was correct and that he did not think, commenting on what Mr. Rice had said, that they were using much water in the current operation and he did not see how Mr. Rice would see a lowering of the slough, except that if they trapped out the wild ones who had made a dam and made it higher, then it would be lower now. He said that he noticed the same thing when he goes down there--that it's about eighteen inches to two feet lower. He said that he checked around and the answer was that they had taken out the wild ones.

Commissioner Dussault asked Environmental Health Specialist Dan Corti if he was going to address the various water quality issues, particularly the role that the State Department of Health would actually play.

Dennis Crum said that he was not aware that the Rock Creek facility was not in compliance, stating that this had been news to him. He said that he had not seen any notice, nor had his rancher seen any notice, there about that. He said that he had not heard of the Water Quality Bureau before this, but he had put in a call to one of the staff members in Helena and was going to go visit with him tomorrow.

Chairman Barbara Evans said that she had a question for Tom McCarthy or for Dennis Crum. She asked one of them to address the problem of nutrient loading raising the level of vegetation and algae in the slough.

Tom McCarthy responded that the cellulose is still a nutrient, and wood, as it decomposes, produces tannic acid and other stuff that changes the color and quality of the water, and this changes the amount of sunlight that can pass through it, and, as Fred Rice had pointed out, that changes the bottom and the aquatic environment. If there is a cellulose mat building up on the bottom of the slough, that would cause eutrophication to take place, which was one of the reasons that he had felt that one of the first things to be done was to get that cellulose out of there. He said that the other nutrients that were going in there included oats and alfalfa and grain products, so there would be some of those grain products in the effluent, which were pretty natural to the environment anyway. He said that when you're talking about a volume of water somewhere around 9-million pounds of water a day, dealing with 1,000 or 2,000 pounds of grain was not dealing with the kind of waste that would be considered domestic sewage, which might be as much as thirty times that strength. He said that he personally didn't see that they were going to have high nutrient level in the primary sedimentation, although it might be necessary to aerate some of that in order to break down some of the b.o.d. levels down in there in the primary sedimentation chamber. He said this was speculative because they hadn't done any tests yet, but he was basing his comments on the kinds of material that would be in the effluent and the pounds of water that would be going in there. He said that this all indicated that we were dealing with a dilute effluent. He said that if, over a period of time, you allow the cellulose material to go into the slough, it would form a scum mat on the bottom and change the characteristic of that area.

Chairman Evans asked if algae were presently a problem in the slough or anticipated to be a problem. Tom McCarthy said that just from looking at the Clark Fork himself, he would have to agree with some of the testimony that regardless of whether this facility is built or not, there is an algae problem in the Clark Fork. He said that late in the summer when the water flow slows down, you can see the rocks begin to coat with algae, and this affects the fish habitat. He said that it was an indication of a high nutrient level that you would not normally expect in these types of streams. He said that where he was from--Iowa--you

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would consider that a real good quality water, because there was so much fertilizer and that type of stuff in Iowa, so as far as the types of things that could take place along the Clark Fork, it was possible that algae could be a problem. He said that he felt that they were dealing with something that was pretty controllable, though.

Chairman Barbara Evans said that he was certainly aware of the state's authority over water quality, and Tom McCarthy replied that he was definitely aware of this. Chairman Evans then asked him if he felt that the state law would protect the water if this facility had to meet all the state requirements and that therefore the local governing bodies did not really have to protect the water because the state would do that. Tom McCarthy replied that on all of the projects Sorenson had designed, the state had never "loosened the strings and turned us loose," and that if they went through the required critical design parameter, he did not have the sense that in dealing with this type of operation, you would be dealing with a Missoula Sewage Treatment Plant type of facility, and he thought that was what Dennis Crum was saying. He said that if they wanted the effluent to be at the quality of distilled water, that was economically unfeasible. It would financially destroy the project, but by reducing the quantity of water they were putting away, they might not increase the quantity of discharge, and then they could do things to clean it up from there.

Chairman Evans then asked Environmental Health Specialist Dan Corti to comment on the project from his perspective.

Dan Corti replied that most of the issues have at least been touched on today, and what he wanted to go over briefly was some of the background that he had looked into in preparing the report he had been asked to prepare. He said that his conversation with Fred Schulman is the conversation that led him to believe that they did in fact need an MPDES permit for the Rock Creek site. In response to a question about who Fred Schulman was, Dan Corti replied that he was with the Water Quality Bureau and that he handles discharges and oversees the MPDES permits in the state.

Commissioner Dussault asked him why the current facility at Rock Creek did not have a permit, then. Dan Corti replied that they were on notice that they need one and are in non-compliance, according to Mr. Schulman. He said that it had apparently been one of those "sifting through the cracks affairs" where the discharge wasn't significant enough for the problem to be brought to light in the past.

Commissioner Dussault said that the State Health Department, was, in fact, claiming jurisdiction over the discharge.

Dan Corti replied, "Absolutely, as they would in any other direct discharge into a State water." He said that he would assume that if there were a discharge at the other two facilities, that the same situation would apply. He said that what Tom McCarthy had proposed for treatment, his best guess, although he couldn't speak for the state, was that it would provide adequate treatment for suspended solids, wood waste, etc., with just primary sedimentation and screens. He said that the nutrient and bacterial load were something else again and should be given a lot of consideration since taking care of them could add considerably to the cost of the treatment. He said that as Peter Nielsen had pointed out, with the new non-degradation interpretation that we have, he thought that the state would be looking very closely at the nutrient parameters going into the creek. He said that he had just done some ballpark calculations, and if, in fact, they were using 1,000 pounds of feed in nine

DECEMBER 2, 1986 (continued)

million pounds of water, assuming about a 50% efficiency for beaver--they're going to retain half of that, in other words, and the other half's going to duck back into the water--they're still looking at a 45 to 50 parts per million of suspended solids in terms of body wastes going into that effluent, and that relates to the Missoula Treatment Plant effluent of about 175 parts per million. He said that they were looking at something, then, that was roughly 1/3 the strength of the effluent going into the Missoula Sewage Treatment Plant, so it is relatively mild stuff, but, nonetheless, there's a reasonable nutrient load there.

Commissioner Ann Mary Dussault said that it was her understanding--and Dan Corti had quoted Peter Nielsen, but she had thought that Peter was questioning--whether, in fact, the state was now implementing the non-degradation policy. She said that it was her understanding that with the recent Stone Container decision, for the understanding that for the first time, the state is using the non-degradation portion of the statute, and her question, therefore, was: Can we expect them to continue that policy and apply that policy in this matter?

Dan Corti replied that Stone Container had brought that whole issue into public focus, and it was his understanding that from this point forward, any new or expanded discharge will come under that review.

Commissioner Dussault said that given that, what background levels would the state use to determine levels of non-degradation.

Dan Corti said that he doubted very much that they had anything very much or very substantial in the way of long-term baseline data for what exists there right now. He said that he thought that what they would do was look at the water above the outfall in the slough compared to the water after the outfall from the ranch and say that they needed to be roughly equal, or within reasonable limits. He said that as he understood non-degradation, what it said was "within reasonable limits, there isn't going to be any pejorative effect on the surface water."

Commissioner Dussault said that what she was trying to get at was two things, and one was that, given that there has been a beaver ranching operation there discharging into the slough and from there into the Clark Fork, is that considered the background level, or will requirements that the new operation has to meet exceed those.

Dan Corti said that the proposed expansion certainly would come under the non-degradation portion, but as far as the existing use, he wasn't sure.

Commissioner Dussault said that Peter Nielsen seemed to be quoting data that he claimed the Health Department gave him, and that was what she was trying to get at. She asked Mr. Corti to explain how and who was going to determine what the background was in order to make the judgment as to what was going to be necessary here in order to assure that the quality of the water was not degraded.

Dan Corti said that Mr. Nielsen had been talking about the MPDES permit, and that was from a direct conversation with Fred Schulman. He said that the way that the baseline data would be gathered, he was not entirely sure--that would be up to the Water Quality Bureau. He said that he was not 100% sure how they would go about that.

Commissioner Janet Stevens asked if the state had done some testing already to find out that they were not in compliance.

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Dan Corti said that he did not have the data. He said that he knew that they had done some fecal studies for the ranches in Ravalli County. He said that Linda Hedstrom had run those for the lab in years past.

Commissioner Ann Mary Dussault said that on a fairly consistent basis, we have been monitoring the ranches in Ravalli County, but they had not at Rock Creek?

Dan Corti said that he wasn't sure, but the state had felt they had enough data to require an MPDES permit.

Commissioner Ann Mary Dussault said that the reason she was concerned enough to keep trying to probe was that the critical issue here was the water quality. She said that if she were assured that the state was going to assume jurisdiction and apply the non-degradation policy, then she was really comfortable with that, but she wanted to be assured that, in fact, this is within their area of jurisdiction.

Dan Corti replied that it certainly was within their area of jurisdiction, and they would have primacy over the discharge.

Commissioner Stevens said that the non-degradation policy would be activated, then, and he replied that this was his understanding.

Commissioner Stevens then asked Deputy County Attorney Mike Sehestedt to comment on whether if the Commissioners were inclined to find this issuance in the public interest and attached a condition that said something like all water quality laws and regulations would have to be applied by the state, including the non-degradation clause, what kind of an effect would that have on the state in carrying out the IDR's; meaning, did the Economic Development Board have to pay attention to that or not?

Mike Sehestedt said that he believed that they would have to include it in the bond documents as a condition, although he wasn't entirely certain. He said that probably the more effective point would be that if, in fact, they were subject to water quality standards and the state does its duty in enforcing them, then should the Rock Creek facility fail to obtain a permit or perform in compliance with those standards, it would be shut down and cease to operate. He said that he would expect that failure to operate a facility funded with the IDR proceeds would be an event in default, which would produce sanctions under the bond documents and would authorize the pursuit of remedies. He said that they would doubtless include it as one of the bond conditions that they would, in fact, obtain all necessary permits and operate the facility in compliance with all applicable statutes and regulations. He said that the real bite is that whether it's funded with IDR's or not, if they don't do these things, they get shut down.

Commissioner Dussault said that if Dennis Crum were financing this project entirely by private dollars, then, he would still be required to meet the requirements of the State Water Quality Board, and Mike Sehestedt replied that they would, just like anybody else.

Dan Corti said that it seemed pretty apparent, and he thought that Tom McCarthy would agree, that the technology is available to do whatever needs to be done in terms of protecting water quality. The big question is how much it will cost and what form exactly that treatment would take, so if there were assurances built into the bond issue that say that yes, water quality will be protected within the parameters within state law, and some

DECEMBER 2, 1986 (continued)

assurance is given that the funding is available, then he thought that the Health Department certainly could support that.

Chairman Barbara Evans said that she wanted to make a couple of comments. She told Mr. O'Hart that his comments were not unheard. She said that she would not have worded her concerns in the same way he had, but that doesn't mean that she had any less concern for the animals than he did. She said that she also had a concern for human beings and the fact that we do need to do some things to spur the economy in this area made her ask, although she would not make it a requirement, but that she would ask that the animals be cared for in as humane a manner as possible. She said that she would have to prefer a bullet through the ears than the steel-jaw traps that the trappers use, so if she had to take her druthers, she'd rather have this. She said that she personally did not wear animal skins, a personal thing, because of her concern for the animals, but, as Ann Mary Dussault and Janet Stevens had pointed out that morning, she did wear a lot of acrylics, and there were lots of little acrylics that are done in for her sweaters. She said that was a little levity for something that she takes very seriously. She said that she supported this bond proposal because this area is in desperate need of a shot in the arm. She asked if there were any motions or further comments.

Commissioner Ann Mary Dussault said that she had one final question for Dennis Crum: the issue has been raised, and she thought it was a fair question, on the salary range that will be paid to the individuals who would be working for the company. She said that the data the Commissioners were looking at were projections that by 1995 approximately 89 new jobs with about two-thirds of those being directly in the ranching portion of the operations would be created. She said that she couldn't pull the figures out of her head, but she had some idea of what ranching salaries are in the state of Montana, and asked him to give the Commissioners an idea of what these salaries would be.

Dennis Crum said that he could tell her what one salaried position is now for a ranch-caretaker in this County: \$1400/month. He said that was certainly above minimum wage. Commissioner Dussault asked him if that were a foreman position, expected to be the higher paid of the ranching positions, and Mr. Crum replied that it was, that this person was responsible for the whole show.

Chairman Barbara Evans said that before a motion were made, there as one other letter of opposition for the record, from Janet Moore of Seeley Lake, on behalf of the Trappers Association: She said that they do support the idea of having garment makers here. They felt that would be a benefit to the trapping industry here, but it was her feeling, and she felt it was fairly well borne out by the information in the book that these particular type of beaver were not going to be competing with the beaver in the area. Commissioner Janet Stevens said that she wanted to comment that Janet Moore's letter had not indicated that this operation would be in direct competition with the trappers. That was not their argument. Chairman Evans said that, at any rate, their opposition was noted for the record.

Commissioner Ann Mary Dussault moved, and Commissioner Janet Stevens seconded the motion, that the Missoula Board of County Commissioners determine that the aspects of this project within the boundaries of Missoula County be found to be in the public interest insofar as, first of all, the requirements for such projects under our bond policy have been, or will be, met--and that was intended in her mind to refer to such things as the Little Davis-Bacon Act and those kinds of criteria--and secondly, that we are assured, and it is our understanding from the

DECEMBER 2, 1986 (continued)

testimony presented, that the State Water Quality Bureau will assume jurisdiction as to the control of discharge from the operation into the Clark Fork, and that all state statutes, including the non-degradation policy, would be met. The motion passed unanimously. Since there was nothing else on the agenda, the meeting was recessed.

EXTRACT FROM MINUTES OF PUBLIC HEARING HELD BY THE MISSOULA BOARD OF COUNTY COMMISSIONERS TO DETERMINE WHETHER A PROPOSAL BY GREAT WESTERN EQUITIES GROUP, INC. FOR \$4 MILLION DOLLARS IN STATE OF MONTANA INDUSTRIAL DEVELOPMENT REVENUE BONDS IS IN THE PUBLIC INTEREST

The following excerpt was sent to the Montana Economic Development Board in Helena after the hearing set forth above:

The hearing of the Missoula Board of County Commissioners was called to order at 1:30 p.m. in room 201 of the Missoula County Courthouse Annex, having been legally posted and noticed. After hearing the proposal as put forth by Mr. Dennis Crum of Great Western Equities Group, Inc. and testimony from proponents, opponents and people who had general comments on the project as well as testimony from County staff from the Community Development Office, the Attorney's Office and the Health Department, the following motion was made by Commissioner Ann Mary Dussault, seconded by Commissioner Janet Stevens and passed unanimously:

That the Missoula Board of County Commissioners determines that the aspects of this project within the boundaries of Missoula County be found to be in the public interest insofar as, first of all, the requirements for such projects under the Missoula County Industrial Development Revenue Bond Policy have been or will be met, intended to include such concerns as compliance with the Little Davis-Bacon Act; and secondly that the Commissioners are assured, and it is our understanding from the testimony presented, that the State Water Quality Bureau will assume jurisdiction as to the control of discharge from the operation into the Clark Fork, and that all the State Statutes, including the Non-Degradation Policy, will be met.

A second motion made, seconded and unanimously passed, appointed Commissioner Janet Stevens Acting Chairman for the purpose of signing this excerpt from the minutes on behalf of the Missoula Board of County Commissioners since Commissioners Barbara Evans and Ann Mary Dussault had to leave the office shortly after the meeting.

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DECEMBER 3, 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 morning, but present in the afternoon.

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

Agreement between the Missoula County Sheriff's Office and the Missoula City/County Health Department.

The Board of County Commissioners signed an agreement between the Missoula County Sheriff's Office and the City/County Health Department in regard to the Sheriff's Office contracting for Victim's Advocate Services from Diane Morin from the Health Department, in accordance with the terms of the agreement.

DECEMBER 3, 1986 (continued)

Modification of Agreement: Maternal and Child Health Block Grant

Chairman Barbara Evans signed a modification of the Maternal and Child Health Block Grant, in accordance with terms set forth in the modification of agreement, DHES No. 700210-1. This modification was forwarded to the Department of Health and Environmental Sciences in Helena.

Also at the daily administrative meeting, the Commissioners decided to set the swearing in ceremony for newly elected County officials for January 5, 1987.

PUBLIC MEETING

The meeting was called to order at 1:30 by Chairman Barbara Evans. Also present was Commissioner Janet Stevens. There was no business to come before the Board, and no public comment, so the Commissioners were in recess at 1:31 p.m.

Joint City/County meeting on Community Development

In the evening, the Board of County Commissioners attended a joint City/County meeting on Community Development. The meeting was held in the Health Department Conference Room

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DECEMBER 4, 1986

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

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

Request to fill the position of Director of Environmental Health

The Board of County Commissioners approved the request from the Health Department to fill the position of Environmental Health Director vacated by Elaine Bild's resignation.

Professional Services Contract: Mac Schaffer

The Board of County Commissioners signed a professional services contract with Mac Schaffer on behalf of County Operations Officer John DeVore. Mr. Schaffer will be conducting a study of pre-trial and post-conviction options available to Missoula County in regard to jail overcrowding relief. Total compensation under this contract is not to exceed \$1,995.00 and the contract period will be from 12/15/86 to 8/1/87, at which time the report will be due. The contract was returned to Operations Officer John DeVore.

Contract: Condon Snow Plowing

The Board of County Commissioners signed a contract with Dennis W. Jette for the purpose of contractor snow plowing, to run from December 26, 1986 to March 15, 1987, for a rate of \$39.50 pr hour for plowing. Other terms are set forth in the contract, which was returned to Central Services Manager Billie Blundell.

Warranty Deed and Right-Of-Way Easement

The Board of County Commissioners signed a warranty deed and right-of-way easement by and between Missoula County and the Montana Power Company for a tract of land more particularly described as Tract 1 of Certificate of Survey No. 3323, located in the SE 1/4, NE 1/4 of Section 25, Township 13 North, Range 20

DECEMBER 4, 1986 (continued)

West, P.M.M., Missoula County, Montana. These documents were signed in conjunction with the sale of one acre of land to Montana Power for the purpose of constructing a power substation.

Determination of Suitable Access-Errol, Robert and Richard Durnford

The Board of County Commissioners signed a letter affirming that suitable access is provided in the division of the property referenced in Book 4 of Micro Records, at Page 1646, conditioned on the inclusion of the following statement on the plat or deed 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."

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DECEMBER 5, 1986

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

School Boundary Appeal Hearing in Alberton

All three Commissioners attended a hearing in Alberton on the transfer of territory from the Alberton School District (Joint District #2) to the Superior School District (District #3, Mineral County). The hearing was an appeal from a decision of the Missoula County Superintendent of Schools, Rachel A. Vielleux and Powell County Superintendent of Schools, Billie Ann Bricker, which approved the transfer of territory from Alberton Joint Elementary District #2 to Superior School District #3. The hearing was held by the Missoula County Commissioners and the Mineral County Commissioner as a joint board. The territory affected is located in Mineral County, and is generally described as follows:

All of Sections 23 and 26 and portions of Sections 13, 22 and 24, Township 15 North, Range 25 West, M.M., and portions of Sections 15 and 19, Township 15 North, Range 24 West, M.M.


The previous decision of the two Superintendents of Schools was upheld.

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DECEMBER 6, 1986

Commissioner Ann Mary Dussault attended a Community Council Meeting in Seeley Lake in the afternoon.


Fern Hart, Clerk and Recorder


Barbara Evans, Chairman

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DECEMBER 8, 1986

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

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

Budget Transfer No. 870016

The Board of County Commissioners signed Budget Transfer No. 870016 for the Weed Department, approving the transfer of \$200 from the tools and materials line item to the county participation line item. The \$200 is not needed for tools and materials because Weed Department personnel are not actively enforcing complaints. The \$200 will be used instead for County participation in a weed video.

Lunch with Legislators

The Board of County Commissioners held a lunch meeting with various members of the Missoula County Legislative Delegation at Moose McGoos.

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DECEMBER 9, 1986

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

Chairman Barbara Evans examined, approved and ordered filed the monthly report of Clerk of District Court Bonni J. Henri, showing items of fees and other collections made in Missoula County, for the month ending the 30th day of November, 1986.

At the daily administrative meeting held in the morning, the Commissioners reviewed, approved and signed a request from the Historical Museum at Fort Missoula to submit a grant application to the Institute of Museum Services for General Operating Support. The notice of intent to apply for federal/state/private funds form was returned to Deputy Auditor John Koch for processing.

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DECEMBER 10, 1986

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Ann Mary Dussault was in Helena attending a MACo Executive Board meeting all day.

Indemnity Bond

Chairman Evans examined, approved and ordered filed an indemnity bond for William Berg as principal for Warrant No. 153087, dated 10/29/86, in the amount of \$59.80 in payment for a gray uniform shirt. The warrant was lost.

Audit List

Commissioners Barbara Evans and Janet Stevens signed the audit list dated 12/10/86, pages 6-43, with a grand total for all funds of \$188,881.64. The audit list was returned to the Accounting Department for further processing.

At the daily administrative meeting held in the morning, the following appointments were approved:

DECEMBER 10, 1986 (continued)

Appointments to the El-Mar Homeowners Association Water and Sewer Subcommittee

The Board of County Commissioners approved the appointments of the following people to the El-Mar Estates Homeowners Association Water and Sewer Subcommittee, in accordance with the terms of the signed agreement between the Missoula County Board of Commissioners and the El-Mar Estates Homeowners Association:

Claude Douty	Board Member/President
Arlin Sharbono	Board Member/V. President
Steve Thompson	Board Member
Jim Burkhart	Board Member
Ed Davis	Board Member
Doyle Riley	Water/Sewer Maintainer

The list of names was returned to Operations Officer John DeVore

Also at the daily administrative meeting, the Commissioners took the following action:

Modification of Finding that Issuance of IDRB's to Great Western Equities, Inc., is in the Public Interest

The Board of County Commissioners agreed to modify their finding of December 2, 1986 that the issuance of State of Montana Industrial Development Revenue Bonds to Great Western Equities, Inc., in the amount of \$4 million is in the public interest, adding that the Missoula Board of County Commissioners "find this issuance to be in the public interest only if the beaver housed on the beaver farms are treated humanely." This information was conveyed to Dave Ewer, Bond Program Manager for the Montana Economic Development Board.

PUBLIC MEETING

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

Consideration Of: Claudia Heights (Summary Plat)

Paula Jacques, from the Office of Community Development, said that Claudia Heights consists of two duplex lots proposed for the west side of Whitaker, south of the Mountain Water storage tanks and downhill from the Mansion. Following approval of the subdivision, the property will be annexed into the city as a condition of connecting to city sewer. The existing driveway which serves the single family home located just west of this parcel will be abandoned, and a single access constructed to serve the two duplexes and the existing homes.

She said three variances have been requested, and the Staff has recommended approval of two of them. The alternative access needs variances from the right-of-way and pavement width standards, approval is recommended. The Staff has also recommended approval of the sidewalk variance. The staff has recommended that the curb and gutter variance not be granted...the curb and gutter is needed to control drainage along Whitaker and prevent further erosion of the pavement edge.

Barbara Evans asked if anyone wished to speak on the issue.

Nick Kaufman, of Sorenson and Company, representing Grant and Geraldine Maclay, the petitioners, said he had no concerns with any of the recommendations from the Planning Staff.

DECEMBER 10, 1986 (continued)

Janet Stevens moved, and Barbara Evans seconded the motion to approve the summary plat of Claudia Heights, and the two of the three requested variances, subject to the following conditions:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. The driveway shall be widened to 24 feet from its intersection with Whitaker Drive through the curve at the westerly property line, subject to the approval of the City Engineer.
3. A statement shall be printed on the face of the plat waiving the right to protest a future SID or RSID for sidewalk construction along Whitaker.
4. Utility Easements shall be shown on the face of the plat.

In addition, the variances regarding right-of-way, pavement standards, and sidewalk requirements will also be granted.

The motion passed on a vote of 2-0.

CONSIDERATION OF: LOLO SHOPPING CENTER (SUMMARY PLAT)

Paula Jacques said the Lolo Shopping Center proposal is the division of the existing shopping center property into three lots; a 6.5 acre parcels for the shopping center and two smaller lots for future commercial development. The Community Development Staff recommends that the summary plat of the Lolo Shopping Center be approved, subject to the conditions and Findings of Fact in the staff report.

Barbara Evans asked if anyone 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 Lolo Shopping Center subject to the following conditions:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. The easterly access from Tyler Way into the subdivision shall be relocated, the boundary line of Lot 3 adjusted, or easements provided for access across Lot 3, subject to approval by the County Surveyor.
3. All new approaches onto County right-of-way are subject to approval by the County Surveyor.
4. Easements for access from one lot to another shall be granted.
5. Utility easements shall be shown on the face of the plat, subject to approval by the appropriate utility.

The motion passed on a vote of 2-0.

HEARING: SOUTH HILLS COMPREHENSIVE PLAN AMENDMENT

Amy Eaton, of the Rural Planning Office said the issue today was a public hearing to gain public input on the County portion of the South Hills Comprehensive Plan Amendment. The City Council adopted the plan within the city limits on November 10, 1986.

DECEMBER 10, 1986 (continued)

She said she had to make a clarification: that this is not a hearing on the RSID that is being created in the South Hills, but is for the South Hills Comprehensive Plan Amendment. The Commissioners are reviewing the County portion of the plan and the recommendations which apply. There are 21 recommendations in the document, and 16 are connected to the County. These are on file in the Rural Planning Office. She said one of the recommendations that has received quite a bit of attention is the one regarding the moratorium, and this is a city recommendation, regarding whether or not a moratorium will be placed in the area, and has nothing to do with the County.

She said the South Hills Plan is an amendment to the 1975 Comprehensive Plan, which is extremely comprehensive. The information in the new document was gained from public meetings, agency input, and the Planning Office, and the document is intended to be a ten-year plan. It is a plan that addresses current conditions in 1986, and gives the area a future development guide. It is not written in stone, and when changes occur in the area, the plan should be amended to fit these changes.

Barbara Evans opened the hearing for public comment. She said no decision will be made on this matter today, as Commissioner Dussault was in Helena on County business, and wished to be a part of the decision after listening to or reading the record.

Dick Hayden said that he and members of his family own some of the land in the South Hills, and they are not trying to do anything, all they want is not to be done to. He said there is no plan to develop, and the only complaint he has is that as the plan was originally drawn, the limits of the dwelling densities per acre are the same as were drawn up in 1975. He said there is a very sharp break in the hill, and he felt that the densities should change at the break, with the higher densities concentrated on the lower, flatter, land. He said he had indicated the changes he wanted made to Amy Eaton.

Oscar Dooling said he would like to recommend to the Commissioners that they adopt this plan change.

Bill George, 4910 Clearview said he was representing the 1st Hillview Homeowner's Association, Inc., and the plan amendment represents an answer to the countless hours and years they have spent creating public awareness to the problems experienced in the South Hills. It acknowledges as facts, the problems that they have been dealing with, and offers answers to give the area a viable future, a future that concerns itself with keeping the South Hills a safe, environmentally sound, aesthetically pleasing place to live and educate their children. He said the recommendations based on the Urban Area Land-Use Study to change the present mixture of single family and multi-family living units to single family units to be very valid. Services, transportation, schools, topography, soil conservation and drainage are big factors in planning the future of the South Hills area. He said that they agreed that most problems have solutions, however the solutions will be very expensive. Part of the concern deals with who will have to pay for these solutions, and pay for the solutions created by poor planning and irresponsible development. He said it should be noted that the South Hills Comprehensive Plan Amendment does not go against the 1975 Comprehensive Plan, but recommends to rezone the South Hills to fit the 1975 plan. He expressed appreciation for extending the planning process to the residents of South Hills, and said he supports this amendment.

DECEMBER 10, 1986 (continued)

David Line had submitted written comments earlier, regarding the portion referring to "the extension of 55th across to Whitaker" and wished his opposition to that portion of the plan to be included on the record.

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

CONTINUATION OF HEARING & DECISION -PROPOSED REVISIONS TO COUNTY SUBDIVISION REGULATIONS

Joan Newman, Deputy County Attorney, said that a public hearing on the proposed revisions to the County Subdivision Regulations was held on November 26, 1986. During the hearing, several new changes and suggestions were received, and she and Barbara Martens from the Office of Community Development have been reviewing these changes and suggestions.

She said one fairly significant concern was the exact meaning of the introductory article on the general standards, (3-1). Concern was raised with regard to building code, the question was whether these regulations were essentially adopting the uniform building code as it exists in the city, and adopting it for the county. The city's building code and building inspection program presently extends within the four and a half mile radius around Missoula, but outside that radius, only the state building code is in effect. The County has never adopted a separate building code, and that was not intended in this statement. A change has been made to clarify that from one of the original drafts.

Also, a change in the introductory language was made, to make clear that subdivisions comply with applicable laws, which is no more than a statement of the law itself. An additional question was raised regarding the comprehensive plan, and she said she talked on the phone to Gary Marbut, who raised the question. As a result of that conversation, she suggested adding two changes to Section 3-1. Those changes are delineated in sections 3-1 (1), and 3-1 (F).

One other related question had to do with section 3-6, which deals with easements, which originally said that subdividers shall grant easements to the irrigation district, where the land proposed for subdividing is within the district. That change was proposed by the district, and her understanding at the time was that that was how things were, and it was nothing more than the law required. As she looked into it, however, the irrigation district does have power to obtain easements by their own means under their own plans, so she felt that what she had proposed was beyond what was necessary in the subdivision regulations. Therefore, she proposed that that subsection be deleted, and simply a notice provision be included.

On Rural Fire District Regulations/State Fire Code, she said the state fire code was applicable in the state, and it does have some standards, not inconsistent with, but an addition to, some of the subdivision regulations; and in some areas, such as cul-de-sac radius, the Fire Code leaves it to the discretion of the Fire Chief. She said there may be some justification for amendments to the County's design standards so there would not be conflicts with State Fire Codes, and she understood that the Rural Fire District, at some point, was going to propose some changes, and they would be dealt with then.

Two questions on summary plats were raised, one was whether cash in lieu, or park dedication requirements apply in summary plats, and the answer to this question is "yes." The second question was in regard to what appeared to be a limitation on subdivisions to one summary plat or minor plat from a parent tract. That was not intended, and some clarification is necessary to provisions

DECEMBER 10, 1986 (continued)

for review of second and subsequent summary plats. She suggested that Section 4-3(D) be deleted, and new language regarding second or other subsequent minor plat review be inserted. In addition Section 5-1(4)(G) should be changed to reflect that second or subsequent minor plats are subject to the Environmental Impact Statement.

She said that another question that has arisen before the Planning Board, is an article dealing with covenants and articles of incorporation for homeowners associations. At the present time, it is possible for those types of documents to be part of subdivision review process, and the Planning Board, and the Commissioners rely on those provisions as meeting some of the subdivision requirements, and there is no method for determining if they have been carried through. She said that she felt that the change proposed by the Planning Office is overbroad and puts the County Attorney's Office in the position of guaranteeing the performance of private attorneys or perhaps doing legal work for the developers where covenants and homeowners documents have not been prepared by an attorney. She said she would suggest that the Planning Staff makes sure that articles of incorporation have been filed at the time the plat and covenants are filed. Second, it should be a provision that covenants and homeowners association documents are being prepared by attorneys in conformance with the provisions that were reviewed and considered as part of the subdivision process. At present, there is no way to check whether these documents are actually being prepared by attorneys and no certification by anyone that they conform to the conditions of plat approval and review.

Therefore, she said she would suggest a change in Article 5, 5-1(4)(F), adding a new section (8) which would say that homeowners documents and articles of incorporation bear the certification of an attorney who has prepared or reviewed these documents, certification that the attorney is licensed to practice in the state, and further that the documents contain the applicable provisions required by the regulations, or upon which plat approval was based or conditioned, and that the provisions do not conflict.

She also suggested that when plats are filed, the subdivider should provide a platting report for the County Attorney to examine the title evidence prior to filing, and in regard to the article on exemptions, she had drafted them so that the County's resolutions on exemptions as part of the subdivision regulations, however, she suggested that they not be made part of this document until she has had more time to research them.

In conclusion, she said at the public hearing in November, two or three members of the development community expressed disappointment that the proposed subdivision regulations did not reflect some sort of "major overhaul" or "innovative new concept" in subdivision regulation. They seemed to imply that this is what they had been promised at some point. While she personally was not there, and does not know the thoughts regarding the current project for subdivision regulation amendments, she said that the staff member working on these amendments did not receive any such direction. Also, the amendments were drafted after extensive meetings with the development community, including those who spoke at the hearing, and most of their suggestions were incorporated in the amendments. Not only did we not hear this complaint before, we had previously received positive comments from them on the changes that were made. She said she has since had a conversation with one of the persons who had commented, and it was made clear to her that no criticism of the work that Barbara Martens or she had done had been intended; that it was simply an expression of continuing desire to always explore new ideas in the area of review.

DECEMBER 10, 1986 (continued)

Barbara Martens said that Dick Colvill, the County Surveyor would like to add a sentence which would state that "gravel road standards shall be the same as paved road standards with the omission of asphalt or concrete surface". She said the reason he wants this incorporated is that the amendment should alleviate conflicts between the engineering and design standards for paved roads and allow for future upgrading of a gravel road to a paved road. In response to Mr. Marbut's concerns at the last public hearing regarding the County Surveyor and the Office of Community Development, both reviewing and approving certain items under the street section, that was incorporated because both offices look at both aspects of the parking plan.

Barbara Evans asked Barbara Martens to briefly outline the changes that were discussed between the Planning Staff and the Commissioners.

Barbara Martens said there were nine recommended changes:

1. Immediately following the Table of Contents, timelines for preliminary and summary subdivisions as found on Page 38 and 52.
2. On page 7, definition #35 which would be immediate family, and definition #37, which is living unit, would be deleted.
3. On page 8, the definition of mobile homes was deleted and replaced with a definition that omits size restrictions.
4. On page 10, the definition of a recreational vehicle was changed for the same reason.
5. On page 19, Section 3-2(8)(E), dealing with sidewalks, pedestrian walkways and bikeways was changed to restate the section in a more positive fashion.
6. On page 42, Section 4-19, which discusses Planning Board Action, an addition to the end of that paragraph was made which gives notice to the public on where information on the Planning Board or any other planning issue may be obtained.
7. On page 105, Appendix VII which deals with the Gravel Design Standards for local rural roads, was deleted, as per the recommendations by the County Surveyor.
8. On page 49, Section 4-2(6) which deals with recordation, a phrase was added "with proof of filing with the Secretary of State".
9. On page 54, Section 4-3(7) which deals with Summary Plat Applications in the Public Hearing portion, an addition was added to provide the Office of Community Development Staff the opportunity to post the property, even though this is not a requirement of State statute.

The hearing was opened for public comment

Nick Kaufman of Sorenson and Company said he would like to compliment both Joan and Barbara, who have been more than amenable in terms of presenting their ideas, making copies of drafts available, notification of meetings, and encouragement to attend, etc.

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

Janet Stevens moved, and Barbara Evans seconded the motion to adopt the new Subdivision Regulations as presented by the Office of Community Development with the amendments that were read into the record today by both Barbara Martens and Joan Newman. The

DECEMBER 10, 1986 (continued)

motion passed on a vote of 2-0.

HEARING: Annual Review of Reserve Street Special District #2 Development Standards.

John Torma, from the Office of Community Development, said this hearing was an annual review process for Section 6.03 of the Missoula County Resolutions. This section is commonly known as the Reserve Street Special District #2 Development Standards, and was adopted in May of 1982. This section requires that an annual review of the development standards be conducted by the Planning Board and the Missoula County Commissioners. The purpose of this review process is to review the development standards and not to consider a rezoning of any of the property subject to those standards. There have been three previous reviews; in 1983, the review process did result in a couple of amendments to the standards dealing with seasonal and commercial uses. The review process in 1984 and 1985 resulted in no changes at all to the standards. He said the review process is a two-tiered public hearing process, the first portion is a public hearing before the Planning Board, and then the Board of County Commissioners to receive public testimony and then to make a determination as to whether or not any of the standards in this section warrant any attention at this particular time. Should the Board of County Commissioners determine at the end of the public hearing that any of the standards need to be amended, the staff would be directed to draft some proposed language to amend these standards. The second phase would then begin, whereby the drafted proposed amendments would be brought to the Planning Board for public hearing, at which time the Planning Board would make a recommendation on those proposed amendments, and then it would be brought back to the Board of County Commissioners for another public hearing, and action by the Commissioners.

The areas that the Planning Staff have included in its report, which they feel could warrant some attention at this time, are:

1. The front yard setback requirements in Special District #2;
2. the concept of mixed use and whether or not it is appropriate to maximize the allowable residential density for the parcel and then add a commercial use to it.
3. The requirement that an outdoor space equal to 70% of the floor space of a multi-family residential structure be provided for outdoor recreation.

A general discussion of these concerns ensued, and diagrams and charts delineating these issues were examined. It was agreed that some clarification of these issues would be necessary before the standards are adopted in final form. He said that when this came before the Planning Board, the Board did not make a recommendation, as many of the members felt that they did not know enough about Special District #2 to make a recommendation. They directed the staff to poll the study session and to bring them up to speed on Special District #2, which was done last night, and the Board members then asked John Torma to communicate to the Commissioners three concerns that they had:

1. The requirements for outdoor space needed to be better defined and should possibly be different for buildings that had single, one-bedroom units, as opposed to buildings which were more family oriented buildings with two or more bedrooms; and
2. The uniform landscape strip along Reserve Street should be better defined; and

DECEMBER 10, 1986 (continued)

3. The exceeding of maximum density for any given parcel by mixing the uses.

The hearing was opened for public comment.

Barbara Evans noted for the record that this hearing was not to say that the Commissioners agree or disagree with this Special District, but to make suggestions for amendments to that zoning district.

Nick Kaufman, Land Use Planner for Sorenson and Company, said that in Special Zoning District #2, it is a performance standard, and points are awarded. If a mixed-use development is done, combining residential and commercial use, you gain points. If you don't do mixed use, you cannot recover those points. It is a 100 point system, and you need a certain volume of points. The district does not say anything about density and how it should be allocated, and he would like the staff and the Commissioners to think about is the Bitterroot Building which is just past the Grizzly Grocery on Higgins Avenue, with the upstairs being apartments and the downstairs a business. In regard to the seventy-five percent for usable outdoor recreation, he said that what has occurred always before, is that the setbacks for buildings provided that outdoor living space. In this special district, what is being done is the density will be reduced, and there will be less building area per square footage of total area than would be in normal districts like an R-2. He said the Commissioners should think about where people who live in 4-plexes do their outdoor recreation. He said he lived in a 2-bedroom 4-plex for almost 6 years, and he always had another single male roommate who occupied the other bedroom, and they never used the outdoor recreation area or the outdoors at that 4-plex. He said he was not saying that it shouldn't be there, but maybe if a recreation space was going to be provided on site, maybe that should be traded for cash-in-lieu of park, or something else. He said the first question is whether or not 75% is needed, and if it is, then maybe that should apply toward the park contribution for that development.

Barbara Evans asked him to speak to her about his feelings about specific setbacks.

Nick Kaufman said he had no problem with specific setbacks, the problem that he ran into with the setbacks in this particular development is that there is a requirement that 10 feet of the required front yard shall be landscaped. That is in addition to the 75%, and he had a problem in that a development he had worked on did not have any landscaping in the front yard. He asked if the Commissioners would rather have the usable recreational space in the front, to buffer the parking and storage spaces, or in the back, where they would be more usable. He said some flexibility should be included in the regulations so that in the interior lots, at least, they could be placed next to the parking lots and make the usable space beyond. He said a developer tries to maximize the space, which maximizes the tax base, which maximizes the revenue to the County. He said we should be promoting development in the Reserve Street Corridor, not make it more restrictive, while addressing the buffering from the single-family homes and other important considerations with the noise in the street.

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

Barbara Evans noted that the Commissioners would not be making a decision on this issue today.

Janet Stevens said that she had questioned the fact that two hearings were being held instead of one, and the Planning Staff

DECEMBER 10, 1986 (continued)

had told her that that was part of the Special District #2 regulations, but she had later determined that it was not. She said it must have been a policy at one time, and just carried forward; so she suggested, for the public's convenience, as well as the Commissioner's, that there only be one hearing process in the future. However, for this particular hearing, they would stay with the process they had agreed to at the beginning of the hearing.

Barbara Evans agreed with that.

John Torma said that the staff would need a directive from the Commissioners as to whether or not to draft proposed amendments in any or all of the areas discussed today.

Janet Stevens said that it would be her recommendation, as is done with other changes or review of policy, that the staff come up with those recommendations if they feel a need to make recommendations, rather than being told to by the Commissioners.

Barbara Evans said that from her point of view, there didn't seem to be a need for the staff to waste their time on some of the issues brought up today, because she did not intend to endorse them.

Janet Stevens said she did not know what John Torma was recommending; she thought he was just pointing out some problem areas, and she would like to see what he suggests to clean them up.

John Torma said he agreed with that, but he had to know if the Commissioners thought there were some problems with the language in these areas, and would the administration of Special District #2 be made easier for the public, staff, and County Commissioners if some of those grey areas were cleared up.

Barbara Evans said that the concern she has about changing some of the things John had brought up was that the Commissioners could make it more difficult to develop on that street, and the whole purpose of the Special District on that street was to make the flexible use of that area better than anyplace else. She said she did not care to do anything that would remove modicum of flexibility in the use of Reserve Street.

John Torma said he agreed with her, and that was not what he was recommending. The question raised, is should you be allowed to maximize the density with one use, and then put on top of that, another use; or should you be able to mix your uses, but somehow, back off on the intensity of your first use because you are adding a mixed use.

Janet Stevens said she did not hear any recommendations today, all that was raised were questions. And the questions, in her mind, are valid, and she said she would like to see how those questions are addressed, but whether or not they would be adopted would be another matter.

Mike Kress, Acting Director of the Office of Community Development, said that all that was needed today, under this two-tiered process, was some indication to go ahead and explore these. Nothing specific is needed from the Commissioners, the staff would come up with them, and then the Commissioners would be free to accept or reject them.

Paula Jacques, from the Office of Community Development said that two people can read these regulations, and come to two different conclusions, because the language is vague.

DECEMBER 10, 1986 (continued)

John Torma said he could offer two different suggestions for wording for each recommendation, depending on what the Commissioners wished to do in each situation. In addition, he would offer his own suggestions and recommendations, based on what is most appropriate from a Planning perspective. He said the recommendations would probably come before the Commissioners again in February.

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

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DECEMBER 11, 1986

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

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

Amendment to Missoula County Health and Welfare Plan Document

The Board of County Commissioners approved and signed an amendment to the plan document to give First Interstate Bank, Trustee of the Missoula County Comprehensive Medical Benefit Plan, authority to invest \$400,000 of this fund in maturities as described in the Trust Agreement and to extend such investment from one (1) year maturity to a maximum of three (3) years maturity.

Resolution No. 86-123

The Board of County Commissioners signed Resolution No. 86-123, a resolution vacating a portion of Wylie Avenue located in the SE 1/4, NW 1/4, of Section 14, T13N., R19W., being that portion of Wylie Avenue north of lot 15, block 9 and lot 24, block 10 of Park Addition and that portion of Dickinson Street lying north of Wylie Avenue. This vacation will not vacate utility easements.

Quitclaim Deed

A QuitClaim Deed in connection with the above resolution of vacation was signed, conveying the above mentioned portion of Wylie Avenue to Thomas E. Geraghty and Mary Jane Geraghty, 1718 Traynor Drive, Missoula, MT.

Resolution No. 86-124

The Board of County Commissioners signed Resolution No. 86-124, adopting a budget amendment as part of the FY'87 operating budget for the Health Department as follows:

<u>Expenditure</u>	<u>Budget</u>
2270-610-445800-111 Permanent Salaries	\$3,300
2270-610-445800-141 Fringe Benefits	700
	\$4,000
<u>Revenue</u>	<u>Revenue</u>
2270-613-344082 Victims Advocate Reimbursement	\$4,000

The reason for this budget amendment was to allow the Health Department to contract with the Sheriff's Department to provide a Crime Victims Advocate for the Sheriff's Department, in accordance with the Missoula County Victim/Witness Assistance

DECEMBER 11, 1986 (continued)

Program, funding by a grant from the Montana Board of Crime Control.

In the evening, Commissioner Ann Mary Dussault participated in the Weed Management Program held at the Extension Office.

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DECEMBER 12, 1986

The Board of County Commissioners met in regular session. A quorum of the Board was present. Commissioner Janet Stevens left for Fort Lauderdale, Florida in order to attend a NACo Conference.

Fern Hart
Fern Hart, Clerk and Recorder

Barbara Evans
Barbara Evans, Chairman

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DECEMBER 15, 1986

The Board of County Commissioners met in regular session; a quorum was present in the morning. Commissioner Stevens attended a NACo Employment Policy and Human Resources Conference in Fort Lauderdale, Florida from December 15-17. Commissioner Evans left at noon on vacation. Commissioner Dussault left in the afternoon for Great Falls to attend a MACo Executive Board dinner meeting.

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DECEMBER 16 AND 17, 1986

The Board of County Commissioners did not meet in regular session. Commissioner Evans was on vacation through the 19th. Commissioner Stevens was in Fort Lauderdale, Florida attending the conference mentioned above and Commissioner Dussault attended the MACo Elected Officials orientation meetings in Great Falls December 16 & 17.

The weekly public meeting was canceled as all three Commissioners were out of town.

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DECEMBER 18, 1986

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

Indemnity Bond

Acting Chair Ann Mary Dussault examined, approved, and ordered filed an indemnity bond naming Anthony C. Niccum as principal for warrant no. 11121, drawn on the Missoula County Urban Transportation fund, issued 4/3/86, in the amount of \$48.15. The warrant was a payroll check and was lost.

Indemnity Bond

Acting Chair Ann Mary Dussault examined, approved, and ordered filed an indemnity bond naming H-O Auto Parts Company as principal for warrant no. 12294, drawn on the Missoula County Urban Transportation fund, issued 10/31/86, in the amount of \$72.60. The warrant was payment for parts and was lost.

DECEMBER 18, 1986 (continued)

Replacement Bond No. 52-6032219

Acting Chairman Janet L. Stevens signed a replacement bond in accordance with the bond documents for the Community Hospital Revenue Bonds, Series 1975, in the amount of \$10,000.00. The registered owner of the bond is now N/O Madison & Co. Deputy County Attorney took the bond in order to record it.

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DECEMBER 19, 1986

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

Audit List

Commissioners Stevens and Dussault signed the audit list, dated 12/17/86, pages 8-41, with a grand total for all funds of \$1,054,692.20. The audit list was returned to the Accounting Department.

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

Extension Letter

The Board of County Commissioners signed a letter approving a thirty-day filing extension for the Sportco Addition, in accordance with the recommendation of the Community Development staff. This made the new filing deadline January 23, 1987. The extension letter was addressed to Gilbert Larson of Stensatter, Druyvestein & Associates.

Quitclaim Deeds

The Board of County Commissioners signed five quitclaim deeds, conveying to Geneva Cates property that had been taken for tax deed and scheduled for auction on June 25, 1986, but which she redeemed. Pursuant to Section 7-8-2303 MCA, the Commissioners agreed to the repurchase of the properties, located in the Meadows of Baron O'Keefe Development and described by deeds recorded at Book 239, Page 2515; Book 239, Page 2517; Book 239, Page 2509; Book 239, Page 2511; and Book 239, Page 2513. The properties are more particularly described as follows: Tracts 11A, 17C-2, 17A, 17B, 17C-1.

Claims Service Agreement

The Board of County Commissioners signed a claims service agreement between Missoula County and Cook Insurance Adjusters. The contractor will act as a claims adjuster for the County, as requested by the Risk Management Department. Payment shall be \$24.00/hr. for the adjuster's time, 18% of that total for secretarial time and office expense; \$1.50 per photograph, and \$.30/mile, plus other actual expenses incurred. The agreement was sent to the Clerk and Recorder's Office for recording.


Fern Hart, Clerk and Recorder


Barbara Evans, Chairman

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DECEMBER 22, 1986

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was on vacation all week, from December 22-26.

Payroll Transmittal Sheet

Commissioners Ann Mary Dussault and Janet Stevens signed the Missoula County Payroll Transmittal Sheet for Pay Period No. 24, covering the period 11/2/86 through 11/15/86, for a grand total of all funds of \$361,699.24. The Payroll Transmittal Sheet was returned to the Accounting Department.

Payroll Transmittal Sheet

Commissioners Ann Mary Dussault and Janet Stevens signed the Missoula County Payroll Transmittal Sheet for Pay Period No. 25, covering the period 11/16/86 through 11/29/86, for a grand total for all funds of \$346,682.75. The Payroll Transmittal Sheet was returned to the Accounting Department.

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

Resolution No. 86-125

The Board of County Commissioners signed Resolution No. 86-125, vacating a portion of DeMer Street located between Block 3 and Block 4, Townsite of Frenchtown from the north right-of-way of Marion Street to the South right-of-way of Old Highway No. 10.

Quitclaim Deeds

Six quitclaim deeds accompanying the above-referenced resolution were signed, conveying the various parts of the vacated portion of DeMer Street to adjoining landowners: Burlington Northern Railroad (parcel A); Herbert G. Simpson and Betty Lu Simpson (parcel B); Raymond L. Howell and Laura E. Howell (parcel C); and Gus S. Johnson (parcel C) in accordance with the legal descriptions set forth on each of these deeds.

PUBLIC MEETING

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

Bid Award- One 4-Wheel Drive Utility Vehicle (Health Department)
One 2-Wheel Drive Utility Vehicle (Health Department)

It was decided to combine the two bids as the information relating to them was identical. Background information provided by Linda Hedstrom, Acting Environmental Health Director indicated that the Animal Control Offices currently drive small pickup trucks with the beds of the trucks modified with fencing to transport animals that are impounded. The current fleet of trucks includes 2 1979 Couriers, one of which will be replaced because the engine is in need of a major overhaul. The current set-up for transporting the dogs is unsafe and inefficient. The new units will be much more dependable and efficient for transporting animals to the Animal Shelter. A 1981 Mazda, also in need of both engine repair and body work will be replaced for more use in the field by Animal Control Officers.

Three bids were received for the 4-Wheel Drive Vehicle:

DeMarios Olds	\$10,756.83
Grizzly Auto Center	9,668.00
Bitterroot Motors	10,190.00

DECEMBER 22, 1986 (continued)

Three bids were received for the 2-Wheel Drive Vehicle:

Grizzly Auto	\$7,884.00
DeMarios Olds	7,933.35
Bitterroot Motors	7,986.00

Linda Hedstrom said that the lowest bidder, Grizzly Auto Center cannot deliver the vehicles for 3-4 months (the bid specified 30 days). The second lowest bidder, Bitterroot Motors can deliver the vehicles in 55-75 days. The Animal Control Program is spending \$100-\$250 per month to keep the current fleet of trucks operational, and the quick delivery time will save at least \$500 in repair costs if the bid is awarded to the second lowest bidder. The difference in cost between the two lowest bidders is \$522 for the 4-wheel drive, and \$102 for the 2 wheel drive.

The recommendation from the Health Department is to award the bid to Bitterroot Motors for \$10,190 for the 4-wheel drive truck, and to Bitterroot Motors for \$7,986.00 for the 2-wheel drive truck.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to award the bids as recommended.

Janet Stevens asked Mike Sehestedt if there were any legal problems with awarding the bid to someone other than the low bidder.

Mike Sehestedt, Deputy County Attorney said the Commissioners should make it clear that they are awarding the bid to the lowest and best responsive bidder, taking into account ancillary costs as a result of delay of delivery.

The motion passed on a vote of 2-0.

Bid Award-Animal Control Transport Ambulance Units (Health Department)

Background provided by Linda Hedstrom, Acting Environmental Health Director indicated that the Animal Control Officers currently drive small pick-up trucks with the beds of the trucks modified with fencing to transport impounded animals. Only two animals can be transported at a time and the animals are in contact with one another and can therefore transmit diseases to one another during transport. Dogs have to be loaded through the windows of the pickup topper making handling of the animals difficult as well as dangerous for the Officers.

The new units can transport at least four animals at a time. Each animal is in its own compartment and is therefore not susceptible to the spread of infectious diseases during the transport to the Shelter. More animals can be transported at the same time, making the operation more efficient. Since each animal is in its own compartment, loading and unloading the animals is safer for the Animal Control Officers. The units can be attached to new chassis when the old chassis needs replacement.

Two bids were received for these ambulance units:

Shore Line-Ancoco	\$12,892.00
Swab Wagon Company, Inc.	11,257.72

The recommendation from the Health Department was to award the bid to Swab Wagon Company, Inc., in the amount of \$11,257.72.

DECEMBER 22, 1986 (continued)

Ann Mary Dussault moved, and Janet Stevens seconded the motion that the bid be awarded to the low bidder, Swab Wagon Company, as per the recommendation from the Health Department. The motion carried on a vote of 2-0.

Decision On: Vacation of Plat of Roske Addition

Paula Jacques, of the Office of Community Development, said the Roske Addition was approved and filed in 1981. At the time it was filed, there was no guarantee of the public improvements, and when the two-year deadline came up, the improvements had not been installed. The County, and the developers at that time, entered into an agreement to give them 20 more months in which to install the improvements. There was no financial security, but there was a clause in the agreement which gave the County the right to vacate the plat should the improvements not be installed. That agreement, too, had expired, and the improvements had not been completed. The developers were told that if they wanted to extend the agreement, they would have to provide a financial guarantee. When they didn't, the original owners, the Roske's, requested that the vacation of the plat be delayed until October 1, 1986, and then until the end of the year to give them time to find a buyer to assume the responsibility for developing the subdivision. They were unable to find a buyer, and now are requesting that the plat be vacated before January 1, 1986 so that next year's taxes are based upon acreage, rather than half acre lots. She said that the hearing had already been held, on March 26, 1986, all that was necessary today was a decision to vacate the plat.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to vacate the plat of the Roske Addition. The motion passed on a vote of 2-0.

HEARING: Appeal of Comp Plan Determination (Norman Thyfault)

Background information provided by Zoe Mohesky, Assistant Planner in the Office of Community Development, indicated that Norman Thyfault's request has been denied after being reviewed by the OCD staff. Mr. Thyfault has appealed the staff's decision, so now the County Commissioners are reviewing the case. Norman Thyfault has applied for a permit to place a non-retail office on Lot 2, Block 1, Lolo Center Supplement. The staff reviewed the proposal with Resolutions 83-99 and 85-082 and found the proposal not to be in compliance with the Lolo Land Use Plan, an amendment to the 1975 Missoula Comprehensive Plan. The Plan recommends multi-family residential use, and a commercial type development is not recommended within this designation. The staff recommends denial of this proposal.

Zoe Mohesky, from the Office of Community Development, said the reasons the development was found not to be in compliance were:

1. In approved subdivisions, where a building permit request meets the conditions of the subdivision, the permit is exempt from section 3 of this resolution. She said this subdivision was designed for multi-family four-plexes, and this request does not meet that use.
2. When 50% or more of the land uses within a 300 foot radius of the applicant's property are compatible with the proposed use, the permit is to be exempt from the requirements.

She referred to a 300 foot adjacent land use survey of the adjacent property showing that only 35.7% of the adjacent property was commercial use, not the required 50% to consider it compatible. She discussed, at length, the adjacent property and the uses of the property in the area.

DECEMBER 22, 1986 (continued)

Janet Stevens said that if lot 1 was included in the land use plan as commercial, the percent of commercial use would be 39%

The hearing was opened for public comment.

Dick Ainsworth, of P.C.I., representing Norman Thyfault, said the permit was applied for in order to build a small office building on lot 2, block 1 of Lolo Center, first supplement. He said the ultimate user of that building, and the ultimate owner, is a company named Kodiak Dispatch, a trucking dispatch company presently in business in the Lolo Shopping Center. The company wishes to expand their business. He said they do not have truck traffic, they are primarily a telephone business that handles arranging loads for trucks, and there are no trucks coming in and out. There are currently 8 employees. Norm Thyfault wishes to build this building then sell it to Kodiak Dispatch. In order to get a building permit in an unzoned area, as this is, they have to be found to be in compliance with the Comp plan, which the staff felt they were not.

He said that first of all, he would like to disagree with that finding. He showed several maps, charts, and visual aids with moving parts to support his case. He said that the road right-of-ways should be included in the determination that 50% of the surrounding area is compatible use. He also said that the scale of the map used in the staff's determination was questionable. A general discussion of the adjoining uses, compatible uses, and road right-of-ways ensued.

He said that the Comp Plan designates a lot of commercial area, but all of the general commercial area near the intersection of the two highways does not have sewer and water, as it is outside of the 901 sewer and water district. So, it is very difficult to develop a lot of commercial uses there. This particular piece of property is in the sewer and water district. Tyler way is paved, curb and gutter is in, and sewer and water is in, and it is easy to develop from that point of view. He said the proposed use of this property is a good transitional type of use between a fairly heavy commercial use and single family or multi-family use. It will be a low-traffic office building, which would compare with an R-4 zone in the city.

Ann Mary Dussault asked when the Subdivision was approved.

Paula Jacques said it was approved after the 1978 comp plan was approved. The preliminary plat was approved in 1979, and the final plat was approved in 1980, and it was filed in 1981.

Joan Newman, Deputy County Attorney, said that when she originally talked with Mr. Thyfault, he had told her that the conditions had been changed to make lot #2 commercial.

Dick Ainsworth said that Mr. Thyfault had said that the covenants were changed to permit lot #2 to have a commercial use.

Paula Jacques said she would like to add another comment regarding the 50% rule. She said there are conflicting triggers to find property in compliance; one, concerning the conditions of plat approval, and the other, the 50% designation.

Ann Mary Dussault asked Paula Jacques if, with the plan in place, someone had come in with the proposed subdivision and said lots #1 and 2, instead of just lot #1 being low-impact commercial, would it be theoretically possible, that it would have been approved at the time?

Paula Jacques said she thought so. When things like that are looked at, at the scale that it is, they would give it the

DECEMBER 22, 1986 (continued)

benefit of the doubt and look for buffering requirements that make the transition to the multi-family and then to the single family behind it smoother.

Ann Mary Dussault said she did not know why, during the initial planning process, lot #1 was designated as commercial.

Paula Jacques said that when the Planning Office looked at it, they found that designation kind of a split lot #1.

Dick Ainsworth said he did not know what happened at the time the property was subdivided; some other engineering firm did the work. He said he would like to add that he had talked with Mr. Thyfault about a hedge, or some other kind of buffering, and Mr. Thyfault had no problem with that.

Ann Mary Dussault asked for more details on Kodiak Dispatch.

Janet Stevens said she would like to preface that with the fact that there is a person that operates a dispatch at the Cobblestone Condominiums which creates quite a bit of truck traffic, and is pretty distasteful, so she would like to know how that dispatch is going to get away without having any trucks parked in front of it for short amounts of time.

Bob Munson, a real estate broker and business consultant, said Kodiak Trucking is not a trucking firm; they do not physically own any trucks. This is a dispatch business, all telephone and data communication, which handles freight only. For instance, in Oklahoma City, they had a big smoke stack that had scaffolding that needed to be moved. The owner of the scaffolding calls Kodiak to pick the scaffolding up and take it to New York to work on the Statue of Liberty. So, Kodiak does not own any trucks, and there is no truck traffic. He said jobs are needed, and Kodiak fully intends to employ at least 20 people by the end of this coming year. They will be buying the building from Norm Thyfault when it is built. It is fully intended to be, and will be, a freight dispatching center.

Ann Mary Dussault asked if there ever was any need for warehousing of freight.

Bob Munson said none whatsoever. They do not warehouse anything. It is strictly a brokerage firm. There would not be any instances of trucks dropping off freight to be picked up here; it is strictly from one point to another.

Ann Mary Dussault asked Mr. Ainsworth about Kodiak Dispatch's plans to expand.

Bob Munson said that Kodiak currently has about 800 feet back in a hallway in the Lolo Shopping Center. They wish to own their own building, and they are too crowded in their present location to expand from their current 12 employees to twenty.

Ann Mary Dussault asked if the majority of those jobs would be dispatchers.

Bob Munson said all of the new jobs would be dispatchers.

Ann Mary Dussault said she had concerns she would like to have clarified by Joan Newman and Paula Jacques concerning map scale. She asked if it is a flip of the coin, or is it more scientific than that? She said there are two separate issues here; one is Resolution No. 83-99, which, in her mind, deals with the plan itself; and if the scale, as to where that line was drawn, should be in the middle of lot #1, or in the middle of lot #2, really is a legitimately debatable point.

DECEMBER 22, 1986 (continued)

Paula Jacques said she thought it was a debatable point. When you have a scale of 1 to 2000, and you draw a fat line, it can easily be distorted.

Joan Newman said that Resolution No. 83-99 2(b) was drafted to deal with this sort of situation, and while she was not here when that resolution was adopted, it seems to her that 2(b) is designed to take care of situations so that you don't have problems with disputes regarding scales. What that resolution says, is that when, because of the smallness of the scale, it is difficult to pinpoint, then the proposed use is in compliance. She said these decisions were very difficult for the planning staff to make.

Ann Mary Dussault said she wished to make another point clear in her mind; that the development here was actually on Tyler Way, and not on U.S. Highway 93.

Paula Jacques said that was correct.

Ann Mary Dussault moved, and Janet Stevens seconded the motion that the Board of County Commissioners find this request to be in compliance with the Comp Plan for the following reasons:

1. Under Resolution 83-99, guideline 2-b has been taken into consideration, which states that if, due to the scale of the map, the location of the use is difficult to pinpoint exactly, with regard to the boundaries of areas on the map; and
2. Under the Comprehensive Plan, appropriate economic development is called for, and this use could be defined as new and clean industry, particularly if it is a developing industry; and
3. The development is to occur on Tyler Way and not on U.S. 93, which eliminates the potential for strip development.

This approval is given with the clear understanding that Kodiak Truck Dispatch, as it was described at the hearing, will be the user of the developed parcel, bearing in mind that this is a business that has a limited impact on the neighboring residential development. 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 2:20 p.m.

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DECEMBER 23, 1986

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

Budget Transfer No. 870017

The Board of County Commissioners signed Budget Transfer No. 870017, transferring \$700 from the Financial Administration line item to the Ad Staff meals and lodging (\$500), long distance phone (\$50) and office supplies (\$150) line items in order to provide needed matching funds for the Victim/Witness Assistance Program, in accordance with the terms of the grant from the Montana Board of Crime Control. This transfer was formally adopted as part of the FY'87 budget.

DECEMBER 23, 1986 (continued)Budget Amendment-Resolution No. 86-126

The Board of County Commissioners signed Budget Amendment 86-126, a budget amendment for FY'87 for the Ad Staff Department, including the following expenditure and revenue and adopting it as part of the FY'87 budget:

<u>Expenditure</u>	<u>Budget</u>
Victim Witness Program	
1000-020-410420-111 (salary)	\$9,807
1000-020-410420-141 (fringe ben)	2,259
1000-020-410420-259 (contingency)	50

<u>Revenue</u>	<u>Revenue</u>
Board of Crime Control Grant	
1000-020-333002	\$12,116

Budget Amendment-Resolution No. 86-127

The Board of County Commissioners signed Budget Amendment No. 86-127, a budget amendment for FY'87 for the Sheriff's Department, including the following expenditure and revenue and adopting it as part of the FY'87 budget:

<u>Expenditure</u>	<u>Budget</u>
Victim Advocate Program	\$4,000
1000-300-420110-328	

<u>Revenue</u>	<u>Revenue</u>
Board Crime Control Grant	
1000-300-333002	\$4,000

Quitclaim Deed

The Board of County Commissioners signed a quitclaim deed to convey a tract of land of the vacated Garfield Street lying west of block 34 of D & K Addition to Richard A. Elshire, 1740 South Third West, Missoula Montana. This is a housekeeping matter to complete the dedication for the claim of title pursuant to the County's vacation of a portion of Garfield Street adjacent to Block 34, D & K Addition.

Declaration of Covenant-Agricultural Exemption

The Board of County Commissioners signed a declaration of covenant for certain property located in Government Lot 2, Section 32, T16N., R14W., for Champion Realty Company, declarant. The covenant declared that the parcel described in the document contains less than twenty acres and shall be used exclusively for agricultural purposes and that no building or structure requiring water or sewage facilities be erected or used on the parcel. The document was then given to Jim Weatherly of Sorenson & Company for further processing.

Jail Inspection

In the afternoon, Commissioners Janet Stevens and Ann Mary Dussault, accompanied by Environmental Health Specialist Dan Corti, conducted the quarterly inspection of the Missoula County Jail.

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DECEMBER 24, 1986

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

Audit List

Commissioners Janet Stevens and Ann Mary Dussault signed the Audit List, dated 12/24/86, pages 8-33, listing a grand total for all funds of \$93,389.02. The Audit List was returned to the Accounting Department.

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

Memorandum of Agreement

The Board of County Commissioners signed a memorandum approving Personnel Director Kathy Crego's recommendation that the Administrative Assistant vacancy in the County Attorney's office be filled as soon as the duties are assumed by Cathy Addington, but no sooner than December 22, 1986.

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DECEMBER 25, 1986

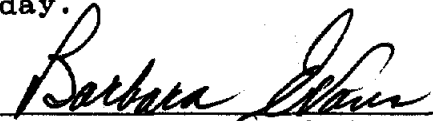
The Missoula County Courthouse was closed in observance of the Christmas Day holiday.

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DECEMBER 26, 1986

The Board of County Commissioners did not meet in regular session; a quorum of the Board was not present. Barbara Evans was on vacation and Commissioners Ann Mary Dussault and Janet Stevens were out of the office all day.


Fern Hart, Clerk and Recorder


Barbara Evans, Chairman

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DECEMBER 29, 1986

The Board of County Commissioners did not meet in regular session; Commissioners Barbara Evans and Ann Mary Dussault were on vacation.

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DECEMBER 30, 1986

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

Audit List

The Board of County Commissioners signed the audit list, dated 12/30/86, pages 8-23, listing a total for all funds of \$146,250.26.

Proclamation

The Board of County Commissioners signed a joint proclamation with the City of Missoula, declaring the week of January 10-17 "Clean Air Week in Missoula", in cooperation with the effort of the Missoula Chamber of Commerce.

DECEMBER 30, 1986 (continued)Professional Services Contract

The Board of County Commissioners signed a professional services contract between Missoula County and Dr. William Stratford in order to obtain mental health services, upon request, for specific inmates in the Missoula County Jail. The contract will run from 1/1/87 through 12/31/87, with compensation to be paid in response to appropriate written requests for payment for service under the agreement, not to exceed \$75.00 per hour. Payment for psychiatric services will be paid monthly under the contract. The contract was forwarded to the Clerk and Recorder's Office for recording.

Resolution No. 86-129

The Board of County Commissioners signed Resolution No. 86-129, authorizing the establishment of an external bank account in response to the Auditor's Office on behalf of the Seeley Lake Ambulance. The accounts authorized by this resolution are checking account no. 5842771708; savings account no. 0717264; CD no. 15628; and CD no. 8620; and are at First Bank Western in Missoula. A list of persons authorized to sign checks and expenditures which can be made from these accounts are listed in Resolution No. 86-129.

Missoula County Chemical Dependency Planning Guidelines, Fiscal Years 1988-1991

The Board of County Commissioners signed the Missoula County Chemical Dependency Planning Guidelines. These are four-year plans and annual updates for FY 1988-1991 and are mandated by MCA 53-24-211, and are prepared by the County Health Department; reviewed, approved and signed off by the Board of County Commissioners and submitted to the State Department of Health and Environmental Sciences for approval. One original of the contract was sent to the Clerk and Recorder's Office to be recorded, and the other four were returned to the Health Department to be forwarded to the State DHES.

Resolution No. 86-131

The Board of County Commissioners signed Resolution No. 86-131, a resolution of intention to create RSID No. 419, and notice of passage of resolution of intention. Their purpose was to give notice of intention to create RSID #419 for the purpose of construction of a drainage system to serve Pattee Creek and the South Hills area. The project will serve the area from the Bitterroot River to the Meadowhills School, with a lateral to Moose Can Gully in Missoula, and will include improvements as listed on the document, which was forwarded to Operations Officer John DeVore for legal publication and recording purposes.

Bond Closing-RSID #411

The Bond Closing for RSID No. 411 was held at 1:30 p.m. Commissioners Janet Stevens and Barbara Evans signed the following documents relative to this bond closing in regard to the sale of \$186,000 in Rural Special Improvement District No. 411 Bonds of the County of Missoula, Montana to Dain Bosworth, Incorporated, of Denver, Colorado. RSID #411 was formed to provide road improvements to Gleneagle Subdivision in Grantland.

County Clerk and Recorder/Treasurer Certificate and Receipt

Donna Cote, Recording Division Supervisor, on behalf of Clerk and Recorder/Treasurer Fern Hart, signed this document certifying that on the date of this instrument she received from Dain

DECEMBER 30, 1986 (continued)

Bosworth, Incorporated, of Denver, Colorado, the purchase price of \$186,000 for RSID No. 411 Bonds of the County of Missoula. The par value was \$186,000. With accrued interest from December 1, 1986 to this date, the net purchase price was \$183,305.26. The document also certified that the Clerk and Recorder/Treasurer delivered the bonds and two additional interest certificates in the amount of \$6,045.00 and \$5,950.00, respectively, and payable on February 1, 1988, and February 1, 1989, respectively.

Resolution No. 86-128

After a motion was made by Commissioner Janet Stevens, seconded by Commissioner Barbara Evans and passed by a vote of 2-0, the Board of County Commissioners signed Resolution No. 86-128, a resolution relating to \$186,000 in Rural Special Improvement District No. 411 Bonds; creating the RSID No. 411 fund and prescribing covenants of the County for the security of the holders of the bonds, in accordance with the terms set forth in the resolution.

Certificate of Minutes Relating to \$186,000 in Rural Special Improvement District No. 411 Bonds.

Donna Cote, Deputy County Clerk and Recorder, then signed the above-referenced document certifying the minutes relating to this bond sale. In accordance with those minutes, the issuer of the bonds is the County of Missoula, Montana, the governing body of which is the Board of County Commissioners. The bond closing took place at a regular meeting of the Board of County Commissioners, held December 30, 1986, at 1:30 p.m. at the County Commissioner's meeting room, Missoula, Montana. Present were Board members Janet L. Stevens and Barbara Evans, constituting a quorum of the Board. Absent was Board member Ann Mary Dussault.

Affidavit of Chairman of the Board of County Commissioners as to Facsimile Signature

Barbara Evans, Chairman of the Board of County Commissioners, then signed the affidavit as to facsimile signature. This document was notarized by Jesse Sattley, Notary Public.

Signature, No-Litigation and Arbitrage Certificate

Barbara Evans, as Chairman of the Board of County Commissioners, then signed the above-referenced document. Deputy County Clerk and Recorder/Treasurer Donna Cote signed the document as well. This document certified that true and correct facsimiles of signatures of the Chairman and County Clerk and Recorder/Treasurer have been affixed to \$186,000 in RSID No. 411 bonds, bearing an original issue date of December 1, 1986. It also set forth certain terms and certifications in regard to the bond issuance and purchase.

Certificate Showing Due Execution of Construction Contracts

Deputy County Clerk and Recorder/Treasurer Donna Cote then signed the above referenced document certifying that the construction contract for the construction of the improvements in RSID No. 411 has been duly executed by the Board of County Commissioners and herself on behalf of the County. The contractor listed is American Asphalt of Missoula, Montana and the contract amount is \$101,688.10. The construction work to be done is construction of access road, complete with drainage structures, friction surface and parking lot.

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DECEMBER 31, 1986

The Board of County Commissioners met in regular session in the afternoon, when a quorum was present. Commissioner Ann Mary Dussault was on vacation. Commissioner Barbara Evans was out of the office until noon.

Indigent Legal Defense/Retainer Agreement

The Board of County Commissioners signed the Indigent Legal Defense/Retainer Agreement between Missoula County and William Boggs, Attorney-at-Law, who will represent indigent criminal defendants or other persons who are entitled to court-appointed counsel in Missoula County, and whom the Office of the Missoula County Public Defender has determined that it cannot represent on account of a conflict of interest. Mr. Boggs will be compensated for work on each case assignment on a flat fee basis, \$400.00/case. The contract will run from December 4, 1986 through June 30, 1987, and will be administered by Court Operations Officer Dick Vandiver.

PUBLIC MEETING

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

Bid Award-Junk Vehicle Lot Grading and Fencing-(Health Department)

Information provided by Jon Shannon, Environmental Health Specialist indicated that bids were opened on December 29, 1986 for site grading and fencing of the Junk Vehicle Lot. The following bids were received:

Robert D. Thornburg	\$59,165.00
AAA Fence & Welding	67,857.00

All bids received exceeded the amount budgeted for the project \$40,000, and the Health Department recommended that the bids not be awarded at this time.

Janet Stevens moved, and Barbara Evans seconded the motion to reject all bids for grading and fencing the Junk Vehicle Lot, as they exceed the amount \$40,000 budgeted for the project. The motion passed on a vote of 2-0.

Resolution No. 86-130

The Board of County Commissioners signed Resolution No. 86-130 authorizing the County Treasurer to cancel the tax deed on Conley Land Plat #29-13-15, recorded in book 239 of Micro Records at page 2503.

Appeal of Comp Plan Decision (Kevin Gardner)

Information provided by Paula Jacques, Planner II of the Office of Community Development indicated that Kevin Gardner was seeking approval to construct an auction/warehouse structure on Trace A-1A, COS #2691. The site is located between Highway 93 South and the Bitterroot River and currently contains a concrete slab that was formerly the site of a tennis club. The Comprehensive Plan recommends park and open space use of the site, and the Staff concluded that the use was not in compliance with the Plan or the provisions of the two resolutions adopted to assist in its application to building permits. The Planning Staff recommended that the proposed auction/warehouse structure be found not to comply; with the Comprehensive Plan.

DECEMBER 31, 1986 (continued)

Paula Jacques said the Staff had reviewed the plan itself, and the plan document, and in reading the goals for commercial development, found that its major impetus in 1975 was to constrain commercial development to smaller areas in the interests of improved traffic circulation, aesthetics, preserving property values, etc., and this request conflicts with that specific goal, and that also played a part in the recommendation that it not comply with the plan. She said a land-use map was attached to the report, and she had done an estimate of the breakdown of the uses adjacent to this property, which gave more to the R & H Homes site than appears on the map. She said the percentages of land use were:

agriculture	2.5%	vacant	26%
commercial	4.0%	residential	29%
open space (river)	40%		

The hearing was opened for public comment.

Nick Kaufman of Sorenson and Company, representing Kevin Gardner and the owner of the property, Gary Moon, said the subject property would be used as an auction warehouse site. He said that historically, this site has been used for commercial use. It was a recreational commercial use; an indoor tennis court, and some of the fixed facilities from that tennis court are still on the site. He said that according to the resolution relative to this matter, whenever 50% or more of the land uses within 300 feet of the applicant's property are compatible with the proposed use, the permit shall be exempt from the requirements of section 3. He said the operative words are "land uses", not 50% of the "land" within 300 feet. So, he did not see how the percentages used are relevant at all. He said the proposed use is not a strip commercial use, it is an auction warehouse, and the auctions will be held in the evenings, occasionally on Fridays, and will not generate peak hour traffic. No flashing neon sign is required, and it is a low-intense use. He produced a map and indicated the uses of the property within 300 feet of this proposed area, which he said indicated that this use was compatible with the surrounding uses.

He said Mr. Gardner had no objection to putting in landscaping and a buffer strip as per the recommendations from the Planning Staff, and they would adhere to the off-street parking standards as well. He said Mr. Gardner would be willing to construct an earth-tone building.

Barbara Evans asked Nick Kaufman if the slab of concrete that is on the site would be used at all?

Nick Kaufman said the plan at this point is to place the building on the slab. He said that Paula Jacques had recommended that there be no travel lanes or use between the building and the river to preserve the park/open space character of the river, and again, Mr. Gardner has no problems with that, at all.

Janet Stevens asked him if there would be any development between that slab and the river.

Nick Kaufman said absolutely not.

Bruce Allen, a property owner on Blue Mountain, said he was speaking in opposition to the proposal. He said that NORCO, the Spa, and R&H had all relocated to the area before he was aware of their plans, but he is against any more industrialization in the area. He said he felt that the Comprehensive Plan should be followed, as it was developed with some forethought. Auctions are commercial; they buy and they sell, so anyway you look at it, it will be a commercial venture. He said the Commissioners could

DECEMBER 31, 1986 (continued)

not undo what had already been done, but they had an opportunity here not to encourage further commercial development of the strip out there, in violation of the comp plan.

Nick Kaufman said Mr. Gardner was not proposing anything that was an outside display yard; again it is not a strip commercial use. The business does not rely on outdoor display to catch the travelling public's eye to come in and purchase something. It is a very specific use; things are stored inside, and the building will be earth-tone, and buffering features will be used.

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

Barbara Evans asked Paula Jacques if, during the hearing on R & H Homes, they would have been allowed to put in what they wanted to anyway, because it was unzoned land.

Janet Stevens said that was true, as long as it was mobile.

Paula Jacques said that anything that required a building permit would have required the substantial compliance with the plan.

Joan Newman said at the time, the basic theory was that it was the requirement for the building permit that kicked in the substantial compliance determination. And if a use had been made that did not require a building permit, they would have been allowed to have anything they wished on the property.

Janet Stevens asked Joan Newman to interpret the 50% application.

Joan Newman said that in interpreting the resolutions which amount to local regulations, the actual intent of the regulations and the legislative history would be real important in interpreting the provision. She said her review of the resolution leads her to believe that part of the intent was to take into account uses that have been made of the property, given the fact that the area is unzoned.

Janet Stevens said it was her understanding, when the Commissioners heard the R & H Mobile Homes issue, they determined at that time, that this piece of property, because of its prior use, was commercial, and she wondered how that reflected on the issue today.

Joan Newman said at that time, the Commissioners had applied an interpretation of the resolution that said past use would be considered, and she thought that there would have to be a significant reason to look at it differently this time. And the Commissioners should be asking if anything has changed since the last decision that would make a difference.

Janet Stevens asked Paula Jacques if anything had changed.

Paula Jacques said no, not to her knowledge.

Joan Newman said that from a legal standpoint, she felt compelled to say that under the plan, this area is designated as parks and open space, but as a practical matter, the surrounding area has been zoned. Zoning, as a legal point, is considered to be an amendment to the Comprehensive Plan.

Barbara Evans said that her feeling is, that to leave a large slab of concrete there, that will, over time, break up and be an eyesore, is not a good use. The fact that the property has been commercial, and even though it was a tennis court, and could be considered recreational use, it is a legitimate use and a legitimate point of view that it was commercial, and she did not see any reason to deny Mr. Gardner the right to continue that use.

DECEMBER 31, 1986 (continued)

Janet Stevens moved, and Barbara Evans seconded the motion to find Mr. Gardner's appeal to be in compliance with the comprehensive plan for the following reasons, and with the following conditions:

1. That in a prior ruling, the Board of County Commissioners determined that this property, because of its past use was a commercial site; and
2. That this is not a normal strip commercial use; and
3. That this use is compatible with the uses surrounding the property and zoning around the property.

This finding is subject to the following conditions:

1. To achieve the environmental preservation goals of the parks and open space designation, no development (including access drives) should occur between the slab and the river.
2. To protect adjacent residential land values from the impact of commercial development, a visual buffer should be constructed pursuant to Section 3.05 A.2 of the Missoula County Zoning Resolution.
3. The County policy of applying the City's parking and landscaping requirements in the unzoned areas should help achieve the goal of the Plan for improved aesthetic appearance of commercial areas. Since boulevard landscaping would be obscured by the railroad bed, it could be replaced by additional landscaping along the driveway or elsewhere on the site.

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 1:55.

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JANUARY 1, 1987

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

JANUARY 2, 1987

The Board of County Commissioners did not meet in regular session; Commissioners Dussault and Evans were on vacation.


Fern Hart, Clerk and Recorder


Barbara Evans, Chairman

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JANUARY 5, 1987

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

Daily Administrative Meeting

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

Contract

The Board of County Commissioners signed a Professional Services contract between Missoula County and John Bhend, an independent contractor, for the purpose of providing intern services associated with the 1987 Legislative Session, as per the terms set forth, beginning January 5, 1987, through the end of the Legislative session for a total amount not to exceed \$2,000.

Contract Amendment

The Board of County Commissioners signed an amendment to the Personal Services Contract dated August 4, 1986, between the City-County Health Department and Michaela Brennan, amending the contract as follows:

3. Performance Schedule: work up to 40 hours per week.

4. Compensation for Services: \$1,300 on August 11 and \$5 per hour for each hour submitted after August 11 up to \$1,300 on submission of a claim.

Satellite Agreements

The Board of County Commissioners signed Satellite Agreements between the Missoula City-County Health Department and the Mineral County Health Department, Superior Mt., and the Ravalli County Health Department of Hamilton, Mt., for the purpose of performing the administrative and supervisory responsibilities for program operations and fiscal management established in the WIC Program Regulations of the United States Department of Agriculture, the Food and Nutrition Service's Guidelines, and the Montana WIC State Plan and WIC Policies and Procedures Manual as set forth in the agreement and as per the mutual covenants and stipulations set forth, for the period from July 1, 1986, through June 30, 1987. The agreements were returned to the Health Department for further handling.

Contract

The Board of County Commissioners signed a professional services contract between Missoula County and David Dent, an independent contractor, for the purpose of preparing and conducting a computer training program on Data Base II for Missoula County

JANUARY 5, 1987 (continued)

employees, as per the terms set forth from 8 a.m. to 12:30 p.m. on December 2nd, 3rd, 4th and 5th, for a total payment of \$162.00. The contract was returned to the Personnel Department for further handling.

Other Items Included:

1. The Commissioners unanimously selected Janet Stevens as the Chairwoman of the of the Board for 1987, effective January 8, 1987; and

2. based on the recommendation of Joan Newman, Deputy County Attorney, the Commissioners determined that suitable access is provided in the division of a portion of Sections 29 and 32, T.15N., R21W., as requested by Alvered Marcure.

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

Swearing-In Ceremony

In the afternoon, Chairman Evans conducted the swearing-in ceremony and administered the Oath of Office to the following County officials elected on November 4, 1986: Robert L. Deschamps III, County Attorney; Janet L. Stevens, County Commissioner; Daniel L. Magone, Sheriff/Coroner; Horace Brown, County Surveyor; Rachel Vielleux, County Superintendent of Schools; David K. Clark, Justice of the Peace, Department #1; Michael D. Morris, Justice of the Peace, Department #2; and Fern Hart, Clerk and Recorder/ Treasurer.

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JANUARY 6, 1987

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 January 5, 1987, pages 9-26, with a grand total of \$53,441.07.

Daily Administrative Meeting

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

Resolution No. 87-001

The Board of County Commissioners signed Resolution No. 87-001, a budget amendment for FY '87 for the Art Museum, including the following expenditures and revenue, and adopting it as part of the FY '87 budget:

<u>Expenditure</u>	<u>Budget</u>
2360-461-460453-328	\$5,470
Asbestos Removal-Contracted Services	
 <u>Revenue</u>	 <u>Revenue</u>
2360-461-361005	\$5,470
Misc. Asbestos Advance	

JANUARY 6, 1987 (continued)Quitclaim Deed

The Board of County Commissioners signed a quitclaim deed from Missoula County to Peter VanVallis, Star Route-Potomac, Bonner, Mt. for improvements on Conley Land, Plat H, 29-13-15, as per Resolution No. 86-130, dated December 31, 1986.

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

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JANUARY 7, 1987

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

Daily Administrative Meeting

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

Contract

The Board of County Commissioners signed a contract between Missoula County and Hazardous Waste Management, Inc., for asbestos and ceiling removal at the Missoula Art Museum, as per the terms set forth, for a total amount of \$5,400. The contract was returned to John DeVore, Operations Officer, for further handling.

Other items included:

1. The Board of County Commissioners reappointed Terry Wallace to the Airport Authority for a five-year term through December 31, 1991; and
2. The Board of County Commissioners reappointed Laura Norman to the County Tax Appeal Board for a three-year term through December 31, 1989; and
3. The Commissioners authorized John DeVore, Operations Officer, to proceed with the InterCap Refinancing Program.

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

PUBLIC MEETING

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

Hearing: Variance Request for Road-Steve Sickles

Background information provided by John Torma, Planer 1 with the Office of Community Development indicated that a development request for this private road in Zoning District #4 came before the Planning and Zoning Commission and was denied after public hearing on September 10, 1986. Consequently, the applicant is seeking a variance from the Zoning District #4 general regulations.

John Torma said Mr. Sickles is requesting the variance in order to construct a proposed private road 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.

JANUARY 7, 1987 (continued)

He said there were two changes made in the original proposal:

1. The width of the road has been increased from 12 to 14 feet to ease the concerns of the Rural Fire Department; and
2. The fill at the point where the road crosses the creek, would be diminished from nine feet to four and a half feet.

He said he had received a memo from Bill Reed, Acting Fire Marshall yesterday, which indicated that the engineer retained by the applicant has suggested that in order to diminish the 12 percent slope of the road, which was a concern of the Rural Fire District, the fill, at the point at which the road crosses the ravine, be raised. There are two conflicting concerns:

1. The depth of the fill, and its impact on the creekbed; and
2. The slope of the road and its impact on the capability for emergency response vehicle.

The enabling legislation from State law states "The Board of County Commissioners may authorize variances as will not be contrary to the public interest, where owing to special conditions, literal enforcement would result in unnecessary hardship". Consequently, when the planning staff generated this report and their recommendation, the two criterion which were looked at were:

1. Whether the variance would be contrary to the public interest; and
2. Whether there are special conditions present which would create an unnecessary hardship if the zoning is literally enforced.

He said that what he looked at to determine public interest was public response to this request, and when the proposal was initially brought before the Planning Board and the Planning and Zoning Commission, the response from the other property owners in the district was unanimously in opposition. Zoning District #4 is a citizen-initiated zoning district and is supposed to reflect the wishes of the residents of that district. This is why the response to the proposal is seen as a viable criterion for an indicator of public interest. Also, the objections of the Rural Fire Department, which was one of the reasons for denying this request in the first place, was also used as an indicator of this being contrary to the public interest. The latest memo from the Acting Fire Marshall indicates that if all the conditions he requests are met, his objections to the road would be alleviated. Bill Reed also told John Torma that if the variance were granted, he would like to see it conditioned upon this property being petitioned into the fire district, at which time these recommendations could become requirements.

Barbara Evans asked if Sickie's property is contiguous to the fire district, and therefore, legally allowed to enter into the district.

John Torma said it was his understanding that it was.

Continuing with the criteria he had looked at, John Torma said that he felt that there were no special conditions present which would create unnecessary hardship if the zoning was literally enforced. He said there were building sites on this property which would not require a road which couldn't be built without a variance. He said there were two building sites on the southern edge of the property which would not require the extensive road and the filling of the creekbed. Consequently, a literal

JANUARY 7, 1987 (continued)

enforcement of the existing regulations, would not result in an unnecessary hardship to the property owner because reasonable use of that property would be preserved, while the regulations were literally enforced.

The recommendation from the Planning staff was that the request be denied.

Janet Stevens asked Deputy County Attorney Joan Newman what the issue is today, versus what the Planning and Zoning Commission looked at previously.

Joan Newman said that Mr. Sickles first applied for approval of a development request, and Zoning District #4 requires approval of any development in the district. The standards applied in those requests are based on the zoning regulations, with the primary issue in those requests being whether or not the proposal is in conflict with natural physiography. The major issue on the first application, which was heard by the Planning and Zoning Commission was whether or not the proposal was in conflict with natural physiography and other zoning regulations. The decision on the first application was that the proposal, as submitted, was in fact, in conflict with natural physiography in the area and this was not a permissible development request. She said Mr. Sickles has now applied for a variance from the Planning and Zoning Commission decision which is permitted under the statute. The statutes say that the Board of County Commissioners may authorize such variance from the decision of the Planning and Zoning Commission as will not be contrary to the public interest, and finding that literal enforcement will result in unnecessary hardship.

Janet Stevens opened the public hearing, asking that proponents speak first.

Terry Druyvestein, representing Steve Sickles, said that although the request is for a variance, Mr. Sickles did do a considerable amount of work to alleviate some of the problems in the initial proposal. He referred to the report by Howard Newman, a hydrologist, who said there was not a serious problem with the sensitive soils and the water shed for the crossing that is proposed. The other concern was the roadway, and the road has now been redesigned and widened, as per the recommendations by the Rural Fire Department. He said the only problem remaining is the one of the 12 per cent grade, which is in direct conflict with the height of the fill where the road crosses the stream. If the height of the fill is raised, the grade could be reduced; but by doing that, the impact on the natural physiography is increased. However, it does appear, by changing the road design, and maintaining a 9 foot fill, the grade could be decreased to 11 per cent or a little less. He said they had proposed to drop the fill down to 4 and a half feet, but by doing that, the work in the field would have to be redone to determine if it would be feasible to cut the rock a little bit more. He said he told Mr. Reed that he thought an eleven per cent grade could be obtained.

He said that besides those points, there is a hardship on Mr. Sickles not using that building site. He noted that John Torma had indicated that there were building sites on the other side of the draw, but building sites are selected because of certain characteristics of the land, whether that be for solitude, or view, or for whatever it might be. Anyone who has looked at this property knows that there are certain qualities on the site that make it the most desirable for a homesite. To say that there is a suitable site on the north side of the property is not, in Mr. Sickles's opinion, valid. So, not being able to build on the site he has chosen, is not being able to build on the property at all.

JANUARY 7, 1987 (continued)

Ann Mary Dussault asked if the hydrologist's report was consistent with the recommendations from the rural fire department.

Terry Druyvestein said yes, that was correct.

Janet Stevens asked if there were any further proponents who wished to speak. No one came forward, and she asked that any opponents speak at this time.

Ron Erickson, who said that he owns property adjacent to the Sickles property said when he bought his property, he also had several building sites from which to choose, some high and steep with great views, but he did not come before the Commissioners asking to build roads to the sites, because to do so would demand quite a long, winding, steep road. He said Mr. Sickles has other building sites available to him, so to deny him the road would not be a hardship.

In regard to the watershed, he said the soils in the area are porous, and those porous soils, combined with the length of the road will contribute to a watershed problem. He said that if Mr. Sickles builds the road and calls it a logging road, he understands the zoning regulations allows logging, but a road, and a logging road, would require a permit.

Dick Clemow, President of the Pattee Canyon Landowner's Association, said he would like to address the hardship issue. He said Mr. Sickles's letter to the Commissioners contained a number of points that were contrived. He said Mr. Sickles's assertion that the Landowner's Association has refused to work with him, and that everybody in the canyon is opposed to him is not true. He said that not he, or anyone else, to his knowledge, who is a member of the Association received a call, request for information, or any correspondence from Mr. Sickles. He said that he had received a letter from Terry Druyvestein, which included a 35-page engineering report, which he had made copies of and distributed to the association within 4 days of receipt of the letter, which shows the association is not disinterested or uncooperative. Mr. Sickles's point that a select group of landowners are opposed to this is not accurate, it is an overwhelming majority of the Pattee Canyon residents that are opposed. Mr. Sickles's comments that the Fire Marshall has reconsidered the road and thinks that it is a safe road is not valid. Mr. Clemow said that in his opinion, the problems can all be traced back to the fact that when Mr. Sickles bought the property, he did not do any research into the area and into the zoning district, and it was his responsibility as buyer of the property with development plans, to research the zoning requirements and be aware of what he was buying. To come back now and say that he was not aware of any of these regulations, and that he is subject to great hardship is not a justifiable excuse.

Ann Mary Dussault asked Dick Clemow if the Homeowner's Association had specifically responded to Mr. Sickles's proposal for safety, fire access, etc.

Dick Clemow said he had responded to Terry Druyvestein, and told him that he was personally interested in participating in the costs of safety improvements, and he could not speak for the Association or for other people that would have to participate. He said he did send the report around, and initiated a follow-up telephone canvas, which brought the time frame to Thanksgiving, then he had gone out of State for a week. When he returned to Missoula, he got a call from the Planning Department that said this road was going to be built anyway, that Mr. Sickles was applying for a variance, and he is going to build a road.

JANUARY 7, 1987 (continued)

Janet Stevens asked who called him and told him that the road was going to be built anyway.

Dick Clemow said that John Torma had made that call when Mr. Sickles applied for the variance. He said that after the phone canvass, it was the consensus of the residents that there was no change in what was being proposed now than what was initially proposed. The road is a little wider, there is still a lot of fill, it is still very steep, and it is still a very difficult place to access. The hardship appears to be the geography, that it does not cooperate for access. He said he did not appreciate being called non-cooperative or being self-interested.

Ann Mary Dussault asked how many members there are in the Homeowners's Association.

Dick Clemow said there are 40 paid members of 70 residences.

Dick Sheridan spoke at length about the lack of humidity in the area, and said it is a critical wet zone for wildlife habitat. He said that he had personally offered to help Mr. Sickles find a more suitable building site, but had received no response. In his opinion, Mr. Sickles could have chosen a site more sensitive to the land.

Bill Farr, 3535 Pattee Canyon Road said he was opposed to this variance.

Michael Crooker said he and his father were disturbed with the manner in which Mr. Sickles approached this problem, and had concerns about what Mr. Sickles might do in terms of logging, putting in a logging road, etc. He said Mr. Sickles has already cut a number of trees down on his property, and on property not belonging to him, and did not stop until the authorities made him stop. So, there is concern about what Mr. Sickles may do, and they hope that he would be monitored quite closely if he does, indeed, try to call this a logging road.

Mercedes Sperry said the initial goal of the zoning in this area was to try to preserve the area as close as possible to its natural state, and she was concerned that if a variance is granted in this instance, a precedent would be set.

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

Barbara Evans asked Terry Druyvestein what grade would be too excessive for the fire trucks. She said the rural fire department had indicated to her that during the Pattee Canyon fire, there was no problem with getting the vehicles to the very top of the grade, which was certainly more than 12%.

Terry Druyvestein said it was a matter of degrees. A 12% grade could be negotiated without any problem, but if the road or weather conditions are poor, that could be a problem.

Barbara Evans asked Terry Druyvestein what Mr. Sickles's feelings were regarding entering into the Fire District.

Terry Druyvestein said Mr. Sickles had not expressed any opinion on the matter to him.

Barbara Evans asked Joan Newman if the Commissioners could require Mr. Sickles to revegetate the area disturbed by the road construction.

Joan Newman said the requirement of revegetation is already a matter of state law.

JANUARY 7, 1987 (continued)

Ann Mary Dussault asked Terry Druyvestein what was actually intended in regard to the culvert.

Terry Druyvestein said that originally, a 36 inch culvert was planned, but Howard Newman, the hydrologist, felt was excessive, so a 30 inch culvert is now planned. The height of the fill will remain at 9 feet, but the grade will be reduced to the minimum possible, in the 10 to 11 feet area.

Barbara Evans asked Joan Newman if permits for logging roads are issued by the Commissioners.

Joan Newman said she had checked with John Torma, and he had indicated to her that the zoning regulations did not require a permit for a logging road. She said the provision for growing and harvesting timber is very general, other than saying it is permitted. The other provision, regarding physiography, does refer to roads, buildings, etc. She said her feeling is that the statutes that relate to zoning and agricultural, mining, and timber harvesting have been interpreted very broadly by the Supreme Court, and dictate that the Counties shall not regulate.

Barbara Evans asked John Torma if he had told the Commissioners during their briefing that if the Commissioners were not presenting this as a variance, but as a resubmission of the original proposal, that he would not be recommending denial.

John Torma said he did not recall that question ever being asked, and he did not recall saying anything like that. He said he recalled saying that this was not a reapplication for a development request, but it was merely a variance request. He said he did state that he recommended approval with conditions the first time it came around. He said he had not looked at this proposal trying to answer the questions as to whether or not this proposal is in compliance with Zoning District #4.

Barbara Evans said that one of the problems she has is that when the decision was made by the Planning and Zoning Commission to deny the application, her understanding was that the concern was with the road and its possible damage to the watershed. In deciding that the road would be done, Mr. Sickles asked how best to go about resubmitting the project. The decision was made, on the advice of Joan Newman, not to make him go back through the planning process, when virtually the rest of the project was the same. She said that she would have problems with now denying the project because Mr. Sickles used the variance process when John Torma said he recommended approval the first time with some conditions.

John Torma said his interpretation of what has happened is a little different than hers. He said he sees this as a standard process where when something is determined to not be in compliance, the next step for the citizen is to request a variance from the regulations. He said he did not see approving or denying this variance request as either a reward or punishment for what happened the first time. In regard to recommendations for approval or denial of the project from staff, he said he would have to raise the concern that some of the proposed changes in the road, while trying to address one impact, amplify another. By increasing the response capability of emergency vehicles by widening the road, then the width of the cut is increased, incurring a greater scar on the physiography. He said at this time he could not recommend either approval or denial of the project. He said his arguments, to this point, merely have to do with the criterion for a variance.

JANUARY 7, 1987 (continued)

Joan Newman said she felt some concern and would like to ask Mr. Clemow for some clarification regarding what gave him the impression that John Torma said the road was going to be built anyway. She said she was concerned, because that statement was on the record, and John feels unequivocally that that is not what he said.

Janet Stevens said she agreed, and the clarification she would like concerns the phone call that Mr. Clemow said he received.

Dick Clemow said he had gotten a call from the Planning Office saying there was a variance application in process, and John read him the letter over the telephone.

Janet Stevens said that is different from saying that John told him the road was going to be built anyway, and that statement really upset her. There is a difference in saying that John read a letter from Steve Sickles on the phone that said the road is going to be built than John saying to Mr. Clemow that the road was going to be built anyway.

Joan Newman said her concern was with the integrity of the process. If it appears that decisions are being made not through the appropriate process, or a public hearing, she would be concerned.

Dick Clemow said his interpretation of the call was that Mr. Sickles was going to get the road anyway, so why should he bother even comment.

John Torma said he would also like to state for the record that he felt it imperative to contact the Homeowner's Association because of a statement made in the letter that he felt needed verification; that there was no communication between Mr. Sickles and the Homeowner's Association.

Alex Clemow asked Terry Druyvestein if the road design is still the same, with the only change being the width of the road.

Terry Druyvestein said there were some other changes that change the impact of the road, including curve widening, and a decrease in the surface grade.

Barbara Evans asked Joan Newman if roads were zoning issues.

Joan Newman said that the concern about the standard and placement of roads is raised through the subdivision process. Zoning typically concerns access, density, and the type of development.

Ann Mary Dussault said she would like to recount why the original motion was made, and it was made for two reasons:

1. There were serious questions about the impact on the creek and the creekbed, and
2. There were serious concerns about the access for the fire vehicles for public safety purposes; and
3. There were questions in the minds of the Planning and Zoning Commission as to whether or not Mr. Sickles had truly exhausted other alternatives, particularly access through either the Cimino or the Cox property.

She said that in her mind, all these issues are settled by the current testimony.

JANUARY 7, 1987 (continued)

Ann Mary Dussault moved and Barbara Evans seconded the motion that the variance be granted with the following conditions:

1. That prior to any road or structure building, the property be petitioned into the Rural Fire District; and
2. The maximum grade of the road be that allowed by and agreed upon by the rural fire district; and
3. If the rural fire district requires the widening of curves to 20 feet, and a minimum 14 foot clear roadway, those requirements also shall be included in the engineering specifications; and
4. Any other conditions required by rural fire, consistent with the hydrologist's report in terms of the amount of fill needed to implement the grade, shall be followed; and
5. The recommendations of the Weed Supervisor in regard to the revegetation plan shall be implemented.

Barbara Evans said she wanted the residents to know her feelings about this matter. She said that based on the state law that has to do with there being no infringement on people's rights to harvest timber, or mine, she knew there is nothing the Commissioners can do. She personally would not like to see logging roads all over Pattee Canyon, as it is a beautiful place, and she applauds the resident's efforts to keep it beautiful. To suggest that someone would be allowed to log without putting in a road is rather ludicrous, and logging roads are clearly allowed by the statute, and she would not want to see that happen. Her concerns about the drainage have been satisfied by the hydrologist, and the Rural Fire issue is important. The concerns about the natural physiography are very difficult and certainly open to individual interpretation; and anytime anyone moves a rock it is in conflict with the natural physiography, and certainly all of the residents who have built up there have moved rocks to build their own homes. In her mind, the public interest is better served by allowing a person to do with their land what they want to as long as it is in the public interest, and logging roads would not be in the best interest. For these reasons, and for the reason that she believes Mr. Sickles has made every attempt to mitigate the problems seen in the first hearing, she would vote yes.

Janet Stevens said she would like to address the precedent issue that came up. The purpose of a variance is not for the purpose of simply bypassing the zoning. Whether or not the variance is approved does not mean there will be more variances given, or others denied. All variance requests are looked at individually, and the Commissioners go to great lengths to try to determine what is in the best interests of the public, and what is an unnecessary hardship.

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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JANUARY 8, 1987

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

Daily Administrative Meeting

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

Budget Transfer

The Board of County Commissioners approved and signed budget transfer No. 870018, a request from the County Attorney to transfer \$285.00 from the meals, lodging and incidentals (\$185.00) and consultants (\$100.00) accounts to the dues and memberships (\$185.00) and contracted services (\$100.00) accounts for minor adjustments to keep individual aline items from being overdrawn due to minor budget miscalculations, and adopted it as part of the FY '87 budget.

Other items included:

1. The Commissioners met with Environmental Health personnel and give them permission to remain the County's appointee for the Rattlesnake Task Force;
2. The Board of County Commissioners reappointed Ivan Leigland, James J. O'Neill and H.L. Garnaas to the County Zoning Board of Adjustment for two year terms through December 31, 1988.
3. The Board of County Commissioners reappointed Susan Mann to a three-year term through December 31, 1989, on the Missoula Area Agency on Aging Board;
4. The Board of County Commissioners reappointed Dale Mahlum, Bill Nooney, and Betty Jo Johnson as members, and Pat Holt as ad hoc member of the Fair Commission. The new terms will be for two years, through December 31, 1988; and
5. Requests to fill the following positions were reviewed and discussed with the Personnel Director and approved by the Commissioners: a public defender, a microfilm operator, a jailer and a deputy position in the Sheriff's office.

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

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JANUARY 9, 1987

The Board of County Commissioners met in regular session briefly in the forenoon; a quorum of the Board was present. Commissioner Evans was out of the office all day, but available for signature and calls if needed. Commissioner Stevens and Rural Planning personnel travelled to Condon where they met with area residents regarding the Condon Comprehensive Plan.

Monthly Report

Chairwoman Stevens 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 December 31, 1986.


Fern Hart, Clerk and Recorder


Janet Stevens, Chairwoman

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JANUARY 12, 1987

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

Monthly Report

Chairwoman Stevens examined, approved and ordered filed the monthly report of the Sheriff, Dan Magone, showing items of fees and other collections on account of civil business in Missoula County for the month ending December 31, 1986.

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 Harold Whaley Addition, an amended subdivision plat of Lot 5, Riggs Addition No. 2, located in Section 13, T.13N., R.20W., pmn Missoula County, the owner of record being Doris Whaley.

Resolution No. 87-002

The Board of County Commissioners signed Resolution No. 87-002, a resolution relating to the Montana Economic Development Board's InterCap Program; approving and authorizing participation therein and approving the commitment agreement, as per the terms set forth in the Resolution.

Agreement

The Board of County Commissioners signed an agreement for Geotechnical Engineering Services between Missoula County and GMT Consultants, Inc. for the South Hills Drainage System-Phase I project for the purpose of determining subsurface soil conditions along the proposed drainage system route and obtaining engineering recommendations regarding soil corrosivity, expected design life, gauge requirements, types of coatings, and comparative information between concrete, aluminum and steel pipe in each soil type, as per the terms set forth, for a total sum of \$4220.00.

Other items included:

The Commissioners voted to purchase a VIP membership to the Chamber to float with the Board Chair.

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

JANUARY 13, 1987

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 January 13, 1987, pages 7-35, with a grand total of \$1,118,864.30. 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:

JANUARY 13, 1987 (continued)Board Appointment

The Board of County Commissioners reappointed Phil Schweber to the City-County Health Board for a three-year term through December 31, 1989.

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

Rural Meeting

In the evening, Commissioner Dussault attended a meeting held at the DeSmet School with the residents of the Butler Creek area regarding the proposed interchange.

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JANUARY 14, 1987

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

Indemnity Bond

Chairwoman Stevens examined, approved and ordered filed an Indemnity Bond naming Janet G. Marko as principal for Warrant #3614, dated December 15, 1986, on the Missoula County Trust Fund in the amount of \$500.00, 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. #26 (11/30/86 through 12/13/86) with a total Missoula County Payroll of \$350,607.43; and
2. #1 (12/14/86 through 12/27/86) with a total Missoula County Payroll of \$346,878.07.

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

Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and the Seeley-Ovando-Swan Health Center, an independent contractor, for the purpose of providing public health nursing services consisting of nurse well-child exams, blood pressure screenings, perinatal at-risk visits, and prenatal education, as per the terms set forth, for the period from July 1, 1986, through June 30, 1987, for a payment not to exceed \$2,000. The contract was returned to the Health Department for further handling.

Other Matters Included:

1. Diane Conner, Deputy County Attorney, briefed the Board on the Lake County lawsuit regarding District Court costs. No decision was made; and

JANUARY 14, 1987 (continued)

2. The Commissioners appointed Betty Tucker to fill the vacancy on the Clinton Rural Fire District Board of Trustees to serve until the School Election on April 7th, 1987 at which time the residents of the Clinton Rural Fire District will elect the trustees.

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

Luncheon Meeting

At noon, the Board of County Commissioners attended a Community Lenders Luncheon meeting held at the Sheraton sponsored by the Chamber in conjunction with Clean Air Week.

PUBLIC MEETING

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

The Board of County Commissioners recessed at 1:30 and Janet Stevens convened a hearing before the Planning and Zoning Commission, consisting of Commissioners Janet Stevens, Barbara Evans, and Ann Mary Dussault, County Assessor Fern Hart, and County Surveyor Horace Brown.

HEARING: PROPOSED AMENDMENTS TO THE ZONING REGULATIONS FOR ZONING DISTRICT #25 A (LINDBERG LAKE AREA)

John Torma, Planner from the Office of Community Development said that property owners of Planning and Zoning District 25-A (Lindberg/Cygnat Lakes area) have requested that their zoning regulations be amended. This request follows the events of January 1986, when the Missoula County Commissioners denied a use variance request to Mr. James Busch for property located within Zoning District 25-A, which was the Tranquility Lodge issue. During this process, the Commissioners suggested to the residents of the district that some improvements be made to the regulations of the district in order to eliminate some of its ambiguities. This request is an attempt by the property owners to improve the language of their zoning district. By way of reference, Zoning District 25-A was established on February 10, 1970. He said that there were 125 signatures on the petition, which represented 65% of the freeholders. He said the staff report on this petition was very lengthy, and is on file in the Office of Community Development. He said that his approach to this issue was that citizen initiated zoning districts have historically met to reflect as closely as possible the wishes of the residents within that district for the amount and type of land use regulations that they would like to see within their area. In reviewing this request, he assisted the citizens in adopting regulations which satisfied their desires. Some significant changes to the staff report were recommended, and where those changes were recommended, he said his purpose was:

1. To provide language which would be more likely to accomplish the intended objectives of the petitioners; and
2. To remove from the proposed regulations which are outside the purview of zoning and would be addressed in another form; and
3. Amend the language to prevent legal problems in the enforcement of the regulations in the district.

JANUARY 14, 1987 (continued)

He distributed some copies of last minute language changes that were included after a review of the proposed regulations. These changes dealt with business, professional and religious gatherings; construction of causeways, waterways, canals, ditches, ramps, etc; use of mobile homes for temporary housing; on site conduct of business, and relocating, enlarging, increasing, or extending a legal non-conforming use. He said that after reviewing all testimony and documentation, the recommendation from the planning staff recommends the adoption of the amendments.

Joan Newman, Deputy County Attorney said she would support John Torma's recommendations, but she had some additional concerns that raise some legal problems. She said she felt that the recommendation excluding mobile occupancy units used in excess of 14 days would be difficult to enforce, but it would be permissible to prohibit living in recreational vehicles on a permanent basis. In addition, mobile homes have been eliminated from residential use under the proposal, and as a matter of law, mobile homes constructed in 1976 or later, cannot be excluded from single family residential use. She said she would support the staff recommendation on the restriction on taking of timber, as State statute clearly precludes regulation of taking of timber, and says there will be no regulation of timber, mining, and mineral resources. She said she has not found a permissible way to address the resident's concerns about timber cutting.

She said one of the prohibited uses that John Torma modified involves business, professional and religious gatherings. A restriction on home use for religious gatherings raises serious constitutional problems. She said more work needs to be done on the wording of that section. A similar first amendment type of concern is raised with the road side signage prohibition. One other prohibited use is sanitariums, rest homes, group homes, retirement homes, hospitals and schools. State statute precludes private enforcement of these institutions except for nuisance proceedings. In addition, she said the County could not restrict hunting or shooting through zoning.

Barbara Evans asked John Torma to address the question of how variances to these zoning regulations would be handled, and how public notification of variance requests would be done.

John Torma said the Board of County Commissioners would act on zoning variance requests, and he was recommending a \$200 fee for variances which would cover the costs of notification.

Fern Hart asked how much further his recommendation went than State Law?

Joan Newman discussed State law requirements for notification of variance requests.

A general discussion concerning the fees involved, the costs of notification in remote parts of the count, and who should be responsible for the fees ensued.

The hearing was opened for public comment.

Dwayne Wright, representing the Lindberg Lake Homeowners Association, discussed the zoning history of the area, and said that there were three different groups of homeowners in the area. He asked that those persons in the audience who supported these amendments to stand. (Approximately 20 people stood.) He said the residents would like to have "no shooting" regulations, they would like to restrict timber cutting except for that which is necessary for timber management, and he urged adoption of the amendments.

JANUARY 14, 1987 (continued)

Jack Lewis, an attorney who has property in the area, addressed several issues on behalf of the Lindberg Lake property owners. Those issues included deleting the section about the 14 day occupancy of a mobile home and revision of the language under "Home Occupation"--he felt that this went further than the intent of the petition. He recommended that the notice provisions provide for a greater requirement to notify the residents of the area of any variance requests. With regard to the cutting of trees, he felt that everyone was concurring with what the residents want, which is to keep this area from becoming a clear-out eyesore. Insofar as lumbering is concerned, only living trees of more than eight inches in diameter could be taken. The intent was not to prohibit cutting of trees of smaller diameter if it is for other purposes, such as timber management and pest control. The section pertaining to attorney fees and self-enforcement should be left in, as it is sometimes too costly and time-consuming for the County Attorney's office to enforce the zoning rules.

Janet Stevens asked if there were any other proponents. No one came forward, and opponents were asked to testify at this point.

Nick Kaufman, of Sorenson and Company, representing Mr. and Mrs. Arthur Ortenberg discussed concerns that the Ortenbergs had, primarily with the section on timber cutting. He also submitted a letter with several other changes he would like to see implemented, and that letter is on file in the Commissioner's office.

Richard Bardo said that not all the people living in the area belong to one of the three homeowner's associations, and he was concerned with the timber management section of the proposed regulations. He said he has sold agricultural products from his property before, and implementation of these regulations would cause difficulty and extreme financial hardship to him. He asked to be excluded from the zoning district.

Claudia Kux said she was concerned with the timber management portion of the regulations. She said the Forest Service had developed a plan timber management in order to keep the trees healthy in the area, and to manage their growth.

Wally Congdon speaking for Fred Magahee, asked if the Commissioners would accept written comment from the residents for a few days.

Janet Stevens said that for the most part, the Commission was prepared to take action today. Barbara Evans concurred. Janet Stevens asked if all the individuals who are affected by the zoning district had been notified of the hearing, and that written comments were due by a certain date.

John Torma said that was true.

Joan Newman said that her concern is that some of the issues that were raised in connection with proposed language should be discussed, as specific language has not been worked out yet. She said she would suggest that some language be prepared to address the legal concerns, but it would be up to the Commissioners to decide if they want to take additional testimony.

Janet Stevens said she shared Joan's concerns, and did not want language to be written on the spot.

Ann Mary Dussault said that in the past, the Commissioners have closed any opportunity for public testimony, but left the record open for additional written comments which would be read.

JANUARY 14, 1987 (continued)

Wally Congdon said he had two significant concerns, and they would warrant the Commission to not take action today. He said there are two non-conforming uses in the area that can occur by State law only once every twelve months. The proposal at this time says that if a nonconforming use is discontinued for a period of 6 months or more, it will cease to be legal to continue that non-conforming use in the future. One owner has people come for outfitting purposes to hunt big game, which can occur only once every eleven months, so after 6 months, he cannot continue the non-conforming use.

He said it would appear that if there is a non-conforming house on Lindbergh Lake which burns down, it would have to be rebuilt in 6 months, and the climate does not permit that in most cases. Another section provides that a lot shall be a minimum of 10,000 square feet in size. He noted that thirteen property owners who signed the petition presently own existing parcels which are less than 10,000 feet in size. If the existing structure on those non-conforming lots burn, and the house is not constructed and used within 6 months, those lots cannot be put back into residential use, unless a variance is requested. Another section provides that a legal, non-conforming use shall not be relocated, enlarged, increased, or extended to occupy a greater area of land. 15 landowners who own lots that are less than 10,000 square feet will not be able to buy property to their rear or to their side to make their existing lots a conforming use. In the section delineating prohibited uses, and referring to ramps and access, he said that because that section is directed to conforming use lot owners, it means those people whose property fronts the lake and have docks, piers and ramps, cannot construct any additional mechanisms to get themselves, as lake-front landowners access to the lake. He said any parcel that is less than 10,000 feet is a non-conforming use under the staff report, and he would like that changed.

Dr. Art Scherer, 1429 Khanabad Drive, agreed with the remarks made about the existing lots being non-conforming legal uses. He said what they had wanted the wording to say was that, if, at the time of adoption of these zoning district #25 regulations, any lot or parcel existing is comprised of less than the minimum size, or sizes prescribed in section 5, nevertheless, each lot and parcel shall be deemed to conform to the provisions of subsection 5. He said some of the changes were written poorly, and it looked like the opposite of what he wanted it to say.

John Torma said he felt that everyone was essentially saying the same thing, but understanding each other differently. He felt that when the language is changed, everyone will be satisfied with the wording of the proposed changes. He said he did not see any problem with someone rebuilding a conforming structure on a non-conforming lot. However, a non-conforming structure could not be rebuilt on either a non-conforming or conforming lot. In addition, he said that the language of the proposed amendments does not allow a non-conforming lot to expand, and he would recommend that that language be clarified.

David Downey, president of the Lindberg Lake Homeowners Association said nobody in the area objects to Mr. Bardo's business enterprises, and he would like the regulations not to preclude that business.

Dwayne Wright asked the Commissioners to make a decision today as many of the people concerned live in other parts of the state and would have to drive great distances to get back to another meeting.

JANUARY 14, 1987 (continued)

Janet Stevens said she would not personally want to continue the hearing; but the decision-making process might be continued. She said written comments would also be accepted by the Commission.

Sheri Bardo said she and her husband had planned to expand their greenhouse operation, and if they are included in this zoning district, their business will be in jeopardy, and their livelihood would be threatened.

Wally Congdon addressed the language pertaining to a non-conforming parcel of land, equating it with non-conforming use of land. He said this language was confusing. In addition, he said there are two homeowners who do not live on Lindberg Lake who need access and who have access to the lake at this time to maintain water systems. He said that the proposed language would preclude granting access to non-conforming users.

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

Joan Newman said she would like to address Sheri Bardo's concern. She said as she understood it, the Bardo's operation was exclusively agricultural or agriculturally related. By state statute, those kinds of operations are in the same category as regulation of the timber industry. Mineral, timber, or agricultural pursuits are generally not subject to regulation. There are some fine points to that, but she said she did not think that there is a serious problem for the farming enterprises there.

Jack Lewis said he agreed with Joan Newman, except for the point in regard to the growing of timber. He said Joan Newman's interpretation is that you can't do anything with the timber that is already on the land. He said the new amendments do not prohibit the restriction of cutting of timber. He said there is a distinction between growing and cutting of timber. He said he agreed too, that this ordinance would not apply to the Bardos'.

After further discussion, it was agreed that Joan would meet with Mr. Lewis after the meeting to discuss the fine points of the law.

John Torma said he felt that there were some misconceptions by some of the people testifying today regarding Resolution No. 81-132, dealing with home occupations. He said this resolution already applies to zoning district 25A, as it does to the rest of the County, except for special citizen initiated zoning districts where it is specifically deleted. He said that in regard to the 6 month amortization period for non-conforming uses, he had not considered the weather related problems, but a 12 amortization period is not unusual in zoning, and he would not have any problem changing that language to reflect the 12 month period.

Janet Stevens said she was reluctant to vary from the standard zoning language, as it applies to things such as amortization, home occupation, and notice of variance requests. She asked if there was a way to have the Homeowner's Association to pick up the costs of the mailing, rather than the person requesting the variance.

John Torma said that historically, it has been seen that the person requesting the variance, who is seeking the benefit should pay.

Janet Stevens said she was not questioning that at all, that the state standards on that should be met, but in those citizen-initiated zoning districts, where individuals who are requesting variances are asked to go beyond what's legal or required, the

JANUARY 14, 1987 (continued)

persons requesting the additional notices should pay those costs.

Horace Brown said he had some problems with charging someone \$200 because they live at the north end of the County, and someone who might live closer to the Courthouse may be charged \$50. He said the charge should be the same for everyone, with no regard to where they live.

John Torma said it could be argued that there are definitely added costs involved due to the fact that they do live so far away. He said he was not sure that \$50 is a correct amount either, as he has spent more than \$50 on most variance requests.

Horace Brown said he did not think someone should be condemned or penalized because they live a further distance from the center of the County, even though the costs might be greater.

John Torma said that people who live farther away from the center of the County have made those choices and have accepted the related costs of living further away from the commercial and local government center. He said those are choices that were voluntarily made.

Horace Brown said it should be looked at on an ability to pay, too, as someone who is living in the north part of the County is probably making less money than someone living in the urban area.

Ann Mary Dussault said there have been a number of issues raised by staff, and a number of issues raised by testimony, and she suggested that the Commission ask the staff to bring back a compilation of the recommendations on Tuesday, January 20. Then, the Commission should be prepared to make a decision on these amendments at the January 28 public meeting.

Barbara Evans said she had no problem with that, but the members of the Planning and Zoning Commission should make their desires known to the staff so they don't waste their time putting something together that doesn't reflect what is not wanted.

Ann Mary Dussault said that all she is requesting is just that the staff organize the comments, some of which are contradictory, so that the members of the Planning and Zoning Commission can look at those within the context of the affected areas of the amendments.

It was agreed that John Torma and Joan Newman would prepare a compilation of the changes and submit them to the members of the Planning and Zoning Commission on January 20. That compilation will also be sent to interested members of the public who indicated they would be interested in receiving copies. In addition, written comments may be submitted up until the time of the public meeting on January 28.

The hearing before the Planning and Zoning Commission was recessed at 3:20 p.m.

The Board of County Commissioners reconvened at 3:20 p.m.

There being no further business to come before the Board, the Commissioners were in recess at 3:21 p.m.

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JANUARY 15, 1987

The Board of County Commissioners met in regular session. A quorum of the Board was present. Commissioner Dussault was in Great Falls all day where she served as a member of the panel at the Montana Weed Control Association's meeting there.

Daily Administrative Meeting

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

Resolution No. 86-003

The Board of County Commissioners signed Resolution No. 86-003, a budget amendment for the Health Department for FY '87, including the following expenditures and revenue and adopting it as part of the FY '87 Budget:

<u>Expenditure</u>	<u>Budget</u>	<u>Change To</u>
2270-610-447300-111 Permanent Salaries	\$4,056	\$3,700
2270-610-447300-141 Fringe Benefits	859	742
2270-610-447300-202 Audio Visual Materials	300	0
2270-610-447300-208 Office Supplies	100	0
2270-610-447300-307 Copy Costs	200	0
2270-610-447300-311 Printing	300	0
2270-610-447300-321 Long Distance Phone	100	0
2270-610-447300-327 Consultants	2,000	1,000
2270-610-447300-357 Travel, Meals, Inci.	250	0
2270-610-447300-359 Private Mileage	250	0
2270-610-447300-359 Curriculum Materials	500	0
	\$8,915	\$5,442

<u>Revenue</u>	<u>Budget</u>	<u>Change To</u>
2270-612-331330 MDHES Grant - AIDS	\$8,915	\$5,442

Grant was awarded for less than originally planned.

Resolution No. 87-004

The Board of County Commissioners signed Resolution No. 87-004, a budget amendment for the Health Department for FY '87, including the following expenditures and revenue and adopting it as part of the FY '86 budget.

<u>Expenditure</u>	<u>Budget</u>	<u>Change To</u>
2270-610-444000-111 Perm Salaries	\$5,200	\$4,296
2270-610-444000-141 Fringe Benefits	0	911

<u>Revenue</u>	<u>Revenue</u>	<u>Change To</u>
2270-613-344085 Daycare	\$5,200	\$5,207

Correction per Dennis Lang. Budget was loaded with incorrect amounts.

JANUARY 15, 1987 (continued)Resolution No. 87-005

The Board of County Commissioners signed Resolution No. 87-005, a budget amendment for the Health Department for FY '87, including the following expenditures and revenue and adopting it as part of the FY '87 budget:

<u>Expenditure</u>	<u>Budget</u>	<u>Change To</u>
2270-610-444000-111 Perm Salaries	\$5,200	\$4,296
2270-610-444000-141 Fringe Benefits	0	911

<u>Revenue</u>	<u>Revenue</u>	<u>Change To</u>
2270-613-344085- Daycare	\$5,200	\$5,207

Correction Per Dennis Lang. Budget was loaded with incorrect amounts.

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 '87 budget:

1. No. 870019, a request to transfer \$176.00 from the fringe benefits 0445910 account to the fringe benefits 445900 account in order to be consistent year to year with the grant coding; and
2. No. 870020, a request to transfer \$37,801.00 from the temporary salaries (\$36,972.00) and permanent salaries 445910 (\$829.00) accounts to the fringe benefits (\$36,972.00) and permanent salaries-445900 (\$829.00) accounts in order to be consistent year to year with the grant coding.

Contract Amendment

The Board of County Commissioners signed an amendment to the Professional Services contract between the Missoula City/County Health Department and Britt Finley (June 6, 1986 through October 31, 1986) amending the contract as follows:

3. Performance Schedule: That the Contractor shall commence performance of this contract on the 6th day of June, 1986, and shall conclude completion of performance by the 31st day of March, 1987, and shall be responsible for specific days or hours of performance hereafter specified: Report to be ready for print by March 31, 1987.

JANUARY 15, 1987 (continued)

5. Other Payments: All other payments or reimbursements, other than those made to compensate for services, which are to be made under this agreement and for which complete documentation including a properly executed county claim form shall be provided in conjunction with appropriate written requests for payment, shall not exceed \$2,000 and payment thereof shall be made at the times, in the amounts, for the purposes, and to the parties hereinafter specified: computer and misc. costs.


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

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January 16, 1987

The Board of County Commissioners met in regular session in the forenoon; a quorum of the Board was present. Commissioner Stevens was in Helena where she attended a Commission on Courts of Limited Jurisdiction Meeting and Commissioner Evans was out of the office all afternoon.


Fern Hart, Clerk and Recorder


Janet Stevens, Chairwoman

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JANUARY 19, 1987

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

Budget Transfer

The Board of County Commissioners signed Budget Transfer No. 870021 for the Sheriff's Department Drug Forfeiture Fund, transferring \$3,500 from the capital/technical equipment line item to the capital/vehicle line item in order to purchase a 1979 Ford van which would be equipped with specializes surveillance equipment.

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

Board Appointments

The Board of County Commissioners made the following board appointments:

Terry Sehestedt, Ed Mosier, Kevin Randles and James "Ritt" Ballis to the Loan Review Board for one year terms, to run through December 31, 1987; and

Roger Selner, Merle Loman and Sam Moore to the Seeley Lake Refuse Disposal District Board for three year terms, to run through December 31, 1989.

Fee for Set of Legislative Proceedings

The Board of County Commissioners disallowed a \$475 claim for a complete set of the proceedings of the current Legislative Session which would have been mailed to the Commissioners Office. Executive Officer Howard Schwartz was asked to notify the Legislative Council of the cancellation of the subscription.

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JANUARY 20, 1987

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

At the daily administrative meeting held in the morning, the Board of County Commissioners took the following actions:

Area Agency on Aging Appointments

The Board of County Commissioners appointed Elaine Shea and Penny Klaphake to the Area Agency on Aging Board for three year terms, to run through December 31, 1989.

Purchase of City Directory

The Board of County Commissioners authorized the purchase of a 1987 City Directory.

Indemnity Bond

Chairwoman Janet Stevens examined, approved, and ordered filed an indemnity bond naming Rodney Davis, 327 South First West, Missoula, Montana, as principal for warrant #4258, issued on 12/24/86 in the amount of \$20.00 for wages. The warrant was lost.

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January 21, 1987

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

Audit List

Commissioners Ann Mary Dussault and Janet Stevens signed the audit list, dated 1/20/87, pages 7-27, listing a grand total for all funds of \$114,543.10. The audit list was returned to the Accounting Department.

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

Professional Services Contract--Dale Baltrus

The Board of County Commissioners signed a professional services contract between Missoula County and DAle Baltrus, R.Ph., on behalf of the Missoula County Health Department. Under the contract, Mr. Baltrus will evaluate the needs and determine the cost of establishing and providing in-house pharmacy services to Missoula Health Department clients and to evaluate the jail drug program. Payment for service under this agreement is not to exceed \$1,520 and the contract will be completed between 1/5/87 and 2/6/87. The contract was returned to the Health Department.

Public Meeting

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

Proclamation

The Board of County Commissioners signed a proclamation commemorating the 25th year of the FAA Control Tower and the 50th year of the FAA Flight Service Station at the Missoula County Airport, and proclaiming the week of February 15-21, 1987 as Air Traffic Control Week in Missoula County.

JANUARY 21, 1987 (continued)

Consideration of Resolution of Intent to Adopt South Hills Comp Plan Amendment

Amy Eaton, Rural Planner, submitted a resolution of intent to adopt the South Hills Comprehensive Plan Amendment. She said the hearings had already taken place, and the procedure now was for the Commissioners to adopt the amendments and sign the resolution. She reviewed the changes and amendments in the document and in the map accompanying the plan.

Janet Stevens said that almost every comment and recommendation received during the public hearing process, and most of the recommendations from the Planning Board have been incorporated into the document.

Ann Mary Dussault asked what the procedure was after adopting this resolution of intent.

Joan Newman said that next Wednesday, the resolution of adoption will be signed.

Fern Hart asked if legal notice had been given.

Joan Newman, Deputy County Attorney said notice had been given during the public hearing process, and the statute is not very clear on this; it simply says that a notice of a resolution of intent proceed the actual adoption.

Barbara Evans moved, and Ann Mary Dussault seconded the motion to approve the resolution of intent to adopt the South Hills comprehensive plan amendment as presented by the rural planning staff. The motion passed on a vote of 3-0.

Resolution No. 87-006

The Board of County Commissioners signed Resolution No. 87-006, a Resolution of Intent to adopt the South Hills Comprehensive Plan Amendment.

There being no further business to come before the Board, the Commissioners were in recess at 2:43 p.m.

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JANUARY 22, 1987

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

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

Community Services Block Grant

Jim Morton, Executive Director of District XI Human Resource Development Council, reviewed the 1987 Community Services Block Grant with the Board of County Commissioners. This program, administered by the H.R.D.C., provides a wide range of human services in Missoula, Mineral and Ravalli Counties, including low income energy assistance programs such as L.I.E.A.P.; low income food programs such as providing meals and related services to senior citizens in the district, operating the Food Stamp Issuance Office in Missoula County and operating the Surplus Commodities Distribution Program; and low income employment services, such as operating the Youth Jobs Program under the Job Training Partnership Act and operating the General Assistance

JANUARY 22, 1987 (continued)

JANUARY 22, 1987 (continued)

Workfare Program. Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the budget proposed for the 1987 Community Services Block Grant in the amount of \$126,454, be approved. The motion passed unanimously. The Community Services Block Grant Budget Summary and Work Program was returned to Jim Morton for submission to the Montana State Department of Social and Rehabilitation Services.

Replacement Bond

Commissioner Ann Mary Dussault moved, and Commissioner Barbara Evans seconded the motion to authorize Chairwoman Janet Stevens to sign a replacement bond in the amount of \$3,400,000.00 for the County of Missoula Industrial Development Revenue Bond Series 1981, Bond AR-2 for the issuance titled "Pay'n Save Corporation Project." The replacement bond is the result of a transfer dated December 31, 1986. Principal and interest on the bond shall be payable at the corporate trust office of Peoples National Bank of Seattle, Washington. Chairwoman Janet Stevens then signed the replacement bond, and it was returned to the Corporate Trust Department of Peoples National Bank of Washington.

Replacement Bond

Commissioner Ann Mary Dussault moved, and Commissioner Barbara Evans seconded the motion, to authorize Chairwoman Janet Stevens to sign a replacement bond on the County of Missoula Industrial Development Revenue Bond issuance, Series 1978, titled, "The Missoula Community Hospital Project." Bond No. R-14, in the amount of \$50,000 is being issued to replace Coupon Bonds Nos. 377, 617, 620, 1587, 1615 and 1653, at \$5,000 each. The purpose of the replacement is to register the Bond in the name of Capri, Inc., 81-0267419. Chairwoman Stevens signed the replacement bond and it was returned to Janan B. Jones, Administrative Trust Assistant at First Interstate Bank, Missoula, Montana.

State of Missoula Address

Chairwoman Janet Stevens gave the State of Missoula Address on behalf of Missoula County at a luncheon at the Village Red Lion Motor Inn, sponsored by the Missoula Chamber of Commerce. Mayor Bob Lovegrove gave a State of Missoula Address on behalf of the City. Commissioner Barbara Evans also attended the luncheon.

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JANUARY 23, 1987


The Board of County Commissioners did not meet in regular session; a quorum of the Board was not present. Commissioner Ann Mary Dussault was in Helena attending the Legislative Session. Commissioner Barbara Evans was out of the office all day.

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JANUARY 24, 1987

Chairwoman Janet Stevens attended the Grand Opening of the new Y.M.C.A. facility in Missoula on behalf of Missoula County.


Fern Hart, Clerk and Recorder


Janet Stevens, Chairwoman

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JANUARY 26, 1987

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

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

Budget Transfer No. 870022

The Board of County Commissioners signed Budget Transfer No. 870023 for the Poor Fund, transferring \$100 from the rest home care line item to the capital/office line item because of cost overruns.

Professional Services Contract

The Board of County Commissioners signed a professional services contract with Out in Montana, Inc., the Aids Task Force, for the purpose of providing consultation to the Missoula City-County Health Department Communicable Disease Control Committee in regard to prevention of HIV transmission to high risk populations. The contract is to be completed between December 1, 1986, and May 31, 1987, for a total compensation not to exceed \$2,700.00.

Resolution No. 87-007

The Board of County Commissioners signed Resolution No. 87-007, a budget amendment for FY '87 for the Health Department, including the following expenditures and revenues and adopting them as part of the FY '87 budget:

<u>Expenditure</u>	<u>Budget</u>
2270-610-445703-111 Perm Salaries	\$3,534
2270-610-445703-141 Fringe Benefits	956
2270-610-445703-206 Office Supplies	133
2270-610-445703-213 Clinic Supplies	150
2270-610-445703-328 Contracted Services	2,000
2270-610-445703-356 Common Carrier	474
2270-610-445703-357 Travel, Meals, Incident.	1,098
2270-610-445703-358 Mileage, Co. Vehicle	188
2270-610-445703-361 Books, Res Mat	467
	<u>\$9,000</u>

<u>Revenue</u>	<u>Revenue</u>
2270-613-331138 AIDS Testing Grant	\$9,000

Also at the morning administrative meeting, the following board appointment was made:

Library Board Appointment

The Board of County Commissioners appointed Marcia Dunn to a three-year term on the Missoula county Library Board, to run through December 31, 1989.

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

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JANUARY 27, 1987

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

Indemnity Bond

Chairwoman Janet Stevens examined, approved and ordered filed an indemnity bond naming Marie Hopper as principal for warrant No. 57705, issued by the School District #1 payroll fund. The original warrant, dated 1/2/87, in the amount of \$31.91 was lost.

The Commissioners acted on the following matters concerning Larchmont Golf Course:

Board Appointments

Jim Van Fossen was reappointed to a regular term, and Cass Chinske, who has been the alternate member, was appointed to a regular term to replace Susan Reed, who chose not to be reappointed. Both terms are for three-years and will run from February 28, 1987 through February 28, 1990.

Contract for Larchmont Manager, Bob Schuyler

In accordance with the recommendation from the Larchmont Board of Directors, the Board of County Commissioners approved the renewal of Manager Bob Schuyler's contract, due to expire in March of 1988.

Compensation Agreement for Wayne Heintz, Larchmont Mechanic

In accordance with the recommendation from the Larchmont Board of Directors, the Board of County Commissioners approved the contract for Wayne Heintz, the mechanic for Larchmont Golf Course. Under the terms of the agreement, Mr. Heintz will receive base pay of \$12,500 plus 20% of the gross revenue in the event golf car rental gross income exceeds \$45,000 in the calendar year 1987 and Mr. Heintz has been employed continuously by Larchmont on the dates that such excess revenue is received. Other terms are set forth in the agreement, which will run through calendar year 1987.

"Mathlete of the Year" Awards

Janet Stevens presented the "Mathlete of the Year" awards late in the afternoon following the Mathlete competition sponsored by the Superintendent of Schools Office.

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JANUARY 28, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Ann Mary Dussault was in Helena attending the Legislative Session.

Audit List

The Board of County Commissioners signed the Audit List dated January 27, 1987, pages 7-35, showing a grand total for all funds of \$92,644.00.

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

JANUARY 28, 1987 (continued)

Resolution No. 87-008

The Board of County Commissioners signed Resolution No. 87-008, creating RSID No. 420, for the purpose of constructing street improvements in the Gleneagle at Grantland Subdivision. The sites of the street improvements are North Windsor Place, Argyll Place and a portion of St. Andrews Way West, lots 1-27. The engineering firm of Stensatter, Druyvestein & Associates will be in charge of the work.

Notice of Sale of Bonds for RSID 420

Chairwoman Janet Stevens signed the notice of sale of RSID No. 422 bonds, in conjunction with the passage of Resolution No. 87-008. The bond sale will be held on February 25, 1987 in room 201 of the Courthouse Annex in order to sell to the highest and best bidder, for cash, serial bonds, drawn against the funds of RSID No. 420, in a total amount not to exceed \$138,000.00 for the purpose of constructing street improvements in Gleneagle at Grantland as set forth above.

Resolution No. 87-009

The Board of County Commissioners signed Resolution No. 87-009, creating RSID No. 422, for the purpose of constructing a paved access road to serve the Gleneagle at Grantland Subdivision. The engineering firm of Stensatter, Druyvestein & Associates will be in charge of the work.

Notice of Sale of Bonds for RSID No. 422

Chairwoman Janet Stevens signed the notice of sale of RSID No. 422 bonds, in conjunction with the passage of Resolution No. 87-009. The bond sale will be held on February 25, 1987 in Room 201 of the Courthouse Annex in order to sell to the highest and best bidder, for cash, serial bonds, drawn against the funds of RSID No. 422, in a total amount not to exceed \$220,000.00 for the purpose of constructing 4,200 feet of paved roadway, complete with drainage structures to serve Gleneagle at Grantland.

Agreement

The Board of County Commissioners signed an agreement between the County of Missoula and contractor Bob Gagner, Bob's Hellgate Plumbing & Heating, for the purpose of construction of improvements to the Clinton Community Center. The total value of this agreement was \$445.00 and the work is to be performed according to the terms set forth in the agreement.

Agreement

The Board of County Commissioners signed an agreement between the County of Missoula and contractor Consolidate Carpets, for the purpose of construction of improvements to the Clinton Community Center. The total value of the agreement was \$1,219.44, and the work is to be performed according to the terms set forth in the agreement.

Agreement

The Board of County Commissioners signed an agreement between the County of Missoula and contractor Mike Sell, C & M Painting, for the purpose of painting to be accomplished at the Clinton Community Center. The total value of the agreement is \$991.00, and the work was to be performed according to terms set forth in the agreement.

JANUARY 28, 1987 (continued)

Agreement

The Board of County Commissioners signed an agreement between the County of Missoula and Eric Johnson, Eric's Custom Upholstery, for the purpose of construction of improvements to the Clinton Community Center. The total value of the agreement was \$3,453.00, and the work is to be performed according to the terms set forth in the agreement.

Agreement

The Board of County Commissioners signed an agreement between the County of Missoula and Frank Nurse, Valley Electric, for the purpose of electrical work on the Clinton Community Center. The total value of the agreement was \$1,100.00, and the work is to be performed according to the terms set forth in the agreement.

Proclamation

The Board of County Commissioners signed a proclamation declaring the week of February 22-28, 1987, to be National Crime Prevention Week in Missoula County in response to the dark specter of crime casting an ever-growing shadow across America which perversely clouds the lives of each and every one of us and focusing the attention of our citizenry on the compelling need to join the unending battle against crime, and, most importantly, through both example and education, to help our children learn to resist the often life-ruining temptation which can lead to the abuse of drugs and alcohol.

Emergency Shelter Grant Applications

The Board of County Commissioners signed grant applications on behalf of the Poverello Center (total of \$1999.50 for replacement of 28 window panes) and the YWCA Battered Women's Shelter (total of \$4095 for renovation of kitchen and three months rent and utilities) for consideration under the Emergency Shelter Grants Program of the Department of Social and Economic Services. The applications were forwarded to SRS.

PUBLIC MEETING

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

Proclamation

The Board of County Commissioners signed a Proclamation declaring the week of February 1-7, 1987 as "Literacy in Missoula County Week".

Chairwoman Janet Stevens then recessed the Board of County Commissioners and convened a hearing before the Planning and Zoning Commission, consisting of the Board of County Commissioners, Horace Brown, County Surveyor, and Fern Hart, County Assessor.

Planning and Zoning Commission: Decision on Proposed Regulations for Zoning District #25A (Lindbergh Lake Area)

John Torma, Planner from the Office of Community Development said he had received favorable comments from the residents of Zoning District 25 expressing their gratitude for the help they received in coming up with new zoning regulations.

He said that the public hearing on this proposal was held by the Planning and Zoning Commission on January 14, 1987. He said that today, an amended version of the proposed amendments was being

JANUARY 28, 1987 (continued)

submitted for the Commission's approval. The changes included modifications in the following areas: changes in the legal description of Zoning District #25 A (map); legal nonconforming use language; reference to appendix II (Resolution No. 81-132); definition of mobile home occupancy, and the types of units not permitted as residential units; permitted uses of mobile homes manufactured after June 15, 1976; use of residential structures for religious gatherings and the first amendment rights relative to that use;

Barbara Evans was called out of the meeting at this point to testify at a hearing in District Court. A quorum of the Planning and Zoning Commission was still present.

allowed uses of residences; language involving legal or conforming lots versus uses for legal non-conforming lots/structures; extension of amortization periods; the fee amount for variance requests; and updates in the history section of the zoning district to reflect the amendment process.

Janet Stevens noted for the record that Joan Newman had been called out of the meeting to accompany Barbara Evans to District Court, but she had submitted written opinions concerning these changes, and she was in agreement with the amendments presented today.

Fern Hart said that she was very pleased with the process regarding these amendments, and felt that the Commission was given adequate time to deal with the issues thoroughly.

Janet Stevens said she appreciated the fact that the main points requested by the residents of the District had stayed intact with relatively few exceptions because of legal reasons.

Fern Hart moved, and Horace Brown seconded the motion that the amended regulations for Planning and Zoning District 25A be adopted. The motion carried on a vote of 3-0.

The meeting of the Planning and Zoning Commission was adjourned.

There was no quorum of the Board of County Commissioners, so the Board was recessed at 1:45 p.m.

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JANUARY 29, 1987

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

At the daily administrative meeting held in the morning, the following matters were handled:

Approach Permit-Harry Allen

The Board of County Commissioners discussed the question of Harry Allen's approach permit and agreed that Road Engineer Bob Holm and Deputy County Attorney Joan Newman would meet to set up an agreement with Mr. Allen in regard to paving his approach to Mullan Road.

Board Appointments-Loan Review Board

The Board of County Commissioners appointed the following people to the Loan Review Board: Sue Hoell and Patty Lovass, for one year terms to run from 12/31/86 through 12/31/87.

JANUARY 29, 1987 (continued)Board Appointments-Animal Control Board

The Board of County Commissioners appointed Peter Hansen to the Animal Control Board for a two-year term to run from 12/31/86 through 12/31/88.

Setting of Hearing Date-Fee Schedule, Seeley Lake Disposal District

The Board of County Commissioners set the first hearing on the fee schedule for the Seeley Lake Disposal District for the same date and time as that for the Condon Area Plan, 3/8/87 at 4 p.m. in the Seeley Lake Community Hall, and the second hearing was set for 3/25/87 in Room 201 of the Courthouse Annex in Missoula.

MACo Board of Directors Dinner Meeting in Helena

Commissioner Ann Mary Dussault drove to Helena to attend the MACo Board of Directors Dinner meeting in the evening.

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JANUARY 30, 1987

The Board of County Commissioners met in regular session in the afternoon, when a quorum was present. Commissioners Stevens and Evans were present in the afternoon. Commissioner Ann Mary Dussault was in Helena attending Local Government Day at the Legislature.

Economic Outlook Seminar

Commissioner Janet Stevens attended the Economic Outlook Seminar at the Village Red Lion in the morning.

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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FEBRUARY 2, 1987

The Board of County Commissioners met in regular session; all three Commissioners were present in the morning. Commissioner Dussault was out all afternoon because of illness.

Indemnity Bond

Chairwoman Janet Stevens examined, approved and ordered filed an indemnity bond naming Carol A. Ziemba, 722 Hawthorne, Missoula, MT as principal for warrant no. 50111 on the Missoula County payroll fund. The warrant, in the amount of \$456.66 was for wages and was lost.

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

Budget Transfer

The Board of County Commissioners signed budget transfer no. 870024 for the Library fund. The transfer of \$350 from the testing line item to the public relation materials line item was necessary because an error during the budget process resulted in the money being appropriated to the wrong line item. The transfer was adopted as part of the FY '87 budget.

Budget Transfer

The Board of County Commissioners signed budget transfer no. 870025 for the Surveyor's Department. The transfer of \$7,500 from winter road maintenance to summer road maintenance was necessary because of an increase in quantity in the asphalt bid. The transfer was adopted as part of the FY '87 budget.

Budget Transfer

The Board of County Commissioners signed budget transfer n. 870026 for the Surveyor's Department. The transfer of \$30,000 from the winter road maintenance line item to the capital projects line item was necessary because of extra labor costs on the O'Brien Creek project.

Resolution No. 87-010

The Board of County Commissioners signed Resolution No. 87-010, formally adopting the following expenditures and revenue as part of the FY '87 budget for District Court:

<u>Expenditure</u>	<u>Budget</u>
Salaries-Court Reporters	
2180-051-410335-111	\$4,237
2180-051-410335-141	940
2180-052-410335-111	4,237
2180-052-410335-141	940
2180-053-410335-111	4,237
2180-053-410335-141	940
2180-054-410335-111	4,237
2180-054-410335-141	940
 <u>Description of Revenue</u>	 <u>Revenue</u>
District Court Deficit	
2180-100-341053	\$20,708

FEBRUARY 2, 1987 (continued)Board Appointments

The Board of County Commissioners appointed Don Torgenrud and Carol Robison as Ad Hoc Members of the Fair Commission. The two-year terms will run through December 31, 1988.

Board Appointment

The Board of County Commissioners appointed Pelham Turner as first alternate on the Board of Adjustment for a two year term, to run through December 31, 1988.

Audit of Missoula County Fair Commission

The Board of County Commissioners signed a letter to Auditor Susan Reed acknowledging receipt of the audit of the Missoula County Fair Commissioner for FY '86 and for the period July 1-October 31, 1986 as well as the parimutuel records and the 1986 fair and fall race meets, conducted as required by 7-6-2409, M.C.A. The audit was forwarded to the Clerk and Recorder's Office to be recorded.

Mortgage

The Board of County Commissioners signed a mortgage agreement, executed by Millwood Systems, Inc., as Mortgagor, and the County of Missoula in accordance with a promissory note signed January 30, 1987.

Change in Mortgage Agreement

Commissioners Barbara Evans and Ann Mary Dussault initialled a change in Exhibit B of the mortgage executed by Millwood Systems, Inc. (NORCO) as mortgagor, and the County of Missoula granting to the mortgagee tract 12-A in Wornath Orchard Tracts, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof. The initialled change acknowledged that the date of signing of the promissory note was January 30, 1987. The change was returned to CDBG Block Grant Coordinator John Kellogg.

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

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FEBRUARY 3, 1987

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

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

Signature Pages for YMCA IDRB Project

Chairwoman Janet Stevens signed three separate signature sheets for the above-referenced IDRB issuance. County Clerk and Recorder/Treasurer Fern Hart also signed the signature sheets and affixed the County seal to them. They were then sent to American Financial Printing, Inc., 651 Taft Street, N.E., Minneapolis, MN. 55413 in order that the bond documents could be printed.

FEBRUARY 3, 1987 (continued)Lease of Real Property for Gravel Extraction (Wayne Harmon)

The Board of County Commissioners signed a lease of real property between Missoula County and Wayne Harmon, Condon, as lessor, for the purpose of the Surveyor's Office leasing property located in the NW 1/4, NE 1/4, Section 26, T21N., R17W., in order to remove 20,000 cubic yards of gravel over the term of the lease. The rental amount is \$5,000 with Missoula County to pay lessor \$.25/cubic yard of gravel for gravel removed in excess of 20,000 cubic yards. The term of the lease is 5 years, with records to be retained for the term of the lease and for one year thereafter for lessor's review and audit. The agreement was returned to the Surveyor's Office.

Resolution No. 87-011

The Board of County Commissioners signed Resolution 87-011, to amend the development standards of planning and zoning district No. 25-A, subsequent to a hearing before the Planning and Zoning Commission on January 14, 1987. The resolution was forwarded to the Clerk and Recorder's Office.

Appointments of Weed Board Alternates

The Board of County Commissioners appointed Larry Bradshaw and Marguerite Munsche as alternate members of the Weed Board, for three-year terms to run through December 31, 1989.

Luncheon Meeting

Commissioners Evans and Dussault attended a luncheon meeting at the Village Red Lion with representatives of the Chamber of Commerce and the City of Missoula.

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

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FEBRUARY 4, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Ann Mary Dussault was in Helena, attending the Legislative Session.

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

Budget Transfer

The Board of County Commissioners signed Budget Transfer No. 870027 for the Accounting Department. The transfer of \$2,594 from the permanent salaries line item to the Auditor's overtime account (\$544) and the Accounting consultants account (\$2,050) was necessary because of overruns due to the Deputy Auditor having to perform year-end closing work. The budget transfer was formally adopted as part of the FY '87 budget.

Audit List

The Board of County Commissioners signed the audit list, dated 2/3/86, including pages 8-35, listing a grand total for all funds of \$89,195.85. The Audit List was returned to the Accounting Department.

FEBRUARY 4, 1987 (continued)

Audit of Health Fund

The Board of County Commissioners signed a letter to Auditor Susan Reed, acknowledging receipt of the Audit of the Health Fund, from 3/1/85 through 10/31/86, completed according to MCA 7-6-2409. The Audit was forwarded to the Clerk and Recorder's Office.

NACo Dues

The Commissioners approved the payment of dues for membership in the National Association of Counties (NACo) for the period 4/30/87 through 4/30/88.

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

PUBLIC MEETING

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

Proclamation

The Board of County Commissioners and Mayor Bob Lovegrove signed a joint City-County Proclamation recognizing the vital service provided to the community by the YWCA Battered Women's Shelter, and proclaiming the week of February 8-14, 1987 as Shelter Week in Missoula.

Consideration of Resolution Adopting South Hills Comprehensive Plan Amendment Resolution No. 87-012

Amy Eaton, Rural Planner, said this is the resolution adopting the South Hills Comprehensive Plan, incorporating all the amendments and changes the Commissioners agreed to during the public hearings.

Barbara Evans moved and Janet Stevens seconded the motion to approve and sign Resolution No. 87-012 adopting the South Hills Comprehensive Plan Amendment. The motion carried on a vote of 2-0.

Consideration of: Ogren Addition (Summary Plat)

Paula Jacques from the Office of Community Development said the Ogren Addition is a proposed redivision of Lot 51, Sorrel Springs, which is near Frenchtown. An existing single family dwelling sits on one of the proposed 5 acre lots. Use of individual septic systems and connection to the community waste system is planned. Access to the private road system within Sorrel Springs is assured, as Lot 51 is within 500 feet of the main Sorrel Springs Road, technically, there is a requirement to extend paving up to access each of the proposed lots. However, she said Sorrel Springs was approved prior to the adoption of the Subdivision and Platting Act, and there is a requirement in the covenants that paving will be done on the interior road system when 52% of the lots are built out. That, in combination with the RSID waiver to improve the roads on a future date should be sufficient assurance that the County would get paid when there is a need. She said she had talked with Bob Holm of the County Surveyor's Office to see if they had had complaints about any problems resulting from unpaved roads, and he reported none. This property is outside of the air stagnation zone. She said the recommendation of the staff is that Ogren Addition be approved, subject to the conditions, variance and Findings of Fact in the staff report.

FEBRUARY 4, 1987 (continued)

Barbara Evans moved and Janet Stevens seconded the motion that the Summary Plat of the Ogren Addition be approved, subject to the following conditions and subject to the requested variance:

CONDITIONS:

1. Sanitary Restrictions shall be lifted by state and local health authorities; and
2. The following statement shall be printed on the face of the plat:

Acceptance of a deed for a lot within this subdivision shall constitute a waiver of the right to protest an RSID to pave either Appaloosa or Palomino Lanes and can be used in lieu of signatures on an RSID petition.

VARIANCE:

A variance from the requirement that Appaloosa and Palomino Roads be paved was granted.

The motion passed on a vote of 2-0.

Consideration of: Wallace Creek Ranchos No. 2 (Summary Plat)

Paula Jacques said Wallace Creek Ranchos No. 2 is a proposal to split a lot that is about six acres in size on Wallace Creek Road in the Clinton vicinity. It would create a two acre lot and a four acre lot, both having access onto Wallace Creek Road, a County maintained gravel road. The staff recommendation is for approval of the Wallace Creek Rancho No. 2, subject to the conditions and findings of fact set forth in the staff report.

Barbara Evans moved and Janet Stevens seconded the motion to approve the summary plat of Wallace Creek Ranchos No. 2 subject to the findings of fact set forth in the staff report and the following conditions:

1. Sanitary Restrictions shall be lifted by state and local health authorities; and
2. The title shall be Wallace Creek Ranchos #2 as required by the County Surveyor.

The motion passed on a vote of 2-0.

Consideration of Wierson Addition-(Summary Plat)

Paula Jacques said this summary plat originally came with a recommendation from the Community Development Staff to deny it because the development plans for this plat were tied to the adjacent property, and there seemed to be a lack of agreement as to how to proceed on both. She said there was an agreement now, and she would like to recommend approval subject to several conditions and variances:

CONDITIONS

1. The developer shall enter into an agreement with the owner of the remaining portion of Lot 15 stating that alternative access will be provided for the three duplexes by July 1, 1990. This agreement shall be filed with the plat of the Wierson Addition. Acceptable access for the duplexes is a gravel driveway with a

FEBRUARY 4, 1987 (continued)

paved apron 20 feet in length onto Davis through the former railroad right-of-way. Other alternatives are acceptable with approval of the County Surveyor.

2. Once alternative access is developed for the duplexes, the current access shall be abandoned through installment of curbing, landscaping, or some other device which makes it unusable for the duplexes. A revised easement granting access only to Lot 15-E shall be filed with the Clerk and Recorder at that time. The plat shall contain a note that the easement shown is subject to revision as required by these conditions of approval.

3. The gravel driveway serving the Wierson Addition shall be paved 20 feet back from its intersection with Davis.

4. A statement shall be printed on the face of the plat limiting the use of Lot 15-D to one single family dwelling.

5. A statement shall be printed on the face of the plat that acceptance of a deed for a lot within this subdivision shall constitute waiver of the right to protest an RSID for construction of sidewalk along Davis Street.

6. The private road statement set forth in the Subdivision Regulations shall be printed on the face of the plat.

VARIANCES

Variances from the right-of-way and road construction standards, and from the sidewalk requirements on Davis Street should be granted.

Barbara Evans moved and Janet Stevens seconded the motion to approve the summary plat of the Wierson Addition subject to the findings of fact and the conditions listed above. In addition, the two requested variances shall be approved. The motion carried on a vote of 2-0.

Consideration of Sunny Meadows Addition No. 2 (Summary Plat)

Paula Jacques said Sunny Meadows No. 2 consists of four single family lots adjacent to Lerch Lane near East Missoula. It is surrounded by Sunny Meadows No. 1 on three sides. These lots would have access onto Lerch Lane and connect to the community water system constructed for the first Sunny Meadows. The Community Development Staff recommends that the summary plat of Sunny Meadows No. 2 Subdivision be approved subject to the findings of fact set forth in the staff report and the following conditions:

1. Sanitary restrictions shall be lifted by state and local health authorities; and

2. Cash-in-lieu shall be donated to the County Parks Fund; and

3. Covenants filed for the Sunny Meadows Subdivision shall be applied to this subdivision.

Barbara Evans moved and Janet Stevens seconded the motion subject to the conditions listed above. The motion carried on a vote of 2-0.

Public Comment

Emery Benson, 3330 So. 3rd West said Missoula County has a drug modification problem in the Sheriff's Office, and he said he would like to commend the Commissioners for doing something about the misuse of drugs in controlling behavior in the jail. He suggested that the Commissioners could reduce the budget in the

FEBRUARY 4, 1987 (continued)

Sheriff's Department and make that department more efficient by combining patrol duties with the Ravalli County Sheriff's Department in patrolling in the Florence area. He also suggested that there should be an Indian deputy in the Sheriff's Department for better rapport on the Reservation.

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

Hearing: Modification of Access Permit (Harry Allen)

The hearing was called to order at 3:00 p.m. by Chairwoman Janet Stevens. Also present was Commissioner Barbara Evans; Bob Holm, project Engineer with the County Surveyor's Office; and Deputy County Attorney Joan Newman.

The hearing was opened for public comment; proponents were asked to speak first.

Dennis Lind, speaking on behalf of Harry Allen and West Side Sand and Gravel, the purchaser of the gravel and mineral interests on the property, and also on behalf of the owner and operator of Riverside Contracting, who has certain contracts for delivery of gravel with respect to the mining operation. He said the request is for modification of the timing for the completion of the asphalt which will apron beside, or buttress up beside, Mullan Road, as compared to the original access permit which was granted, and as a condition of that permit, it was provided that certain roadway would be constructed, and that there would be certain asphalt which would border on the Mullan Road properties. The basis for requesting the modification of that permit are:

1. There are numerous contracts that are involved and which constitute a considerable economic impact on the Community; and
2. It would be a hardship to place the asphalt at this time, although it is possible to do the work at this time, the winter conditions makes it unrealistic, expensive and problematic in terms of any kind of permanence; and
3. Mr. Allen is not requesting anything different from the original requirements with the exception of the timing.
4. They are prepared to place a cash bond with the County reflecting the amount that would be necessary to place the asphalt on when the weather so permits.

He said he was aware that there were certain concerns with respect to this operation regarding the state permit which was issued to Mr. Allen; and they have been addressed and completed, or are in the process of completion. In the event that West Side Sand and Gravel or Harry Allen do not comply with the specific requirements that were contained in the permit, they would not be allowed to continue. He said Mr. Allen was ready, willing, and able to comply with all requirements.

He asked that because of the contracts which have been entered into which require delivery of gravel within a certain time frame, it is unrealistic and impractical to impose the strict requirement of placing asphalt at this time. He said they were willing to do that by placing a cash bond with the County to assure everyone that the work will be done.

Janet Stevens asked Deputy County Attorney Joan Newman what the Commissioner's authority is in this matter, and what the issue is.

FEBRUARY 4, 1987 (continued)

Joan Newman said that the concern, the issue and the authority for this proceeding today is a very narrow one. The County has a resolution (No. 77-170) under which specifications and conditions for access to County roads is determined. That is the reason the Commissioners are hearing this matter. They do not have the authority, under zoning, to regulate in such a way as to prevent the activity that is being sought here. Mr. Allen has previously obtained floodplain permits, and other applicable permits. The resolution concerning the County road access requires a permit which Mr. Allen obtained some years ago, which does not have a expiration date on it, but it does require paving before the road is used. The reason for the hearing today is because Mr. Allen has asked for a change or modification of a certain part of that permit. Hearings are called to discuss waivers of County resolutions.

Janet Stevens asked Dennis Lind how much the cash bond would be.

Dennis Lind said he did not have a precise amount, but his client was willing to allow the County Surveyor's Office to estimate the cost of placing the asphalt and to place that amount of cash bond with the County.

No further proponents came forward; opponents to the issue were asked to speak at this time.

Hugh Frame, the President and General Manager of American Asphalt, adjacent to the property in question, said Mr. Allen's permit was approved on January 23, 1983, and since that approach was not built yet, his understanding is that the permit would expire if the approach was not built within a certain time. He said he would be interested in knowing what that period of time is, if there is such a period of time, why no stop sign was required when the permit was approved, and why the approach is not required to be flat far enough back from Mullan Road to allow a truck to stop before entering the highway safely. He said those concerns were not addressed in the permit. The next item he would like to discuss is that there is no basis for the design of the approach, such as the American Association of State Highway Officials for Rural Roads. In 1982, a year before this permit to Harry Allen was approved, his own application for an approach permit on the adjacent land on Mullan Road was denied on first reading because of the design criteria not being met. He then read a letter from Dick Colvill, who was the County Surveyor in 1982, indicating denial of the permit. He said he then met the criteria and then received his permit. He said he had asked Nick Kaufman, of Sorenson and Company to look at Mr. Allen's design for comparison purposes to the one he first submitted five years ago, and Nick Kaufman's opinion was that Mr. Allen's approach did not meet the design standards. In conclusion, Mr. Frame said that he had had to meet certain standards before he was allowed to get a permit, and he feels that Mr. Allen should also have to meet those standards. He said he could understand the problems with paving during the winter time, but four years have passed since this permit was issued, which would include at least three summertime seasons. He said Mr. Allen's failure to meet the standards creates an adverse economic impact on him, as Mr. Allen does not have the same costs in his project that he has in his, consequently, Mr. Allen is able to underbid him consistently. He contended that Mr. Allen was very active in opposing him in his access permit, and he asked the Commissioners to require that Mr. Allen meet the ASSHTO standards, and pave the approach. In addition, Mr. Allen's floodfringe permit requires him to erect a six-foot high fence around the perimeter of the mine site, and that requirement has also not been met. The floodfringe permit also requires a twenty-eight foot wide haul road that is gravelled, compacted and dustproofed above the 100-year floodplain. That condition has also not been met.

FEBRUARY 4, 1987 (continued)

Tom McCarthy of Sorenson and Company, said he was representing Nick Kaufman, and said that detailed engineering drawings were submitted with the American Asphalt application, that were scrupulously scrutinized by the County Surveyor's Office, and adjustments then were required to be made on their road. He said Mr. Allen's drawings were not done by an engineer, and did not receive any of the attention that Mr. Frame's permit received.

Bob Phillips said he was speaking in opposition to the request for the modification and another issue. When Mr. Allen received his floodfringe permit, one of the conditions stated that the haul road would be twenty-eight feet wide, with a 24 foot compacted and dustproofed surface above the 100 year floodplain. He said when he came before the Commissioners, requesting permits on behalf of American Asphalt, the three major permits that were eventually required to be obtained were all tied together; the violation of the road access permit constituted a violation of the floodplain permit, and it also constituted a violation of the State Lands permit. Violation of any one became a violation of all the others. He said the scrutiny by the County Surveyor's Office was the basis for the Commissioners originally denying them access, and that nearly became an issue in the lawsuit that eventually went to the Supreme Court. However, Mr. Frame complied with the Commissioner's requirement before they used the road as access. Their design complied with the AASHTO requirement. He said all he is asking here is that the road that is going to be used for access that is on the property adjacent to theirs be designed properly, according to the County's regulations, and that the Commissioners impose on Mr. Allen the same requirements that they did upon Mr. Frame.

Elmer Frame, a bus contractor for Hellgate Elementary Schools, said Mr. Frye, a member of the school board, to appear and refute any testimony that might pose a danger to the school busses. He said that hearing that the permit does not comply with the turning radius would force the trucks out onto Mullan Road, across the center line, and he would consider that to be unsafe for the school busses, and for children.

Clyde Novak, who lives across the road from the site, said he had observed six trucks coming out of there that did not stop before entering Mullan Road, and when they turned, they had crossed the center line, stopping school busses and other traffic.

June Novak and Chris Rasmussen rose in opposition to the permit.

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

Janet Stevens said she had a question regarding a letter written by the then Board of County Commissioners, Evans, Palmer and Dussault that required the applicant and the floodplain administrator to set up a compliance schedule to set up a timely development of the site; that the schedule should be set up within thirty days of the decision by that board, and she wondered if that was done.

Barbara Evans said a note in the file says that Harry Allen came in and refused to sign it, saying he wanted a copy to send to his attorney, Timer Moses.

Harry Allen said it had been transferred to the Datsopoulos law firm, and that is where it was at this time.

Janet Stevens asked if Mr. Allen had never agreed to meeting the conditions of granting the floodfringe permit.

Barbara Evans said that was her understanding.

FEBRUARY 4, 1987 (continued)

Janet Stevens asked if that meant that there was not a valid floodfringe permit in place.

Dennis Lind said that as he understands that document, it is a plan for implementation of the conditions which were imposed on the issuance of the floodplain permit and the access permit, and that there were certain conditions contained in those documents as well as on the access permit. He said the letter referenced by Commissioner Stevens called for providing a plan for timely development of the property. He said he did not know if that plan had ever been submitted, but there is no question that the permits are in place. He said he wanted the Commissioners to understand that they were not asking for some sort of different treatment. A plan was submitted initially for the access to the road and it was approved, and there is no objection to meeting the specifications and Mr. Holm provided a drawing for Mr. Allen which expands the apron and sets back the pavement for fifty feet, and Mr. Allen has no objection to those specifications being imposed when the asphalt is laid. He said Mr. Allen had no objection to the turning radiuses being imposed at the present time which would require a stop sign. There is not anything that Mr. Frame or American Asphalt has been subjected to that Mr. Allen is not willing to comply with and do it in the form of a cash bond for timely completion. Mr. Allen is simply saying to the Commissioners that it is unrealistic to expect those kinds of requirements to be placed in position right at the present time. It is not always possible to plan in advance when a contract is going to be let; when a certain construction company is going to let bids, so until there is actually some business involvement, there would be no requirement, and no funds for completion of these kinds of requirements. In response to the statement made by Mr. Frame relative to the conditions imposed by the state not being complied with; in specific reference to the fence, an addendum to the reclamation and operation plan was issued that provided that the time frame for completion of the fence could be extended to April 15, 1987. However, in order to complete the fence, the fence is one-half to two-thirds complete and will be finished within a couple of days. Mr. Allen is not trying to gain some unfair advantage, but to make practical application of what is occurring. Further, with respect to the safety matters, if the radiuses are defined by the County, and the stop sign put in place, it should take care of the safety factors.

Janet Stevens asked Dennis Lind when Harry Allen decided to begin submitting bids for construction projects prior to completing the floodfringe requirements.

Dennis Lind said he had been in negotiations for the past three months regarding the sale of that property to Western Sand and Gravel. It was not until that was accomplished, and there was an agreement with respect to that sale, that any kind of contacts could have been negotiated or let with respect to providing gravel for any various construction. So, it would have been three months ago. The papers were signed just after January 1, 1987 relative to the rights to mine on the property.

Janet Stevens if the person buying the mineral rights was aware that the floodfringe permit requirements had not been met.

Dennis Lind said he knew that there was a statement in the contractual documents that acknowledged that he had received a copy of the various documentation, and that is a fairly voluminous set of materials. Whether they actually knew each and every requirement, he did not know.

Barbara Evans asked Steve Welch, from the State Department of Lands to explain the status of Mr. Allen's compliance with the State's permits.

FEBRUARY 4, 1987 (continued)

Steve Welch said the Mine Land Reclamation Contract was issued on the 28th, which was Tuesday; and the reclamation plan was being followed except that top soil had not been stripped over the entire affected area, and a ten-foot berm had not yet been installed. In addition, he said the operation had commenced prior to approval of the issuance of the permit due to a misunderstanding in the way the law reads; in that Mr. Allen thought he had up to ten thousand cubic yards he could remove prior to having to have all the permits in place. He said that was a common misconception and has occurred quite frequently. He said he had been following this matter quite closely and trying to insure that the reclamation plan requirements and the requirements of the Open Cut Mining Act have been met. However, now, a temporary berm is in place, and the intent is being met. The fence is to be constructed by April 15, provided that in the interim period, Mr. Allen provides a representative to guard against the unauthorized entrance of children.

Barbara Evans asked Bob Holm to address the question of the road design.

Bob Holm said the County Surveyor's Office was made aware of the beginning use of this road on Wednesday morning. He made a trip out to visit with the landowner, and to make him aware of the requirements to abide by the permit he had for access to Mullan Road. That visit precipitated all the meetings held since last Wednesday. The requirements that were placed on that initial permit were extremely basic. They are not comparable to what was issued to Mr. Frame and American Asphalt for their access. On the other hand, they do depict a few things that can be required, and that is what he was trying to accomplish by visiting Mr. Allen. Because of the desire on the part of Mr. Allen to at least request this delay of the paving requirements, he and Joan Newman were able to put together an agreement which addresses all of the concerns that Mr. Frame had; those dealing with the turning radiuses for the pavement meeting AASHTO requirements; the slope of the approach off of Mullan Road; drainage; and placement of a stop sign. It does deal with truck traffic on Flynn Lane, which can easily be added. The County is not allowed to deny access to a piece of ground; rather access must be provided in a way that will be safe for the general public. The use of the property is also taken into consideration; in this case, the type of use requires a bigger approach that allows the vehicles using that approach to stay in their own lanes for traffic safety. What exists today does not provide that safety. He said if he was required to come up with a cost estimate to place this approach, it would be based on what he feels he could get the work done for, and it will be quite liberal. He felt that Mr. Allen would be able to get the work done cheaper than the County could.

Janet Stevens asked Bob Holm if the road, as it is now, provides safe access Mullan Road, and if the road complies with the standards.

Bob Holm said he had not seen the road since Friday afternoon. Currently the large trucks using the approach cannot make the turns out of that approach and stay in their own lane on Mullan Road. They encroach on the westbound lane, which is not a safe situation. The approach apron needs to be designed so the trucks can stay in their own lane. The other standards deal with the slope of the approach, drainage, and the stop sign, and those issues can be addressed.

Dennis Lind said Mr. Allen is willing to put in the gravel which will allow the radiuses in order to assure whatever safety aspects the County has in mind; he is simply requesting that it not be paved until a later date when weather allows.

FEBRUARY 4, 1987 (continued)

Janet Stevens said the scope of her question was how much of that work has already been done to date.

Hugh Frame said he would like to respond to a couple of things that had been said. He said he was furnished a copy of the State's plan for reclamation a couple of days ago, and it did not include the addendum, nor had he seen it. He said he was concerned with the haste of granting all of these grantings and addendums. He asked if the County Commissioners had provided a similar addendum to their floodfringe permit. He said when he got his permit, all the "I's" had to be dotted, and the "T's" crossed, and he was not complaining about that now, he just expected there to be equal treatment under the law. He said it sounded like Bob Holm was now in the consulting engineering business, and he was not allowed that kind of service when he got his permit, he had to have it done by outside consulting firms. He said he would like to look at the new approach to see if it meets standards, and he would like to know if it was designed with public funds or private funds. He said Bob Holm said the County was not allowed to deny access; but they had done that four years ago.

Bob Holm the only way the County could deny access is if it does not meet some safety criteria. The access permit Mr. Frame had requested initially was denied temporarily until he abided by certain constraints put on that permit. It was not flatly denied because of lack of access.

Janet Stevens asked if the requirement for the ten foot high berms in the floodfringe permit had been complied with.

Dennis Lind said he thought Mr. Allen was in full compliance with the berming reclamation portion of the plan.

Joan Newman asked Bob Holm if the changed design of the approach was safer now so that trucks pulling out onto the road would not be crossing into the other lane.

Bob Holm said that was correct. And with the paving and the stop sign, the road would be in full compliance.

Barbara Evans asked if the Commissioners had any legal way to stop Mr. Allen from using Schmidt Lane if he chose to do that.

Bob Holm said Schmidt Lane is not a publicly maintained roadway, and the only way the County could potentially stop Mr. Allen from using it would be to discuss the safety problems inherent in its use. Any large trucks using that road could not stop and then proceed onto Mullan Road because the hill is too steep. He said the County could not control that roadway, but they could control its change in use; as an access to Mullan Road.

Dennis Lind said that he and Mr. Allen have discussed that option, and Mr. Allen does not intend to circumvent the County's regulator authority by trying to do that. He prefers to come before the Commissioners and resolve the issue.

Joan Newman said she would like to make a couple of points:

1. Regarding the permit obtained in 1983, none of the persons at the hearing today really knows why that permit did not have some of the same characteristics as the permit issued for American Asphalt, but from a legal standpoint, the County is bound to honor that permit as it was written.

2. The fact that Mr. Allen is here requesting a change in that permit is an agreement open to some conditions. Those conditions, and what is being offered in the concessions to be

FEBRUARY 4, 1987 (continued)

made, are bringing this whole approach and access into compliance with current standards, and provide a way for this project to more closely meet the standards.

3. She said she could understand Mr. Frame's concerns with the hoops he had to jump through to get his permit; but she was not employed by the County then, and it is her understanding that there were a great many questions being raised at that time which resulted in a lawsuit. The County learned a lot about what they could and could not do during the lawsuit with American Asphalt.

Barbara Evans asked if the road standard was satisfactory to provide the safety factor in the original permit, and if not, is the County stuck with that.

Joan Newman said that any permit issued under circumstances where all the information is not there and created a dangerous circumstance; or was issued under misrepresentation, etc., are basis for revocation. Her opinion is that unless that permit were issued under misrepresentation, it would have to be honored as it stands. The fact that some modification is requested leaves it opens to conditions being imposed, and perhaps the County accomplishing and requiring what the permit did not require in the first instance.

Bob Holm said that as Joan indicated, none of the people present today were part of that permit, except Mr. Allen. It is his belief that that approach depicted on that old permit would accommodate a ten-wheel dump truck making those turns. It will not accommodate the types of trucks proposed for use, or in use at this time.

Barbara Evans asked if it was true that unless the Commissioners get willing acquiescence to change the design of the road they would be stuck with it.

Bob Holm answered in the affirmative.

Barbara Evans asked Joan Newman if she agreed with Bob Holm.

Joan Newman said that if the permit was issued, and if it creates some rights and conditions that are not in violation of other laws, or create an inherently dangerous situation, the County is forced to honor it.

Barbara Evans asked if the only way the County could get an intersection that will be considered safe and more in line with the kind of intersection that Mr. Frame had to put in, is to agree to give this extension, so that in return for that, we get willing acquiescence from Mr. Allen.

Joan Newman said that as she understands it, the design on the previously issued permit is not the most desirable.

Bob Holm agreed. He said as part of the approach permit application process, the County is provided information as to what the use is going to be, and what kind of rigs are going to be going in and out of the access. He said Mr. Frame did provide that information, but he did not know what was discussed in 1983. What he does know is that the rigs that are going in and out of there now will not safely negotiate the old sized approach and stay in their own lane.

Janet Stevens Bob Holm if he was the person reviewing these in 1983.

Bob Holm said he did not review that one.

FEBRUARY 4, 1987 (continued)

Bob Phillips said the road permit was given four years ago, but the road under discussion has only been in use for the past thirty days. He wanted to know which rules would be used to determine what design that road should be. He said he felt the Commissioners could use today's rules, and in any case, if the road is unsafe, it would be crazy to disregard the safety rules. He said if the Commissioners were looking for clout so they would not have to give up on the modification and be blackmailed into doing it, a violation of the road permit is a violation of the floodplain permit. He said there was no need to play games, it is a pretty simple question.

Barbara Evans said she was a little irritated that he would think her comments indicated a acquiescence to blackmail; she did not like that at all. Dennis Lind or Mr. Allen have not implied blackmail of any kind, and Joan Newman did not say what he intimated that she had. She said she just wants to understand and play by the rules that the County set, and if rules are set at the time that are different than Mr. Frame's, then everybody had to live with it.

Joan Newman said that nobody knows for sure what was said at the time, and it is a difficult question. It seemed to her that rather than being a situation of blackmail, offers were being made that would amount to making this project come into compliance with the present regulations. As far as the floodplain permit, she could not say what the document, signed or unsigned, means. Normally, floodplain permits are issued with conditions that are to be met later, so if the conditions are not met, then somebody has to take action to revoke that permit. It is clear, though, from the floodfringe permit, that a fifty foot strip of paving was expected, along with a host of other things.

Barbara Evans said she wished this was a simple question, and a simple decision to make, but she didn't think that was true.

Bob Phillips said he did not mean to imply that there was any blackmail, those were his words. He said the word he should have used is "compromise". He said he didn't think the Commissioners needed to compromise, and he realized that it was not an easy decision to make.

Joan Newman said she would again, like to make something clear. It was her understanding that the offers, the requirements, the conditions, if considered with the new permits will take care of the safety issues in terms of the turning radius and the access to the road itself, and interference with the other lane of traffic. The only thing that is being deferred, essentially, is the paving.

Janet Stevens asked if the Commissioners don't defer the paving, would that mean that Mr. Allen would not have to meet the radius turning standards and the standards for widening the mouth of the road to allow proper turning radius, because it is not specified in the floodfringe permit?

Bob Holm said that was his belief. Contrary to what Mr. Phillips indicated, the County could not require it. One thing that can be required is that the paving gets done. If the hauling units cannot negotiate the road, he can suggest that they quit using those hauling units and go to one that can. That might be contrary to what the hauling contractor desires to do, but if the rigs cannot negotiate the radiuses, then there is a safety problem there.

Janet Stevens asked if the County could regulate the kind of trucks used if the ones currently in use pose a safety problem.

FEBRUARY 4, 1987 (continued)

Bob Holm answered in the affirmative.

Janet Stevens said it sounded to her like it was a lousy floodfringe permit and shame on the people that were involved.

Elmer Frame said for the record, that Hugh Frame is his brother, and that he had no interest in American Asphalt, and Hugh has no interest in the school busses, and he came to the hearing as a result of reading the paper that there was going to be a hearing, and met Hugh in the hall and said hello to him, and that was the first that Hugh knew that he was going to be at the hearing. So he wanted to make it clear that he was not at the hearing to testify for Hugh, he was there simply to ask the Commissioners to make the road safe for the school busses.

Janet Stevens said the Commissioners had received a call this morning from Mr. Frye with the same concern.

Barbara Evans said it was not an easy decision to make, and she wanted to tell the folks a little about what was bothering her. She said she has a very strong commitment to being fair. It is a very vital part of her life to try and be fair on everything. Hugh has every right and every reason to complain and scream foul if Harry is allowed to do the very things that Harry was in here screaming that he didn't want Hugh to be allowed to do. She said she knew full well that if the shoe were on the other foot, that Harry would be calling, and he would be in here, and he would be testifying that Hugh not be allowed to proceed with his business until such time as he met all the concerns of all the people out there on Mullan Road, and the only reason the County ended up in Court on this issue was as a direct result of the complaints and pressure by the folks out there; Harry being one of the major ones doing the pressure. At the same time, she said she had a very strong commitment to business and trying to help every business in this town to succeed, because we need every last one of them we've got. She said she was very torn on this matter, and she wanted, without question for the road to be exactly safe for everyone who travels it, including the truck drivers, and the children, and herself if she is driving down that road. She said she did not know of any decision she had had to make that was harder than this one.

Janet Stevens said she agreed with Hugh, that it seems like all of a sudden we are being rushed through something here that Hugh wasn't allowed to, and she had a letter signed by Harry Allen and Lynn Wright requesting a 60 day extension to allow petitions and local comment from residents that would be an appropriate length of time to bring the events into focus. Now, as Barbara indicated, we are in a reverse situation that Harry would like something rushed through and we have the same residents wanting some time to consider what is going on out there. She said that on Wednesday, before the Board had decided to go ahead and grant the variance, she thought that at least in the last year or two, there has been plenty of time for Mr. Allen to come into compliance with the floodfringe permit, so she said she would have to stand by her own personal decision on Wednesday, which she thought would stalemate the Commission until Commissioner Dussault returns.

Barbara Evans said she was very ambivalent on her feelings on this, and didn't feel good about either way, but she did remember very well that Harry and his folks were the ones screaming that we shouldn't let these things happen last time.

FEBRUARY 4, 1987 (continued)

Janet Stevens moved, and Barbara Evans seconded the motion that Mr. Allen be required to abide by the conditions set out in the floodfringe permit for the mining operations for his parcel of land on Mullan Road which includes the paving of the fifty foot strip; and until such compliance is met, the use of that haul road will not be permitted.

Barbara Evans said if Mr. Allen decides to use Schmidt Lane, she wanted to be assured that the Commissioners would still be able to assure the safety of the people travelling on those roads.

Dennis Lind said he wanted to understand what had transpired. He said Mr. Allen has an access permit, and if he paves it as it exists, then there would be no restrictions in that permit as to size of vehicle.

Janet Stevens said that if there is a safety hazard, that could require a restriction of the kind of use of that road.

Barbara Evans asked Joan Newman to assume that Mr. Allen did exactly what Mr. Lind said he would do, and assume that the County was unable to control the type of trucks used. Would the County be in a position to seek a court injunction to provide safety on the road?

Joan Newman said yes, under the County's general road powers, and other authority. The initial permit was issued with some types of use in mind, and what is being used is different than that. In regard to the motion on the floor, the permit called for paving for fifty feet as part of the conditions. The motion proposes that the County look into that and take action to revoke the floodfringe permit.

Janet Stevens said her intent was that if Mr. Allen was not in compliance with the terms of the floodfringe permit, that the permit be revoked until he is in compliance, but she has a question about that condition. That condition states that "the haul road will be 28 feet wide with a 24 foot compacted gravel and dustproofed surface, and above the 100 year floodplain". Then it says, "the applicant has stated that the first fifty feet off Mullan Road will be paved". Her question is, is the fact that the applicant said he would do that?

Joan Newman said it was hard to say. The permit was issued for 36 feet, and the applicant would be called on to honor that.

Janet Stevens asked that the motion be read back to her. She asked to amend her motion to read:

Harry Allen be required to abide by the conditions as set forth in the floodfringe permit and until those conditions are met, the County will seek action to revoke the permit.

Barbara Evans asked why she changed her motion.

Janet Stevens said she was not sure of the full intent of condition #2, and if the fact that the applicant has stated that he would pave the first 50 feet would make it a requirement.

Barbara Evans asked if she was saying that until he can get into compliance, the County will attempt to revoke the floodfringe permit.

Janet Stevens said the motion would make the permit invalid until he meets the conditions.

Barbara Evans said she would second the amended motion and asked that the motion be restated.

FEBRUARY 4, 1987 (continued)

Janet Stevens moved and Barbara Evans seconded the motion that Harry Allen abide by the conditions as set forth in the floodfringe permit, and until those conditions are met, the County will take action to revoke the permit if he continues to operate without abiding by those conditions.

Joan Newman said she continued to have a question in that the specific framework here was the conditions of the access permit, and what the Commissioners were doing was indicating an intent to take enforcement procedure on the floodfringe permit, and that whole procedure has its own due process.

Janet Stevens asked if that haul road requirement is part of the floodfringe permit condition.

Joan Newman said it was, but this hearing was not set up as a revocation or suspension, so it is unclear what is being accomplished.

Janet Stevens agreed and offered a substitute motion.

Janet Stevens moved and Barbara Evans seconded the motion that Harry Allen's request for modification of the time for compliance with the haul road conditions be denied. 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 4:25 p.m.

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FEBRUARY 5, 1987

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

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

Contract with American Asphalt, Inc.

The Board of County Commissioners signed a contract between Missoula County and American Asphalt, Inc., in regard to construction, installation and completion of an access road, complete with drainage structures, friction surface and parking lot for Gleneagle at Grantland, in accordance with terms set forth. The contract was returned to General Services.

Amendment to Alan English's Contract for Personal Services

The Commissioners signed an amendment to Alan English's personal services contract signed September 29, 1986 in regard to conducting a CO study at the Rose and Boyd Park monitoring sites; designing, constructing and testing an auto exhaust sampler for source apportionment study; and assisting the Health department staff in the collection of source samples for the winter air pollution study. The amendment was for an amount not to exceed \$105.00 to reimburse Mr. English for mileage on his personal vehicle at the standard reimbursement rate of \$.21/mile for use of his car for conducting the business of this contract. The contract amendment was returned to the Health Department.

FEBRUARY 5, 1987 (continued)Resolution No. 87-013

The Commissioners signed Resolution No. 87-013 for the District Court-Youth Court Budget, listing the following expenditures and revenues:

<u>Expenditure</u>	<u>Budget</u>
Juvenile Sex Offender Grant	
Contracted Services	
2180-340-410379-328	\$3,000
Postage	
2180-340-410379-307	275
 <u>Revenue</u>	 <u>Revenue</u>
2180-30-333010 Grant	\$3,275

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FEBRUARY 6, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Barbara Evans was out of the office all day, but available for phone calls and signatures.

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FEBRUARY 7, 1987

On Saturday afternoon, Commissioners Ann Mary Dussault and Barbara Evans participated in Literacy Week at Southgate Mall.

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

* * * * *

FEBRUARY 9, 1987

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

Monthly Report

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

Daily Administrative Meeting

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

FEBRUARY 9, 1987 (continued)

Payroll Transmittal Sheets

The Board of County Commissioners signed the transmittal sheets for the following pay periods:

1. #2 (12/29/86 through 1/10/87 with a total Missoula County payroll of \$349,951.75; and
2. #3 (1/11/87 through 1/24/87) with a total Missoula County payroll of \$346,440.10.

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

Plat

The Board of County Commissioners signed the Plat for the Lolo Shopping Center, a subdivision of tract 2A, COS no. 3422, located in the SW 1/4 of Section 26, T.12N., R20.W, pmm, Missoula County, with the owner of record being Earl M. Pruyn.

Easement Agreement

Chairwoman Stevens signed an Easement Agreement, dated February 5, 1987 between Earl M. Pruyn and Missoula County, as part of the conditions of the approval of the above plat and is to assure the relocation of the access point on Tyler Way, when the existing one is closed as per the terms set forth.

Budget Transfer

The Board of County Commissioners approved and signed the following Budget Transfer for the Financial Administration/Treasurer-Tax Departments and adopted it as part of the FY '87 budget:

No. 870028, a request to transfer \$5,967.00 from the Financial Administration termination reserve account to the Treasurer's-Tax Permanent Salaries (\$4863.00) and fringe benefits (1,104.00) accounts for the costs associated with Ruth Haupt's termination in the Treasurer's Department.

Policy Statement

The Board of County Commissioners signed Policy Statement No. 87-A, the Loss Control Policy Statement, whereby a Loss Control Management Program will be established in Missoula County with the goals of long-term cost and exposure reduction as set forth in the statement.

Agreements

The Board of County Commissioners signed agreements between Missoula County and 4 B's Restaurants, Inc., the purchaser of lots 8 & 10, Block 5, in the Mountain Shadows Subdivision No. 1, for the purpose of repayment of delinquent taxes, penalties, and interest against said Lots, amounting to \$3,149.10 per lot as of this date, as per the terms set forth in the agreements. The agreements were returned to Mike Sehestedt, Deputy County Attorney, for further signatures and handling.

Other matters included:

The Commissioners approved sending copies of County legal notices to The Pathfinder, a weekly newspaper in Seeley Lake.

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

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FEBRUARY 10, 1987

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

Indemnity Bond

Chairwoman Stevens examined, approved, and ordered filed an Indemnity Bond naming Wendy Hoyt as principal for warrant #4994, dated January 16, 1987, on the Missoula County Payroll fund in the amount of \$760.66, 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 request for waiver of the \$75 administrative fee for the Mount street Vacation petition as recommended by the Surveyor's Office; and
2. The Commissioners appointed Robin Campbell as the second alternate member and Jerry Ford as the third alternate for two-year terms through December 31, 1988, on the County Zoning Board of Adjustment.

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

* * * * *

FEBRUARY 11, 1987

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

Audit List

Commissioners Stevens and Dussault signed the Audit List, dated February 11, 1987, pages 8-40, with a grand total of \$946, 168.38. The Audit List was returned to the Accounting Office.

Indemnity Bond

Chairwoman Stevens examined, approved and ordered filed an Indemnity Bond Naming Marjorie Korber as principal for warrant #58298, dated January 20, 1987, on the School District #1 Payroll Fund in the amount of \$535.97 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 from the Health Department and adopted them as part of the FY '87 budget:

1. No. 870029, a request to transfer \$450.00 from the Dues and Memberships (\$200.00) and Common Carrier (\$250.00) accounts to the On Call Account to create a new line item.
2. No. 870030, a request to transfer \$297 from the On Call 443400-119 (\$172.00) and Audio-Visual (\$125.00) accounts to the On-Call-443400-117 because of an overspent line item and the creation of a new line item;

FEBRUARY 11, 1987 (continued)

3. No. 870031, a request to transfer \$1,019.00 from the Heat, Lights and Water (\$275.00) and On-Call 443400-119 (\$744.00) accounts to the Basic Phone (\$275.00) and On-Call 443400-113 (\$1744.00) accounts because of an overspent line item and creation of a new line item.
4. No. 870032, a request to transfer \$1,300.00 from the Phone-Basic (\$1,100.00) and Tuition (\$200.00) accounts to the Long Distance Phone (\$1,100.00) and Lab Services (\$200.00) accounts because of overspent line items;
5. No. 870033, a request to transfer \$1,788.00 from the Meals, Lodging and Incidentals (\$1,300.00) and Investigative Aids (\$488.00) accounts to the Non-Capital Supplies (\$1,300.00) and small tools (\$488.00) accounts because of overspent line items;
6. No. 870034, a request to transfer \$1,500.00 from the Tuition (\$1,000.00) and Audio-Visual (\$500.00) accounts to the Non-Capital Supplies Account because of overspent budget;
7. No. 870035, a request to transfer \$2,015.00 from the Contracted Services (\$1,315.00) and Investigative Aids (\$700.00) accounts because of overspent line items;
8. 870036, a request to transfer \$3,352.00 from the Fringe Benefits (\$344.00) and Permanent Salaries (\$3,008.00) account to the On-Call-442000-125 (\$344.00) and Temporary Salaries (\$3,008.00) accounts to create new line items;
9. No. 870037, a request to transfer \$1,489.00 from the Work Study (\$233.00) and On-Call 442200-119 (\$1,256.00) Accounts to the On-Call 442000-117 (\$233.00) and On-Call 442000-125 (\$1,256.00) accounts to create new line items; and
10. No. 870038, a request to transfer \$2,500.00 from the On-Call 4422000-119 account to the On-Call 442000-113 (\$744.00) and On-Call 442000-117 (\$1,756.00) accounts because of overexpenditures.

Agreement

Chairwoman Stevens signed an Agreement, dated January 1, 1987, between the Montana Highway Traffic Safety Administrator and Missoula County, which will allow funding for the Highway Traffic Safety Contract 87-01-07-2 ACT Program Advanced Training through September 30, 1987, as per the terms set forth, for a total amount not to exceed \$4,000.000. The Agreement was returned to the Health Department for further handling.

Other matters included:

1. The Board approved a request from Alice Daily, Home Economist in the Extension Office for permission to teach a class at the University for two hours a week; and
2. The Commissioners determined that suitable access is provided in the request from Dennis Washington for the proposed division of four tracts of land included in the Grantland PUD, as per the conditions set forth with the property description found in Book 216 micro page 1896.

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

PUBLIC MEETING

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

FEBRUARY 11, 1987 (continued)

Hearing: Request to Abandon Complete Length of North and West Boundaries of Sec. 16, T.14N., R.20W. (Meadows of Baron O'Keefe)

Joan Newman, Deputy County Attorney, said that as part of the settlement of the County's litigation with the original developers of the Meadows of Baron O'Keefe, a petition requesting vacation of this particular piece of County right-of-way was submitted by the developers as part of that action. The understanding was that there were objectives to be obtained by vacation of this right of way by both parties; they would submit the petition, and the County would carry it through. She indicated that property in question on a map. The basic reason for initiating this process is that a system of private roads has been established out there as part of the settlement of the litigation. Private roads access all of the existing parcels or the parcels that are going to continue. This piece of County right-of-way has never been developed, and will likely never be. From the property owners prospective, it represents an encumbrance on their titles; many of them were not even aware that it existed. From the County's viewpoint, it is a piece right-of-way that is unused and will likely not be used. According to the statutory procedure, people affected by the petition need to be contacted to get their views; the statute requires an indication of whether people have been contacted and their consent obtained. In this case, she had sent a memorandum explaining this situation to all of the affected owners with a coupon that they could return indicating whether they agreed with the action or not. Two of those were returned as consents, there were no other replies.

Horace Brown, County Surveyor described the right-of-way in question, and said he had no problem with this vacation.

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

Barbara Evans moved and Ann Mary Dussault seconded the motion to postpone the decision on this vacation for two weeks to allow the Commissioners and the County Surveyor to inspect the property in question according to state statute. The motion carried on a vote of 3-0.

It was noted that the decision would be made on February 25, as there would be no public meeting on February 18.

Hearing: COS Review -Family Transfer Exemption. (Hayes)

Joan Newman said that Ken Hayes has applied to divide a tract of land located near Sunset Gardens n Mullan Road by creating two parcels for family gifts and a remainder. This property is described as Tract Q COS 32, book 146 page 355. Mr. Hayes previously created an occasional sale out of the parent parcel in about 1976. Thus, there would now be a total of 4 parcels created from the original ten-acre tract purchased by Mr. Hayes. The tracts are apparently served by Hayes Drive which comes in from the adjacent Golden West Subdivision. She said Mr. Hayes has previously used the family transfer exemption for divisions in an area south of Lolo. Those divisions were created for gifts to his wife and two other children. The present parcels are to be for two different children. She indicated the proposed division on a map.

The hearing was opened for public comment.

Greg Martinsen of Martinsen Surveys, representing Mr. Hayes, said Mr. Hayes had gifted land to his two sons before, and he is now retiring and moving out of the area, and wishes to gift to his

FEBRUARY 11, 1987 (continued)

two daughters, and sell the remainder.

Janet Stevens asked Greg Martinsen why there was information missing on the affidavit relative to previous land splits of this parcel.

Greg Martinsen said it was not intentional, that he "messed up".

Janet Stevens asked if Mr. Hayes also "messed up", and didn't know about it, as he had signed the affidavit.

Greg Martinsen said Mr. Hayes had not even looked at the affidavit.

Joan Newman noted that the affidavit had been signed by Mr. Hayes' son.

Greg Martinsen said it was entirely his fault, and his mistake.

Joan Newman said there were a couple of other things the Commissioners should be aware of. She said she was uncomfortable in these circumstances where the actual claimants were not present at the hearing, and the representative may or may not have complete information. On the previous family transfer, she had found that at least one of the parcels passed out of Kenneth C. Hayes' name into Kenneth D. Hayes' name, and is now back in Kenneth C. Hayes' name. The occasional sale as well as the remainder and the other two family transfers still apparently remain in Kenneth C. Hayes' name on the Assessor's records. Also, one of the family members proposed for a gift today, in the chain of title to a parcel created in the Lolo property that was divided by a family transfer, one of the transfers was made to Rachel Hayes who is Kenneth C. Hayes's spouse, and all of those parcels have subsequently been divided. A number of them that Rachel Hayes divided remain in her name. In other words, COS's were filed, but the deeds were not transferred, and the property remains in Rachel Hayes's name. She said she had not had adequate time to do the ownership investigation, and if the Commissioners wanted more information about this, she would suggest a postponement until that search is done. She then went through the history of all the divisions of Mr. Hayes's property; this parcel and the property in Lolo as well.

Ann Mary Dussault asked Greg Martinsen if he had been involved in the division of the property in Lolo.

Greg Martinsen said he had done the survey work on them, but had no knowledge of how they had been transferred.

A general discussion of Mr. Hayes's various property divisions ensued.

Ann Mary Dussault moved and Barbara Evans seconded the motion to deny the request to divide Tract Q COS No. 32 Book 146, Page 355 for the following reasons:

1. The original affidavit filed did not contain full disclosure as to the activity on this particular parcel; and
2. The past practices would indicate that when family exemptions have been used, that in fact, the titles to the properties were not transferred to the affected parties; and
3. In at least one case of prior exemption, the land has been subsequently reverted back to the donor.

FEBRUARY 11, 1987 (continued)

The motion passed on a vote of 3-0.

Hearing: Certificate of Survey-Occasional Sale (Ailport)

Joan Newman, Deputy County Attorney said the Ailports bought a 26-acre parcel from the Shelhammers last summer or fall. The parcel is between Bonner and Potomac, and described as C.O.S. # 3370. The Ailports applied for the security interest exemption and created a 4-acre parcel for security for a construction mortgage. They now propose to create an occasional sale parcel of two acres out of the parcel that was created for security purposes. This would have the effect of creating three saleable parcels where there previously was only one. The security interest parcel would not have been transferrable without applying for a new exemption. She said she did not think there was a problem with the entitlement to the exemption, it was the way it was structured, and she did not feel that she had the authority to add something to a plat that would correct the situation. She indicated the area on a map. She said the problem is that the mortgage release survey is still of record, and there is the possibility of leaving a second or third parcel; although the Ailports have no intention of doing that. She said that by simply adding a statement to the plat vacating the mortgage release survey would clarify the situation.

Ann Mary Dussault asked if there was some question that the Ailports might sell the entire 4-acre parcel.

Joan Newman said Mrs. Ailport indicated to her that they may have a buyer for the whole 4-acre parcel; in which case it would simply be like converting the mortgage release survey to an occasional sale.

Eldon Inabnit, representing the Ailports, said that he agreed with Joan's recommendations.

Barbara Evans moved and Ann Mary Dussault seconded the motion to approve the Occasional Sale for the proposed Division of COS #3370, on the condition that Plat #3374 be vacated. The motion passed on a vote of 3-0.

Hearing: Certificate of Survey - Occasional Sale (Roeder)

Joan Newman said the Roeder's own a very large parcel of land, described in Book 95, Page 274 as the S1/2, SW1/4, Section 35, T.17N., R.15W. Some time ago, the Roeders were preparing to donate a parcel of land to the Catholic Diocese of Helena for building a new church. At that time, it was apparent construction would not be possible, and the deeds were prepared and a survey performed but not filed. At some point, the Roeders did do an occasional sale of some of their property, and at this time, the church has decided that it is time to build, and the Roeders would like to create and donate a somewhat larger parcel than they had previously planned to the church. She indicated the area on a map, and said that the only reason this issue is before the Commissioners is because the Roeders have used an exemption previously from their parent parcel.

The hearing was opened for public comment.

Brian Smith from Sorenson and Company, representing the Roeders, said that in 1981 the Roeders had originally intended to give this parcel to the church and then to get the sanitary restrictions lifted, they had to extend the water main about a thousand feet from Cedar Lane on the south end of the property up to the church parcel. At that time, it cost about \$12,000 to do that, and the church was not ready to build or to put out that much money. Now the church membership in the area has grown so that

FEBRUARY 11, 1987 (continued)

the church feels that it warrants a new structure, and they are ready to extend the water main and would like the parcel split off. He emphasized that this is not a land sale; it is a donation, to the church by the Roeders. The property will be used only for the church, and will not be resold or used for anything but the structure of the church.

Janet Stevens asked what the access to that property was.

Brian Smith and Horace Brown, County Surveyor, indicated the accesses to the property, and the adjacent property on a map.

Barbara Evans moved and Ann Mary Dussault seconded the motion to approve the occasional sale for the division of property described in Book 95, Page 274 so the property can be donated to the Catholic Diocese of Helena. The motion passed on a vote of 3-0.

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

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FEBRUARY 12, 1987

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

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FEBRUARY 13, 1987

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

Plat

The Board of County Commissioners signed the Plat for Sportco Addition, a resubmission of Gustafson Addition Lot 5, located in the NE 1/4, Section 12, T.12N., R.20W., PMM Missoula County, the owner of record being Sportco, Inc., with Bruce Peterson as the developer.

Subdivision Improvements Agreement and Approval of Waiver

The Board of County Commissioners signed a Subdivision Improvements Agreement in conjunction with the above plat; between Missoula County and Sportco, Inc., which is required between the County and the Subdivider prior to the approval of the final plat for Sportco Addition, as per the specified improvements set forth in the agreement, and whereby the Subdivider agrees that the improvements will be installed by utilizing the mechanics of rural special improvement districts, petitions for which shall be submitted upon the filing of the final plat of the subdivision. The Board of County Commissioners also signed approval of a waiver filed by the subdividers of the right to protest the creation of one or more special improvement districts to install the improvements scheduled in the event that the subdividers fail to create such districts within one (1) year after the filing of the plat of Sportco Addition.

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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FEBRUARY 16, 1987

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

FEBRUARY 17, 1987

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

Audit List

Commissioners Evans and Stevens signed the Audit List, dated February 17, 1987, pages 7-9, with a grand total of \$1,438.00. The Audit List was returned to the Accounting Department.

Daily Administrative Meeting

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

Resolution No. 87-014

The Board of County Commissioners signed Resolution No. 87-014, a budget amendment for FY '87 for the Historical Museum at Fort Missoula, including the following expenditure and revenue, and adopting it as part of the FY '87 budget:

<u>Expenditure</u>	<u>Budget</u>
2360-462-460454-291 Artifact Acquisition	\$750
<u>Revenue</u>	<u>Revenue</u>
2360-462-383025 From Memorial Fund	\$750

Resolution No. 87-015

The Board of County Commissioners signed Resolution No. 87-015, a budget amendment for FY '87 for the Historical Museum at Fort Missoula, including the following and adopting it as part of the FY '87 budget:

<u>Expenditure</u>	<u>Budget</u>
7186-462-521000-820 Transfer to Museum Fund	\$750
<u>Revenue</u>	<u>Revenue</u>
No revenue - uses cash	-0-

Contract

The Board of County Commissioners signed a contract between the Missoula County Sheriff's Department and Deputy Dan J. Hafferman, the owner and handler of Police Service Dog, "Zeke", a six-year old male German Shepherd, who will work as assigned with the patrol division of the Sheriff's Department as per the terms set forth, for the period from February 1, 1987, through January 31, 1988.

Subgrant Certification

Chairwoman Stevens signed the Subgrant Certification form for the Board of Crime Control Restitution Program Grant.

FEBRUARY 17, 1987 (continued)

Other matters included:

1. The Commissioners reviewed and signed approval of a motion by the Seeley Lake Refuse Disposal District Board of Directors to contract for a secretary/researcher pending approval of the new fee schedule; and

2. Commissioner Dussault was appointed Acting Chair until March 4, 1987, while Chairwoman Stevens is on vacation.

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

Dinner Meeting

In the evening, Commissioner Dussault attended a MACo Board of Directors dinner meeting in Helena.

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FEBRUARY 18, 1987

The Board of County Commissioners did not meet in regular session. Commissioner Stevens was on vacation February 18 through the 20th; Commissioner Dussault was in Helena attending MACo meetings and the legislative session; and Commissioner Evans was out of the office all day.

Weekly Public Meeting Canceled

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

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FEBRUARY 19, 1986

The Board of County Commissioners did not meet in regular session. Commissioner Dussault attended the MACo Midwinter Meeting in Helena.

Indemnity Bond

Acting Chairman Evans examined, approved and ordered filed an Indemnity Bond naming Pay N' Save as principal for warrant #017056, dated October 23, 1986, on the School District No. 1 claims fund in the amount of \$85.87 now unable to be found.

Welcoming Luncheon

At noon, Commissioner Evans attended the welcoming Luncheon held at the Sheraton for the Montana Aviation Conference which was being held in Missoula.

Site Inspection

In the afternoon, Commissioner Evans accompanied County Surveyor Horace Brown for a site inspection on the request to abandon the complete length of the north and west boundaries of Sec. 18, T.14N., R.20W., located in the Meadows of Baron O'Keefe Subdivision.

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FEBRUARY 20, 1987

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Helena attending the Legislative Session and Commissioner Evans was out of the office all day.

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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FEBRUARY 23, 1987

The Board of County Commissioners met briefly in the forenoon; a quorum of the Board was present. Commissioner Stevens was on vacation all week; and Commissioner Dussault left in the forenoon for Helena to attend the Legislative Session.

Audit List

Commissioners Dussault and Evans signed the Audit List dated February 19, 1987, pages 9-33, with a grand total of \$94,118.97. The audit list was returned to the Accounting Department.

Monthly Reports

Acting Chair Dussault examined, approved and ordered filed the monthly reports of Justices of the Peace, David K. Clark and Michael D. Morris, showing collections and distribution for months ending October 31, 1986, November 30, 1986, December 31, 1986, and January 31, 1986.

Daily Administrative Meeting

Commissioners Dussault and Evans met briefly before Commissioner Dussault left for Helena and signed the following items:

Resolution No. 86-016

The Board of County Commissioners signed Resolution NO. 87-016, a budget amendment for the Health Department for FY '87, including the following expenditures and revenue, and adopting it as part of the FY '87 budget:

<u>Expenditure</u>	<u>Budget</u>
2270-610-447801-327 Consultants	\$2,250
2270-610-447801-357 Travel, Meals, Inc.	1,150
2270-619-447801-359 Mileage - Private	600

<u>Revenue</u>	<u>Revenue</u>
2270-612-333400 ACT Training Grant	\$4,000

Again, money was received from the Highway Traffic Safety Division to provide advanced training workshops as in fiscal year 1986.

Resolution No. 87-017

The Board of County Commissioners signed Resolution No. 87-017, a resolution superseding Resolution No. 86-058, adopting revised policies and procedures for the administration of Developer Rural Special Improvement Districts, as per the Comprehensive revised policy attached to the Resolution; and is subject to annual review from the date of adoption.

FEBRUARY 23, 1987 (continued)

Agreement

Acting Chairman Evans signed an Agreement between the State Department of Health and Environmental Sciences and Missoula County for the purpose of establishing a testing and counselling service center to assist in arresting the spread of Acquired Immune Deficiency Syndrome (AIDS), as per the terms set forth, through August 31, 1986, for a total payment to the Missoula City-County Health Department of \$11,660.00. The agreement was returned to Helena.

Agreement

The Board of County Commissioners signed an Agreement, dated February 9, 1987, between Teena S. Linderman (Capes), representative for the welfare liaison group, for the lease of an office located in the basement of the County Office Building at 301 West Alder Street in the City of Missoula and such furnishing as may be necessary including desks, chairs, dividers and phone, as per the terms set forth, for a term of one year from January 1, 1987, through December 31, 1987, for the purpose of allowing an experimental advocacy/liaison office to operate in the hopes that it may foster more understanding and less confusion between those seeking assistance through the Missoula Welfare Office and those seeking to provide that service.

Contract Amendment

The Board of County Commissioners signed an Amendment to the Professional Engineering Services Contract for the Project RSID #422 between Missoula County and Stensatter, Druyvestein and Associates amending the original agreement dated November 5, 1986 regarding payments for basic services of the Engineer as follows:

The Owner shall pay the Engineer for basic services performed under Articles 1A through 1G of this Agreement, a basic fee of \$18,000 with progress payments as herein described.

1. no change
2. no change
3. Final payment in the amount of \$3,096.00 shall be withheld until monumenting of the right of way is completed. This monumentation is to be completed within one month after completion of road construction of Gleneagle Way. Failure to perform monumentation by the Engineer will result in the forfeiture of this final payment to the Owner.

The Amendment was returned to John DeVore, Operations Officer, for further handling.

Subordination Agreement

The Board of County Commissioners signed a Subordination Agreement, dated February 19, 1986, between USA McDonald Corporation, formerly Millwood Systems, Incorporated, (Mortgagor), and the County of Missoula, (Mortgagee), whereby the Mortgagee acknowledges Mortgagor is obtaining long-term financing for expansion of production at the Norco furniture manufacturing plant, and that the mortgage serving the mote in favor of the Mortgagee shall be subordinated to the mortgage held by the Development Corporation of Montana; and shall also be subordinated to the mortgage held by Montana Community Finance Corporation. The agreement was returned to John Kellogg in the Community Development Office for further handling.

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FEBRUARY 24, 1987

The Board of County Commissioners did not meet in regular session; Commissioner Dussault was in Helena at the Legislative Session.

Monthly Report

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

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FEBRUARY 25, 1987

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

Audit List

Commissioners Dussault and Evans signed the Audit List, dated February 25, 1987, pages 9-31, with a grand total of \$58,030.34. The Audit List was returned to the Accounting Department.

Monthly Reports

Acting Chair Dussault examined, approved and ordered filed the monthly reports for Justices of the Peace David K. Clark and Michael D. Morris, for collections and distribution for the month ending September 30, 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 #4 (1/25/87 through 2/07/87) with a total Missoula County payroll of \$345,639.21. The transmittal sheet was returned to the Auditor's Office.

Budget Transfer

The Board of County Commissioners approved and signed Budget Transfer No. 870039, a request from the Superintendent of Schools to transfer \$106.64 from the Inservice Account to the Testing Account as they didn't allow enough money last year for the increase, and adopted it as part of the FY '87 budget.

Contracts

The Board of County Commissioners signed professional services contracts between Missoula County and Susan R. Thomas, RN, and Randi Burnham, RN, independent contractor for the purpose of providing health care services as required in the Missoula County jail for the care and keeping of inmates incarcerated therein; as per the terms set forth, for the period from February 1 1987, through January 31, 1988, for two hours per day, with payment not to exceed \$12.50 per hour.

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

FEBRUARY 25, 1987 (continued)

Luncheon Meeting

At noon, Commissioner Dussault spoke to the members of AMACAP (Alliance of Missoula County Aging Programs) at their meeting held at Missoula General Hospital.

PUBLIC MEETING

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

Bid Award-Five 4-door Sedans-Police Package (Sheriff's Department)

Background information provided by T. Gregory Hintz, Undersheriff, indicated that Missoula County let bids for five 1987 police package patrol vehicles for the Sheriff's Department to be delivered on or after July 1, 1987, and to be paid for out of FY '88 capital funds from the Sheriff's Department. Bids were requested to be let on or before March 1, 1987 at the request of Karl Tyler Chevrolet so that they could bid 1987 vehicles. Because of that early date, Grizzly Lincoln could not bid 1988 models, and could not wait to collect payment on 1987 models as they would be delivered fairly soon if the bid was awarded to them.

The bids were to be opened on February 23, 1987 and no bids were received except for Bitterroot Ford which was hand carried by Mr. Devlin. In order to better evaluate the actual fiscal impact against the FY'88 budget for the Sheriff's Department, Mr. Hintz asked for time to compare Bitterroot Ford's bid against others, which he was guaranteed would be bid by the two other dealers, if bids are let by May 1, 1987. His recommendation was to reject the bid from Bitterroot Motors, and that the bidding process be redone May 1st, 1987.

Barbara Evans asked Deputy County Attorney Mike Sehestedt if it was true that Bitterroot Ford met the requirements of the bid specs, the Commissioners would have no reason to reject that bid.

Mike Sehestedt said the Commissioners could always reject all bids. It was his understanding that what was being said here was that by the County's timing, a non-competitive situation was created, and that the best interests of the County would be served by redoing the bids at a later date. He said the answer to the question of can the Commissioners reject all bids is "yes". The answer to the question of should the Commissioners reject all bids is a matter to be determined between the Commissioners and the affected department.

Barbara Evans said that her assumption is that if the bids are rejected and then asked for other ones, that would put the bidder who had responded out of the bidding process due to time frames they work with.

Mike Sehestedt said he knew nothing about that, but he is surprised that the County is bidding the Sheriff's cars so early.

Barbara Evans said she did not want to be unfair.

Mike Sehestedt said he could see where it would be disadvantageous to have someone's bid laid out on the table and then to have a rebid process. Historically, the County tries to avoid this, and when this has happened for construction projects, for example, the County usually winds up with lower bids across the board.

FEBRUARY 25, 1987 (continued)

Barbara Evans moved and Ann Mary Dussault seconded the motion that since no one from the Sheriff's Office was in attendance, action on this item should be postponed until next week, so the Commissioners could talk to someone from the department. The motion passed on a vote of 2-0.

Bid Award-Road Sanding Material (Surveyor)

Information provided by Horace Brown, County Surveyor, indicated that bids were opened February 23, 1986 for 11,000 tons of road sanding material to be used to sand winter roads. Bids were received from:

Janney Construction Co.	\$106,150.00
L.S. Jensen & Sons	36,850.00
Riverside Contracting, Inc.	31,900.00
Western Materials	31,900.00
American Asphalt	45,430.00

The staff recommendation noted that there was a tied bid between Riverside Contracting, Inc., and Western Materials. The sources are the same and everything else seems equal. Therefore, as the County has a history of dealing with Western Materials and Riverside Contracting is a new bidder, the recommendation is to award the bid to Western Materials for 13,000 tons. The money is in the road fund, and the fiscal impact is \$37,700.00 for 13,000 tons.

Mike Sehestedt said that when Horace Brown talked with him about how to break a tie bid, it seemed inappropriate to cut cards or flip a coin. The County bidding laws say, "the lowest and best responsible bidder". The court has agreed with that policy, and there is no problem with the Surveyor's Office determining the best responsible bidder the way that they had.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid for 13,000 tons of road sanding material to Western Materials in the amount of \$37,000. The motion passed on a vote of 2-0.

Bid Award - Plant Mix Aggregate (Surveyor's Office)

Information provided by Horace Brown, County Surveyor indicated that bids were opened February 23, 1986 for 3,500 tons of paving aggregate. Bids were received from:

Western Materials	\$11,165.00
American Asphalt	14,910.00
Riverside Contracting Inc.	14,840.00
L.S. Jensen & Sons, Inc.	14,350.00

The recommendation was to award the bid to Western Materials for 4,375 tons of plant mix paving aggregate. The fiscal impact is \$13,956.25.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid for 4,375 tons of plant mix paving aggregate to Western Materials in the amount of \$13,956.25. The motion passed on a vote of 2-0.

It was noted that by buying a larger amount of plant mix paving aggregate and road sanding material than the bid specs called for, the County would be saving money, as the price was much lower this year than in the past. The law allows the Surveyor a certain percentage leeway in determining how much to buy.

FEBRUARY 25, 1987 (continued)Bid Award - Crushed Cover Aggregate Stone Chips (Surveyor)

Information provided by Horace Brown, County Surveyor, indicated that bids were opened February 23, 1987 for 7,000 tons of stone chips material. Bids were received from:

Western Materials	\$70,000.00
American Asphalt	68,880.00
Janney Construction Co.	72,450.00
Riverside Contracting Inc.	50,330.00

The recommendation was to award the bid to Riverside Contracting Inc. for 7,000 tons of stone chips material.

Horace Brown said that as the bid for crushed stone chips is \$1330.00 over the \$49,000.000 budgeted, there is a need to transfer money from the Aggregate (70 Fund) and from the Sand (Road Fund) to the Chips Fund to cover the differences.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid to Riverside Contracting, Inc., for 7,000 tons of stone chips in the amount of \$50,330. The motion carried on a vote of 2-0.

Decision: Abandonment of a portion of road in Sections 8, 9, 16 and 17 T14N., R20W., in the Meadows of Baron O'Keefe

The hearing on this issue was held February 11, 1987. As prescribed by state law, Commissioner Barbara Evans and County Surveyor Horace Brown inspected the property following the hearing.

Barbara Evans moved and Ann Mary Dussault seconded the motion to abandon a portion of road in Sections 8, 9, 16 and 17, T14N., R20W., in the Meadows of Baron O'Keefe. The motion passed on a vote of 2-0.

Hearing: Request to Abandon Westerly 15 feet of Kemp Street (Carline Addition-Block 25 Lots 1 & 32)

Information provided by Donna Cote, Recording Section Supervisor indicated that the owners whose property abuts the street in this particular area would like to have the street abandoned because it will allow an existing cinderblock structure to be removed from the County right-of-way for Kemp Street. Title to the property in this area is vested in the following persons:

Robert J. Rangitsch (Lot 1)
2900 Humble
Missoula, MT 59801

John H. Doyle (Lot 32)
3705 Paxson
Missoula, MT 59801

Contract Purchaser to Lot 32
Edwin P. & Rose C. Kopische
2200 Benton
Missoula, MT 59801

Additional persons who may be affected by the petition and/or have been notified of the hearing are:

J.G. & Hazel M. Crum (Lot 16 Block 26)
1901 So. 7th West
Missoula, MT 59801

Contract Purchaser to Lot 16 Block 26
K-W Investments
600 City Drive
Missoula, MT 59801

FEBRUARY 25, 1987 (continued)

Bernice H. Schmautz (Lot 17 Block 26)
108 Pattee Creek Drive
Missoula, MT 59801

Joan B. Newman, Deputy County Attorney
Horace Brown, County Surveyor
Missoula Rural Fire District

The Notice of Hearing was published in The Missoulian on February 15, 1987.

It was noted for the record that Mr. John Doyle, 3705 Paxon came into the Commissioners Office on Monday, February 23, 1987 and said he would be unable to attend the hearing, but he was in complete agreement with the abandonment and had no problems with the vacation.

The hearing was opened for public comment.

Bill Grover of Halverson Realty, representing the sellers of the property. He said about three months ago, he received a buy-sell agreement from some prospective buyers of the property, but upon further investigation, it was found that the property encroached on the right-of-way and that information caused the sale to fall through. If the 15 feet of the right of way Kemp Street between Sussex and Central is abandoned, it will make the subject property saleable and allow the present owners to realize their retirement plans. It will also allow a new tax-paying business to be established in Missoula County. If the abandonment is not granted, the present owners will have to rent the property out, as nobody wants to be the last party to own a building that encroaches on the County right of way. The owners would rather sell than rent because of past rental experiences. The owners are a 65 year old retired gentleman, and his 55 year old paraplegic wife who requires constant care from her husband. They live in a double-wide trailer and are on limited income. The building is now empty, and the owners are making payments on their contract as well as the taxes and insurance. This is out-of-pockets funds which greatly diminishes their retirement income. This abandonment will not alter any existing structures, and will merely give approval to a situation that already exists.

Bob Holm of the County Surveyor's Office, said Kemp Street is currently designated a minor collector. It was so named and designated when the Southwest Neighborhood Strategy Area was created in 1978. It is meant to serve a dual purpose; to provide access to the adjacent properties, and also to carry traffic to the area arterial roadways - in this case, South Avenue and Reserve Street. During 1980-81, the roadways in that area were improved, paved, and curb and gutter were installed. The possibility exists that sometime in the future, the widening of Kemp Street, because it is a collector, may exist. The complete length of this roadway may not have to be widened, but he wanted the Commissioners to at least consider the fact that it may have to be widened sufficiently to provide turn bays at South Avenue, one block away. At the very least, sometime in the future, sidewalks may be required along Kemp Street and other streets in that area. And provisions must be made to accommodate both existing and future utilities. Currently, the eastbound traffic on Sussex, at the intersection with Kemp, must stop for the stop sign, then the vehicle must creep forward far enough to see the southbound traffic on Kemp. The intersection site distance is totally blocked by this building that encroaches on the right-of-way. He said Missoula County has considered vacation of portions of right-of-ways in this neighborhood and others in the past, some times these haven't been granted, but most have. What is being proposed for the remaining portion of the right-of-way, if 15 feet is subtracted from the 80 foot right-of-way, would leave

FEBRUARY 25, 1987 (continued)

65 feet, only 25 of that is on the westerly side of the roadway, which does not give enough room to provide for the potential future widening of that street; does not give enough room to provide sidewalks along that side of the street; nor to provide for existing or future utilities. The intersection site distance is blocked; the structure is within the existing right-of-way; and he recommended that the Commissioners do not allow this vacation to take place.

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

Ann Mary Dussault noted that the County Surveyor and a County Commissioner were required by law to review the property before a decision is made. She said she would accompany Horace Brown, County Surveyor on the site inspection.

Ann Mary Dussault asked Bob Holm how this building came to be constructed so that it encroached on the right-of-way; should it have occurred, and should the owners have obtained an encroachment permit.

Bob Holm said that possibly an error was made when the building was constructed. He said the property owners should have hired a surveyor to determine where the limits of their property is. Why or when it happened, he did not know. He said he didn't know when the building was constructed. He said he had looked at the area briefly, then formulated his comments according to that visit. He said there is a possibility that an encroachment permit does exist for that ground and for that building. That permit, if it exists, may have some time limit to it. If one exists, fine, but he did not want to see the Commissioners limit themselves to what could or could not be done in the future. There are enough problems already concerning right-of-way all over the County.

Ann Mary Dussault asked Mr. Grover if he knew when the building was built and if an encroachment permit was issued.

Bill Grover said he did not believe that an encroachment permit was ever issued. The building was built in 1967 and has been sold three or four times in that period. In 1976, the area was zoned CR-2, and in 1982, new curbs and a 40 foot paved street. were finished. He gave the Commissioners a picture of the building, showing the encroachment. He said that if Kemp is going to be made into a main thoroughfare, that the County could take the existing streets rather than use taxpayers money to widen streets. He suggested using Johnson for one-way, and Kemp for the other way; having one way-streets going each direction.

Barbara Evans asked Joan Newman if it was necessary to inspect the property if the Commissioners felt up-front that they would not be inclined to vacate the property.

Joan Newman said her understanding of the statute is that an inspection is required.

Ann Mary Dussault said the Commissioners would postpone action until after the inspection was made.

Hearing: Certificate of Survey Review-Occasional Sale (Jon Cates)

Joan Newman, Deputy County Attorney said this was a request by Jon Cates for approval of an Occasional sale exemption for Tract 76 in the Meadows of Baron O'Keefe.

Tract 76 is approximately 20 acres, or a little more, and the proposal is to divide it into approximately a seven-acre parcel

FEBRUARY 25, 1987 (continued)

and a 12 or 13 acre parcel. Mr. Cates has done one previous occasional sale from property north of this tract, but that property isn't actually in the Meadows of Baron O'Keefe. This exemption affidavit is before the Commissioners for two reasons:

1. Settlement of the litigation regarding the Meadows of Baron O'Keefe requires that all subsequent divisions be reviewed by the Commissioners; and
2. Mr. Cates does have a previous sale exemption, and under the criteria, that would require Commissioner review.

The other exemption was taken in 1980, and the buyer wound up actually buying both the occasional sale and the remainder, and there have been no other exemptions by Mr. Cates.

She indicated the proposed sale on a map, and also indicated where the former sale had taken place. She said that Geneva Cates initially created the 20-acre parcels, both of which were deeded to Jon Cates. Parcel B was split at one point by a Certificate of Survey that bears the name of Tex Cates. She said the Assessor's office shows a record of the deed from Geneva to Jon, and the Certificate of Survey was done by Tex Cates, and the ownership search did not shed any light on that matter. Jon then sold Parcel A in 1981, so two larger parcels were created then. Both of those were eventually sold to the same party. She said some of the ownership is a little bit unclear to her, but Mr. Cates and Greg Martinsen were both in attendance and would be available to answer questions.

The hearing was opened for public comment.

Jon Cates said that on Tract A, which was originally 27 acres was his, and he had sold that to Dave Peterson, who had just wanted to buy part of it, so it was split and Peterson bought 17 acres then, and later, the other 10 acres. Regarding Tract B, Mr. Cates said he did own that, and he owns Tract 76, which is where his home is, and is the tract he is trying to split now. To get Tract 76, he traded it to Tex Cates and Ken Staniger for Tract B, which he now owns. Tex Cates and Ken Staniger took Tract B, and he, Jon Cates took Tract 76. He said his name may be on Tract B, but Tex Cates and Ken Staniger have the property. Last fall, in the settlement with the owners of Meadows of Baron O'Keefe, which were Tex Cates and Ken Staniger, he and his mother took back the remaining property. He said he was never part of the Meadows of Baron O'Keefe. He never had been and never will be. He said the property that he has and that his mother has is what they took back in the settlement, and he had never been involved in the Meadows of Baron O'Keefe in any way, shape, or form. The reason why Tract B is split is because Tex Cates and Ken Staniger have it. He said he had signed it over to them, but they hadn't ever filed it, for unknown reasons. He said he did end up getting it back in the settlement last fall.

Barbara Evans said she hated these processes, because the law expects the Commissioners to have a crystal ball. One of the things they are supposed to determine in deciding whether to grant these certificates of survey is whether or not the person is deliberately trying to evade the subdivision law. She asked him to tell her why she should not believe that is what he is doing.

Jon Cates said he took back part of the Meadows of Baron O'Keefe with his mother, which he was never a part of, and he has his own life and his own business, but when that happened, he also assumed their tax problems on the property which were delinquent. He said they had made a big payment on those back taxes in October or November, and another payment is due. By selling off

FEBRUARY 25, 1987 (continued)

part of his property, he can help meet those tax problems, and help meet some of the liens which were created by Tex Cates and Ken Staniger. That is the only reason he is selling this tract; to meet some of his financial obligations to the County and other people who have filed liens against them.

Barbara Evans asked if he intended any further splits of land.

Jon Cates said he did not want to say "never", but he has never been involved with the Meadows of Baron O'Keefe. He is just trying to solve the problems that he had to assume. He said he did not intend to make another split; he did not originally intend to do this one, but now, because of the situation they had put him in, he has had to make this sale.

Barbara Evans said she did not personally wish to visit the sins of the fathers or the brothers or whoever else onto Jon Cates, and she did not believe, personally, that he was intending to evade the subdivision act.

Barbara Evans moved that the occasional sale exemption be approved, and to allow the Certificate of Survey to be filed.

The motion died due to a lack of a second.

Acting Chair Ann Mary Dussault said that it was obvious that action on this matter would have to be postponed until Commissioner Janet Stevens returned. She said she would like to explain to Jon Cates why she was not supporting the motion. She said she was not intending to hold him responsible for the behavior of his brother; she would not want to be held responsible for the actions of her five sisters, nor they for her, but it is her belief that the Meadows of Baron O'Keefe is an illegally created subdivision, regardless of who did it. It was her belief that the County should have litigated that issue and not settled, and she had chose not to be a party or a signer to most of the settlement documents. Furthermore, she said she believed that the County had gone to some trouble to try to simplify the subdivision process, to take care of some of the honest and legitimate concerns of people who had to go through that process and jump through what they thought were too many hoops. She said she believed that the simple lot subdivision process, as it has been changed, should not be a barrier to him in going through that process; so there is a clear and logical alternative here that he can avail himself of. Given the history of this area, and the fact that he has used the occasional sale before, even though it was on a different parcel, she was not able to support the motion.

Action was delayed for two weeks to allow Commissioner Stevens an opportunity to be present when the decision is made.

Hearing: Certificate of Survey Review-Occasional Sale Exemption (Walter Vannoy)

Joan Newman said Walter Vannoy is requesting to create a 5 acre occasional sale parcel from the SE 1/4 Section 35, T15N., R14W. along the Blackfoot River, east of Clearwater Junction near the County line. The request is being referred to the Commissioners for review because Mr. Vannoy has previously done two occasional sales, 5 acres each, one in 1978, and one in 1979. Also last year, Mr. Vannoy did a twenty acre parcel near this same tract, which he gave to his daughter and husband. The three occasional sales would be basically all in a row with access from a county road. She showed the area in question on a map.

FEBRUARY 25, 1987 (continued)

Walter Vannoy said the County road would provide access. He said he bought this property several years ago from the Fish and Game Department, and they maintained another 60 foot easement for public right-of-way. He showed the accesses on a map and said the reason he is selling now is due to a request from the Fish and Game Department. They have a man who is to take the place of their former Boyd Ranch Game Manager, but due to Federal Government Regulations, he can no longer live on the Boyd Ranch, so the department has to find a place in that vicinity for him to live, and there aren't any. He said he was approached about selling this property, and felt that if it was legal, he would sell the department some land to put a trailer on.

Tom Greenwood, from the Department of Fish, Wildlife and Parks, said there has been a policy in that department to remove people and residences from existing game ranges. Those areas were originally bought with assistance from the Federal Government for winter game ranges for deer and elk. They believe that by having people reside on those game ranges, the department is not living under the full extent of their law, so the Government has asked the department to no longer allow people to reside on these properties. The department feels these properties are state-owned, but nonetheless, the Federal Government helped to procure them with their funding, and still hold many of the purse strings. Consequently, the department cannot furnish the employee with housing on the game range. So they are looking for other private properties within the vicinity for him to live. He said properties are not readily available in this immediate area, mainly because they are larger ranch holdings.

Ann Mary Dussault asked if it was the intent of the Department of Fish, Wildlife and Parks to purchase this property.

Tom Greenwood said no, the individual who works for the department will own it personally. The department is saying to this individual that he has to live in this vicinity, but he has to find his own accommodations. He said the individual has been trying unsuccessfully for some time to find a residence in the area.

Walter Vannoy said this property will not be taken off the tax roll; it will be improved and will generate more taxes than it does now.

Ann Mary Dussault asked Mr. Vannoy if he had transferred the deeds to his daughter and son in law when he had given them their land.

Mr. Vannoy answered in the affirmative.

Barbara Evans moved and Ann Mary Dussault seconded the motion to grant approval to Walter Vannoy for an occasional sale of the SE 1/4 Section 35, T15N., R14W for the following reasons:

1. There is no evidence of any attempt to evade the Montana Subdivision and Platting Act; and
2. Mr. Vannoy was approached by the Department of Fish, Wildlife and Parks, who, under their particular circumstances, needed a residence in the area, and Mr. Vannoy was only responding to their request when he agreed to sell the property. There is no intention to create any series of parcels for sale, even though there have been two previous occasional sales within the past ten 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;

FEBRUARY 25, 1987 (continued)

nor does this approval obligate Missoula County to provide road maintenance or other services."

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

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FEBRUARY 26, 1987

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

Daily Administrative Meeting

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

Audit Letter

The Board of County Commissioners signed a letter to the Auditor's Office acknowledging receipt and review of the Audit of the Elections Office receipt system for the period from January 1, 1984, through January 30, 1987.

Budget Transfer

The Board of County Commissioners approved and signed Budget Transfer No. 870040, a request from Court Operations-Indigent Legal to make internal shifts in the Indigent Legal Budget, as per the attachment to the transfer in the budget office file, and adopted it as part of the FY '87 budget.

Other Matters Included:

1. The Commissioners denied the request from the Sheriff's Department to open two external bank accounts for the Victims Assistance Conference to be held on March 26 and 27th and for the Western States Crime Conference which will be held May 3-6, 1987;
2. The Board also denied the Sheriff's Department request that the revenue from the taxation of alcoholic beverages be designated for the Sheriff's Department as revenue for the continual funding of the DUI enforcement program and for the enforcement of the minimum age drinking law.

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

Luncheon Meeting

At noon, Commissioner Evans attended the Exchange Club Law Enforcement Officer of the Year presentation luncheon.

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FEBRUARY 27, 1987

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

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

* * * * *

MARCH 2, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Stevens was on vacation March 2nd and 3rd.

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 signed:

Resolution No. 87-018

The Board of County Commissioners signed Resolution No. 87-018, a budget amendment for FY '87 for Youth Court, including the following revenues and expenditures and adopting it as part of the FY '87 budget:

<u>Expenditure</u>	<u>Budget</u>
2180-340-411840-206 Office Supplies	\$230
2180-340-411840-301 Postage	20
2180-340-411840-321 L.D. Phone	50
2180-340-411840-358 Contracted Services	1200
2180-340-411840-945 Cap. Office (Computer)	3500
	<u>\$5000</u>
<u>Revenue</u>	<u>Revenue</u>
2180-340-333015	\$5000
Board of Crime Control BCC Grant- Research of Screening Procedures for Youth	

Resolution No. 87-019

The Board of County Commissioners signed Resolution No. 87-019, a budget amendment for FY '87 for District Court Operations, including the following revenue and expenditures and adopting it as part of the FY '87 budget:

<u>Expenditure</u>	<u>Budget</u>
2180-065-411840-111 Permanent Salary	\$9,758.00
2180-065-411840-141 Fringe Benefits	2,166.00
2180-065-411840-214 Computer Supplies	425.00
2180-065-411840-328 Contracted Service	-0-
2180-065-411840-945 Capital-Office Equipment	3,500.00
Total	<u>\$15,849.00</u>
<u>Revenue</u>	<u>Revenue</u>
2180-065-331010 Crime Control Grant	\$15,849.00
#86-15588	

Contracts

The Board of County Commissioners signed Professional Services Contracts between Missoula County and the following independent contractors:

1. Missoula Indian Alcohol & Drug Services for the purpose of providing appropriate outpatient alcohol treatment services in

March 2, 1987 (continued)

Missoula in compliance with laws, regulations, and procedures applicable to Montana State approved alcohol programs as per the terms set forth, for the period from February 1, 1986, through June 30, 1987, for an amount not to exceed \$10,000.

2. Robert Swisher, for the purpose of providing pre and post testing HIV counseling to individuals in the Outpatient Clinic following Health Department and CDC Guidelines, as per the terms set forth, for the period from March 4, 1986, through June 30, 1987, for a total amount not to exceed \$600; and

3. Dynamic Concepts, for the purpose of having Don Chugg conduct seven planning sessions with the Health Department, facilitating discussions leading to the formulation of Department and Division mission statements for Environmental Health, Health Services and Health Education, as per the terms set forth, during the period from March 1, 1987, through May 15, 1987 for a total amount not to exceed \$1,575.00.

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

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MARCH 3, 1987

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

Site Inspection

In the morning, Commissioner Dussault accompanied County Surveyor Horace Brown for a site inspection on the request to abandon the Westerly 15 feet of Kemp Street located in the Carline Addition.

Daily Administrative Meeting

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

Agreement

Acting Chair Dussault signed an Agreement between the City of Missoula; the County of Missoula; the Montana Department of Health and Environmental Sciences; Northern Region, USDA, Forest Service; and Mountain Water Company, Missoula, Montana for the purpose of protecting the quality of water in the Rattlesnake Drainage, a municipal watershed, as per the terms set forth in the Agreement. The Agreement was returned to Jim Carlson in the Health Department for further signatures and handling, as the Health Department is representing the County in this process.

Other matters included:

The Board of County Commissioners approved a request from Dan Cox, Budget Officer, to have Cindy Klette, Management Analyst, do some budget analysis work for him.

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

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MARCH 4, 1987

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.

Audit List

Commissioners Evans and Dussault signed the Audit List, dated March 3, 1986, pages 8-35 with a grand total of \$69,279.91. 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:

Audit Letter

The Board of County Commissioners signed a letter to the Auditors Office acknowledging receipt and review of the audit of the Superintendent of Schools Office for the period from July 1, 1985, through June 30, 1986. The Audit was forwarded to the Clerk and Recorder's Office for filing.

Proclamation

The Board of County Commissioners signed a Proclamation designating the Month of March, 1987 as "Women's History Month", and calling upon the people of Missoula County to observe the month with appropriate ceremonies and activities.

Budget Transfers

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY '87 budget:

1. No. 870041, a request from the Surveyor to transfer \$3,952.00 from the Capital-Vehicles account to the Sand Account to cover a shortage in the sand and chips bid;
2. No. 870042, a request to transfer \$2,500.00 from the Financial Administration Contingency Account to the Auditor's Capital-Technical Equipment Account for the purchase of a microcomputer;
3. No. 870043, a request to transfer \$3,500.00 from the Financial Administration Contingency Account to the Treasurer's Office Capital-Technical Equipment Account for the purchase of a microcomputer;
4. No. 870044, a request from the Accounting Department to transfer \$3,300.00 from the Contracted Services Account to the Capital-Technical Equipment Account to purchase another microcomputer and automate the RSID system in-house.
5. No. 870045, a request to transfer \$10,000.00 from the Financial Administration Contingency Accounts to the General Services Capital-Remodeling which is a carryover from FY '86 for systems furniture for Justice Court.

MARCH 4, 1987 (continued)Resolution No. 87-020

The Board of County Commissioners signed Resolution No. 87-020, a budget amendment for Fy '87 for the Library, including the following expenditures and revenue, and adopting it as part of the FY '87 budget:

<u>Expenditure</u>		<u>Budget</u>
2220-410-460165		\$10,000
Postage -	301	\$350
Printing/Litho	311	1,350
L.D. Phone	321	200
Cont. Services	328	650
Books, Res. Mat.	361	1,861
General Training	364	600
Furniture	951	800
Books/AV Mat.	960	4,189

<u>Revenue</u>	<u>Revenue</u>
2220-410-333085	\$10,000
Literacy Grant	

Change Orders

The Board of County Commissioners signed Change Orders for the following changes in the Agreements dated January 7, 1987, for improvements to the Clinton Community Center with the following contractors, which will be attached to the original agreements:

1. Valley Electric, to facilitate placement of one window, relocate conduit, adding \$45 to the contract sum;
2. Eric's Custom Carpentry, to facilitate placement of one window, remove and reinstall two sheets of sheetrock, adding \$40 to the contract sum;
3. Bob's Hellgate Plumbing, to remove existing leaking outside faucet, cap-off pipe, replace cracked toilet in bathroom with toilet designed for public use, adding \$142.00 to the contract sum; and
4. Consolidated Floors to securing particle board to sub-floor prior to installation of linoleum, adding \$70 to the contract sum. The change orders were returned to John Kellogg for further handling.

Other Matters Included:

1. The Commissioners gave approval to Health Department Personnel to pursue options with Budget Officer, Dan Cox, regarding financing/borrowing for the Junk Vehicle Lot; and
2. Dennis Lang's request to hire a temporary employee in the WIC program at the Health Department was approved by the Board.

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

PUBLIC MEETING

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

MARCH 4, 1987 (continued)Bid Award-Construction Contract for RSID #420 (Street Improvements-Gleneagle at Grantland)

Information provided by John DeVore, Operations Officer indicated that there were five bids received for the installation of improvements delineated in the scope of work for RSID #420 as follows:

Nelcon	\$119,021.90
Riverside Contracting	121,780.25
Western Materials	87,749.65
L.S. Jensen	86,764.25
American Asphalt	94,917.30

The recommendation from Mr. DeVore was to award the contract to L.S. Jensen and Sons contingent upon sale of bonds.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to award the Construction Bids for RSID #420 to L.S. Jensen and Sons in the amount of \$86,764.25, contingent upon sale of bonds. The motion carried on a vote of 3-0.

Bid Award-Bonds for RSID #420 and #422

John DeVore said the County was a negotiated sale for these two bonds, and he did not have a firm bid to submit to the Board of County Commissioners.

Barbara Evans moved and Ann Mary Dussault seconded the motion to postpone action on the Bond Bids for RSID #420 AND #422. The motion carried on a vote of 3-0.

Bid Award-RSID #422-Construction Contract-Paved Access Road (Gleneagle at Grantland)

Information provided by John DeVore, Operations Officer, indicated that five bids were received for the installation of improvements delineated in the scope of work for RSID #422 as follows:

Nelcon	\$155,742.80
L.S. Jensen	149,039.85
Riverside Cntrot.	187,538.85
Western Materials	121,875.50
American Asphalt	150,200.49

The recommendation from Mr. DeVore was to award the bid to Western Materials contingent upon the sale of bonds.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bids for a Construction Contract for a Paved Access Road in Gleneagle at Grantland to Western Materials in the amount of \$121,875.50 contingent on the sale of bonds. The motion carried on a vote of 3-0.

Bid Award-5 Patrol Cars for the Sheriff's Department

Information provided by T. Gregory Hintz, Undersheriff, indicated that Bids for five (5) patrol cars for the Missoula County Sheriff's Department were to be opened at 10:00 a.m. on February 23, 1987. There were no timely bids received prior to the bid opening.

The recommendation from Mr. Hintz was to readvertise the bids at a later date.

MARCH 4, 1987 (continued)

Ann Mary Dussault moved and Barbara Evans seconded the motion to readvertise for bids for five patrol cars for the Sheriff's Department at a later date. The motion carried on a vote of 3-0.

Decision: Request to Abandon Westerly 15 Feet of Kemp Street (Carline Addition)

Ann Mary Dussault noted that the hearing on this petition was held one week ago, and subsequent to that meeting, she and County Surveyor Horace Brown inspected the property. She showed the area to the other Commissioners on a map which Horace Brown supplied.

Horace Brown said that on Kemp Street there is a building that encroaches 13 feet into the right-of-way on the west side of the street, and almost a block north of that, there is a building on the east side of the street that encroaches by 7 feet. So those are the only encroachments on that street to Mount. On Kemp Street South of Mount, 10 feet on each side of the street has already been vacated to make it a 60 foot right-of-way. He said if the Commissioners vacate 13 feet of the requested area, the right-of-way would be 67 feet wide.

Ann Mary Dussault said it would be her recommendation that the Commissioners not approve the abandonment of the 15 feet, but do abandon 13 feet.

Barbara Evans moved and Ann Mary Dussault seconded the motion to grant approval of the abandonment of 13 feet of Kemp Street in the Carline Addition, block 25, lots 1 & 32 because it is obvious after the inspection that the County would still have adequate right-of-way if the streets were enlarged, however unlikely that may be. The motion passed on a vote of 3-0.

Consideration and Approval of a Resolution Accepting Master Plan Update and Noise Compatibility Program for the Missoula County Airport.

Russ Pankey, Airport Director, said he would like to remind the Commissioners that two public hearings have been held on this plan, March 18, and April 29 of last year, and now it is necessary for the Board of County Commissioners to approve and adopt the plan, and implement the 8 items within the plan as quickly as possible. In order to complete the grant, the Master Plan update and the Part 150 Noise Study was done under a Federal Grant; approved by the Airport Authority, and now awaiting concurrence by the Board of Commissioners to justify and satisfy the FAA.

Ann Mary Dussault moved and Barbara Evans seconded the motion to adopt and accept the Airport Master Plan Update and Part 150 Noise Study. The motion passed on a vote of 3-0.

Earl Pruyn said he would like to ask a question as the matter had been voted on before he could speak. He said he assumed that this Master Study covered the effluent from the airport.

Russ Pankey said some maps had been displayed at the public hearings that dealt more specifically with the compatibility of the airport and land around the airport; with development of the airport and how it affects that land; and within the context of the Part 150 Noise Study, it gives the County eligibility for Federal Funds for the purchase of land for the purpose of compatible noise use around the airport.

Earl Pruyn asked if this had anything to do with the drainage of the airport.

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Russ Pankey said yes, it would, indirectly.

Earl Pruyn asked what he had done with the end of the drain tiles at the east end of the airport. He asked if they were going to be dumped.

Russ Pankey said he was not sure if a specific plan for that had been developed at this time.

Earl Pruyn said as it presently is, he would presume that it leaves the airport property in the form of a concrete tube, and there is no care taken of that material beyond that point. It is just dumped on the adjacent landowner.

Janet Stevens said this was not a public hearing, the Commissioners have decided on this action; the action has been taken; the resolution will be signed; and he had had plenty of opportunity to discuss this with the Airport Authority and the Commissioners prior to today, and he would have plenty of opportunity to talk with Mr. Pankey after the public meeting.

Hearing: RSID #419, Proposed South Hills Drainage Project

John DeVore, Operations Officer, said Missoula County has been working on the South Hills Drainage Project, particularly Phase I since 1979. Since that time, the County has expended nearly \$230,000, which paid for two engineering studies of the situation with recommended alternatives to resolve the problem, as well as the purchase of right-of-way and easement for the proposed drainage pipeline. During that time, the County presented two options to the residents of the area; one is a proposed swale or open ditch system to handle the runoff which was rejected by the residents. The alternate plan, which the neighborhood seemed to accept, was a closed pipe system, which is being proposed within the context of RSID #419. In terms of putting the cost together, he had worked with the County Surveyor, as well as looking at the two engineering studies that were done. That information led his department to project an estimated cost of the project of \$988,400.00. Up until 1985, the Missoula County Commissioners were unable to create or propose an RSID for financing a solution to this problem. The reason was that within the geographic area of the proposed RSID, approximately 75% of the land area is within the city limits of Missoula, and 25% of the land area is within Missoula County. Until the 1985 legislative session, there was not an option to have a joint city-county RSID. Since that was made allowable in 1975, the Missoula County Commissioners have met with residents of the area and that led up to the 1986 feasibility study of creating a RSID to finance the improvements. The Commissioners, the Planning Staff, and officials from the City of Missoula looked at several different methods of assessing the costs back to the residents. What was ultimately decided upon was to assess the cost back, based on taxable value of the land only, and not the improvements. In looking at the parcels within the proposed RSID, the majority of the subdivided land within the same area has the same taxable value. In spreading the \$988,400.00, the average cost came out to \$912 per landowner, or 5.7% of the taxable value, payable over a 15 year period. The interest rate has not yet been determined, because that would be bid at the time that the construction is bid. Right now, it looks like the bonds would sell for somewhere between 7 to 8 1/2% for the 15 year term.

He said that during the time that the project has been advertised, 45 letters of protest have been received. The protest on this particular RSID has to pass two tests, the County test and the City test. On the County side, 51% of those paying the cost of the RSID must protest before the district is stopped. On the city side, it would take 40% of the freeholders to stop

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the district. The staff recommendation is to create the RSID since the letters of protest that have been received are not sufficient to meet the legal requirements to prohibit the creation of the Rural Special Improvement District.

Janet Stevens said there may be people at the hearing today opposing the creation of the RSID, and she wanted to know if their oral protests would be added to the written protests.

Mike Sehestedt, Deputy County Attorney, said that the answer is "no". The time limit for written, legal protests ended Monday; however, it does not mean that comments are meaningless. The fact that there is not sufficient protest to bar the creation of this Special Improvement District does not mean that the Commissioners are, in fact, obligated to go forward with it. It means simply, that they may, at this point, if they deem it in the public interest to go ahead and create the RSID #419.

Fred Crisp, Engineer from the County Surveyor's Office, explained how the basic boundaries for this RSID were established, using two different engineering studies. Those studies both delineated the same drainage boundaries, using contour maps that shows how the watershed drains. Using those boundaries from the design phase of the project, two different criteria were applied to determine the boundaries of the RSID. The first one was that the property had to lie within the drainage boundary. Water that falls on certain property eventually ends up at one of the intakes of the Phase I System. Secondly, there were areas that have always experienced flooding problems, even though water which falls on that property does not make it to one of the intakes of the system; water that falls upstream from that property ends up in the front yard or the basement. So, those properties were included in the RSID too, because the system is going to intercept water before it gets to that property. So, using those two criteria, he said he went back over the contour maps of the drainage areas that were established in the design and drove and walked the largest part of the drainage areas; mapped them out, and the survey department applied legal descriptions to the boundaries, which are the legal descriptions included in the petition.

John DeVore said he would like to add the fact that the \$988,400.00 represents the maximum cost of the RSID. If there was a potential during the bidding process that the costs would exceed \$988,400.00, the County would then be required to go back out to the participants of the RSID to inform them that the costs were going to change. So, what was done when the costs were estimated was that not only the estimated costs of construction, but also inflationary factors were taken into account. He said he is reasonably sure that \$988,400.00 would be the maximum cost for the drainage project. He said Phase I includes only those properties that are within the proposed RSID which is being presented today. Phase II is a subsequent phase that will be done by the City of Missoula which will take care of the Pattee Creek Drainage, and those individuals in Phase I will not be assessed for Phase II.

The hearing was opened for public comment. Proponents were asked to speak first.

Minot Pruyn, 2640 Cardinal Drive said he was in favor of the RSID, but feels that the problem was caused by poor design and poor maintenance of roads and the drainage area. He said the tax increases will increase the property value and increase the quality of life in the area. He said the drainage problem, while it does not directly affect everyone, is the problem of everyone who lives in the South Hills area. He described some of the unsafe and unhealthy conditions during the flooding.

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Jan Pruyn, 2640 Cardinal Drive said she thought people were protesting this RSID for three reasons: (1) they were opposed to a tax increase, (2) they felt that the original developers should have paid for the problem, not the current residents, and (3) many of the residents of the South Hills area feel that they are not directly affected by the flooding, and would not get a direct benefit from the RSID. She said the small increase in her taxes would be offset by the increased value of her home, and to the benefits to the entire community.

Larry McLaughlin, 5606 Hillview, Ward 5 City Councilman, said he was speaking for both himself and Councilman Jack Reedy, the other representative from Ward 5. He said they were both in favor of the South Hills Drainage Project, but they had some reservations. One problem is with the financing of the project. In 1979, when \$230,000 was spent for the studies, the City went ahead with SID's which the County could not do, and drainage systems were put in Hillview Heights 1,2,3,4,5,6 & 7. He said those areas do have closed pipe systems with drainage systems and manholes. Those costs were paid for by the developers of those properties and passed on to the homeowners at the time the houses were bought, so these homeowners have already paid for a drainage system. The people below those areas, who live in the County, were not included in these SID's, and therefore did not pay for that project at all. Now the County has decided, and has been able to get the authority through the legislature to run an RSID for the rest of the properties and get the project finished. He said that was good, but the people who paid for the projects up above should not have to pay for the projects down below to the extent that they are being asked to do. He said he felt that the residents who lived up higher on the hill are being double dipped. He said both he and Jack Reedy support the project, and hope that it goes forward with some modification.

Jeff Langan, owner of Landell Video Real Estate said he had sold 19 properties in the South Hills area in the past twelve months, and in the last two years, and particularly last spring during the substantial run-off problems, people have said that they do not want to buy property in the South Hills because of water problems. That creates problems with the marketability and values of those homes. He said that this RSID is a positive step and will only increase the value of the real estate and the quality of life in that neighborhood.

Bill Thomas, 2513 Briggs said he was in favor of the RSID.

Bob Lovegrove, Mayor of the City of Missoula said that 10 months ago, a similar group of people met with City and County officials, and they were concerned with the drainage situation on the South Hills. He said that unfortunately, most of those people were unable to come to today's hearing. He said the drainage situation needs to be taken care of as it has been a constraint for development of that area; and has adversely affected many property values. This proposal has attempted to take into consideration some of the previous drainage cost aspects, and he didn't know if it could be modified at this time without going back to the residents. He said he, and the other residents of Missoula realize that this situation is not going to go away, it will be a perennial problem of varying magnitude, based on the weather. It is better to deal with the situation at the present time, rather than allow further development to occur and consequently increase the eventual costs that it will take to solve the situation permanently.

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No one else came forward to speak in favor of the RSID.
Proponents speaking were:

Lowery Risdahl, 2405 39th Street said he is within the RSID boundary by 24 feet. He has lived in his home for 23 years, and never had any threat of flood. He said he felt that he should not be included in the RSID, and that people that were included were victims of poor development.

Jim McDonald, 2235 East Crescent, said he sympathized with his neighbors at the bottom of the hill, but he felt that the RSID targets such a small group of people to absorb the cost of such a large project. He said the costs of the RSID should be passed on to the whole county.

Bob Rich, 5607 Hillview Way, said he had written one of the letters of protest, and if 50 letters of protest had been received, that comes to about 5% of the residents in that area, which is a significant amount. He said the flooding is a significant problem, but the method for financing the project is unfair and inappropriate.

Don Olson, 619 Highview, said he could sympathize with the people who experience flooding, but he, too, felt the method for financing was unfair. He said he would have to pay five times, as he has rental property in the area. He also objected to the boundary lines.

Louise Campbell, 4311 Gharrett, said that the problem started when the roads were built and lowered. She said the County road crews created the problems with the drainage.

Mike Anderson, 2526 Garland, said he, too, sympathized with the people who experience water problems; but his main objection was not the monetary aspect, but that he would not personally see any direct benefits from the RSID. He said the costs should be absorbed by the County. It is not smart to put in a bunch of houses and a bunch of streets and wonder later where the water is going to go. He said it was the County's problem, because they must have approved the building permits or the expansion of the area.

Jayne Snow, 2504 Highwood, said she doesn't have any flooding problems on her property, so she doesn't think she should have to pay for the RSID. She said when the roads were being built, she called the County Surveyor to look at how the road was being built incorrectly. He advised her to put a sump in, and that has taken care of any problems she may have had. She said she did not feel that she should have to pay for any people who are having problems.

Jim McDonald asked if there are any federal funds available to pay for this RSID.

John DeVore said that since 1979, the County has looked under every rock for federal funds, and there just are none.

Reg McDonald, a resident of East Vista, said that a year ago, when the flooding was so bad, he called the City Engineer's office, and talked with them about putting some retainer dams in Moose Can Gully, which he felt would alleviate the drainage problems. He suggested that the Commissioners look into this solution.

Jim Grant, 2412 Highwood Drive, said he was not opposed to the drainage project, but he is opposed to the method of funding. He said if this hearing were held in the evening, there would be many more people at the hearing. He said when he bought his

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property, he made sure that it would have no drainage problem; but he did not think the cost should be borne by the South Hills residents alone. He said the cause of the problem is frozen ground.

Laura Risdahl said she had no flooding on her property, and she feared that she would not live long enough to pay off the RSID.

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

Letters in support or opposition to the RSID are on file in the General Services Department.

Barbara Evans said that she lives in the district, and she is within 30 feet of the boundary, so she can feel for the gentleman who is 24 feet into the district. She said that 10 years ago, when she and her husband wanted to build their home, they started looking for land, and those lots were scarce. She was delighted to have found the land in the South Hills. She said she pays a couple of SID's, and in addition, she had water in her basement and then tore up her lawn, had a contractor come in and restructure her yard, which cost \$1,500, so she does not have drainage problems anymore. She said when she restructured her yard, she deliberately made it so that the water ran around her house, not in her yard, and it goes to the bottom of the hill. So, those people who live on the top of the hill are directly responsible, or contribute to the drainage problem. She said she will have to pay for this the same as the rest of the residents, and she will have paid three times. She said she feels that everyone is their brother's keeper. She said she has had problems getting to her house during flooding, and has helped fill sandbags. She said this is a problem that has to be taken care of, and she wanted the residents to know that by voting yes, she would be paying too.

Ann Mary Dussault said two kinds of issue have been raised. She would like to delay action on the issue for one week. First is the philosophic issue as to whether or not the costs should be borne by those essentially within the area or by all County residents. The technical issues, such as whether there is an option of dams on Moose Can Gully should be looked at too.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to postpone action on this issue for one week. The motion passed on a vote of 3-0.

Janet Stevens said that because the meeting was not held at night, residents were allowed to write in to protest. So, those other people that were unable to be at the meeting did have a chance to respond, through the mail and through phone calls.

Larry McLaughlin said that diversion flow dams have been talked about many times at City Council, and any future development that goes in up there will be required to have them. But they will have to go in above the existing developments, and nothing can be done with those that are already in, and they will not alleviate any of the current problems.

Ann Mary Dussault noted that the Commissioners were not delaying action so that next week, there will not be a room full of people. She said she is inclined to support this project as it is proposed, but she wants the technical issues which were raised resolved before that decision is made.

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

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MARCH 5, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault left for Helena to attend the Legislative Session.

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 Claudia Heights, a subdivision of Tract B-1, COS No. 3371, located in the NE 1/4 of Section 5, T.12N., R.19W., PMM Missoula County, with the owner-developer being Grant W. and Geraldine R. MacLay.

Plat

The Board of County Commissioners signed the plat for Lots 52-55 (a total area of 5.23 Acres) to Big Sky Lake Estates, a subdivision of Missoula County, located in Government Lot 1, Section 29, T.16N., R.14W., PMM, Missoula County, with the owner of record being Big Sky Lake Co.

Resolution No. 87-021

Chairwoman Stevens signed Resolution No. 87-021, a resolution accepting the Master Plan Update and Noise Compatibility Program for the Missoula County Airport and Implementation, as per the terms set forth, which is needed in order to finalize the airport's grant funding and to close the project.

Budget Transfers

The Board of County Commissioners approved and signed budget transfer No. 870046, a request from the Accounting/Recording Department to transfer \$800 from the Permanent Salaries Account to the Microfilm Services Account from the purpose of microfilming old index books, etc., and adopted it as part of the FY '87 budget.

Contract

The Board of County Commissioners signed a professional services contract between Missoula County and Dr. Jim Long, an independent contractor, for the purpose of providing health care services as required in the Missoula County Jail for the care and keeping of inmates incarcerated therein, to include performing normal examinations and diagnosis of the inmates of the Missoula County Jail, as per the terms set forth, for a trial period beginning March 4, 1987 for total payment not to exceed \$50 per hour.

Quitclaim Deed

The Board of County Commissioners signed a quitclaim deed from Missoula county to Missoula Community Hospital for a parcel of land containing 1.1 acres more or less, excepting the northerly 75.0 feet which is reserved for public road, described as follows:

A tract of land located in and being a portion of the NE 1/4 of Section 31, Township 13 North, Range 19 West, P.M.M. Missoula County. A check was received from Community Hospital for \$1,925.00, the appraised value of the land.

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

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MARCH 6, 1987

The Board of County Commissioners met in regular session; all three members were present. Commissioner Dussault travelled to Polson where she attended a MACo District X & XI Counties meeting in the forenoon. In the afternoon, the BCC conducted a hearing on the Condon Comp Plan held at the Swan Valley Community Center, and later in the afternoon, held a hearing in the Community Hall in Seeley Lake on the Seeley Lake Refuse Disposal District fee schedule. In the evening, Commissioner Dussault conducted a continuation of the Condon Comp Plan hearing. The minutes of those hearings follow.

PUBLIC HEARING: SWAN VALLEY-CONDON COMPREHENSIVE PLAN AMENDMENTS

The Board of County Commissioners held a public hearing in Condon, Montana to gather comments on the proposed changes to the Swan Valley-Condon Comprehensive Plan Amendments.

The meeting was called to order at 1:30 by Chairman Janet Stevens. Also present was Rural Planner Pat O'Herren.

Pat O'Herren said he would like to make three points relative to the hearing today and to this document. First, this document is an amendment to the 1975 Comprehensive Plan that already exists throughout the County, so the residents in the Swan Valley-Condon area already have a plan here, and these are merely amendments to that document. It is not a new planning tool, it updates the tool that already exists.

Second, in terms of regulatory matters, if the residents are looking for a plan or a document that will give greater regulation, this one does not do that. Subdivision regulations already exist throughout the County, they are applicable in the Swan Valley just as they are in the portions of the Bitterroot that are in Missoula County. Those subdivision regulations already exist. By law, this document cannot bring those into the Swan, they cannot alter them into the Swan, it is necessary to go through the subdivision process in order to do that. So, if the residents are looking for greater or lesser subdivision control, this is not the document to do it with. The same applies to zoning. By law, this plan cannot give additional zoning; the only zoning in the Swan Valley is on Lindbergh Lake. If residents want to zone land in the Swan, they must go through the zoning process; it cannot be done through a simple amendment to the Comprehensive Plan. On the other side of the coin, if residents do not want to see additional zoning throughout the Swan in addition to the Lindbergh Lake area; then as different zones are proposed by citizens, and go through the zoning hearing process, objections to it have to be noted then.

Third, this plan is very important in that it is the first document that has been written by residents of the area that it applies to. He said that the 1975 Comprehensive Plan was written by professional planners in Missoula; by someone who did not live in the Swan Valley. Since 1975, different neighborhood or area plans were written, but those were written primarily by planners in Missoula. The proposed amendments to the Swan Valley-Condon area were written by people who live here; and that is a significant step forward in the planning process.

He said that the hearing today would give the residents an opportunity to address both the plan itself, and also some changes that were suggested to at the last public hearing, which was an evening meeting held by the Missoula Planning Board on February 17. At that meeting, the board recommended that the plan be adopted with the changes noted in the separate document which was available near the door. He said the comments should be addressed to the County Commissioners; and the Commissioners would be the ones who make the decisions, not the planners. In

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addition, he said the residents had an opportunity through this document to make sure that their input was received in a lot of land-use matters that they do not currently have a method to provide to the Commissioners. This document suggests that any important land-use matters that come up, such as subdivisions or zoning issues, be dealt with in a meeting in the Community Center and then the discussion items would be forwarded on to the Commissioners. That again is something new in the planning process; it provides community input into the process that is formalized through this document. He said the Commissioners have always been open to public input and that is why they hold public hearings. But this document will provide a formal method to provide that input.

In conclusion, he said that in addition to addressing the Commissioners today, there will be at least one other public hearing on this matter; it is tentatively scheduled for March 25 in Missoula. He said he would let the residents know if that is the official date for the hearing. In addition, he said there would be another informal meeting tonight, and he would be at that meeting with Commissioner Ann Mary Dussault, and he would stay after this meeting to answer technical questions concerning the plans, subdivisions, zoning, etc.

Janet Stevens said she would like to add one comment: In spite of the fact that the proposal has a formal process for the residents to address the Commissioners, that does not limit them to the procedure of the past where they could simply call or write. The Commissioners were not trying to stop the residents from getting hold of them, but were trying to help the community give the residents a method in which they could have some input without having to go clear into Missoula. But she wanted the residents to feel free to call or write anyway; whether they agreed or disagreed with whatever comes out of the formal community meetings.

The hearing was open for public comment. It was noted that a sign-up sheet was being passed around; and persons that wished to speak were asked to state their name and address for the record. Proponents were asked to speak first.

Bud Moore, Box 1017, Condon said he would like to speak in favor of the adoption of the plan, and also in favor of adoption of the amendments that were proposed at the February 17, 1987 hearing with the Planning Board. He offered a brief background of the plan, and how it was developed.

He said the 1975 plan was the basis for this one; but the county-wide approach to amending the plan was hard for the Swan Valley-Condon residents to cope with because it was a coalition of committees that were pretty much centered in the Missoula area that was doing the work, and in order to participate, it would have necessitated travelling to Missoula once or twice a week to five or six different committee meetings. So, the folks in the Swan Valley who were developing the plan, sponsored by the Community Club, thought it would be better if the plan came from the residents themselves. So, that was proposed to the Planning Office and the Planning Office gave the go-ahead for that. He said that he had personally written the plan, and he served on the environment and natural resources committee under Marty Kux. The major thrust in this plan was to not only have a plan that would involve as many area citizens as possible, but also to go as far as they thought they could to make the implementation of the plan entirely local, realizing of course, that in the Condon community, there is no legal government, and it was necessary to tie in to the County Government. He said the writers of the document realized that the residents would not take kindly to something made somewhere else and then given to them; so this was

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an attempt to write it themselves and then give it to the Commissioners for final approval. As a result, this plan was first submitted to the former Planning Director, Kristina Ford, on June 20, 1983, and then there was a hiatus with the last Planning Director, there were problems with secession in other parts of the county, and the Commissioners temporarily put the rural planning effort aside. After a couple of years, the feeling in the Swan-Condon area was to continue with the work, as they didn't want to waste all the time and effort that had already gone into the document. So, they requested that the County take another look at it, which happened, and this document today is the same one that was prepared earlier with a few minor changes made primarily by the Planning Staff. He said it would be good for the Commissioners to remember that over 3 and a half years have passed since the plan was made, and they are almost at the time when it should be amended again. So there may be some recommended changes.

He said he did have one change he would like to recommend, and that would be to include a statement in the plan, possibly in the forward, explaining clearly the relationship between the Comprehensive Plan, the Subdivision Review Law, and the Zoning Procedures. The following point should be made clear: that this Comprehensive Plan is not a zoning document; this plan provides long-term goals desired by the people including procedures for implementing the goals. Also, the point should be made that this plan provides guidelines to help the County Commissioners decide on the request for subdivisions, requests for zoning, requests for industrial development and similar economic, environmental, or land-use matters. The point should also be made that the plan provides direction to those residents who live in the area work together to effectively maintain or enhance the quality of life in the valley. He said that would set forth the objectives of the plan very well.

In conclusion, he said he would like to speak for two other people: Frank Netherton from the Burlington Northern had called him earlier today and said that the Burlington Northern had no objections to the plan; that they are concerned and want to be good neighbors. Also, Ed Nixon asked if a small unit of Witness Trees could be saved and dedicated to Sandra Hass, to make certain that future generations could see what the flora once looked like.

Vicki Moore, Box 1044 Condon spoke in favor of the plan. She said it gives guidelines for quality living for the present and the future, and it encourages community members to work through their problems or issues themselves before going to the Commissioners or governing body. She said those two elements encourage democracy. She said one tiny detail was missing in the plan, and that was in appendix I, figure 3, and that Holland Falls should be shown as a scenic feature.

Tom Parker, Star Route 606, Condon, said he was in favor of the proposed document, as it is unrealistic to deny that the area will experience growth just like the rest of the United States, and to not provide some direction for that growth would provide an environment that would lead to degradation of the area, which is exactly the opposite reason that most of the residents live there. He said the residents have to do everything they can through means like this to ensure that the quality of life will be maintained.

Charlie Goff, Box 2660 Condon, said a lot of time and effort had been expended over the past 12 years, and as a means of gaining some goals, rather than have someone do it for them, this was a good document. He said there were some things in the document that were a little bit ambiguous and erroneous that will have to

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be addressed. He said that there had been a lot of talk about a few people that had tried to ramrod this through the valley, and that was not the case at all. It was a matter of somebody taking the horse by the halter and leading the way. He said he thought that they had not done too bad a job with this, since they were the first group of residents to write their own document.

Tim Wolff, Star Route 900 Seeley Lake said was born and raised in the valley, and had lived here for forty years. Most of the development, subdividing and logging had transpired in his lifetime. He said he supported the document from a Libertarian point of view. He said he was not one who liked to be dictated to from any level of government, and the people of the community have put a lot of effort into the plan, and it was their plan, rather than a plan being forced on them by other levels of government. He said there are some ambiguities in the plan, however it is a good basic working tool and one that offers a procedure for change and amendments.

There were no further proponents who wished to speak, however approximately 12 persons raised their hands in support of the plan. No one came forward to speak in opposition to the plan, but the following people offered general comments:

Charlie Goff he felt that some of the business people were concerned with the section on page 3, paragraph 1, which deals with signs. He said many of the business people felt that the plan was trying to do away with their signs in the window of the bar, grocery store, etc., and the definition of backlighted signs and the neon signs was a bit vague. He said he didn't think the original statement was brought it out clearly, and he felt that the business people wanted it clarified. He said the Hungry Bear had a backlighted sign, and it is not a Las Vegas-type garish sign that you can see for forty miles. He said the small beer signs in grocery stores and bars are only visible directly in front of the store from the highway. He said the rustic sign idea is great, to a point, but you cannot see one for thirty yards down the highway, and it can't be seen until you are almost past it. So, this is one concern that needs to be clarified.

Barbara Evans asked how he would like to have it clarified.

Charlie Goff said he would like more distinct wording.

Janet Stevens said she thought it would help if Bud Moore or Pat O'Herren tried to clarify what the intent of this wording was.

Bud Moore said that there is an implementation section in the document, which says that to achieve this goal, the community would come up with a committee who would decide how to set standards, so it would be another democratic approach to handling the issue.

Jack Bogar Box 2460 Condon, said his wife owns the Hungry Bear Restaurant, and he owes all the money on it. The biggest complaint he has had from people about his sign is that they cannot see it. He said when people are coming down the highway at 50-55 mph, by the time they see the sign, they've already passed the restaurant. He said whoever is responsible has not cleared the trees out of the barrow pits yet. He said his neighbor's yard light can be seen farther down the highway than his sign is. He said if someone wants to regulate him on his sign, he should be able to regulate someone else on their yard light. The one thing that is so important to the restaurant business is to capture the attention of tourists and passers by, and if they go past his restaurant, he never gets another chance at that business.

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Pat O'Herren said that in terms of the sign committee, that that was addressed on page 7 of the document, "A sign committee should be appointed by the Community Club to implement Environment Goal L", which is the sign portion of the document, and it would be real easy to make sure that the goals of that committee address the concerns that were voiced today, by spelling them out in that paragraph. However, he cautioned the residents that this was not a zoning document, so there is nothing in there that would preclude anyone from putting up a bigger sign that goes totally against the recommendations of the document, as long as the sign meets electrical codes, etc. This will not stop someone from putting up a sign; it is a voluntary issue.

Janet Stevens noted that there is a separate sign ordinance in Missoula County that covers this issue. The County only has authority to regulate signs within zoned areas, and as Pat said earlier, the only zoned area in the Swan Valley is at Lindbergh Lake. So, this document would only be addressing the concerns of this immediate area and encourage a certain kind of use for signs; but as long as the area is not zoned, there would be no regulatory authority over the signs.

Owen Girven said he had been in business in Seeley Lake for about five years and if you haven't got a sign, customers go right by your business. He said he spent many, many days just watching people go right on by, and there is too much brush in the ditches, so the people cannot see what you've got, and by the time they've seen it, they are already by. He said there did not appear to be more than three people at the hearing who had ever been in business in the area, and they are offering all these ideas without knowing what they are talking about.

June Wilhelm, Box 382 Condon said she did not understand the last line on Page 5 which says, "New sites for light industry and manufacturing should be selected as needed near but screened from Highway 83. This screening will help maintain the quality of the scenic drive through the valley." She said more trees should be cut down along the highway for safety sake, and as far as tourism goes, tourists go through the area so fast trying to get to Seeley Lake that they aren't able to tell a tree from a telephone pole. She asked what methods a person would use to put light industry or manufacturing along the highway, and how they should screen it. She said that sentence was difficult to understand.

Pat O'Herren said that Bud Moore could probably clear this up, but he wanted to reiterate that this was a voluntary measure; it is not something that says you cannot put a business right on the highway frontage and have total open space between the business and the highway. He said it was his understanding that what is meant by screening is some sort of vegetation or something like that that enhances the appearance of the property. You don't want to hide it, you want to make it look nice.

Bud Moore said the concept involved the idea of landscaping, rather than trees. He said the post yard, the bike shop and the ranger station are all good examples of screening.

Del Pocrus, Box 351 A, Condon offered some general comments relative to screening.

Vicki Moore asked if some language relative to "natural screening" would help clarify the issue.

Doris Pocrus said her idea of the issue is that the residents should try to keep the whole area attractive. It would be easy to create a big mess and make it junky looking, and the alternative to screening would be to try to keep the whole area attractive.

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Charlie Goff said that all the business establishments that are operating now would be grandfathered, regardless of what they are or what they look like. In addition, he referred to page 7, paragraph D (1) which refers to maintenance of county. He said the residents have had trouble with the county accepting some of the roads, which makes it difficult for kids who have to walk long distances to catch a school bus. He said some of the roads were built and fixed by the County, yet the County refuses to accept the road. He said that the residents have been told in the past that the County Surveyor is an elected position and the Commissioners do not have any control over him; but in his opinion, that is not true-the Commissioners hold the purse strings.

Janet Stevens said that there is a staff recommendation to add a note to page 7 that says "note that public roads are only those that are owned by the County". She said the purse strings have nothing to do with what the County road standards are. Whoever the County Surveyor is, is following the Federal road standards. And not giving him more money, or giving him more money doesn't change the standards.

Charlie Goff said this had not been addressed by the Surveyor yet, as he is new in the office, but this has been a long-standing, 10 or 12 year issue, that has gotten nowhere.

Owen Girven said there was something in the document that addressed the source of gravel, requiring sterilized gravel, and he wanted to know what sterilized gravel was.

Janet Stevens said sterilized gravel is weed-free gravel. One of the Planning Board members recommended that the gravel used should be weed-free, and he was apparently referring to a problem in Glacier County, where a lot of the county roads have weeds growing in the middle of the road because of the type of gravel that was used. This is only his recommendation, and has not been adopted yet, nor has any of this document. She asked if he was opposed to that gravel standard.

Owen Girven said it is certainly tough to get weed-free gravel.

Janet Stevens asked if those persons who are in favor of this document raise their hands. Approximately 25-30 people raised their hands.

There being no further testimony, the hearing was recessed at 1:50 p.m.

HEARING: SEELEY LAKE REFUSE DISTRICT-PROPOSED FEE CHANGES

Commissioners Janet Stevens, Barbara Evans and Ann Mary Dussault conducted a public hearing on the proposed changes in fees for the Seeley Lake Refuse District.

The hearing was called to order at 4:00 p.m. by Chairwoman Janet Stevens.

Kent Brown, Chairman of the Board of Directors, said the current fee schedule is rather restrictive. For example, units for bars, restaurants, lumber mills, etc were spelled out, and the board felt that these numbers did not take into consideration the differences in the sizes of businesses. So the board tried to come up with a system that was a little more equitable by charging for the amount of refuse that the business was likely to create. These new charges were based on several things; footage of public area, number of employees, amount of equipment used, etc. He said obviously, every business was not covered, and

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there will be some more additions to the list later, but the board felt that everyone in the district at this time had been included in the list.

The hearing was opened for public comment. Proponents were asked to speak first.

Kent Brown, Star Route, Box 420, Greenough said that he was speaking as a board member, not for the board as a whole. He said a lot of time has been spent on this proposal, and hearings were held in the area giving everyone an opportunity to speak. Only two people who came to the hearings made any complaints or offered any suggestions about the rates. One complained about all of the rates, and the other was a statement regarding the inequities of setting a limit of ten units for any business. He said he personally agrees with that viewpoint, but the board did not take any action to remove that ten unit limit. The other part of this new fee schedule pertains to part-time residents. He said his feeling on that matter is that in all other areas of taxation, the part-time residents pay the full load. They pay the full load for the school district which they don't use at all; they pay the full load for the road maintenance which they use very little; SOS is the same, and they use that very little; it is difficult to assess the amount of service from the fire district, but the part-time residents pay the full, normal rate on all of those taxes. He said he did not understand why a refuse district would be different. Or why there are half-rates for part-time residents. It is true that they do not use the site as much as the full-time residents, but they do not use the schools at all, so why shouldn't they pay the full load? He said he realized that when the original district was formed in 1974, there was an agreement between some of the part-time residents and the Board of County Commissioners whereby the part-time residents would support the formation of the district if they would receive a half rate. He said that was understandable, and he personally would be willing to amend this new proposed rate to give anyone that owned the property in 1974 a half-time rate; that is, grandfather them. He said the part-time fee schedule is based on the concept of 100 miles; within 100 miles, you have access to your property, you can drive to it on the weekends year around. There is a clause in the contract that says if persons cannot get into their property in the winter, such as the people who live on Lake Inez, they can sign an affidavit to that effect, and they get a reduced rate.

Jerry Ding, a board member, said that one of the things that he has heard from the summer residents is that they don't think they should have to pay for full service, and that all their taxes should be based on taxable value, not on how much use is made of the service. He said is not fair either for elderly people who live in town and only have very minimal amounts of garbage, but the board was trying to make the fee schedule as fair as possible for the majority. The part-time resident who does not feel that it is fair to pay full rates for garbage should not have a garbage dump available to him and then he would find out how much garbage he has dumped on his property come springtime.

Dan Mizner, a part-time resident member of the board, said the board has worked hard on this proposal, and he said Kent Brown deserved a great deal of credit for putting this proposal together. On behalf of the part-time residents, of which is he no longer a member, the board tried to work out a program that would be acceptable to the part-time people and to the board. Basically, what was worked out, and he is in agreement with this, is that any person who files an affidavit with the County stating that they cannot use their property due to access or distance for over six months out of the year is entitled to a half-time charge. But if that property is available to the owner, and he

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does use it, then he goes on a full-time rate. The thing that this does is to put the onus on that resident to file that affidavit, and if he does not file, he goes on the rolls as a full-time resident. The County, nor the Board takes the action. Another stipulation is, is that if someone files an affidavit stating that they cannot use the property, and the board finds that they can, they will pay a penalty. The board feels that that is fair, to the people in the community that are supporting the refuse disposal district. Another thing that is built into the fee schedule is relief for the senior citizens who qualify under the state guidelines. He urged the Commissioners to support the fee schedule.

Kent Brown said he would like to clarify a point; that the penalty has been removed upon advice from the County Attorney's Office.

Janet Stevens said that the County Attorney's Office did say that a phrase could be included that states something such as, "I understand that any false statements or misleading omissions in this affidavit constitute a criminal offense in violation of MCA 45-7-202, etc.", this would have more teeth, but would not give the district any more revenue

Kent Brown said it was hard to determine what this new fee schedule would do to the district's revenue. If approved as it is written, he said he thought it would increase revenue, as there are 665 half-time residents in the district, versus 910 full-time users. He said many of the full-time users are multiple unit businesses, but even by grandfathering, he estimated that the district would pick up over 250 half-fee users, thus resulting in a reduction of approximately 20% in the current fee. He said that would necessitate the district reducing their fees, which would make more public hearings necessary, as it is the same process to reduce fees as it is to increase them. He said the amount of the reduction is hard to figure, but hopefully, by the time they go into the Assessor next August, they will have a better idea of what the fee will be. He said the district has built up some surplus, and that is not permitted, so the fees have to be reduced.

No one else wished to speak in favor of the schedule. Four persons who were in favor of the schedule and did not wish to speak raised their hands in support.

Monty Cassidy, a full-time Seeley Lake resident, and a business owner, asked if the rates would be raised or lowered with the new fee schedule in place.

Kent Brown said they would be lowered, but they did not know how much. He said due to the surplus, the rates have to be lowered.

Janet Stevens said that the proposal now, though, is for the fees to remain the same until it is determined how much the fees should be lowered.

Ann Mary Dussault asked if she was understanding correctly. If the Commissioners adopt the proposed schedule, the next thing that would happen on the next set of assessments would be that these proposed adjustments would be made, and right now, a unit has a certain value, \$28, so under the new schedule, if someone goes from six units to four, that would be the first adjustment that would be made. That would be phase I, and the second thing that would happen is that the board will start to have its own budget meetings to prepare a budget for the next fiscal year, and that should happen in April or May, and then once the board determines what the budget will be for the next fiscal year, that will determine whether the cost per unit will go up or down. She

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said that what Kent was saying was that the residents are almost guaranteed, after the first set of adjustments is made, that the rate per unit is not going to go up for two reasons: This new fee schedule will produce more revenue than the old system, and There is a surplus from this fiscal year.

She said this district is not allowed to have a surplus, it has to be used the next year to reduce the rates.

Monty Cassidy said the Refuse Board seems unnecessary to him, and he would suggest that the County do away with the board and just have the dump. He said it was a bureaucracy that was entirely unnecessary and just created jobs and cost too much. He said in his case, it was not fair, as he has a trailer court with 10 units, and he is taxed on ten units whether they are full or not. He said there was no redress for him if they become fully empty; he still has to pay ten units. Besides that, he works as a boilermaker in construction, and his job is never in Seeley Lake where he can be in town to handle the garbage himself, so he has to hire Dan Larson to haul the garbage for him, and that is a complete additional expense on top of the taxes that he pays. He said he has never used the dump in his life.

Janet Stevens asked him if Dan Larson, who hauls his garbage uses the dump.

Monty Cassidy said that was correct.

Janet Stevens said that what he is paying Dan Larson for isn't the use of the dump, but the use of his services to take the garbage from his place to the dump; so he is using the dump.

Monty Cassidy said Dan Larson also hauls garbage into Missoula, as he can haul to Missoula cheaper than he can dump in Seeley Lake. It just depends on the week, whether that is true or not. He said all that makes no difference, his whole point is that the dump is completely useless to him. His taxes were raised when the district first went in, in fact, it practically doubled his taxes. He said the first year, he paid nearly \$600, but it has since gone down a little; but he has never personally used the dump. Dan Larson picks up the garbage, he doesn't care where he takes it, as long as he disposes of it in a sanitary manner. He said that there are better ways of handling the garbage situation. The person who runs the dump makes quite a bit of money on the business, and he should be allowed to regulate his fees on a private enterprise basis. He said he cannot understand Kerry Drew being funded out of the County Treasury as he is in private business. The next thing you know, the County will be billing the residents for the electric bill and the water bills. He said there is an additional bureaucracy here that could function very smoothly with Kerry Drew taking care of his private enterprise on a private enterprise basis; charging so much a load to use the dump.

Jeff Macon said he did not understand the difference between a retail business and a service business.

Kent Brown said a retail business would have a store license, and would be selling retail items. Services, for example, would be like a dry cleaner that cleans your clothes, but does not sell you your clothes.

Jeff Macon said retail businesses pay a minimum of one unit, but the new fees do not provide any incremental increase for bigger retail businesses.

Kent Brown said most of the retail businesses are already covered in the fee schedule, and this particular clause was left in the

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regulations to cover other types of businesses not specifically named in the regulations.

Jeff Macon noted that the fee schedule says that two employees in a real estate office would be equivalent to 50 students in a school, and he had a little difficulty with that, as he did not think that two employees would create the same amount of refuse as 50 students in a school.

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

Janet Stevens noted that another public hearing on this matter would be held on March 25 in Missoula.

Ann Mary Dussault said she had some questions about the implementation. Assuming that the Commissioners adopt the fee schedule, who would receive the exemption affidavits?

Kent Brown said the district would be doing that.

Ann Mary Dussault asked if the district, after receiving the affidavits, would make the changes on the schedules before submitting them to the County Assessor?

Kent Brown answered in the affirmative.

Ann Mary Dussault asked about the reduction for Class IV properties.

Kent Brown said that had to be done through the Assessor's Office.

Ann Mary Dussault asked if he had talked to Jim Fairbanks or anyone else in the Assessor's Office about how that would be done.

Kent Brown said he had not been able to meet with Mr. Fairbanks yet.

Ann Mary Dussault asked Monty Cassidy and Jeff Macon if they had attended and participated in the hearings with the Refuse Board that were held previous to this hearing.

Jeff Macon and Monty Cassidy both said they had not.

Monty Cassidy said that if the new fees go into effect, he would like to have his particular situation reevaluated, as he feels it is taxation without any representation.

Jerry Ding said that one of the things that the board heard all the time was, "We never use the dump, so why should we pay." He said that was understandable, but the reason for the dump was so it was available for use so that people did not dump their garbage on the side of the road. In Missoula, there is a bigger tax base to pay for the dump.

Ann Mary Dussault said there is no Refuse District in Missoula, Montana. There is a private dump. There could have been a private dump in Seeley Lake, Montana, if somebody had started it, but the point is, nobody did.

Janet Stevens said that there still could be a private dump if anyone wanted to start one. But this is a public dump now, which requires a Refuse Board.

Ann Mary Dussault told Monty Cassidy that with the kinds of issues he was raising, it might be good for him to come to a Refuse Board Meeting, as there are some legal issues involved.

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She said he may not like what they say, but it would answer his questions. She said she would be more than happy to have someone from the County Attorney's Office come to a Refuse District Board Meeting to answer questions.

Suzanne Vernon asked who carries the liability for the dump site.

Kent Brown said it was Kerry Drew.

Ann Mary Dussault suggested that she take a look at the contract, and also check with Diane Conner of the County Attorney's Office, because it is her understanding that through the contractual mechanism that Kerry Drew has with the County, he is required to meet all of the State requirements for environmental controls. The State is the entity that monitors the dump. If the Refuse District owned the site, the Refuse District would be the responsible party.

Barbara Evans said she would like to ask the board for some rationale on which to base her decision. She asked why the board had delineated between retail business and service businesses, and why 2 employees would equal 50 students.

Kent Brown said the retail business classification came about simply as a catchall for most businesses such as bars, restaurants, auto repair shops, etc., and they knew that they could not list every category of retail business, and the same held true for the service businesses. That again, was a catchall for secretarial services, computer services, carpentry services, etc. He said he could not offer a rationale between two people in an office creating as much refuse as 50 students. The 50 students language was a carryover from the old schedule, and there was no new information to base any changes on.

Barbara Evans asked if he had any reason to believe that a service business puts out more refuse if they have two employees than a retail business with ten.

Kent Brown said the retail business is going to put out more refuse than a service business. A service business does not create a lot of refuse, but a retail business does. That is why there is a minimum of one unit for any retail business. Most retail business would be assessed for more than that, based on square footage, or other criteria.

Barbara Evans asked how he would feel about changing the fees for service businesses to say "minimum of one-half unit." And use square footage or some other criteria other than the number of employees.

Kent Brown said that sounded fine to him.

Dan Mizner said one thing he would like to see added is that if somebody thinks that the fee schedule is unfair, there is a process where they may file a claim or form with the board, and the board will review it and see if there is some basis for making an exception.

Kent Brown said that is an excellent point. He said that one of the problems in the past is that the board did not have any leeway, because there was an approved schedule, and they had to live with it.

Ann Mary Dussault said that as a member of the Refuse Board, she would like the Commissioners to look through the schedule and note that there is a combination of square footage and employee criteria, and the board did that for a number of logical reasons. A lumber mill, for example, should not be assessed on the basis

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of square footage, so there was an attempt by the board to make it as equitable as possible.

A general discussion of the criteria basis ensued.

Suzanne Vernon asked how long Kerry Drew's contract was.

Kent Brown said it was a 20 year contract, the only negotiable thing was the price.

The hearing was recessed at 4:50 p.m.

HEARING: SWAN VALLEY-CONDON COMPREHENSIVE PLAN

Commissioner Ann Mary Dussault and Planner Pat O'Herren continued the public hearing in Condon Montana relative to the proposed changes to the Swan Valley-Condon Comprehensive Plan Amendments at 7:30 p.m. in the Condon Community Hall.

Ann Mary Dussault said copies of the plan were available in the room, and Planner Pat O'Herren would give an overview, and Bud Moore would give a history of the plan before accepting public comment. She asked that for the record, persons wishing to speak state their name.

Pat O'Herren reiterated his comments made at the earlier hearing, emphasizing that this document amends an existing comprehensive plan, and that it is not a regulatory document.

Bud Moore detailed the history and development of the plan.

Ann Mary Dussault said that the job the community has done in bringing the document this far is not only commendable, but historical. It has never been done before in Missoula County, and the profundity of what is going on here should be recognized and acknowledged.. The hiatus in the process occurred because of the extreme concern of the rural areas that an urbanized plan was going to be shoved down their throats, and the Commissioners recognized that in fact, whether that was real or perceived did not matter, the important thing was to get the rural communities themselves involved in planning for their own future and destiny. She said that from her point of view, she commended Bud Moore and the community on the work done so far.

She asked that people that wished to speak in favor of the plan speak first, recognizing that some people may be in favor of it, but may have some questions or concerns, and those should be stated in their testimony as well.

A.R. Anthony Box 1124 Condon asked about the physical makeup of the draft proposal.

Pat O'Herren explained that the items in the document that have been crossed out have been deleted, and the items that are underlined are additions.

Frank Rose said he had property in the Kraft Creek area, and this past year, he sold 12 acres, which was subsequently divided, and he wondered if now, with the new planning document, would that be allowed.

Pat O'Herren said that this document merely recommends that there be some standards that are looked at in subdividing land, and they are voluntary. But if someone goes through the subdivision process and wants to create 12 one-acre tracts, that would be a separate issue. There are already subdivision laws that apply to the entire county. He said that most of the private property in Kraft Creek and throughout the Swan is recommended for no more

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than one unit per ten acres. Again, this document is not a governing document, just a guideline.

Bud Moore said the Planning Office had explained to him that the main way this document would be used once it is approved, is that when a request for a subdivision comes in, the Commissioners and the Planning Office would look at this document first, to see if the subdivision proposal was somewhat consistent with the guidelines. So this document would have an indirect influence on subdivisions.

Ann Mary Dussault said it would be used as a tool if and when the Commissioners or the regulatory process ever was triggered. And that would be if a person were going through the subdivision process, or a certificate of survey review where it appears that there is an attempt to evade the subdivision law. But those would be the only occasions when there would be any regulatory use of this document. Otherwise, it is simply a guide for this community to look at the way it develops its land use.

Pat O'Herren said there are 8 criteria that are used in subdivision regulation, ranging from public need, to impacts on water quality, facilities and services, etc. The comprehensive plan is used in looking at public need.

A general discussion of subdivision regulations ensued.

Len Anderson said only about 10% of the property in the area is privately owned. He asked what would happen if the Burlington Northern decided to sell some of their property.

Pat O'Herren said the Burlington Northern would have to go through the same process as anyone else. Regardless of who owns the property, anybody wanting to subdivide property must go through the subdivision process. He noted that within Missoula, Montana Power is divesting itself of almost 1,200 acres right outside the city limits and is going through the process.

Paul Emerson asked if the question of road maintenance comes under this plan.

Ann Mary Dussault said there are statements about roads in the plan.

Paul Emerson said he lives in an area that has been subdivided, and there are county roads in the area, but he maintains his own private road because the developer did not build the road to county specifications, yet the county has built other roads in the area that are not maintained. He said that on the weekends, the county roads are not plowed.

Gary Styler said the County plows roads in the area where nobody lives.

Ann Mary Dussault said County policy, regardless of what this document says, is that the County will not accept for maintenance any road that is not brought up to County standards. It is the responsibility of the persons in the subdivision to bring the road up to County standards.

Pat O'Herren said that since folks who live in the area wrote this document, it's obvious that the roads have been a major concern, and they have addressed it; but again, this document is a guideline, so even the recommendations that are made to the Commissioners say things like "all public roads serving residential areas should be brought up to standards"; it is a recommendation only. The comprehensive plan cannot force the Commissioners to do that any more than the Commissioners can use

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the comprehensive plan to force residents to zone their land. He said he has talked to the County Surveyor about the road problems and he knows they exist, this document is another tool, if the Commissioners adopt it, of recognizing the problem and trying to remedy it.

Gary Styler asked why the County can fix a road where nobody lives, and why the snow plower has to travel back and forth to Seeley Lake to get his plow everyday, instead of storing them in Seeley Lake.

Paul Emerson said the good plowing in the area stopped about six years ago.

Russ Colson asked what the relationship was between this plan and Missoula County's long-term tax and valuation plans. If the roads were to be brought up to County standards, wouldn't there have to be an increased tax base to pay for that maintenance service?

Ann Mary Dussault said that from her point of view, the purpose of the plan is almost opposite of what he is suggesting. The purpose of the plan is to help the County anticipate what some of the future costs of roads, bridges, water systems, sewer systems, etc., are going to be. She said that all over Missoula County, there is the problem way after the fact. There is a drainage problem on the South Hills because nobody figured it out before the fact, so the Commissioners come in afterward and spend hundreds and thousands of dollars to fix it. She said there are hundreds of examples of subdivisions that were built, and nobody thought about good roads, nobody thought about water systems, nobody thought about septic systems, etc., so we've got failing wells, and failing septic systems all over the place. The idea of the plan is to try to help anticipate problems rather than get backside with them. She said nothing in this document will reassess anyone's property, or cause it to be reappraised or assessed under a higher value than what its current use it.

Fred Styler asked if maps were available that shows exactly where the County roads end?

Ann Mary Dussault said maps were available in the County Surveyor's Office, and she suggested that he talk with the Surveyor about problems he was having with his road. She said she thought that it would be reasonable for the residents ask Horace Brown to come up to Condon and bring the maps with him, instead of them having to travel clear to Missoula.

Frank Rose asked about the section that deals with garbage disposal.

Pat O'Herren said that since this is a citizen document, this is one of the issues that should be brought up at the Community Club Meeting. He said there are a number of those kinds of issues, a historic committee, a transportation committee, public facilities and services, etc. He said that if the resident want an improved solid waste disposal system, and they are not happy with the one they contract for now, this document suggests that they hold a meeting in the Community of folks that are concerned about that and come up with some sort of consensus on what they would like to see done, then forward that recommendation on to the Commissioners.

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Ann Mary Dussault said that there are several ways to go about creating a refuse district, using Seeley Lake as an example. They did a comprehensive study to see what the real possibilities were for solid waste disposal in that area. The Condon residents should do that, then:

1. create a refuse disposal district of its own and provide either a disposal site and/or a transportation system to get it there; or
2. look toward joining the Seeley Lake Refuse District, or;
3. do some sort of cooperative agreement with Lake County.

In addition, a study could be done to see if there is enough of a market here to start one of their own and make money on it. She said her guess would be that there is probably not a big enough market. She said that if the community decides that solid waste is a big enough priority, the Commissioners would be willing to work with them on that, but they would not be put in a position of telling the residents that they have to clean up their garbage.

Bill Anderson said that is exactly what the Commissioners were doing. They are saying that if he wants to make his 20 acres a garbage disposal, he could not do it.

Ann Mary Dussault said she did not recall saying that. However, she wanted him to know that a solid waste disposal area is regulated by the State, and he was right, he could not just do it; the State has a pretty important and sophisticated regulatory system to regulate solid waste dumps. She said Missoula had a private land-fill run by B.F.I.

Bill Anderson said he thought he would just send all of his garbage to Missoula. If that wouldn't work, could the Condon residents, as taxpayers, conscript the County of Missoula to send a dump truck up there twice a week to haul the solid waste to the dump in Missoula?

Ann Mary Dussault said it was a private business, and Missoula County has nothing to do with B.F.I.

Bill Anderson asked if Missoula County owned any land in this area.

Ann Mary Dussault answered in the affirmative.

Bill Anderson asked why she didn't have Missoula County create a land-disposal in the Condon area.

Ann Mary Dussault said there is a mechanism to form a refuse disposal district like Seeley Lake did, and if that is what the Condon residents want to do, Missoula County would be willing to work with them on that the way they did with Seeley Lake.

Bill Anderson asked if she was a Commissioner for the County.

Ann Mary Dussault answered in the affirmative, and said that all three Commissioners were elected county-wide and represented everyone.

Bill Anderson said the Condon residents were few, and they were many.

An unidentified person described how Lake County collects the garbage from the residents north of Condon.

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Bud Moore said the comprehensive plan, the document they were focusing on tonight, recognizes problems and sets forth areas that the residents need to work on. He said that what is needed is to have a meeting in the Community Club and decide what is needed; then make a recommendation or request to the Commissioners.

An unidentified person said the garbage was not a local problem; it was a county problem.

Betty Anderson asked how ten acres would be subdivided if this plan was implemented.

Pat O'Herren said it would be taken into the Planning Office. He said he would have the person who is in charge of subdivisions send her some information.

Betty Anderson asked Pat O'Herren to explain the maintenance of Lindbergh Lake Road.

Pat O'Herren said Lindbergh Lake Road is a county maintained road, and the map that accompanied the planning document was in error, and the correct map is in the smaller document that contains the changes.

Ann Mary Dussault asked if there were any further comments or questions. No one came forward. She said there would be one more public hearing on this document, probably in about two weeks, and then the Commissioners will act on adopting or not adopting the document within a few weeks after that. She said if the residents had any other comment on the plan, they were welcome to put something in writing. All the letters are read, documented and read into the record.

She said another thing she would suggest is that the residents ask folks like the County Surveyor, who is an elected official to come to Community Council meetings to talk about things they are concerned about. She said if they are really interested in getting together about the garbage issue, the Commissioners could help them get together with the state people and everyone who needs to be involved as resource people.

An unidentified person asked if Ann Mary could talk to the Surveyor to get contract plowing back in the Condon area.

Ann Mary Dussault asked if he was talking about private roads. She said if so, he would have to talk with the Surveyor personally, because she did not know when or why that practice was discontinued. She said that her guess would be that there is a whole host of liability issues involved; as the County does not have a lot of insurance right now. So those things would over ride the convenience issue.

An unidentified person asked why the State has to get involved with garbage, and what ever happened to government by the people, for the people?

No one else came forward to speak, and the hearing was adjourned at 8:30 p.m.

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

* * * * *

MARCH 9, 1987

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

Monthly Report

Chairwoman Janet Stevens 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 February 28, 1987.

Daily Administrative Meeting

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

Budget Transfers

The Board of County Commissioners signed and approved the following budget transfers for the Health Department, and adopted them as part of the FY '87 budget:

1. No. 870047, a request to transfer \$2,814 from the towing (\$2,100) and on-call-119 (\$714) accounts to the rent (\$2,100) and on-call accounts as a new line item was created and an overexpended budget;
2. No. 870049, (No 870048 was voided) a request to transfer \$3,200 from the film processing (\$200) and Land Improvements (\$3,000) accounts to the Equipment Maintenance (\$200) and capital improvements (\$3,000) accounts because of overexpended budget.
3. No. 870050, a request to transfer \$150 from the film processing (\$100) and small tools (\$50) accounts to the copy costs (\$100) and long distance phone (\$50) accounts because of overexpended budget.
4. No. 870051, a request to transfer \$5,275 from the data analysis (\$3,775) and capital technical equipment (\$1,500) accounts to the physicians services (\$3,775) and capital improvements (\$1,500) accounts because of overexpended budget;
5. No. 870052, a request to transfer \$4,065 from the data analysis (\$4,000) and radio maintenance (\$65) accounts to the mileage-county vehicle (\$4,000) and tuition (\$65) accounts because of an overexpended budget.
6. No. 870053, a request to transfer \$3,372) from the fringe benefits (\$745) and data analysis (\$2,627) accounts to the office supplies (\$745) and small tools (\$2,627) accounts because of overexpended budget;
7. No. 870054, a request to transfer \$1,732 from the data analysis account to the printing (\$750) and phone-basic charges (\$982) accounts because of overexpended budget; and
8. No. 870055, a request to transfer \$4,989 from the contracted services (\$1,242) and permanent salaries (\$3,747) account to the on-cal-a117 (\$1,242) and overtime (\$3,747) accounts as a new line item was created and because of overexpended budget.

Other items included:

A request from the Sheriff's Department for a budget amendment to purchase a second computer for their ID Bureau with the money left after purchasing the computer requested in their FY '87 budget was denied by the Commissioners.

MARCH 9, 1987 (continued)

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

Luncheon Meeting

At noon, the Board of County Commissioners attended a luncheon meeting with representatives of Stone Container Corporation.

* * * * *

MARCH 10, 1987

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

Audit List

Commissioners Stevens and Evans signed the Audit List, dated March 10, 1986, pages 8-31, with a grand total of \$54,770.06. The audit list was returned to the Accounting Department.

Monthly Report

Chairwoman Stevens examined, approved, and ordered filed the monthly report of the Sheriff, Dan Magone, showing the items of fees and other collections on account of civil business in Missoula County for the month ended February 28, 1987.

Daily Administrative Meeting

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

Contract

The Board of County Commissioners signed a contract dated May 3, 1987, between Missoula County and Riverside Contracting, Inc., the lowest and best bidder for 7,000 tons of crushed cover aggregate stone chips as per the terms set forth, for a total sum of \$50,330.00. The contract was returned to Centralized Services for further handling.

Other items included:

1. The Commissioners approved a request from the Sheriffs Office to obtain Conoco Credit Cards for use by their department; and
2. The Commissioners voted not to sign the new contract with Norman Foss for counseling services in the Sheriff's Department and determined that he be paid under the old contract through March 31, 1987; however the Sheriff will be allowed to offer a \$500.00 annual retainer to Mr. Foss for police chaplain services.

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

* * * * *

MARCH 11, 1987

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

MARCH 11, 1987 (continued)

Indemnity Bond

Chairwoman Stevens examined, approved and ordered filed an Indemnity Bond naming Deanne Birkenbull as principal for warrant #004934, dated February 20, 1987, on the Hellgate Elementary School District #4 payroll fund in the amount of \$57.57 now unable to be found.

Daily Administrative Meeting

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

1. Greg Martinsen's request to proceed with the "Centennial Acre" was approved by the Board;
2. The Commissioners voted to approve the appoint of Marshall Kyle of the City Fire Department as Deputy DES Coordinator;
3. The temporary road closure requested by Bitterroot Motors was discussed. County Surveyor Horace Brown will negotiate a compromise between the Country Club and Bitterroot Motors.
4. The Commissioners approved a request from Pat O'Herren of the Rural Planning staff for a leave of absence; and
5. The Commissioners voted to deny the request to abate the back taxes for the Lumberjack Saloon, but will waive the penalty and interest due.

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

PUBLIC HEARING

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

YMCA IDR B BONDS

Under consideration were the adoption of the bond resolution and execution of the bond resolution agreement pursuant to the issuance of \$1,500,000.00 in Missoula County Industrial Development Revenue Bonds for the Greater Missoula Family Young Men's Christian Association Project (YMCA Project).

The public hearing on this bond issuance was held before the Board of County Commissioners on August 20, 1986 and the issuance was found to be in the public interest by the Board of County Commissioners.

Howard Schwartz, Executive Officer, explained that the Board of County Commissioners had approved the inducement resolution, finding that the issuance of these bonds was in the public interest on August 20, 1986. He said that at that time it was not clear whether or not the bonds would be needed and that it was possible that between the fundraising efforts of the YMCA and their interim construction financing, they would be able to finance the project without the bonds. It had become clear in the fall that that would not work, he said, so the YMCA decided to proceed with the issuance of the bonds. He said that all the parties to it over the past several months have been working to put the documents together. He said that the basic parameters of the bond issue are the same as last summer. The principle revenue to pay off the bonds are the dues and memberships and fees of the YMCA itself. He said that the county itself has no obligation at all on these bonds, and the documents provide that

MARCH 11, 1987 (continued)

in the unlikely event of a default, the facility would have to be used as a public recreational facility and/or community service facility.

Mike Sehestedt, Deputy County Attorney stated that there were two documents to be considered, the first being the basic bond resolution, which fixes the terms of the transaction and sets out the nuts and bolts of the issue and approves the form of the other documentation to be used in connection with the issue and authorizes the chairwoman to execute the other documents as required to complete the transaction. In connection with the execution of this document, he noted for the Commissioners information that they were still working on some details on the lease of the land. He said that as the Commission is aware, the facility is constructed on land the title to which he held by the County, but which has been leased from the County to the YMCA and there are some technical questions regarding the maximum length of lease term and regarding the terms of the lease in the unlikely event of foreclosure that would be available to the successor to the YMCA. He said that the bond resolution notes that those documents may be changed and provides for such modifications as are approved by the Chairwoman of the Board of County Commissioners and the County Attorney's Office.

The second document to be present, he said, is the bond purchase agreement, whereby Piper, Jaffray and Hopwood, who are the underwriters for the issue, agree to purchase the bonds. He said that he had reviewed both documents and believe that they are appropriate for signature and said that he would answer any specific questions that the Board might have related to the documents.

Barbara Evans moved, and Ann Mary Dussault seconded the motion that The Board of County Commissioners approve and sign the resolution authorizing the above-referenced project under M.C.A. Title 5, Part 1, for the issuance of sale of \$1,500,000.00 in Industrial Development Revenue Bonds (YMCA Project) Series 1987 of Missoula County to finance the same, approving the form of the documentation in connection therewith and authorizing the execution and delivery of the bonds and documentation thereof. The motion passed on a vote of 3-0.

Chairwoman Janet Stevens inquired whether these were the real bond documents that the Commissioners were signing, and Deputy County Attorney Mike Sehestedt assured her that they were the original documents, suitable for recording and binding in the bond transcripts.

Barbara Evans moved, and Ann Mary Dussault seconded the motion, that the Bond Purchase Agreement whereby Piper, Jaffray and Hopwood Incorporated (The Underwriter) offers to purchase from the County of Missoula, Montana (the County) upon the terms and conditions therein specified \$1,500,000.00 aggregate principal amount of the County's Industrial Development Revenue Bonds (YMCA Project) Series 1987 (the Bonds) to be issued by the County under and pursuant to an Indenture of Trust (the Indenture) dated as of April 1, 1987 between the County and First Interstate Bank of Missoula, National Association, as trustee (the Trustee). The motion passed on a vote of 3-0.

Mike Sehestedt then stated that there might be documents that needed to be signed pursuant to this issue on fairly short notice and since Chairwoman Janet Stevens was scheduled to be in Washington D.C. at a NACo convention later this week and next week, he asked that Commissioner Ann Mary Dussault be authorized to execute documents in connection with this issue in the event that Chairwoman Stevens is not available.

MARCH 11, 1987 (continued)

Commissioner Barbara Evans moved that Commissioner Ann Mary Dussault be appointed Acting Chair and be authorized to sign any further documents on the YMCA bond issue, should they come up while Chairwoman Janet Stevens and she were out of town. Janet Stevens seconded the motion and it passed by a vote of 3-0.

The Board of County Commissioners then executed the following documents:

Certification of minutes relating to \$1,500,000.00 Industrial Development Revenue Bonds (YMCA Project), Series 1987.

Resolution No. 87-022, a resolution authorizing a project under Montana Code Annotated, Title 90, Chapter 5, Part L, and the issuance and sale of \$1,500,000.00 Industrial Development Revenue Bonds (YMCA Project), Series 1987, of the County to finance the same: approving the form of documentation in connection therewith and authorizing the execution and delivery of the bonds and documentation.

Bid Awards-Bond Bids for RSID #420 AND #422

John DeVore, Operations Officer for Missoula County recommended postponing the award of the bonds for a few weeks.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to postpone action on the bid awards for RSID #420 AND #422 until further notice. The motion carried on a vote of 3-0.

Bid Award-Junk Vehicle Lot Fencing & Grading-Health Department

Information provided by Jon Shannon, Environmental Health Specialist indicated that bids were opened February 9, 1987 for fencing and grading of the Health Department's Junk Vehicle Lot. They were:

AAA Fencing	\$59,080.00
Grizzly Fence	47,903.00
Robert Thornburg	59,165.00
Nelcon, Inc.	57,777.77

The recommendation from the Health Department was to award the bid to Grizzly Fence for \$47,903.00

Linda Hedstrom said \$40,000 was budget for this, and revenue would be transferred from other means, as per the recommendation of Dan Cox, Budget Officer.

Ann Mary Dussault said she had discussed this with Linda and Dan Cox, but had not received a report from Dan Cox yet. She said if it is necessary to register warrants for the remainder of the funds necessary for this project, the County is guaranteed that the principal and the interest would be repaid by the junk vehicle monies coming from the State, so there is no obligation to the general fund or any other fund for the balance of the money.

Barbara Evans moved and Ann Mary Dussault seconded the motion to award the bid for fencing and grading the junk vehicle lot to Grizzly Fence in the amount of \$47,903.00. The motion passed on a vote of 3-0.

Decision: Certificate of Survey-Occasional Sale-(Jon Cates)

It was noted that action on this request was postponed from the February 25, 1987 public meeting, as the two Commissioners present at that meeting were unable to reach a decision.

MARCH 11, 1987 (continued)

Joan Newman, Deputy County Attorney, reviewed the application and the particulars associated with the issue.

Greg Martinson, representing Jon Cates, said he had nothing new to add, and indicated that he had talked with Commissioner Stevens about the matter several days ago.

Janet Stevens asked if Mr. Cates was splitting off a portion of the property to sell that already has a house on it.

Greg Martinson said that was true, and that Mr. Cates plans to build another house on the remainder portion of this sale.

Barbara Evans said the reason she voted to allow the sale is that she felt that he should not be held accountable for somebody else's sins, and she saw no pattern of his trying to evade the Subdivision Act.

Barbara Evans moved and Janet Stevens seconded the motion to approve the occasional sale exemption for Jon Cates for Tract 76 in the Meadows of Baron O'Keefe for the following reasons:

1. There is no evidence of any attempt to evade the Montana Subdivision and Platting Act; and
2. There has not been an occasional sale by Mr. Cates during the past twelve months, and this sale is within the allowance of the law.

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, with Ann Mary Dussault voting no.

Ann Mary Dussault said she would like to comment for the record that this is in an area that has been significantly subdivided by Certificate of Survey, and in her mind, constitutes an illegal subdivision of massive scale and proportion. It is her interpretation of that statute that the requirement for review not only applies for the individual person doing the sale, but the area in which it is done. She said this area is massively subdivided, and it is her belief that any further splits of land in this area should go through the subdivision process, and it is her further opinion that the only reason the minor subdivision process is not being used is because of the cost, which in her mind is not a legitimate cause for evading the subdivision law.

Janet Stevens said that Jon Cates was not responsible for the previous subdivision in the Meadows of Baron O'Keefe, and he should not be held accountable for some other person's action. This is his first split of this property, which is clearly allowed under the statute and under the certificate of survey process.

Ann Mary Dussault said she would point out that this is inconsistent with other actions of the Board taken under similar circumstances by parties who did not partake in the original subdivisions, but were denied this ability because of the fact that they were in areas that had been subdivided.

MARCH 11, 1987 (continued)

Janet Stevens said that is not true; in that this is Jon Cate's first split of this piece of property that has suitable access to it on private roads onto a public access.

Ann Mary Dussault said the Commissioners obviously have a clear disagreement on this matter, and it was doubtful if any of them could convince the other.

Decision: Proposed South Hills Drainage Project

It was noted that the hearing on this issue was held the previous week. The decision was postponed until this date so the Commissioners could discuss several technical issues with the Surveyor's Office. Two letters of support for the project were received in the Commissioners Office during the week between the hearing and the decision. Those letters, along with all other letters regarding this issue are on file in the General Services Department.

Property Owners in the South Hills Drainage Project who sent letters to the Commissioners regarding this project:

James C. Grant, 2412 Highwood Drive
John T. and Louise A. Campbell, 4311 Gharrett Avenue
Lowery Risdahl, 2405 39th Street
Robert M. Rich, 5607 Hillview Way
Michael F. Anderson, 2526 Garland Drive
Jayne Snow, 2504 Highwood Drive
Jim and Kelli Neumayer, 132 Bridger Court
Edmund F. Sues, 6109 Mainview Drive
Patricia and W.C. Knutson, 2327 Summit Drive
Herta Kessler, 2634 Cardinal Drive
Joe Bjornstad, 2718 South Hills Drive
Ramona Marazzato, 111 Kinnikinnick Court
Julie Ventresta, 5314 Skyview Drive
Debbie Shepard, 4110 Rainbow
Barbara Porter, 3526 Norman Drive
A.J. Kitzen, 2417 1/2 Ernest
Maria K. Ogrin, 4004 Via Laguna, Santa Barbara, California
Linda Elbersson 4314 Rainbow Drive
William E. McKee, P.O. Box 1084, Whitefish
Howard Nash, 2316 Spring Drive
Werner and Doris Held, 4402 Gharrett Avenue
First Federal Savings and Loan, Missoula
Walter and Bonnie Hayes, 2415 39th Street
Richard Betts, 245 N. Avenue West
Fred Sayre, 714 Kensington Avenue
Mark Anderson, 2713 Valley View Drive
Phil Christensen, 124 Bridger Court
Vance S. Ventresca, 5314 Skyview Drive
Missoula Alliance Church, 100 East Foss Court
Lydia and Thomas Kallis, 4114 Reserve Street
Kathleen Kaiser, 2625 South Hills
Paul Kilzer, 4321 Cold Springs Court
Lynn Hirst, 2404 Highwood Drive
Jack and Janet Marks, 5106 Mainview Drive
Carryl M. Meyer, 2532 Highwood Drive
Diane Pontrelli, 104 Shelby Court
Richard and Vickie Anderson, 5704 Longview
Douglas Klein, 7 Martha's Court
Jerome and Mary Jo Steyee, 5611 Mainview Drive
Roger and Karen White, 2419 56th Street
William K. Burlingame, 4217 Reserve Street
David and Betty Tiechenor, 2508 Arcadia Drive
Robert E. and Jeanette A. Hicks, 2509 Garland Drive
David A. Fowlkes, 104 Bridger Court

MARCH 11, 1987 (continued)

Janet Stevens noted that the Commissioners reviewed the project with the County Surveyor's Office earlier in the day.

Barbara Evans said that she would like the record to show that the Commissioners are planning to send out another letter on this matter that will address some of the questions that were raised at the previous hearing. She wanted the residents to know that they were not being ignored, the issues were looked at, the answers have been gained, and the letters will be sent. In addition, she thanked those people who had come to testify in favor of the district, especially since there were many people, over the past two years, who have complained about the issue, and did not come to speak in favor of the district.

Barbara Evans moved, and Ann Mary Dussault seconded the motion to create RSID #419 (South Hills Drainage Project) in accordance with the resolution of intent which was recently published. The motion passed on a vote of 3-0.

Hearing: Vacation of a Portion of Mount Avenue

Information provided by Donna Cote, Recording Section Supervisor in the Clerk and Recorder's Office indicated that this is a petition for abandonment of Mount Avenue, located in Section 29, T.13N., R19W., Carline Subdivision (further described in Resolution No. 87-026).

T & T Construction, Inc., whose property abuts Mount Avenue in this particular area would like to have it abandoned for the following reasons:

1. Adds property to the tax rolls.
2. Removes road from County maintenance, road no longer necessary due to Mount Avenue re-alignment.
3. Area will be cleaned up and beautified as part of parking and landscaping of Lot 36 of proposed West Central Village.

Title to the property adjacent to the avenue in this area is vested in the following:

T & T Construction, Inc., P.O. Box 5613, Missoula, MT.
59801

Additional persons who may be affected by the petition and have been notified are:

Betty Worrall, 2309 Mount, Missoula, MT.; Joan B. Newman, Deputy County Attorney; Horace Brown, County Surveyor; Missoula Rural Fire Department.

The notice of the hearing was published in The Missoulian on March 1, 1986, pursuant to M.C.A. 7-14-2601. In addition, the Board of County Commissioners waived the \$75 fee on February 10, 1987.

Nick Kaufman, of Sorenson and Company, representing T & T Construction, said this piece of road was to be vacated as a part of the Mount Avenue improvements, and was overlooked. It came to his attention as part of the subdivision platting, and is necessary to complete the project.

The hearing was opened for public comment.

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

MARCH 11, 1987 (continued)

Ann Mary Dussault noted that when she and County Surveyor went out and viewed the Kemp Street property for vacation, they had also gone out and inspected this property, so another inspection would not be necessary, in her opinion.

Deputy County Attorney Mike Sehestedt agreed.

Ann Mary Dussault moved, and Barbara Evans seconded the motion that the petition for abandonment of Mount Avenue as described in the petition be granted. The motion passed on a vote of 3-0.

Hearing: Amendments to Reserve Street Zoning Standards (Special District #2)

John Torma, Planner from the Office of Community Development, said the issue before the Commissioners is adopting of amendments of Section 6.03 of the Missoula County Zoning Resolution, the Development Standards of Special District #2, Reserve Street. He said that Section 6.03 of the County Zoning Resolution requires that the Development Standards of Special District #2 be reviewed annually. On December 10, 1986, The Board of County Commissioners held a public hearing to receive testimony on the Special District 2 standards. Subsequent to this hearing, the Commissioners directed the planning staff to draft language which would clarify the three areas in the standards identified by the Staff as unclear. On January 20, 1987, the Planning Board opened the public hearing on amending the standards and continued the public hearing for one month, at the request of staff. On February 17, 1987, staff presented the recommended amendments, and the Planning Board voted to recommend approval of these amendments:

SECTION 6.03.G.1.b (d)

All buildings must be separated from drives and parking areas by a minimum of six (6) feet. This six foot setback area shall be maintained as paved sidewalk and/or landscaping.

SECTION 6.03.G.1.b (1) (c)

Residential uses, excluding single family residences, shall provide an area equal to seventy percent of the units total floor area for outdoor recreation. Any area used to satisfy this requirement must be a minimum of ten feet in width and must consist of a minimum of 200 square feet. Paved recreation areas, such as basketball or tennis courts, may be used toward the satisfaction of this requirement, provided that this paved recreation area is not also used for drives or parking areas.

SECTION 6.03.G.1.a (1) (a-d)

a. All development shall substantially comply with the goals and more specifically, the uses and densities of the adopted Reserve Street Comprehensive Plan.

b. Each lot or parcel used exclusively for residential development must comply with the designated densities of the adopted Reserve Street Comprehensive Plan.

c. Mixed use lots or parcels must comply with the designated residential densities of the Reserve Street Comprehensive Plan and must satisfy the required minimum percentage of the relative standards for the proposed commercial use.

d. Any development which includes more than one primary building on a single lot or parcel must be designed such that the lot or parcel could be subdivided, creating a separate lot or parcel for each primary building which would be in compliance with the development standards of Section 6.03.

MARCH 11, 1987 (continued)

Barbara Evans asked John to explain what happens to a person who has an attached garage to their house; which means that there is not 6 feet between the two.

John Torma said he did not see that as a problem area because the driveway is intended to go into a structure. What is being specifically addressed is a drive area which goes by a structure, or a parking area which abuts a structure, and allows a minimal amount of space for normal movement of people between the vehicles and the structures.

Barbara Evans asked if that amendment could be worded a little bit differently so that those people who have an attached garage are not going to be reading that their garage and driveway are not in compliance.

John Torma said that could be done. In relation to the second change, regarding requirements for outdoor recreation, he said that the issue this language does not resolve is can all landscaped areas be included to satisfy this 70% requirement for outdoor recreation area, and what comprises useful. The intent of this section was to provide for the residents of multi-family structures an outdoor area which is useful for recreation. The current standards fail to establish any criteria which insure that the area set aside is usable.

The proposed language in the third section addresses a situation such as a person having a parcel an acre in size, which would be allowed to carry 16 dwelling units. If the owner were intending to provide a mixed use on that parcel by having multiple buildings, the part of that parcel that would be used specifically for residential use would have to satisfy the density requirements of the Comprehensive Plan. In other words, if half of that parcel were being used strictly for residential uses, then the owner could have no more than 8 units, because the density requirements, according to the plan, are 16 units to the acre. On the remainder of the parcel, the owner could maximize the development densities of the plan and add an additional commercial use if he could satisfy all of the development standards of Special District #2. The owner would not be able to have lots for residential buildings which were smaller than the density requirements because of the fact that there is more open space on the commercial lot. The idea is to satisfy the intent of the plan, which is to allow for viable open space in residential densities around all the separate buildings.

He said he would like to discuss the Thorsrud Subdivision, which was approved by the Commissioners in the fall of 1986. It was that subdivision which actually raised these issues. It wasn't until after the Office of Community Development had given indication that this project satisfied the standards for S.D. 2 that these issues were raised. On that initial indication of compliance, the developer went through the Subdivision process and was granted approval on this subdivision. He said he did not believe that the plat had been filed yet, but the developer has indicated that he intends to do it soon. Also, a request for review and a zoning compliance permit for Special District #2 standards has not yet been formally received by the Office of Community Development. However, if these amendments are adopted, it would preclude the development of the Thorsrud Subdivision as it has been approved. The property owner has two alternatives: one is to apply for the zoning compliance permit prior to the adoption of a Resolution to adopt these amendments by the County Commissioners. The other alternative is to avail themselves of a process in the County Zoning Resolution called the vested right exemption, which allows a property owner who has invested significant funds into the process of developing their property prior to amending the zoning resolution to continue with that process even though the amended language would preclude that

MARCH 11, 1987 (continued)

development. A property owner has within 60 days of the time the ordinance is amended to apply for this vested right exemption, which in this case, would bring the developer to the period of the first week in June. Also, regarding the amendment to the staff's recommendation, that the \$150 fee for vested right exemption, he said he would like to remind the Commissioners that this fee is charged for a vested right exemption request. However, if the County Board of Adjustment, which hears these requests, grants the vested right exemption, the fee is refunded, which is the same as an appeal of an administrative decision. If the appeal is withheld by the Board, then the fee is refunded.

The hearing was opened for public comment.

Nick Kaufman, of Sorenson and Company, said he chose to speak as a proponent, because the reasons for the change are good. The reason for the changes is that it alleviates the ability to interpret the regulations in a different manner. He said the West Central Village development is bringing sewer to the Mount Avenue area, and when sewer comes down Cottage Court, the interior cul-de-sac in West Central Village, it will extend west to the Thorsrud property. So the Mount Avenue paving project and the West Central Village subdivision have provided capital facilities which caused the interest for Mr. Thorsrud to do a multi-family project. He said these regulations remove a lot of grey area, and he is in favor of them, but they have put Mr. Thorsrud's project in jeopardy, because if he doesn't get his zoning compliance permit within the next two weeks, then he has until June to get a vested right exemption. He said he did not know what Mr. Thorsrud was going to do, but it was not his fault that there is interpretative room in the existing zoning ordinance. He said he did not think Mr. Thorsrud should have to bear the burden of the \$75 fee if he is denied by the Board of Adjustment.

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

Barbara Evans asked John Torma to clarify the fee that Mr. Thorsrud had already paid. She had heard two figures mentioned; \$150 and \$75, and she also wanted to know what the Commissioners were expected to do regarding this fee.

John Torma said that \$150 was the correct amount. If the Commissioners intend to allow Mr. Thorsrud the waiver of that fee regardless of which way the Board of Adjustment votes, they should do so at this time. But it should be a separate motion, because it has nothing to do with these amendments.

Ann Mary Dussault asked if the problem could be satisfied by stating in the first section "all new buildings".

Barbara Evans said she did not think that would help. If the Commissioners require 6 feet between the driveway and the house, and the garage is attached to the house, then the driveway is attached to the garage and the house, and there could not be 6 feet between them.

John Torma said he would suggest amending the language to read, "All buildings must be separated from drives and parking areas by a minimum of 6 feet, with the exception of that part of a driveway leading directly into an attached parking structure."

Barbara Evans said that would be acceptable.

Ann Mary Dussault asked if it was correct that Mr. Thorsrud had already gone through the process.

MARCH 11, 1987 (continued)

John Torma said he had gone through the subdivision process, not through the zoning compliance permit process.

Ann Mary Dussault asked Nick Kaufman when Mr. Thorsrud was intending to proceed.

Nick Kaufman said Mr. Thorsrud is intending to proceed through the planning process as soon as T & T Construction takes the sewer and water inside the West Central Village Development, which is scheduled to start April 1, and end by the middle of August. So, Mr. Thorsrud will probably not start construction on his project until mid or late summer, but he could still get the zoning compliance permit, as it is good for six months.

Ann Mary Dussault said she had a simple solution: The Board of County Commissioners could delay the effective date of these amendments until August 1.

Nick Kaufman said that sounded like a good plan. He said Mr. Thorsrud should not have to have much more than a site plan to get the permit. He said if he were to advise Mr. Thorsrud, he would tell him to get the zoning compliance permit, which is good for six months.

Ann Mary Dussault asked John Torma if there was a problem with delaying the effective date.

John Torma said he would feel uncomfortable about delaying it six months, because we are heading into the building season now, and if there is going to be any development on Reserve Street, it will start very soon. He said he could live with a 30 day delay, but he wondered if this process takes a resolution of intent, then a resolution adopting the amendments.

Joan Newman said that was correct, so process could take 30 days anyway.

John Torma said that even if the process were not changed to delay action for thirty days, a minimum of thirty days would pass before the amendments became effective. He said that if the Commissioners want to wait an additional thirty days, that would give Mr. Thorsrud sixty days.

Ann Mary Dussault moved and Barbara Evans seconded the motion to proceed with the Resolution of Intent, based on the language found on page six of the Zoning Regulations for Special District #2, with the changes to be made in section 6.03 G 1.b. (d) as recommended by the Planning Staff, and that the resolution be ready for signature when all three Commissioners are back from trips out of town. The motion passed on a vote of 3-0.

Janet Stevens then recessed as the Board of County Commissioners, at 2:30 p.m. and convened a hearing before the Planning and Zoning Commission.

Hearing: Planning and Zoning Commission (Permit Fees for Zoning District #4- Pattee Canyon)

Those present at the hearing were Commissioners Janet Stevens, Ann Mary Dussault and Barbara Evans, and County Assessor Fern Hart, and County Surveyor Horace Brown.

John Torma, Planner from the Office of Community Development said that Zoning District #4 is unique among citizen-initiated zoning districts in that it requires public hearings before both the Planning Board and the Planning and Zoning Commission for any development of property within the district. These development requests take up considerable staff time, the costs of which are

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being born by all of the taxpayers of the County. Establishing a development request fee would help place the costs of administering this zoning district on the residents of the district.

He said the recommended motion for the Planning and Zoning Commission would be:

After reviewing all testimony and documentation, the Commission moves that the general regulation of Planning and Zoning District #4 be amended by adding the following language under "Section II- General Regulations."

9. Any development request within Planning and Zoning District #4 must be accompanied, at the time of submittal, by a fee of \$75.00. The applicant shall also be responsible for the costs of notifying adjacent property owners within 300 feet of the subject property (\$.50 per 1st class letter) and the costs of posting the property and/or affected area in three prominent places (\$20.00)

The Applicant shall be notified of the posting and notification fee by the zoning officer and shall be required to pay these fees prior to the first public hearing

The hearing was opened for public comment. Proponents were asked to speak first.

No one came forward to speak. Opponents were then asked to speak.

Greg Martinsen said he was not sure if he wanted to speak in favor or in opposition, he just had a few comments he wished to make. He said one of the problems he had with this zoning district is that it has gotten to the point in Pattee Canyon where anything you want to do, from building a shed to protect your woodpile to a tennis court or a swimming pool, or a home, is interpreted in several different ways by different people, and some of those people say each development much go through the entire hearing process. He said he, his brother and his sister have 123 acres in Pattee Canyon, and have run aground of the process several different times. He said the cost of the hearing process often exceeds the cost of the materials to do the project. He said the process has gone beyond the scope of the original intent of the zoning regulations in that area. He said he believes that a person wishing to do a project should bear a certain proportionate amount of the cost, but how much it should be is the question in his mind.

Dick Clemow, President of the Pattee Canyon Homeowners Association said he was in opposition to the fee, and agreed with the points made by Greg Martinsen. He said he believed that the person who benefits from a service should pay, and clearly Zoning District #4 requires some additional considerations by the County. He said he had approached Fern Hart earlier, because he felt that some of the residents in that district were not receiving some of that consideration by some officials because of the additional time and burden of going through the process, and she had asked him who was paying for the service. He said that he felt that if the residents pay for the service and received consideration, then everybody would be happier. He said it turns out that a tax levy is not a viable alternative, so the fee question has come up. He said he has attended a lot of Planning sessions, and has gotten tired of people talking about their "special" neighborhoods; how "special" the University district is, and how "special" Pattee Canyon is, etc. He said Pattee Canyon is not "special" at all; it is just their neighborhood- no more special than East Missoula, and not next to Freddy's-it's

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just their neighborhood. He said he believed the residents in Pattee Canyon have the right to petition for their zone, and at the suggestion of the County Surveyor in 1972, with the input from the Commissioners and the Planners, the Pattee Canyon residents adopted the language that was given to them by the County. The suggestion from the County was that they use the current language that was in the zoning. To try to develop a 40-page manual on how to proceed with the future development of the Canyon was pointless; that on a case by case basis they could be reasonably reviewed and determine whether they comply with the intent of what the petitioners for the zoning wanted to do at that time. In the intervening 15 years, interest rates have gone to 8 1/2%, there are all new planners, all new Commissioners, and all new Planning Board members. In 1972, the support for these regulations was unanimous, and the residents took their suggested language, petitioned for it, and it was approved. He said he felt that at this time there is a lot of controversy because of the development pressure, the time involved, and the review process is more involved. He said the majority of the development goes through without any public comment or any testimony. He said that four homes in the past year went through without any controversy. He said the only comment he had made about the four developments was that he would like to see the roads in the area a little safer, but the developments cruised right through without any public comment. He said that he is feeling some backlash now; that maybe the zoning that was suggested and adopted by the Commissioners is not being observed. He said to charge a fee to interpret zoning so that when it goes through this process it gets manhandled, is unfair. He said he felt that if there is a service that is provided, and if the intent of the zoning is upheld, the residents should pay for it. However, the residents are being buffeted around by the Planning Board. A few weeks ago, a member of the Planning Board told him that a tennis court that is being built in the area should just be called a logging road so that the Board would not have to listen to the proposal. He said that statement came from someone who is working for the people in the County government; and is deliberately attempting to sabotage the zoning in the Pattee Canyon area. Because the residents in that area exercised their rights fifteen years ago, there is some guy on the Planning Board saying, "just call it a logging road and do your tennis court", or "call your swimming pool a logging road".

Barbara Evans asked Mr. Clemow if he thought the member of the Planning Board was kidding.

Dick Clemow said he did not think he was kidding, and if the Commissioners examined the record, they would find that that particular member has rejected the zoning ordinance in the Pattee Canyon area, and he and other members of the Planning Board will never make any effort to interpret the intent of Zoning District t#4. He said he had a problem with that, and if he comes before the Planning Board, and believes that they are impartial and independent, and the Planning Office prepares a report, and they are independent, and the Commissioners are independent, then the residents have to live with that decision and believe that it is reasonable. He said he did not believe the residents were getting that interpretation, and they were getting that on the record at the Planning Board level. For those reasons, he said he felt that imposition of a fee at this time, when it seems that the system isn't working, will only create a more difficult system. It will create more resentment for developers who feel that the system is not working and that it is not impartial; that it is in a turmoil; that it will provide more incentive for people to evade the process, and he agrees with Mr. Martinsen's opinions that the intent of the zoning is not for swing sets, not for sidewalks, it is not for built-in barbecues, it is for excavations, it is for earth movements and massive developments.

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He said he thought that this would be the time to define what is a development and what is an improvement, so that the Pattee Canyon residents are not sniping at their neighbors over satellite dishes, which people don't do. People are reasonable up there. But when you wake up and there is a bulldozer crawling around behind your house, people interpret that as development. He said he was against this fee, because imposition of it at this time represents value for services that are currently not being rendered. The mechanism is there to do it, but the bugs need to be worked out, then the fee ought to be imposed at a level that makes sure that the County is compensated for any costs because the people in the Canyon and in that Zoning District are receiving that service.

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

Barbara Evans asked Dick Clemow if he had said that four things had cruised through the process and the Homeowner's Association had not opposed them, and at the same time did he say that the only time he felt that these type of fees ought to be imposed is if the Homeowners get their way.

Dick Clemow said that was not what he said. He said the Homeowners are looking at use of County resources. The people in this zoning district are requiring planning time, and everybody in the Canyon benefits from the zoning, and everybody in the County who has zoning benefits from it. From that standpoint, the residents are imposing a demand to pay this fee, the development is reviewed, the planners solicit public comment, and the hearing process takes place. So whenever anything comes into the Planning Office for development, the fee needs to be paid, as the process has to be observed. He said he felt that in a number of instances, there is not a lot of time spent at the Planning Board level or at the Planning and Zoning Commission level, because there isn't any concern on the part of the neighborhood regarding that particular development. In the last year, there were three homes built, and the other people in the zone felt that the developments were in compliance with the zoning; only a mobile home issue received any notice from the residents. The intent of the zoning process in 1972 was that reasonable, subjective decisions would be made after public testimony was received. He said he did not believe that there were people that were targeted, or were favorites of the residents. He said it was very difficult to stand up at a public meeting and say a neighbor was breaking the law, but he felt that he had to stand by what he believes in.

Barbara Evans asked him if he felt that his group would be inclined to specify which types of things constitute development.

Dick Clemow said he thought that was a great idea. His idea of development was "movement", or yellow toys creeping around in the canyon.

Barbara Evans said those definitions should be clarified, as it is the only zoning district that requires as much effort by the Planning Department and the Planning and Zoning Commission, and if they want that much service, they should be willing to pay for it.

Dick Clemow said he agreed. In the past four or five years proceeding this year, with high interest rates, there had been no homes built, and now there is a pent-up demand, and all the government people are saying, "Oh, no, another Zoning District #4 thing." He said that development is going to accelerate now, and 15 years ago, that is the reason those regulations were adopted. He said the residents had taken the recommendations from the Commissioners, the Surveyor, the Planning Department, and now

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there are these people who sit and say, "Gosh, I've got to make a decision; I'm rejecting everything they suggested and we adopted." He said he would like to see people be more reasonable. On an improvement basis, the residents up there are reasonable about barbecues, patios, etc.

Barbara Evans said that when she looks at the way that the Pattee Canyon residents are upset about development, she would suggest that they amend their rules so they don't have to come for minor changes, in which case there is no charge.

Dick Clemow said he had been working on that. He said he would like to talk to Joan Newman about what kinds of changes could be made. He said the minutes of the Planning Board meetings show a deep undercurrent of resentment toward Zoning District #4.

Joan Newman said that under the statute, the initial zoning would have to be initiated by a petition; amendments can be made without a petition. The policy has been for the citizens to bring changes in, and not for the County to initiate changes. She said she would like to point out the fact that the Planning Board are citizens, they are not County Officials, they are volunteers.

John Torma said he would like to suggest that one possible solution to this would be specifying some minor improvements of lots that common sense would dictate would not require this kind of review, and then adding as a conclusion to the list a statement such as "the County Zoning Officer, upon consultation with the President of the Pattee Canyon Homeowner's Association, shall determine whether a development proposal requires review". He said that would cover all the things not specifically delineated.

Janet Stevens said she would have a problem with that in that the Homeowner's Association does not represent all the property owners in Pattee Canyon that are subject to this district.

Greg Martinsen said some of the people in the area had not been allowed to join the Homeowner's Association.

Dick Clemow told him he was a member already.

Greg Martinsen said he had been told that he could not join.

Dick Clemow said he was automatically a member if he owned land in the district.

Greg Martinsen said he had been told not to attend meetings.

John Torma said that what he was trying to accomplish was notifying a representative of the residents of the district as to what the County government, through the staff, is making without going through an administrative process, which is expensive.

Ann Mary Dussault said it sounded like the discussion was about apples and oranges. The issue before the Commission is fairly limited, and she did not want to start amending the zoning ordinance in other ways than what was advertised as being on the discussion. She said it was her own view that it is time that this zoning district zoning language was updated, as 15 years is a long time. She said it is as confusing a tool for the Commission to make decisions on as it is for the residents in the area to know what is expected of them. She said the County was willing to help update, but she did not want to say that the County would do it-that has to come from the district.

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Barbara Evans said she would favor passing these amendments effective the first of July, and that between now and July, the residents would have the option of changing their regulations to whatever suits them so that only the types of things that take a lot of review will be the only things left that have to come through the process and pay the fee.

Ann Mary Dussault said there are still two separate issues, and she did not have any trouble at all adopting the new fee today, but she feels that the zoning regulations are a totally separate issue.

Barbara Evans said the reason she suggested that the Commission adopt the fees and make it effective July 1 is that it gives the residents the impetus to do what they should do.

John Torma noted that the fee would be for a service that the residents are asking for.

Barbara Evans said that Mr. Clemow is saying that they don't want to have to come through the process for a satellite dish or a barbecue, or a woodshed.

Ann Mary Dussault said those things do not come through the process now.

Dick Clemow said people are saying that they do; they are hiding behind the ambiguity to say that a satellite dish was not required, the doghouse was not required, and therefore, my woodshed was not required, therefore, my garage wasn't required, therefore my gallery and studio and observatory wasn't required, therefore, my horse arena and polo grounds are not required. Once my original house gets approved, anything goes. He said the Homeowner's Association has been meeting weekly, and spending many, many hours reworking the zoning regulations. But it was very difficult to determine what is going to be going on in 20 or thirty years, and it is very difficult to be specific about certain things that should be excluded from that area.

Ann Mary Dussault said she would like to suggest to Mr. Clemow that the Planning Board is a separate, critical non-issue, and she realizes that it is uppermost in his mind because he got beat up on at the meeting.

Dick Clemow said that was true; he got beat up on, and they also beat up on his neighbors, and then the neighbors won't come to the final hearing because they are tired and defeated.

Ann Mary Dussault said this issue is very simple. There are a certain number of very identifiable and fixed costs that accrue on development proposals in special zoning districts that are above and beyond what is normal. In addition, there is a certain amount of staff time at a minimum that is involved in processing these development requests. She said that she believed that if people want government to act like business, then this is way too limited. Perhaps people should be charged on an hourly basis just like the private sector does. She said she was not suggesting that the Commissioners do that; the point is to attempt to recover some of those costs, and the days are gone when people can expect more than the minimum from government without paying additional fees for that. She said she felt that the issues involved in this hearing, and the issues involved in the next hearing on the agenda were tied together, and she thought that the Commission ought not act on this matter until the next hearing is over.

Horace Brown asked how these specific fees were arrived at?

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John Torma said the fees were determined by analyzing very carefully the time spent performing the numerous, various functions that the Planning Staff has to do in order to process these requests. He gave some examples of the kind of functions necessary to process a request in this zoning district.

Horace Brown asked if each zoning district would have a different fee schedule.

John Torma said Zoning District #4 is the only special zoning district with review requirements. The variance fee for variance requests in Chapter #41 zones will apply uniformly to all Chapter #41 zones.

Horace Brown asked if people who pay development fees also have to pay a variance fee.

John Torma said that was correct. He referred to another zoning request that had recently been heard by the Planning and Zoning Commission, the Steve Sickles matter. He said the fees are paying for a service provided for the folks of that "citizen initiated zoning district". It is not standard County zoning; it is a zoning district that is created by the people in that particular area for a zoning standard that they want in their area. He said to have the all the County taxpayers pay for the services that these people wish to have provided to enforce the standards that they, themselves have set up, is a bit problematic.

Barbara Evans said that she would ordinarily agree with Horace Brown's opinions on this matter, but in this particular case where the folks have set up their own rules and they require more from the County than anybody else, they have to be willing to pay for those services.

John Torma said that folks in standard County zoning Districts (Chapter 47 zoning districts) also have to pay variance request fees, so this is not an unusual request.

Janet Stevens said that the hearing on this matter would be suspended until the hearing on Variance Fees for Chapter 41 zones was concluded.

Hearing: Amendment of the Fee Schedule for Chapter 41 Zones.

John Torma said an application fee of \$50 was established by resolution in 1979. The proposed resolution would increase the fee in all citizen initiated zoning districts to reflect the actual costs of processing variance requests. He said the fee does not come close to covering the costs of the services provided for processing these variance requests, and should be increased to include fees for such services as fees for legal ads; notification of adjacent property owners, and posting fees. He said the fee increase would not be a large revenue generator, but would cover the costs of the services.

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

Fern Hart asked Ann Mary Dussault what her concern was about the fees being unequal?

Ann Mary Dussault compared the fees for citizen initiated districts and regular zoning districts, and recommended that if the Commission was going to act, that they adopt the schedule for in the variance request so that in Zoning District #4, the fees there be the same:

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Variance Review Fee	\$ 75.00
Legal Ad Fee	20.00
Adjacent Property Owner Notification	.50 per 1st class letter
Posting Fee	10.00 plus \$.21 per mile

The variance review fee and legal ad fee must be paid at the time of submittal of the request.

Adjacent property owner notification fee and posting fee must be paid prior to the public hearing before the County Commissioners.

The Maximum fee for a variance request in a citizen initiated zoning district shall be \$200.00.

Fern Hart asked if another notice of hearing would have to be published in order to make the proposed changes in zoning district #4.

Ann Mary Dussault said that sometimes zoning district #4 requires actually more staff time, but simple variance requests go through without as much staff time. On the other hand, variance requests like Jim Busch's request to run a lodge at Lindbergh Lake took a great deal of staff time, so it would seem that these things actually balance out.

John Torma said he would agree with that, especially when you consider the fact that development requests in zoning district #4 requires staff time for two public hearings.

Horace Brown said he would like to see the variance review fee reduced from \$100.00 to \$75.00; and keep the maximum fee of \$200.

John Torma said that in zoning district #4, the \$200 limit would never be reached.

Horace Brown said he sincerely hoped not.

John Torma said the only variables in zoning district #4 are the number of property owners within 300 feet of the property and the mileage involved in the posting fee.

Ann Mary Dussault asked what the current fee for variance requests is.

John Torma said it was \$50.

Janet Stevens said she had a comment for Greg Martinsen. She said the Pattee Canyon people had every opportunity to get together and mend the citizen initiated zone, just as much as the Homeowner's Association had, so if he is dissatisfied with how that zone is set up, and what hoops he has to jump through, he can come in with a request for amendments just like anybody else.

Greg Martinsen said a certain group of people in the area see to it that other people don't even know that a meeting is being held.

Ann Mary Dussault moved and Barbara Evans seconded the motion that the fee schedule for variance requests in citizen initiated zones be amended, with the application fee for development requests in zoning district #4 be as follows:

MARCH 11, 1987 (continued)

Variance Review Fee	\$100.00
Legal Ad Fee	20.00
Adjacent Property Owner Notification	.50 per 1st class letter
Posting Fee	10.00 plus \$.21 per mile

The variance review fee and legal ad fee must be paid at the time of submittal of the request.

Adjacent property owner notification fee and posting fee must be paid prior to the public hearing before the County Commissioners.

The Maximum fee for a variance request in a citizen initiated zoning district shall be \$200.00.

The motion carried on a vote of 5-0.

There being no further business to come before the Planning and Zoning Commission, the hearing was recessed at 3:30.

The Board of County Commissioners reconvened at 3:30. There being no further business to come before the Board, the meeting was recessed at 3:31.

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MARCH 12, 1987

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

Daily Administrative Meeting

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

Resolution No. 87-023

The Board of County Commissioners signed Resolution No. 86-023, a resolution to vacate a portion of Kemp Street located in SW1/4 Section 29, Township 13 North, Range 19 West, more specifically being the westerly 13.0 feet of Kemp Street from the north right-of-way of Sussex Avenue to the south right-of-way of Central Avenue, said vacated strip being easterly of and adjacent to Lots 1 and 32 of Block 25 of Carline Addition, with the alley in Block 25 to be left open.

Quitclaim Deeds

The Board of County Commissioners signed quitclaim deeds from Missoula County to the following individuals in conjunction with the above Resolution No. 87-023:

1. to John H. Doyle, 3705 Paxson, for the West 13.0 feet of Kemp Street from the South right-of-way of the alley in block 25 of Carline Addition to the north right-of-way of Sussex Avenue, said vacated strip being easterly of and adjacent to lot 32 of Block 25 of Carline Addition; and
2. to Robert J. Rangitsch, 2900 Humble, for the west 13.0 feet of Kemp Street from the north right-of-way of the alley in Block 25 of Carline Addition to the south right-of-way of Central Avenue, said vacated strip being easterly of and adjacent to lot 1 of Block 25 of Carline Addition.

MARCH 12, 1987 (continued)

Other items included:

1. Attorney Ron MacDonald appeared on behalf of the Country Club and protested the closure of that section of road just south of Bitterroot Motors from old Highway 93. The Commissioners took under advisement whether to overturn the Surveyor's decision to permit the temporary closure; and
2. The Commissioners voted to approved determination of suitable access for Tract C COS #2287 less Tract C1, COS #3383, two twenty-acre parcels near Bonner created by Carmon and Bertha Mae O'Donnell; with the condition that an access permit from the County Surveyor's Office will be required for any additional access points on the road.

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

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MARCH 13, 1987

The Board of County Commissioners did not meet in regular session; Commissioners Evans and Stevens left for Washington, DC where they attended the NACo Legislative Conference.

Monthly Reports

Acting Chair Dussault examined, approved and ordered filed the monthly reports of Justices of the Peace, David K. Clark and Michael Morris, for collections and distributions for the month ending February 28, 1987.


Fern Hart, Clerk & Recorder


Janet Stevens, Chairwoman

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MARCH 16-18, 1987

The Board of County Commissioners did not meet in regular session; Commissioners Evans and Stevens were in Washington, D.C., where they attended the NACo Legislative Conference. Commissioner Dussault was in Helena at the Legislative Session March 17th.

On March 16, 1987, Acting Chair Dussault signed the Notice of Passage of the Resolution of Intent to Create RSID No. 424 for the purpose of constructing street improvements on 37th Avenue, 36th Avenue, and Tower Street between South Avenue and North Avenue and 33rd Avenue and 37th Avenue in U.S. Government Subdivision #1, Missoula County, Montana, setting the hearing date for April 8, 1987, at 1:30 p.m.

Weekly Public Meeting Cancelled

The weekly public meeting scheduled for March 18th was cancelled as two of the Commissioners were out of town.

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MARCH 19, 1987

The Board of County Commissioners met in regular session in the afternoon; a quorum of the Board was present. Commissioner Evans was out of the office until noon and Commissioner Stevens was out of the office March 19th and 20th.

MARCH 19, 1987 (continued)Audit List

Commissioners Dussault and Evans signed the audit list, dated March 17, 1987, pages 9-48, with a grand total of \$535,687.55. The Audit List was returned to the Accounting Department.

ADMINISTRATIVE MEETING

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

Payroll Transmittal Sheets

The Board of County Commissioners signed the transmittal sheets for the following pay periods:

1. #5 (2/08/87 through 2/21/87) with a total Missoula County payroll of \$345,247.15; and
2. #6 (2/22/87 through 3/07/87) with a total Missoula County payroll of \$343,427.04.

The transmittal sheets were returned to the Auditors Office.

Contracts

The Board of County Commissioners signed contracts between Missoula County and Western Materials, Inc., the lowest and best bidder for the following items from the Road Department, as per the terms set forth:

1. road sanding material, for a total amount of \$31,900.00; and
2. plant mix paving aggregate, for a total amount of \$11,165.00.

The contracts were returned to Centralized Services for further handling.

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 providing police chaplain services to the Missoula County Sheriff's Department and their families when requested; as per the terms set forth, for a total payment of \$500.00.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Health Department and adopted it as part of the FY '87 budget:

No. 870056, a request to transfer \$4,666.00 from the Permanent Salaries Account to the Temporary Salaries (\$3,847.00) and Fringe Benefits (\$819.00) Accounts because of overexpended budget.

Resolution No. 87-024

The Board of County Commissioners signed Resolution No. 86-024, a resolution of intention to create RSID no. 424 for the purpose of constructing street improvements on 37th Avenue, 36th Avenue, and Tower Street between South Avenue and North Avenue and 33rd Avenue and 37th Avenue in U.S. Government Subdivision #1, Missoula County, Montana.

MARCH 19, 1987 (continued)

Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Neva Oliner, an independent contractor, for the purpose of developing an AIDS Task Force, delivering AIDS public education presentation, responding to telephone calls from the public regarding AIDS information, assisting in the development of AIDS telephone information line, functioning in accordance with current AIDS information, Health Department and CDC policies, attending weekly meetings with Ellen Leahy, attending Health Department Communicable Disease Committee or AIDS meetings; and keeping time and telephone logs, as per the terms set forth, for the period from March 9, 1987, through June 30, 1987, for a total amount not to exceed \$3,400.

Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and William M. Mercer-Meidinger, an independent contractor, for the purpose of reviewing and analyzing current health and dental insurance plan designs, analyzing current funding of the health program, and identifying problem areas and proving recommendations, as per the terms set forth, with the services to be completed no later than March 23, 1987, for a total amount not to exceed \$6,000.

Resolution No. 86-025

The Board of County Commissioners signed Resolution No. 87-025, a resolution to vacate petitioned roads in the Meadows of Baron O'Keefe property, sections 8, 9, 16 and 17, T. 14N., R20W., as per the descriptions set forth in the Resolution.

Quit Claim Deeds

The Board of County Commissioners signed quit claim deeds from Missoula County to the following in conjunction with Resolution NO. 87-025:

1. to George F. & Jacqueline J. Gould, of 48 Futura Trailer Court for that portion of vacated public road right-of-way lying within Book 50 Micro, Page 73 records of Missoula County;
2. To Western United Life Assurance Company of Spokane, Washington for that portion of vacated public road right-of-way lying within lots 72-A & 72-B of Certificate of Survey No. 2339;
3. To LaWulite, Inc., of Tempe, Arizona for that portion of vacated public road right-of-way lying within lots 73-A and 73-B of Certificate of Survey No. 2356;
4. To Western United Life Assurance Co. of Spokane, WA for that portion of vacated public road right-of-way lying within lots 73-A and 73-B of Certificate of Survey No. 2356;
5. To McCullough Brothers, Inc. of 704 Mount Avenue, for that portion of vacated public road right-of-way lying within lot 36 of Certificate of Survey No. 1925;
6. To Steven A. and Constance L. Stagle of 136 Bridger Court for that portion of vacated public road right-of-way lying within lot 38 of Certificate of Survey No. 1925;

MARCH 19, 1987 (continued)

7. To the estate of Lena Lucier (Dick Lucier, Personal Representative) of Frenchtown, MT. for that portion of vacated public road right-of-way lying within Book 50 micro, page 73 records of Missoula County;
8. To Geneva Cates of 11192 Highway 93 North for that portion of vacated public road right-of-way lying within lot 67 of Certificate of Survey No. 1925 and Parcel "E" of Certificate of Survey No. 3005;
9. To Bruce G. Anderson of 3708 Bellecrest for that portion of vacated public road right-of-way lying within lot 46 of Certificate of Survey No. 1925;
10. To Stephen G. Vinal of Loveland, CO for that portion of vacated public road right-of-way lying within lots 72-A and 72-B of Certificate of Survey No. 2339;
11. To V & R Development of Florence, MT for that portion of vacated public road right-of-way lying within lot 6B of Certificate of Survey No. 1965;
12. To James J. and Margie M. O'Toole of Boone, Iowa for that portion of vacated public road right-of-way lying within lot 6B of Certificate of Survey No. 1965;
13. To Leon R. and Catherine A. Spitz of Spokane, WA for that portion of vacated public road right-of-way lying within lots 59, 61, 58, 60, and 47 of Certificate of Survey No. 1925;
14. To Meadows Properties of 2806 Garfield for that portion of vacated public road right-of-way lying within the private access road shown on Certificate of Survey No. 1925;
15. To Carol Ashmore of Rattlesnake Drive for that portion of vacated public road right-of-way lying within lot 73-A of Certificate of Survey No. 2356;
16. To the Estate of Lena Lucier (Dick Lucier, Personal Representative) of Frenchtown, MT for that portion of vacated public road right-of-way lying within book 50 micro, page 114 records of Missoula County; and
17. To Donald R. and Irma L. Cox of 10600 Fred Lane for that portion of vacated public road right-of-way lying within book 50 micro, page 114 records of Missoula County.

Resolution No. 87-026

The Board of County Commissioners signed Resolution No. 87-026, a resolution to vacate a portion of Mount Avenue between Eaton and Garfield located in the NW 1/4, SW 1/4, Sec. 29., T.13N., R.19W., P.M.M. as the road is no longer necessary due to Mount Avenue realignment.

Quitclaim Deed

The Board of County Commissioners signed a quitclaim deed from Missoula County to T & T Construction, Inc., conveying a strip of land located in NW 1/4, SW 1/4, Section 29, Township 13 North, Range 19 West, Principal Meridian, Montana in conjunction with the vacation of a portion of Mount Avenue, Resolution No. 87-026.

Resolution No. 87-029

The Board of County Commissioners signed Resolution No. 87-029, a resolution adopting the following fee schedule for variance

MARCH 19, 1987 (continued)

applicants within all citizen initiated zoning districts in Missoula County; as per the recommendation of the Planning and Zoning Commission:

Variance Review Fee	\$ 75.00
Legal Ad Fee	20.00
Adjacent Property Owner Notification	.50 per 1st class letter
Posting Fee	10.00 plus \$.21 per mile

The variance review fee and legal ad fee must be paid at the time of submittal of the request.

Adjacent property owner notification fee and posting fee must be paid prior to the public hearing before the County Commissioners.

The Maximum fee for a variance request in a citizen initiated zoning district shall be \$200.00.

Resolution No. 87-030

The Board of County Commissioners signed Resolution No. 87-030, a resolution amending the General Regulations of Zoning District #4 by adding the following language under Section II, General Regulations, as per the recommendation of the Planning and Zoning Commission.

Variance Review Fee	\$ 75.00
Legal Ad Fee	20.00
Adjacent Property Owner Notification	.50 per 1st class letter
Posting Fee	10.00 plus \$.21 per mile

The variance review fee and legal ad fee must be paid at the time of submittal of the request.

Adjacent property owner notification fee and posting fee must be paid prior to the public hearing before the County Commissioners.

The Maximum fee for a variance request in Planning and Zoning District #4 shall be \$200.00.

Resolution No. 87-031

The Board of County Commissioners signed Resolution 87-031, a resolution amending and adding new sections to County Zoning Resolution NO. 76-113 as shown on the resolution.

Consent to Assignment of Lease

The Board of County Commissioners signed their consent to the assignment and transfer of a permit dated July 21, 1981 from Gordon Strilcov to Pat Barrachman to use a portion of Missoula County property adjacent to Highway 12 in Section 5, T.11N., R20W., for the purpose of providing pasture, with all over conditions of the permit remaining the same.

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

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MARCH 20, 1987

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

Fern Hart
Fern Hart, Clerk & Recorder

Janet Stevens
Janet Stevens, Chairwoman

* * * * *

MARCH 23, 1987

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

DAILY ADMINISTRATIVE MEETING

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

Certificates of Acceptance

Chairwoman Stevens signed Certificates of Acceptance for County maintenance for the following roads in the Pine Grove area to update the records in the Surveyor's Office, as these roads have been continuously maintained since prior to January of 1961:

1. Roberts Lane (previously named 1st Street)
2. Thibodeau Lane (previously named 2nd Street)
3. Aabear Lane (previously named 3rd Street), and
4. Fontaine Lane (previously named 4th Street).

The certificates were returned to the Surveyor's Office.

Resolution No. 87-027

The Board of County Commissioners signed Resolution No. 87-027, a resolution accepting real property for public road and all other public purposes, as per the terms set forth, located in the SE1/4 of S.35, T.15N., R.21W., P.M.M. Missoula County from James V. and Joyce A. Palmer for right of way needed by Missoula County for the Frenchtown Mill Creek Bridge replacement and road project.

Resolution No. 87-028

The Board of County Commissioners signed Resolution No. 87-028, a resolution accepting real property for public road and all other public purposes, as per the terms set forth, located in the SE 1/4 of Section 35, T.15N., R.21W., PMM Missoula County, from William Lee Lake and Robert Earl Lake for right-of-way needed by Missoula County for the Frenchtown Mill Creek Bridge replacement and road project.

Other matters included:

The application for tax incentive by Louisiana Pacific Corporation was discussed. It was given to Howard Schwartz, Executive Officer, for further review and the procedure needed.

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

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MARCH 24, 1987

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

Daily Administrative Meeting

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

MARCH 24, 1987 (continued)Resolution No. 87-032

The Board of County Commissioners signed Resolution NO. 87-032, a resolution creating RSID No. 419 for the purpose of construction of a drainage system to serve Pattee Creek and the South Hills area, as per the terms set forth.

Resolution No. 87-033

The Board of County Commissioners signed Resolution No. 87-033, a budget amendment for the Health Department for FY" 87, including the following expenditure and revenue adopting it as part of the FY '87 budget:

<u>Expenditure</u>	<u>Budget</u>
2430-790-443000-947 Capital Vehicles	\$200.00
<u>Description of Revenue</u>	<u>Revenue</u>
2430-790-361005 Junk Vehicle Miscellaneous	\$200.00

Environmental Health is using the old Junk Vehicle Truck in their motor pool, instead of trading it in on the new Junk Vehicle Truck purchased.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer request from the Health Department, and adopted it as part of the FY '87 budget:

No. 870057, a request to transfer \$6,844.00 from the Permanent Salaries (\$3,000) and Land Improvements (\$3,844.00), accounts to the temporary salaries (\$3,000) and Capital-Vehicles (\$3,844.00) accounts because of overexpended budget.

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

* * * * *

MARCH 25, 1987

The Board of County Commissioners met in regular session; all three members were present. Commissioner Dussault left for Great Falls late in the afternoon.

Audit List

The Board of County Commissioners signed the Audit List dated March 24, 1987, pages 8-37, with a grand total of \$944,105.49. The Audit List was returned to the Accounting Department.

Daily Administrative Meeting

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

Professional Services Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Steve Mackay, an independent contractor, for the purpose of an evaluation of the Missoula County Recreation, Parks and Open Space Standards as per the terms set forth, for the period from March 16, 1987, through April 30, 1987, for a total payment of \$630.00

MARCH 25, 1987 (continued)

Encroachment Permit

The Board of County Commissioners signed an encroachment permit, whereby Missoula County agrees to permit Edward B. Henry, 307 Westview Drive, Missoula Montana, 59803, to encroach upon a portion of a county road located at the southeast corner of North Avenue and Kemp Street adjacent to Lot 16, Block 15, Carline Addition, as a four-plex building owned by him encroaches upon the county right-of-way for five feet along the entire north end of the building. The permit is effective for a period not to exceed ten years as per the terms set forth.

Resolution No. 87-034

The Board of County Commissioners signed Resolution No. 87-034, a resolution accepting and approving the petition for inclusion in RSID No. 901 (Lolo Water and Sewer) as presented by the Lolo Town Pump, as per the terms set forth in the Resolution.

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

PUBLIC MEETING

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

Bid Award-Traffic Line Paint (Surveyor)

Background information provided by Horace Brown, County Surveyor indicated that bids were opened March 16, 1987 for 1700 gallons of yellow traffic line paint and 2900 gallons of white traffic line paint. Bids were received from:

Ennis Paint Manufactor	\$20,651.20
Dahlbergh Equipment Inc.	32,936.00
Norris Paint Co.	19,414.00
Komac Paint	NO BID
Columbia Paint Co.	20,334.00

Ann Mary Dussault moved and Barbara Evans seconded the motion to award the bid for 1700 gallons of yellow traffic line paint and 2900 gallons of white traffic line paint to Norris Paint Co. in the amount of \$19,414.00. The motion carried on a vote of 3-0.

Hearing: Placid Lake South Shore Tracts (Preliminary Plat)

Background information provided by Paula Jacques, Planner II of the Office of Community Development indicated that this subdivision consists of 35 lakefront lots a recreational subdivision proposed for Placid Lake. Individual sewage disposal systems are to be used, with the method of water supply to be either treated surface water or individual wells. The road system will be privately owned and maintained by the Homeowner's Association. At its March 3rd meeting the Planning Board recommended approval of the subdivision, deleting the requirement for boat ramp facilities along the lakefront. The Community Development Staff recommends approval of the preliminary plat of Placid Lake South Shore Tracts, subject to the conditions, variance and findings of fact contained in the staff report.

Paula Jacques said this was part of an old leased recreational subdivision which Champion had owned, and will be a development of 35 lakefront lots. The road system dates back to a trail between the lots, and will be approved and abandoned in some sections. The developers have requested variances from the road standards to allow a narrower road which will also be unpaved.

MARCH 25, 1987 (continued)

The cul-de-sacs, which will be constructed in part, are longer than those which exceed the subdivision standards, and those are also included in the variance request. There is a county maintained road, South Placid Lake Road which provides access, and each of the lots has lake frontage. The conditions of approval from the Planning Staff are as follows: (Condition number three was deleted by the Planning Board)

Conditions

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. A water monitoring program shall be developed and implemented in consultation with the City/County Health Department. Any cost associated with the monitoring shall be borne by the Homeowner's Association. The covenants shall specify this as a cost for which assessments can be levied by the Homeowner's Association.
3. Common area shall be developed along the lakeshore in sufficient amount to allow construction of a boat ramp with the first phase of development. The remainder of the common area shall be dedicated adjacent to this site with later phases and shall include a parking area constructed away from the lake.
4. A building restriction line shall be shown on the face of the plat 50 feet back from the high water line. A statement shall be printed on the plat and in the covenants restricting construction within this area to one boathouses having a maximum size of 480 square feet with maximum lake frontage length of twenty feet.
5. Article V, Section 5, shall be amended to require sideyard setbacks of 30 feet and a setback of 50 feet from the high water line for the residence with the words "closest point of enclosed structure" deleted.
6. Road construction plans bearing an engineer's seal shall be submitted with the final plat of each phase of development, including plans for revegetation of road outs subject to the approval of the County Weed Supervisor. Where roads cross property outside of this subdivision, easements shall be obtained.
7. All driveway and road intersections with South Placid Lake Road, including reconstruction of the existing intersection at Enchanted Forest Road, are subject to the approval of the County Surveyor.
8. The covenants shall include a provision requiring revegetation of sites disturbed by construction.

She said that if the Commissioners choose to delete requirement No. 3, she would recommend that the Commissioners require a dry hydrant in order to better serve the fire trucks, and for fire safety purposes.

A variance has been requested from the road standards of the subdivision regulations, as the eighteen foot wide gravel road proposed is adequate for a recreational subdivision which will largely receive seasonal use. All road plans must be prepared by a licensed professional engineer.

The hearing was opened for public comment

MARCH 25, 1987 (continued)

Dick Ainsworth, a 50% owner of Placid Lake Properties, the owner and developer of the property, said his partner in this property was Les Turnbull of Great Falls. They acquired this property from Champion last fall, and wished to develop it themselves as they have property on the lake and didn't want people who don't live there developing the land. He said they felt they had put together a plan that addresses the concerns of the people who live on Placid Lake as much as possible. He said they had gone to the Homeowner's meeting last summer and discussed the purchase and the development plans with them, and addressed their concerns. He said they planned to phase the development over a five to ten year period to spread the impact on the lake out; there is a fairly strict set of covenants proposed that will control setbacks, etc. He said it is strictly residential and is within Missoula County Zoning District #8 that prohibits commercial development, but doesn't address multi-family units. He said these would be single family residential lots.

He said the Planning Board recommended all the conditions except number three, which was proposed by the staff. He said that he, at the Planning Board meeting, agreed to all the conditions except number three, which they still do, except for one minor condition; that the water monitoring system may turn into something bigger than what was intended. He said they would agree to condition number two subject to working out some reasonable plan with the Homeowner's Association. Prior to the Planning Board, some monitoring plans were drafted, but the proposal now has grown to seven test wells at four different locations as opposed to the previous three wells at two locations. He said he would not suggest that that condition be eliminated, but he would like to go on record as saying he does not agree with it as it is now written. He said he thought something could be worked out.

In regard to condition number three, which the Planning Staff recommended and the Planning Board deleted, he said he was opposed to that condition for a variety of reasons. All the lots front on the lake, and all the cabins will have a minimum of a dock if they have a boat, and the impact that those types of uses will have on the existing boat ramp and campground will be minimal. So it does not make much sense to require another boat ramp. He said there is a potential for another 25 secondary lots, which may never be developed. With regard to the fire department's need to pump water from the lake, that can be done at the campground, which is less than a mile away. The bridge that crosses Owl Creek at the outlet to the lake is less than half a mile away, which gives two accesses to the lake. Requiring the developers to provide a source of water for the Rural Fire Department is like requiring a normal subdivision to drill a well and put in a fire hydrant just so the Rural Fire Department can get water. That has never been a condition on any subdivision as far as he is aware of, and he said it was an unreasonable requirement on this development. He said that Paula Jacques suggested they put in a dry hydrant, and they are not opposed to that. It would be a pipe that runs from the lake to the road which the fire department could hook up to and suck water out of the lake. In conclusion, he said that the boat ramp is necessary; the Planning Board agreed with that assessment, and he asked the Commissioners to delete that condition.

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

Janet Stevens asked Paula Jacques how the present recreation area on the lake was acquired.

Paula Jacques said it was donated by Champion to the State, which maintains the 45 space campground, the boat ramp, and the day use area.

MARCH 25, 1987 (continued)

Janet Stevens asked about the Planning Board's concern about the dry hydrants, and about the hydrant working at certain ground levels.

Paula Jacques said that according to the Rural Fire Department, their pumps can't extract anything where there is an elevation change in the grade of more than 8 feet, and in the northeast corner of the lake, there is a grade of more than that.

Dick Ainsworth said that the lakeshore is not very deep, and is a gradual drop, and his concern with the dry hydrant is that it would have to extend quite a distance into the lake, and there is a danger of it being hit by a boat as the water is so shallow. In addition, the lake is frozen in the water, and the pipe would also be frozen then.

Barbara Evans asked Paula Jacques to respond to Mr. Ainsworth's comments that there is a bridge a half mile away where the fire trucks could get their water just as easily as using a dry hydrant.

Paula Jacques said that from a fire protection standpoint, any distance is always a problem, and the closer you are to the water, the safer it is.

Barbara Evans asked how far the dry hydrant would be from the bridge.

Paula Jacques said that the northeast corner, just below the common area appears to be about a half mile from the bridge.

Barbara Evans asked Mike Sehestedt if the Commissioners had ever required fire hydrants in a subdivision.

Mike Sehestedt answered in the affirmative, and said that it would appear to be a fairly common occurrence.

Ann Mary Dussault asked Paula Jacques if the dry hydrant proposal was an alternative to the boat ramp.

Paula Jacques said that was correct. She said the original proposal included the boat ramp because it would kill two birds with one stone; provided a needed recreational facility, and also provided fire access. The dry hydrant is an alternative which does not require lakefront common area.

Ann Mary Dussault said she had a couple of concerns relative to the water quality study, and she considered that the most critical part of her decision-making process in approving this. She said she was reluctant to approve it without knowing that he and the Health Department had agreed to a water quality monitoring plan. She wanted to know what kind of deadline there was for the plan as she was not comfortable approving it without knowing if a water quality monitoring plan was in place. Secondly, she was uncomfortable about the condition requiring the Homeowner's Association to pay for it, because her observation of the experience with Homeowner's Association is not necessarily positive. Many times, the Commissioners have allowed Homeowner's Associations, in this process, to bear some responsibility, and it turns out in the future that they don't. She asked if there was an RSID methodology so that the Commissioners are absolutely guaranteed that water quality monitoring will take place.

Dick Ainsworth said that that was not originally his idea, although it is a great idea. For all practical purposes, the expense is going to be in the installation of the test wells, not the monitoring. The Health Department will continue to do the monitoring, which has been going on for many years on the lake.

MARCH 25, 1987 (continued)

Ann Mary Dussault said the Commissioners were under a deadline to make a decision by March 30, and asked Dick Ainsworth if he saw any reason why he and the Health Department could not reach agreement by March 30.

Dick Ainsworth said he did not see any reason why he could not, but he could not speak for the schedule of the Health Department. He said the Water Quality Board was also having input into this matter. He said he did not foresee any problem with the monitoring, as he was inclined to go along with whatever is required.

Ann Mary Dussault said she understood that, but she did not want to be approving something that may have some problems later.

Dick Ainsworth said the Health Department can always stop a project anyway.

Paula Jacques said she wished to point out that while the submittal does say that there shouldn't be a problem, it also says that with careful installation and with the monitoring, they don't expect a problem, so the staff is just proposing that the monitoring get done. The cost of the monitoring will be minimal in terms of the analysis, but the Health Department will do the sampling. The main cost is the installation up front.

Dick Ainsworth said that whole issue has a lot of unknowns, and there will not be a sewage system there for five or ten years, so there are a lot of questions of where and when the monitoring will be done.

Paula Jacques said there are already methods in place for dealing with contamination.

Dick Ainsworth said the water monitoring is not of the lake, but of the sewage and ground water system on the properties. He said the ground water does not get into the lake at all.

A general discussion of fees, covenants, and the Homeowner's Association's responsibilities ensued.

Dick Ainsworth said that when the developers do Phase I, they have to come back to the Commissioners to get final approval, and they have to meet all the conditions of preliminary plat approval, and if the condition regarding the water monitoring is not met, the Commissioners can then turn down the plat.

Ann Mary Dussault moved and Barbara Evans seconded the motion to approve the preliminary plat of Placid Lake South Shore Tracts with the requested variance and subject to the following conditions:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. A water monitoring program shall be developed and implemented in consultation with the City/County Health Department.
3. The developer shall be required to work with the Seeley Lake Rural Fire Department to assess the advantages of a dry hydrant located somewhere on the properties.
4. A building restriction line shall be shown on the face of the plat 50 feet back from the high water line. A statement shall be printed on the plat and in the covenants restricting construction within this area to one boathouses

MARCH 25, 1987 (continued)

having a maximum size of 480 square feet with maximum lake frontage length of twenty feet.

5. Article V, Section 5, shall be amended to require sideyard setbacks of 30 feet and a setback of 50 feet from the high water line for the residence with the words "closest point of enclosed structure" deleted.
6. Road construction plans bearing an engineer's seal shall be submitted with the final plat of each phase of development, including plans for revegetation of road cuts subject to the approval of the County Weed Supervisor. Where roads cross property outside of this subdivision, easements shall be obtained.
7. All driveway and road intersections with South Placid Lake Road, including reconstruction of the existing intersection at Enchanted Forest Road, are subject to the approval of the County Surveyor.
8. The covenants shall include a provision requiring revegetation of sites disturbed by construction.

Variance

A variance shall be granted from the road standards of the subdivision regulations, as the eighteen foot wide gravel road proposed is adequate for a recreational subdivision which will largely receive seasonal use. All road plans must be prepared by a licensed professional engineer.

The motion passed on a vote of 3-0.

Hearing: Resolution of Intent to Adopt the Swan Valley Condon Comprehensive Plan Amendment

At issue was a resolution of Intention to amend the comprehensive plan in the Swan-Condon area. Public hearings were held on February 17 and March 6, 1987. These hearings resulted in proposed changes to the Swan Valley-Condon Comprehensive Plan. Those changes are noted in the Resolution of Intention. The recommendation from Pat O'Herren, Rural Planner is to adopt the Resolution of Intention which will amend the Missoula County Comprehensive Plan by incorporating the citizen-initiated document known as the Swan Valley Condon Comprehensive Plan.

Pat O'Herren said the Resolution was available for the public to look at, and he said the plan was the work of a number of citizens who live in the Swan Valley-Condon area, particularly Tom Parker, who is the President of the Swan Valley Community Club. That Community Club has been an important element in writing the plan, but if the plan amendment is adopted, will also commit the club and the residents of the Swan to continue their work in its implementation.

The hearing was opened for public comment.

Tom Parker said he was in favor of the Resolution of Intent to adopt the amendments, and to adopt the input and changes that were recommended in the hearings. He said he supported the recommendations made by Vickie Moore in a letter to the Commissioners, concerning adding to the environmental goals to establish a committee to address the handling of recyclable materials, and establishing a pickup point for those materials in the Swan. On behalf of the Community Club and the residents of the Swan, he thanked the Rural Planning Staff, in particular, Pat O'Herren for their very sincere efforts and cooperation. He said they had helped in getting the plan through the final stages and

MARCH 25, 1987 (continued)

the hearings, and Pat O'Herren had a very complete working knowledge of the plan, better than anyone else's. He said Pat's knowledge and help had given the residents a great deal of faith in both the Planning Staff and that part of County government.

Pat O'Herren humbly acknowledged Mr. Parker's comments and asked for copies of the minutes.

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

Ann Mary Dussault asked Pat O'Herren for some clarification of some of the language in the proposed amendments. He agreed to clarify some of the language.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to adopt the Resolution of Intention to amend the Missoula County Comprehensive Plan by incorporating the citizen-initiated document with the amendments and recommendations made in the public hearings, known as the Swan Valley-Condon Comprehensive Plan Amendment. The motion passed on a vote of 3-0.

Ann Mary Dussault complimented Tom Parker and the Condon residents for accomplishing something historic in Missoula County.

Hearing: Seeley Lake Refuse Disposal District Fee Schedule

Chairwoman Janet Stevens said there was a request to approve the changes in fees for the Seeley Lake Refuse District as proposed by the Board. This was the second public hearing on the proposed fees. The first was held March 6 in Seeley Lake. Two written protests against the fee changes were received by the County Commissioners. Those protests were from Erv Gysler and Marian H. and Kenneth M. Larson.

The hearing was opened for public comment.

Ann Mary Dussault noted that the changes contain the amendments that were agreed upon at the hearing in Seeley Lake on March 6, relative to the grandfather clause and the clarification of the punishment section of the document.

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

Janet Stevens read the two sections that were proposed to be changed:

3. To cover the transition from the previous fee schedule to this one, residents who owned their property prior to the formation of this refuse district on October 22, 1974, and swear that the property is never occupied during a period of from four (4) or more consecutive months, may receive a reduction of one half (1/2) of the refuse fee.

Penalty: This statement will be added: I understand that any false statements or misleading omissions in this affidavit may constitute a criminal offense in violation of Montana Codes Annotated, Section 45-7-202 or Section 45-7-203.

Barbara Evans moved that under the section relating to business fees for service, businesses be amended so that the charge would be a minimum of 1/2 unit instead of a minimum of 1/1 unit per employee.

She said that at the March 6 public hearing, it was pointed out that a four-person real estate office would be assessed as much for two employees as 50 students in a school, and that logic made no sense to her.

MARCH 25, 1987 (continued)

Ann Mary Dussault said that was true, but the other way to approach that problem would have been to increase the fee for the school. She said she thought the reason that the Board didn't do that was because the reality is that if you increase the fee for the school, it goes into the school's operating budget and the very same people in the very same taxing jurisdiction ends up paying for that fee for the school. So, there wasn't any logic in the end to increasing the school fee, as it would all come out of the same pocket anyway. So the public institutions were left at a fairly lenient scale.

Barbara Evans said she heard what she was saying, but a service business to be assessed a half a unit per employee could be excessive, and she could not, in good conscience, agree to that.

The motion died for a lack of a second

Ann Mary Dussault moved and Barbara Evans seconded the motion to adopt the new assessment schedule for the Seeley Lake Refuse Disposal District with the additional language proposed in that schedule. The motion passed on a vote of 3-0.

A short recess of the meeting was called at this point.

After reconvening, Ann Mary Dussault said she would like to reopen the matter concerning the Seeley Lake Refuse District Fees.

Ann Mary Dussault moved that the Commissioners reconsider their action for the purpose of accepting Barbara Evans' first motion. Janet Stevens seconded the motion. The motion passed on a vote of 3-0.

Ann Mary Dussault moved and Barbara Evans seconded the motion to adopt the assessment schedule and the additional language in section 3, and the proposal by Commissioner Evans to delete "per employee" as it relates to all service businesses. The motion passed on a vote of 3-0.

Hearing: Grantland PUD Rezoning

At issue was approval of a major modification of the Grantland PUD. Information provided by John Torma, Planner for the Office of Community Development indicated that the Grantland PUD was approved in 1979. The current owners of the undeveloped portions of Grantland PUD are requesting that the PUD be modified as indicated in their proposal. On March 10, the Planning Board recommended approval of this request with 8 conditions. The Planning Staff recommended that the proposed PUD modification be approved subject to conditions 1-5, 7 & 8 of the Planning Board's recommendation and condition #6 as specified in the addendum to the Staff report dated 3/25/87 and subject to the provision of the eventual design and construction of a walkway system.

John Torma said this was also a consideration of the preliminary plat for Grantlands 14 and 15 subdivisions, which are part of this planned unit development. He said Paula Jacques, of the Planning Office would present information on this issue.

He said Grantland is a Planned Unit Development which was approved in 1979, and consists of approximately 3,600 acres. The existing PUD zoning of the property allows for approximately 1,850 dwelling units in development areas of varying densities. The proposed change to this Grantland PUD shifts these development areas around, and has the net effect of reducing the allowable development density by 64%. This proposal was first brought to the Office of Community Development in January of this year, and since it was first submitted, it has undergone numerous

MARCH 25, 1987 (continued)

changes. The proposal today is the result of numerous modifications made as a result of continuing negotiations between the developers, adjacent property owners, and the staff. He said the developers are to be commended for showing a willingness to discuss and address the concerns of the adjacent property owners by repeatedly modifying their proposal, and the adjacent property owners are likewise to be commended for making the effort to establish a neighborhood organization and become actively involved in the evolution of the neighborhood.

The primary issues in this proposal are: open space, primarily in the meadow areas, protection of the riparian zones around Grant Creek and Dark Horse Creek, a few aspects of the covenants, protection of the wildlife habitat in Grant Creek, and development in the Gleneagle area.

He read the staff's recommendation of approval, and noted where the staff's recommendations differed from the recommended conditions of approval as were passed by the Planning Board on March 10.

The staff's recommendation is "After reviewing all testimony and documentation, the Board of County Commissioners recommends that the proposed modification of the PUD zoning on property described as Grantland PUD be approved based on the findings of fact as set forth in the Staff Report and subject to the following nine conditions." (The Planning Board's recommendations numbered only 8).

CONDITIONS:

1. Within one year from approval of this request, a conservation easement must be created on that portion of lower and upper Rankin Meadow not platted in Grantland 14 and 15 Subdivisions and on that portion of Ryan Meadow designated on the conceptual plan as "common area, agricultural, or open space." This conservation easement is to be dedicated to a party who will be responsible for maintenance of the meadow with an additional responsible party as a second holder of the easement. The conservation easements to be applied to the Upper and Lower Rankin Meadows, Ryan Meadow and the riparian zone along Grant Creek and Dark Horse Creek, shall include language which will not preclude the location of an approved walkway within those areas.
2. Within one year from approval of this request, a conservation easement must be created on the power line corridor area between Grant Creek Road and the Area "FF". This conservation easement is to be dedicated to the National Wildlife Federation.
3. Development of each plat of the proposed Grantland PUD must be evidenced by a showing of need. Need shall be presumed evident upon demonstration that a previously approved subdivision of similar density has the 40% of its lots sold. The purchasers of such lots shall sign a notarized affidavit stating that the purchaser has no financial interest in Grantland PUD at the time of lot purchase. Development within another cluster group shall not occur until it is demonstrated that a need exists for a specified housing density or development character which can no longer be met in the cluster group currently under development.
4. Subdivision review is required for creation of any parcel or tract within the PUD.

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5. All houses constructed within the area described as C.O.S.#3394 must have a foundation designed by a registered engineer.
6. No development is allowed on the parcel described as Tract 11, C.O.S. #3394. (He noted that the Planning Board had changed this condition in its recommendation.)
7. Provision #3 on page 38 of the zoning proposal shall read: "Areas for discharging firearms and recreational facilities which involve structures or off-street parking requirements shall be allowed conditional uses and subject to review under the provisions of Section 8.09 of the County Zoning Resolution.
8. No development or construction other than that construction necessary for the installation of utilities, roads, bridges, driveways, approved pedestrian pathways or agricultural-related uses shall be allowed in the Grant Creek or Dark Horse Creek floodplain area. In these floodplain areas, disturbance, destruction or damage to any plantlife, animal life or other creek-side natural habitat is prohibited except where absolutely necessary to remove dead or dying trees or shrubs; to prune limbs or vegetation which pose a threat to persons or property; or to remove accumulated downfall leaves, limbs, or debris from the ground which could become a fire hazard.
9. As part of the PUD, the developers will agree to submit a conceptual plan for public walkways and a conceptual plan for local walkways within the PUD within one year of PUD approval in the manner described in the developer's proposal as stated in the March 23, 1987 memo from Sorenson and Company titled "Walkways in Grant Creek Valley".

In discussing changes to these conditions, specifically condition no. 6, he asked the Commissioners to look at the map of COS 3394, which was the southern-most portion of the PUD. He pointed out various landmarks and areas on the map. Tract 11, on the existing conceptual plan map exists entirely within the area which is presently approved only for agricultural/recreational reserve. It was the position at the original approval of this PUD that this area, due to its sensitive nature for visual accessibility from adjacent roads, and due to the fact that the concept of the original PUD was to cluster the development on smaller lots and preserve the vast area of the open space for open space and wildlife habitat, was not deemed appropriate for development. The area on top of the hill was appropriate for development and was allotted 315 development rights. While all the remainder of the proposals within the modification of the PUD are, in the estimation of staff, consistent with this primary concept and purpose of the PUD, this one proposal seems to be well without of the parameters of those purposes. And it is for those reasons, and the fact that the Grant Creek Area Plan, which was adopted in 1980, and the inventory of conservation resources which was recently completed by Bruce Bugbee and Associates for the County, indicate or designate those areas as not appropriate for development. And the type of development that is proposed for this area is scattered hillside development. The condition as proposed by the developers and approved by the Planning Board, that part of Tract 11, which is west and south of the access road is proposed for four units, and it says that the rest of the 57 units are to be placed in the area east and north of the access road, and it does not specify the amount of development that would be in that part of Tract 11 north and east of the access road. He said it seemed to be much more consistent with the entire purpose of not only this PUD, but this PUD in general to

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require that the development be centered around the public services as they are installed in the area. He said the division of the ground into the twelve 20-acre tracts with the remaining large 182-acre tract was not accomplished with the benefit of subdivision review, however it still would be possible to cluster the development that could be accomplished in those 20 acre parcels around the road as it is installed, but he said he thought it was totally inappropriate to have development on Tract 11.

He then showed slides of the area.

Paula Jacques of the Office of Community Development said that another proposal before the Commissioners today, assuming that the PUD densities are modified to allow it, are two preliminary plats, Grantland 14 and Grantland 15. Grantland 15 proposes 10 lots along the west side of the creek, and five lots in the lower Rankin Meadow. The existing road would eventually be abandoned, according to the PUD plan, and will cul-de-sac when the rest of the area is developed. She said one of the issues involved is how to protect the riparian zone, and there has been considerable agreement all along as to the zone being protected. The question was as to how to do it, and the conditions which John Torma recommended had everyone's support, as far as she knew. She continued showing slides of the area.

The hearing was opened for public comment.

Nick Kaufman of Sorenson and Company, representing Tri-Corporation, Watson and Associates, and Dennis R. Washington, showed slides of the area, and said that what the developers were proposing through this PUD was to preserve in perpetuity through the use of conservation, those portions of the meadows that they were not proposing for site development. He said the current PUD allows for some undesirable development in the area. The Grant Creek Plan, he said, was adopted in 1980, after the PUD was adopted, and that plan calls for a walkway system up to the bottom of the creek, and calls for preservation of the meadow areas, and the Commissioners subsequently adopted a plan given to them by Bruce Bugbee, which calls for preservation of the open hillsides. He said that the Commissioners, after preserving the creek bottom, leaving the meadows open, and not allowing the hillsides to be developed, have, for all practical purposes, taken the Grant Creek Ranch from the current owners. He said his proposal offers a different option, which the residents of Grant Creek like. The plan proposes low, medium and high density development, which goes back to the character of Grant Creek prior to the adoption of the original plan. The original plan called for 1,848 dwelling units; this plan proposes about 670 dwelling units, a 71% reduction in vehicle traffic on Grant Creek Road. He said the developers are also proposing a capital facilities plan, which extends sewer and water into the Grant Creek Valley. The original plan called for the 1,848 dwelling units all on individual or community septic systems. This plan proposes 22 homesites plus Gleneagle on a septic system that will connect to the city sewer. He continued showing slides and graphics of the area.

He said it was to the credit of a group called the Friends of Grant Creek, and to the credit of the developers of this subdivision to meet on numerous occasions and try to work things out. He said a very large number of issues had been worked out, and gave some examples. He said the recommendations made by the Planning Board should not be set aside lightly, and should be given more consideration than the recommendations by the Staff. He said the proposal asks for development rights, not sites.

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With regard to the proposed conditions in the staff report, the sentence that was added on condition no. 1, means that if in the future, through the development of a walkway plan which is proposed, that the conservation easements don't preclude that.

With regard to condition no. 6, he said what is involved here is private property, and the developers are giving up as much as they can give up in this development. He said they have moved, they have pulled back, and they have made concessions, and the people in Grant Creek have done the same. He said what he was asking for was 4 development rights to be specifically controlled through the public review process, and he urged the Commissioners to stay with the recommendation made by the Planning Board

He then read two letters into the record, both from Sorenson and Company to Paula Jacques and John Torma. The first, regarding Grantland PUD and Grantlands 14 and 15 said:

1. We will amend the covenants for Grantland 14 and 15 to require a minimum of 2,000 square feet of floor area for dwellings exclusive of open porches and garages.
2. We will amend the covenants in Grantlands 14 and 15 such that fences are prohibited within the 100 year flood plain or that area which is 50 feet from the center of the creek, whichever is the furthest from the creek.
3. We will place a conservation easement in Grantlands 14 and 15 along the floodplain or 50 feet from the centerline of Grant Creek, whichever is furthest from the creek, said easement to include language similar to language found on page 1,2, and 3 of the covenants.
4. We will amend page 2 of the proposed covenants to include the 100 year floodplain or 50 feet from the centerline of Grant Creek, whichever is greater.
5. With regard to condition of #2 of the subdivision staff report, we will use option 1, a conservation easement on the meadow.
6. With regard to a 40% sellout and transactions being "arms length" from the developer, we would propose that the developer would have purchasers sign a notarized affidavit stating that the purchaser has no financial interest in the PUD at the time of lot purchase.
7. In the design of the conservation easements for the meadows, we will not preclude future passive or active recreation from consideration.
8. We will be changing the name Pinecrest Drive to Wellington Drive.

He paraphrased the second letter, a position statement in regard to walkways in Grant Creek Valley:

What we have agreed to is that within one year the PUD itself will develop a conceptual plan for public walkways and a conceptual plan or statement for its local walkways. He said what they were talking about is a public walkway system developed as part of the road improvements on Grant Creek or through some part of a park district or maintenance district for walkways in the valley. Those will become public walkways for bicycle use inside the public right-of-way. The second level of walkways are the local walkways, and those are the walkways that will interconnect between common areas that take a local neighborhood from its

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homesites to its common areas. They are more local or private in nature, and they are more of a recreation sort and will be more like trails than developed hard-surface walkways. He said there are two types of walkways, and the developers envision a plan where each neighborhood in Grantland gets together and develops their own needs, concerns and ideas for their interior walkway system, then those neighborhoods come together and develop the plan for the interconnection for those walkways, and then the final plan is adopted. He said the developers see Missoula County in a facilitator role in this plan helping with the notification, scheduling the public hearings, and actually spurring along the different neighborhoods to attend and participate. He said what we have here is a system where not only the developer through a condition of this PUD has a responsibility, but the people in the other neighborhoods who don't have any obligation other than their own concerns that they have expressed in their letters will participate, and then they will all come together to develop the rest of the system.

In conclusion, he said there were three areas of concern:

1. The walkways. He said the developers have proposed a walkway plan which he thinks is acceptable to the Friends of Grant Creek.
2. The conservation easements. He said the developers prefer to design, take care of the consideration for maintenance, then determine who they will go to, relying that they will be responsible parties, and anticipating that Missoula County will have a role in the approval of those conservation easements.
3. Gleneagle. He said there is a limit. What the developers are proposing there is controlled development of limited homesites or the possibility to put homesites there if the review process allows. It is not a variance, and it is not out of tune with the PUD. He said the developers have preserved every other hillside in that valley, and what they are talking about is the possibility of putting 4 additional homesites, if they are allowed through the review process.

Joel Meier, 9615 Old Mill Trail, representing the Friends of Grant Creek, gave a brief history of the organization. He said they were a non-profit corporation operated for legal and educational purposes; articles of incorporation have been approved and filed with the Secretary of State, and their primary activity is to support and promote the interests of the residents and the landowners of the Grant Creek Valley. He said he had submitted additional written information about the friends of Grant Creek (on file in the Commissioner's Office). He said membership in their organization was open to residents of the entire Grant Creek Valley, and non resident owners of land in the valley. He said there has been a major effort to spread the word about the Friends of Grant Creek, and on at least three different occasions, newsletters with invitations to join the organizations have been delivered to every home in the Grant Creek Valley. The seven board members were selected by the election process; and board memberships is structured so as to spread representation among the various population groups and geographical areas of the Grant Creek Valley. Prior to determining their position on the proposed Grantland zoning changes, and the preliminary subdivision plans, the membership first sought to learn as much as possible about the proposals. This was not a casual approach, as many hours of time were consumed in the process. Over the past few months, they organized and have had many meetings, including several sessions with John Crowley, Nick Kaufman, and

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Ken Knie. Also, various members from time to time met with personnel from the Office of Community Development, and with a number of other County government officials. Finally, following hundreds of hours of intensive review, analysis and debate among the members, they sat down their concerns and identified their position on the proposed zoning changes and subdivision plans. The first set of their recommendations and concerns were addressed in writing in a memo from himself to the Planning Board dated March 2, 1987. Since then, additional talks and negotiations with the developers led them to readdress their position, and additional written comments were submitted March 9. (Those comments are included in the staff report on file in the Community Development Office.) He said the nature of their organization is that of an elephant; the individuals that make up the whole are diverse in their interests, values and beliefs, therefore, it should be understood that as an organization, they have not always come to full consensus about everything. In some instances, the Board has deliberately not attempted to address certain controversial matters, let alone take a stand on those issues. He said that most of the group's concerns and recommendations had been addressed by the developers and the planners in their revised proposals, and he thanked them for their openness, their spirit of cooperation and their willingness to negotiate throughout the planning process. He said they wished to make clear that in contrast to the existing approved PUD plan, they support the new proposed plan, and they feel that it comes closer in meeting many of their ultimate desires. Initially, most members of the Friends of Grant Creek felt very strongly that their highest priority was to protect and preserve all of the open meadows between Grant Creek and the Grant Creek road as well as the riparian woodland along Grant Creek. In fact, the group still favors that position, but in the interests of cooperation and compromise, they have come to the consensus that some limited, carefully regulated development in parts of the meadows is an acceptable trade-off for permanent protection of the remaining portions of the meadows and the Grant Creek riparian habitat. He said this had not been an easy compromise for the residents to make, but they have done so in good faith and with the assumption that they might eventually stand to gain something back in exchange. Although they are now in agreement with most issues, there are yet just two remaining concerns they wished to see more adequately addressed:

1. The walkway system. The desired location and the nature of the walkway system is a large enough issue to warrant very thorough study and discussion. In other words, long-range planning is needed, including a thorough analysis of the recreation needs and wishes of the residents of Grant Creek, and among other things, a study of the residents opinions in respect to the limits of acceptable change appropriate or desired in the valley. Consequently, they recommend that no specific decisions on matters of trail, walking path location, or recreation access be made until proper planning is completed. This could well take a year or more, but in the meanwhile, the conservation easements must include language guaranteeing that the land remains open or in reserve for future potential walkway use. This procedure would keep future recreation use options open until proper long-range planning can be completed and recommendations implemented. Another concern is the letter from the developers dated March 23 to the Office of Community Development regarding the walkway in Grant Creek Valley, which was referred to by John Torma in support of the Planning Staff. He said that memo basically suggests that individual neighborhoods in the valley should be responsible for their own walkway planning. The memo lists the Grantland PUD, the National Wildlife Federation Land, and the Grant Creek Ranch as one of those neighborhoods. In other words, this concept for planning in the Grantland PUD trail system would allow no input from other citizens in the valley, nor for that

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matter, would the County's role be anything other than that of a facilitator. Obviously, without some agency being assigned the responsibility for overseeing the various projects, the end result could be fragmented and disjointed. As an alternative, they suggest that a better process would be for the walkway plan to go back through the Planning Staff for review and public comment with final approval eventually being made by the County Commissioners, just in the same process as the zoning review.

2. The Friends of Grant Creek recommend that Missoula County have the right to make final approval of who the grantee shall be in any of the conservation easements, and that the County approve the language of those easements. One sticky point between the developer and the friends of Grant Creek relates to the question of who should hold the conservation easements to the open space in the meadows and along the creek. He said they had requested that the easements be made in the name of the Friends of Grant Creek as it is their feeling that the responsibility of management and control should be placed squarely in the hands of those most affected and most likely to appreciate and be good stewards of the land; the people of Grant Creek. Although the Friends of Grant Creek is a new organization, many of them have been residents in the valley for years, they have been actively involved in the development of that valley. Nonetheless, in spite of what they believe to be responsible behavior on their part, and the readiness to receive and manage easements, the developers have shown little willingness in granting them to the organizations; instead, they may well suggest awarding the easements to a national level organization, one which is distant from any potential problems that might need immediate attention in the valley. He said he hoped that the Commissioners, as elected officials, would address their concerns, and the organization wants their ultimate view and approval of the conservation easements and the walkway plan. He said they had faith that the Commissioners could protect the interests of Grant Creek.

Kim Birck, 9280 Keegan Trail, expressed concern with staff recommendation no. 8, in which she understood that the developer is disagreeing with the intent to extend it to the entire riparian area, and is asking that to pertain only to Grantland 14 and 15.

Joel Meier said she misunderstood that issue.

Kim Birck said she would like to withdraw that statement, but she felt that the entire riparian area should be protected; not only areas that are proposed for the subdivisions that are presently being considered. Any exemptions of other areas make her wonder, as an individual, what plans might be in store for that area in the future. She said she could not see any reason for not extending the protection to the entire riparian area. In addition, she said she thought everyone's heart was in the right place as far as the 40% sellout language. The developers have come back with some language to say that the buyers need to sign an affidavit saying that they aren't financially connected with the PUD, and her concern with that is that it doesn't say anywhere individual buyers, and there could be a developer selling to another developer, freeing the original developer to immediately go and plat another subdivision, even though the developer who just bought those seven, or ten, or twenty-five lots may not finish developing that area for the time being. She said it could be done even by pre-arrangement that a developer sells to someone else, satisfies the 40% clause and then goes on. She said that is not the intent of that language, and she would like to suggest the addition of some language that says, "individual buyers"; 40% of the lots should be sold to individuals. She said she would not like to see the subdivision

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sold from one developer to another, and have that satisfy that concern. She said she had a question for Nick Kaufman regarding the language in a memo written to Paula Jacques and John Torma in which he states that the design of the conservation easements for the meadows will not preclude future passive or active recreation from consideration. She said the Friends of Grant Creek had been asking all along for it not to preclude passive recreation, and to her knowledge, this is the first mention of active recreation, and she hoped that another situation was not being set up where those meadows are available for obnoxious uses such as a big horse set up or somebody like the present owner could sell it to someone with those active uses allowed, and they could come in and develop baseball diamonds that they could lease to the Little Leagues of the town. She said she didn't think that was anyone's intent, but that language should be a little more specific. If there are any active uses that are being reserved, she said she thought they were intended for a future Grant Creek Park District, or something for the area residents. She said she didn't think that anyone was asking that the easements allow recreational development that would put them right back where they were when they found that the language last time didn't protect the meadows. She said the person who currently owns that land will continue to own it after the easements go on it, and they will have the option to sell that land. Ideally, they would probably sell it to a park district comprised of Grant Creek residents, but if they have the option for active recreation with no stipulations made on it, they could sell it to somebody who has a different concept of active recreation such as a horse stable or something that might be entirely unacceptable to everything that the group has worked for so far.

Nick Kaufman said this whole process is somewhat like an elephant. He said the intent of the landowner is that he is proposing a conservation easement which precludes building structures in those open meadows, so there will not be horse barns there. He said they are trying to do proper prior planning which means that those meadows, in the foreseeable future, will be agricultural. Period. However, sometime in the future, goals may change through the development of a walkway plan, there may need to be some passive recreation such as cross county skiing that will not interfere with the agricultural use of the meadow, for pete's sakes. He said that was passive recreation. A long time from now, things may change such that some portion of that meadow may be desirable for some type or some level of active recreation. A long time from now things may change such that some portion of that meadow may be desirable for some type or some level of active recreation. What the developers have said all along is that they would preserve the meadows as open space in perpetuity. If the Commissioners wish to take the word "active" off the proposal, it would not bother them at all. Someone else may come up to the podium and have a large concern about that, but the developer does not. The conservation easement along the creek was put on Grantland and Grantland 14 for one specific reason: There was major concern about what would happen if that creek frontage was in private ownership. What the developers said is, "Look, we will put a condition in the zoning so that you can't disturb the vegetation." That is a misdemeanor fine and that is what John did. In addition to that, the developers said they would place something in the covenants that says the vegetation can't be disturbed, and that was done. The developers were told that the homeowners associations and zoning may not work that well, so they told the residents to work to get the common area in Grantland 1-10, and they would put a conservation easement on their subdivision areas that are creek, floodplain, or 50 feet from the center of the creek, whichever is greater, and then the residents were to put a similar conservation easement on that, so there would be some continuity up there. He said the developers do not agree at this time and

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never have agreed to put a conservation easement on the entire length of Grant Creek. He said the developers still have an agricultural use up there, and they still have some things they have to do with regard to future planning, estate planning, and other things on that ranch, and a conservation easement at this time may preclude that. But the floodplain protections, and the language in number 8 of the PUD prevent the cutting of vegetation. The intent of the 40% clause is that the sales have to be at arms length if they are going to be counted as 40%, and if he were to go in and do a subdivision and sell the whole thing to a developer, and then come before the Planning Board and say that he met the criteria, he wonders what would be said to him. The intent is that the individual buyers, and he has no problem with putting the word "individual" before the word, "buyers", would be at arms length. He said he would not define "active" recreation, and he requested that that be stricken and left to the Board of County Commissioners to decide. He said that the two letters he had submitted are now part of the record, and are part of the developers proposal, and if they are adopted, will become part of the modification of the Grantland PUD.

Kay Cain, 7905 Limesprings Trail, said that the Friends of Grant Creek have had a real good agreement and relationship with Nick Kaufman, and rather than beat a dead horse, she would suggest that everyone agree that it would be wise to have the County take responsibility for approving the walkway system and have the County take responsibility for approving the final language of the easement, because those are big enough issues that they should be saved for another day. She said everyone could talk around in circles, and start stepping on other people's toes, and it is really not necessary. She said more information is needed, more time to plan is needed, and time to think is needed. She said if that language is adopted into the final language that is adopted, she thought the developer could live with that, and the Friends of Grant Creek can live with that.

Nick Kaufman said the developers have no problem with the County participating at the level proposed by the Friends of Grant Creek, but he wanted it to be made very clear that it is his intention, and it is his understanding that it is their intention that this is going to be a neighborhood walkway plan and it is not going to be a plan that is developed by someone in the Office of Community Development or Rural Planning, and then proposed for the neighborhood. He said it is going to be developed as a neighborhood plan, sensitive to the constraints, opportunities and conflicting uses in the valley, and the people will play the active role in development of that.

Steve Jackson, 9020 Pickering Lane, said he was speaking as a private resident of the Valley. She said the Friends of Grant Creek did not meet as a board before the final document was read by Joel Meier. She said the board never did talk about active recreation in the meadows, and the word was passive. The walkway plan, from his understanding of what the Planning Board approved, and the intent of the Friends of Grant Creek, was that the Friends of Grant Creek and some local group of residents would be the facilitator to try to get a consensus of opinion on a walkway plan for the valley with the help of the public agencies and approval for some type of guidelines. He said he was submitting some additions to the covenants that the developers had had a chance to glance at today, which state some agreements between the developers and the residents of the valley, particularly Colorado Gulch, Grantland-Rankin Association, in reference to the water system, and the agreements around the water system. He thanked the Planning Staff and the developers for their time and flexibility.

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Gary Marbut, 7700 Limesprings Trail, said he would like to commend the process by which this zoning change has occurred, and he said he felt that it had been a very harmonious process. He asked Nick Kaufman about two covenants for the PUD areas, the right of first refusal, where a developer has a right to repurchase any properties that the developer sells; and the portion that says the developer can grant variances to the covenants at the will of the developer.

Nick Kaufman said that these were the covenants that were proposed with the original 1980 PUD on the property, adopted by the Board of County Commissioners, and reviewed in depth by the Marbut family at that time, (Reed, Gary, Barbara, Carmel) and if they had concerns with the covenants at that time, that would have been the appropriate time for them to bring those concerns forward. With regard to the amendments, he said the developers consider the proposed amendments to be part of the PUD and part of the subdivision review process. He said he anticipated that any major changes that conflict from statements made as of record or as part of the record in submittal would have to go through the County Commissioners and the Planning Board before they could be changed. With the regard to the right of first refusal for the developers, again, that was an original clause in the subdivisions, so in 1980, they did not foresee an affidavit and a 40% buildout clause, so it could not have been put in their to circumvent what the developers came up with in 1987. He said he would like to keep the right of first refusal in the document and rely again on the safeguards in the Office of Community Development, the Planning Board and the County Commissioners as they go through the review process, that the 40% given the safeguards will not be abused.

Patricia Meier, 9615 Old Mill Trail, said she had a comment about the building requests for the 4 hillside lots. She said she hoped the Commissioners would consider more about what John Torma said about them; that although when you get down to technicalities, whether you call it a variance or not going along with the PUD; by the same tone, the residents thought that the clustering was the way that the valley was to take shape, and now the developers are asking for them to be segmented in a different area, and in an area not called for before. Even though these four homes might be all right, the question is, what does that bring to the residents in the future, and how many times will they have to go through this.

Tom McCarthy, secretary of the Grantland PUD Homeowners Association, said that the proposal submitted today by Nick Kaufman in regard to the PUD approval is favored by the Association. He said they had had some concerns as related to conservation easements and public walkways in the valley and how they would be handled. He said if they were turned over to the County Commissioners, the Association would feel satisfied with that. He said the Association was legally created by the covenants reviewed several years ago. The Association, by covenant, will receive deeds to all common areas inside the PUD and related improvements in facilities. The Association, by covenant, is responsible for maintenance, upkeep, and care of all those facilities. Their concern is that if those improvements become an overall master plan of the PUD, and not an overall master plan of the valley, then his neighborhood is bearing the impacts and the freight. He said they are not opposed to Friends of Grant Creek, but as far as their responsibilities as a Homeowners Association, they want to be recognized and dealt with in regard to those items taking place inside of the PUD. He said the Association had been very passive as far as the public review process, the Friends of Grant Creek been the active group, therefore the water was being dealt with in regards to that fire and not the Association's. He said the outcome to date is

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satisfactory. He said that the Association would have problems being left out of being a major influence in the design of walkways and conservation easements inside of the PUD.

Nick Kaufman reiterated that the covenants were approved in the original PUD.

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

Barbara Evans read into the record a comment that Steve Shultz phoned into her. He said he has no ownership in the area, but he would like to see those meadows kept free like they are.

Janet Stevens asked why the staff is recommending the changes on condition no. 6.

John Torma said there were a number of reasons. One of the things routinely done with every zoning request is reflected against adopted planning documents of the County, and that was also done in this case. In this area, in the Gleneagle area, this proposal is not in concert with either the Comprehensive Plan or the Inventory of Conservation Resources which have been adopted by the County. The issue is not the number of units; as Nick Kaufman said there currently are approved today 315 development rights in that area. The issue is where they are. The area on Tract I1 clearly is not in concert with adopted planning documents. He said it is true that large segments of this PUD have been preserved through conservation easements and other vehicles for open space and wildlife habitat. Only the conservation easement on the southeast corner of this PUD was done by the property owner of the Gleneagle area. That conservation easement did not result in giving away any development rights as there were no development rights on that property, and the owner of that property is not claiming any. He said this area is an entity in and of itself, and it has very specific site characteristics, which is the reason for clustering those development rights in the first place. That area geologically is an area of stabilized mud flows and therefore is very sensitive. He said the hillsides have 25% and greater slopes, and the scattered hillside development, which would require individual driveways of indeterminate length off the main roads, is not consistent with the PUD plan. If the lots were rearranged so as to allow a common access off a developed road to the development could be clustered, then it would be possible to put in some cluster development on that part of Tract I1, which is north and east of the Gleneagle access road.

Nick Kaufman said his response to that is that no where in that plan, except the proposed subdivisions, have the developers shown anyone where the exact development site is. In each one of those subdivisions, conservation easements etc. have been shown, and the developers do not intend to put any homesites on a grade greater than 25%. He said driveway plans and cut and fill plans have to be shown before they can be built. He said they were asking for development rights, not the development of four homesites. The development will come when they prove that they have a developable site based on the criteria identified. The developer of his own free will is giving up 115 units, without getting back anything from the government, which is amazing.

Janet Stevens agreed that that was, indeed, amazing.

Barbara Evans asked Kay Cain to give her opinion of the 4 homesites in that particular tract.

Kay Cain said her husband had written a letter concerning this issue, and his concern was that this was an indication of what is to come; that it is the beginning and not the end. He felt that

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this was one more nibbling away of the open space. She said it was curious to her that several people had acted rather proprietary about the Rankin Meadows, and she said that no discussion would be held today if she and Joel Meier hadn't both paid in blood in previous subdivision hearings trying to keep that area open. She said there is a real special feeling about open space in Grant Creek, and this goes back to some promises that were made by previous developers; all of which turned out to be worth nothing. She said Joel Meier fought hard to see that those Rankin Meadows were not carved up into 5 acre plots. She said the issue is public trust and confidence. When you come up with a Comprehensive Plan, people build expectations based on that, and what the Commissioners deal with most of the time is a failure in expectations. People expected Rankin Meadow to be kept open; it wasn't. There were homes built in it, and people were mad and came to meetings. Now this developer comes back and wants more homes. That made people mad, and they organized. Now there is some nibbling away at the hillside going on. People are mad, and write letters. She said it was for the Commissioners to decide where public trust and confidence lies. What kind of promise is the Comprehensive Plan? If it is no promise at all, then the Commissioners need to tell people that. If it is a maybe, that needs to be something that people understand. She said people build expectations based on what the Comprehensive Plan says. She said the Friends of Grant Creek are flexible, and will live. But what it comes down to is what does it do to the Commissioners reliability. What does it mean to the Commissioners that a Comprehensive Plan was developed and very specific designations were given to areas and then it is changed. She said she did not have an answer. She said Nick Kaufman is saying that this is the opportunity to look for four homesites; it is not guaranteeing four homesites. If four cannot be found, four will not be developed. The other side is saying, "Why should you even look for four, you have plenty of land, and the stuff you gave away was not very interesting to us in the first place. The stuff that you gave away, we don't have access to." She said she lives across the fence from the National Wildlife Federation, and they don't take care of their weeds, and she can't walk on their property. As a neighbor, they are real plus/minus, maybe more minus. They have made it quite plain that there is no designation on that land, and if the elk ever leave, they will sell the property, and there is no reason why they can't. She said people assume that you can really count on an organization like the National Wildlife Federation, and that is not true. She said the Commissioners were really dealing with public trust and confidence, and fortunately, the Commissioners ran for office, and she didn't.

Janet Stevens said the National Wildlife Federation was taking care of their weeds until the County no longer sprayed. They were using the County's equipment and personnel. They no longer have a way of doing that.

Barbara Evans said the County won't spray because it can't get insurance.

Ann Mary Dussault asked Nick Kaufman if it is the developer's intent that this plan would come back to the County for approval and adoption.

Nick Kaufman said that was correct.

Ann Mary Dussault asked Nick Kaufman if there is a determination at this point as to who will receive the conservation easements.

Nick Kaufman said that was correct.

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Ann Mary Dussault asked him if he saw any serious problems with clarifying in the first condition that the proposed language and designated receivership be brought back to the Commissioners for approval within a year.

Nick Kaufman said there would be no problem with that at all.

Barbara Evans said she understood Joel Meier to say that there had been little willingness on the part of the developers to award the easements to the folks in Grant Creek, and she asked him to address that.

Nick Kaufman said that a conservation easement right now is a word that is a lot like "environmentalist" was 10 years ago. A conservation easement is a tool used to accomplish certain things. It is not a panacea, and it is not something that you can sit down at a word processor and type out in an afternoon. A conservation easement with regard to these meadows is particularly important, he said, because they will be looking at issues such as maintenance of the meadows, if the hay crop off it doesn't cover the costs of maintaining fences and cutting weeds. He said they may be going to the abutting subdivisions for that help. By the same token, the people who live closest to those meadows, and the rest of the people in Grantland and the PUD owners, all have a specific interest in those meadows. The important thing is that they will be in open space in perpetuity. The second thing is, how a conservation easement is designed to accomplish the things the developers want to accomplish and protect, and then the question is, who, then, is it given to? It should be given to someone who is going to be around for a long time. He said he did not know if that was the Friends of Grant Creek, he did not know if it is the Grantland Homeowner's Association, but he does know that Missoula County is going to be around for a very long time. He suggested doing a conservation easement to the County and set up a Board of Advisors, who would be directors from adjoining subdivisions, perhaps the Grantland landowners, perhaps someone from the Friends of Grant Creek. To designate anyone before the easement is designed would be irresponsible.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to approve the proposed PUD modifications in Grantland, subject to certain conditions. Each condition was voted on separately:

CONDITIONS:

1. Within one year from approval of this request, a conservation easement must be proposed and submitted to the Board of County Commissioners for approval for creation of an easement on that portion of lower and upper Rankin Meadow not platted in Grantland 14 and 15 Subdivisions and on that portion of Ryan Meadow designated on the conceptual plan as "common area, agricultural, or open space." This conservation easement is to be dedicated to a party who will be responsible for maintenance of the meadow with an additional responsible party as a second holder of the easement. The proposed easement shall not preclude the possibility of an approved walkway system within those areas. The motion passed on a vote of 3-0.
2. Within one year from approval of this request, a conservation easement must be proposed and submitted to the Board of County Commissioners for approval on the power line corridor area between Grant Creek Road and the Area "FF". This conservation easement is to be dedicated to the National Wildlife Federation. The motion passed on a vote of 3-0.

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3. Development of each plat of the proposed Grantland PUD must be evidenced by a showing of need. Need shall be presumed evident upon demonstration that a previously approved subdivision of similar density has had 40% of its lots sold to individuals. The purchasers of such lots shall sign a notarized affidavit stating that the purchaser has no financial interest in Grantland PUD at the time of lot purchase. Development within another cluster group shall not occur until it is demonstrated that a need exists for a specified housing density or development character which can no longer be met in the cluster group currently under development. The motion passed on a vote of 3-0.
4. Subdivision review is required for creation of any parcel or tract within the PUD. The motion passed on a vote of 3-0.
5. All houses constructed within the area described as C.O.S. #3394 must have a foundation designed by a registered engineer. The motion passed on a vote of 3-0.
6. Only four homesites shall be permitted on that portion of Tract 11, C.O.S. #3394 lying south and west of C.O.S. # 3345 (Glen Eagle Access Road). The remaining 57 single-family units proposed for the area shall occur north and east of C.O.S. #3345 (Glen Eagle Access Road). The motion passed on a vote of 3-0.
7. Provision #3 on page 38 of the zoning proposal shall read: "Areas for discharging firearms and recreational facilities which involve structures or off-street parking requirements shall be allowed conditional uses and subject to review under the provisions of Section 8.09 of the County Zoning Resolution. The motion passed on a vote of 3-0.
8. No development or construction other than that construction necessary for the installation of utilities, roads, bridges, driveways, approved pedestrian pathways or agricultural-related uses shall be allowed in the Grant Creek or Dark Horse Creek floodplain area. In these floodplain areas, disturbance, destruction or damage to any plantlife, animal life or other creek-side natural habitat is prohibited except where absolutely necessary to remove dead or dying trees or shrubs; to prune limbs or vegetation which pose a threat to persons or property; or to remove accumulated downfall leaves, limbs, or debris from the ground which could become a fire hazard. The motion passed on a vote of 3-0.
9. Within one year from approval of this request, the developers will submit to the Board of County Commissioners for review and approval, the conceptual plan for public walkways and a conceptual plan for local walkways within the PUD. The motion passed on a vote of 3-0.

Ann Mary Dussault moved, and Barbara Evans seconded the motion that for clarification, the record show the Board of County Commissioners approved the changes in the Grantland PUD. The motion passed on a vote of 3-0.

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Grantland 14 and 15 (Preliminary Plat)

Paula Jacques, Planner with the Office of Community Development said the Planning Board recommended approval of the Preliminary Plats of Grantland 14 and 15 subject to the following conditions:

Conditions

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. To meet the park and open space requirement for both subdivisions, the area known as the Upper Rankin Meadow not proposed for development shall be preserved as open space in perpetuity in one of the following ways:

Through granting of a conservation easement to a party who will assume the maintenance responsibilities, with a second party as a second holder of the easements;

Through dedication to the Grantland Homeowner's Association as a common area;

Through dedication as parkland.

Regardless of which option is used, it shall remain in agricultural use and a maintenance plan adopted, including a funding mechanism.

3. The developer shall contribute to the Grant Creek Road Improvements Fund pursuant to the Interlocal Agreement between the City and County of Missoula. This amount may change as a result of a reconsideration of needed road improvements resulting from a reduced PUD density of 60%
4. Road, grading, drainage and erosion control plans shall be approved by the County Surveyor.
5. The boundary of the 100-year floodplain shall be shown on the face of the plat.
6. Building setback lines shall be shown on the face of the plat.
7. Paving shall conform to the Missoula County Subdivision Regulations.

Ann Mary Dussault said that in order to remain consistent with the previous action taken by the Board in regard to the Grantland PUD, she would recommend the following changes in condition no. 2:

To meet the park and open space requirement for both subdivisions, the area known as the Upper Rankin Meadow not proposed for development shall be preserved as open space in perpetuity in a manner approved by the Board of County Commissioners.

Ann Mary Dussault moved and Barbara Evans seconded the motion that the preliminary plats of Grantland 14 and 15 be approved subject to the following conditions:

Conditions

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. To meet the park and open space requirement for both subdivisions, the area known as the Upper Rankin Meadow not

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proposed for development shall be preserved as open space in perpetuity in a manner approved by the Board of County Commissioners.

3. The developer shall contribute to the Grant Creek Road Improvements Fund pursuant to the Interlocal Agreement between the City and County of Missoula. This amount may change as a result of a reconsideration of needed road improvements resulting from a reduced PUD density of 60%
4. Road, grading, drainage and erosion control plans shall be approved by the County Surveyor.
5. The boundary of the 100-year floodplain shall be shown on the face of the plat.
6. Building setback lines shall be shown on the face of the plat.
7. Paving shall conform to the Missoula County Subdivision Regulations.

The motion passed on a vote of 3-0.

The Board of County Commissioners were in recess at 5 p.m.

The Planning and Zoning Commission convened at 5:05 p.m.

Janet Stevens convened a hearing before the Planning and Zoning Commission. Present were Commissioners Janet Stevens, Barbara Evans and Ann Mary Dussault; County Surveyor Horace Brown; and County Assessor Fern Hart.

Janet Stevens disqualified herself from hearing this request, as she knew the Baumgartners personally. She then left the hearing, and Ann Mary Dussault assumed the chair.

Hearing: Zoning District #4 Development Request (Baumgartner)

Information provided by John Torma, Planner with the Office of Community Development, indicated that this is a development request to construct a tennis court on property located in Planning and Zoning District #4. The Planning Board, in their meeting of March 3, 1987, recommended approval of this request subject to the conditions that there be landscaping of the cut and fill, surface water plans be prepared, that there be a green tennis court surface, that the backboard and all fencing be in vinyl green, and that the landscaping and surface-water plans shall be prepared respectively by a landscaping architect and a registered engineer, subject to the review of the Office of Community Development.

The Planning Staff's recommendation is that this request be denied since it does not satisfy the standards established for Zoning District #4. The staff also recommends that the site be restored as specified in the staff report.

John Torma, of the Office of Community Development, said the property was located in Zoning District #4, which, in its zoning language in section 5 reads in part, "no lot shall be developed in conflict with the natural physiography in accordance with the following: No improvements shall be made without first submitting plans to the City-County Planning Board and the Zoning Administrator and approval obtained prior to beginning construction. The Planning Board is instructed to consider the physiography of the land in approval of roads, buildings, etc. This would apply to all lots not developed as of this date, and all future improvements." He said the excavation and preparation

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for the requested tennis court has already been accomplished. While it is unfortunate that this was done without benefit of the required review, it does provide, for the Planning and Zoning Commission, for their consideration, a very graphic illustration of the proposal's effects on the site and on the surround environment. (At this point, he attempted to show some slides illustrating the area and this request. The slide projector malfunctioned, and while a substitute was located, Dr. Baumgartner showed a video of his property and the proposed tennis court. He also distributed some photographs of his house and the construction.)

Dr. Baumgartner said he would like to address the issue of why he didn't go through the Commissioner originally. He said he agreed with John Torma and did not believe in evading zoning, and he did not believe in zoning by bulldozer, and he was not aware that for improvements it was necessary to go through this Commission. Having reviewed this, he does believe it is possible to make that error, and he knows that there have been other improvements made in the canyon without first having gone through the Commission. Two to three years ago, he put in a 8,000 square foot yard, and there were no complaints at that time. In regard to the present issue, he said he had construction for approximately two to three weeks and no one said anything to him except for the night before he ceased construction when Mrs. Clemow called him and asked him what he was doing, and he told her he was putting in a tennis court. She said, "Oh", and that was it. The next morning, John Torma called him, and he halted construction immediately and reviewed the zoning. He said it was also important to know that for tennis court construction in the city or county of Missoula, a building permit is not necessary. He said he had talked to two or three tennis court contractors prior to starting construction, and they all stated that they had never obtained a building permit to build a tennis court. Furthermore, he said Pattee Canyon is heavily used for recreational use, there are basketball courts, cross county skiing, biking, jogging, horseback riding, hiking and swimming pools. He said he did not feel that a tennis court goes against the zoning, as the area is zoned for playground use specifically. The areas of conflict that he has with the staff's report is that only a third of the material was moved for the tennis court as was for the house, but it is easy to make that mistake because the house has been subsequently landscaped. The cut is not visible to anyone travelling up the road. He said the letters of support that he obtained were unsolicited, and the people had called him because they were concerned. He said another letter from the Livingstons was not included in the packet, and he had asked them to write.

John Torma showed slides of the area showing the house, the cut and the vegetation that had been removed.

He said that it was the recommendation of staff that due to the conflicts with the natural physiography, the request should be denied, and the property owner should be required to restore the property to its previous shape, and to replant it with a species of trees and grasses as stipulated in the written staff report. The development proposal, in staff's opinion, is clearly the type of restructuring of the Pattee Canyon environment which the property owners in this citizen initiated zoning district intended to preclude through their zoning regulations. One cannot argue, even with a loose interpretation of the Zoning District #4 regulations that the excavation which has occurred is consistent with the natural physiography of this site. A tennis court requires considerable amount of flat land. To impose this use on a rounded, sloping forested region necessitates that one disregards the nature of the land on which the use is forced. It is not the use which is precluded from Pattee Canyon, from Zoning District #4, but rather the effect that this particular location

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for that use has on the physiography. Additionally, it is not in the best interests of an effective program of zoning enforcement to legitimize development which was accomplished without the required review process and is contrary to the adopted zoning regulations. The fact that excavation has been completed and money spent should not be allowed to influence the Commission's decision as to whether this development is in compliance with the adopted regulations in Zoning District #4. To do so would reinforce the idea of development by evasion and do a disservice to Missoula County's efforts of controlled development and growth. Since this project is not in compliance with the applicable regulations, and since the work already accomplished was done without benefit of the required review and permit, it is necessary that the property owner be required to restore the site as close as possible to its original condition. One cannot replace the mature trees which were removed; however, the shape of the hillside can be restored and the surface replanted with species of trees and grasses which will minimize the erosion of the hillside, prevent noxious weed growth, and insure the site's eventual return to its previous vegetated condition.

Barbara Evans asked John Torma if he had looked at Dr. Baumgartner's landscaping of the 8,000 foot yard, and asked his opinion of the quality of that landscaping.

John Torma said that what he recalled is that it is lawn. He said he did not know what was there before, and he did not know what kind of vegetation was removed to do the lawn.

Horace Brown asked John Torma if he thought that restoring the property as it looked before would cause more damage and sedimentation and erosion to the area than leaving it as it is now and completing the tennis court.

John Torma said he didn't know. He recommended restoration, not as a solution as to whether or not the erosion or sedimentation would be greater with the tennis court or without the tennis court, but merely as a logical follow-up conclusion to his recommendation that there not be a tennis court there. Whether or not there would be more erosion or less erosion with a tennis court as opposed to a restored site, he did not know. He said that once the ground is restored and vegetation is reestablished, there would be a situation of less run-off. That, he said is incontrovertible.

Horace Brown said he did not agree with that statement. He said there would be more erosion, because when that soil is replaced, it will not be compacted. The only way to replace the soil and compact it to the point where it will not grow vegetation as it does today. He said there was no way that the ground could be restored to its original condition. Between the time the vegetation is installed and it covers the area, there would be a lot more erosion than you would have in allowing the tennis court to be finished and requiring him to do the proper landscaping and installing a drainage system so it will not put sedimentation in the stream.

John Torma agreed, and said the key word is "until the time that the vegetation reestablishes itself and nature recompacts the soil through drainage and root systems, etc." But that is a consequence of the fact that the soil has already been disturbed. He said he did not think that this period of time between when the site is restored and when it regains that stable character through time is condition or reason enough to overlook the zoning requirements.

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Ann Mary Dussault said she thought this discussion was more appropriate for executive session, and asked if there were any further questions of John Torma before public comment is taken.

Fern Hart asked Dr. Baumgartner who did his lawn.

Dr. Baumgartner said Earth and Wind professionally did it with bulldozers and topsoil, and installed an irrigation system. Subsequently, shrubbery was planted in the area.

The hearing was opened for public comment. Proponents were asked to speak first.

Dr. Baumgartner said he wished to address the erosion problem. He said he planned to put retaining walls on the top, because if that erodes, then he would have a tennis court that is constantly flooded with mud. If the fill area erodes, then it would undercut the asphalt, which would mean that asphalt would be hanging in the air. He said that was quite an investment to be ruined by erosion, so it would be foolhardy not to control the erosion. He said in response to Mr. Torma's comment that a tennis court requires a large, flat area, so does a road, and there are numerous roads in this area.

No one else came forward to speak in support of this development. Opponents speaking were:

Alex Clemow, a resident of Pattee Canyon said she did not think there was anyone who lives in zoning district #4 who is against tennis courts or swimming pools, or any improvements that are made on a home or homesite. What they are against is the massive destruction of sloping property in order to make such improvements. That is why the citizens originally initiated this zoning district. She said it really bothers her when she hears her neighbors say that they will sidestep the zoning process because others have gotten away with it before; therefore they should get away with it also. She said she thought Mr. Baumgartner had a level piece of property on which he could build his tennis court; however, that was not the case, and he actually levelled out a hillside to make a level spot. That is exactly what the zoning was set up to protect against. It also bothers her to see that the Planning Board agreed that this tennis court shouldn't have been allowed, but since the damage had been done, the Board decided to allow it to be finished. That says to her that she can go against the zoning regulations and get away with anything she wants, because once the project is started, they won't stop it, especially if major destruction has already occurred. She asked what good is a citizen initiated zoning district if the regulations are not enforced. It is unfortunate that Mr. Baumgartner didn't apply to the zoning department on his tennis court before the project began; but he has no other choice now but to abide by Mr. Torma's recommendations. She said, "Please, let it be known to all others that Zoning District #4 will enforce its regulations even if projects have been started or completed without approval".

George Stankey, 3150 Pattee Canyon Road, said he was happy and willing to accept Tom Baumgartner's explanation that this was an honest mistake; that is not the issue here at all. However, he said the issue here of a precedent-setting nature is important. If developments that are in violation of zoning regulations anywhere in the County, are allowed to continue just because initial work has been undertaken, and a plea of ignorance is levelled, the message will get around very quickly about how the zoning is to be handled in this County. He said they had had a lot of problems in Pattee Canyon with Friday night bulldozer excavations. He thought that bulldozer rates must go down on the weekend, as a lot of them start on Friday nights and on Sunday.

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He said this could set the stage for a series of small changes in the character of the County, and of Pattee Canyon that could collectively change it greatly over time. A series of decisions granting belated permission to unapproved projects could turn a place into something quite different from what was desired. He said he was bothered by the fatalistic "what's done is done" mentality found in the minutes of the Planning Board; he said ✓that was a recipe for disaster when it comes to planning.

The second point he wished to make was that Zoning District #4, which is a citizen-initiated system, was a product of local residents who were concerned about the fact that at the time the regulations were put together, there weren't any regulations in the County. Their actions preceded the actions of the County, and it seemed to be a classic case of a grass-roots effort to try to do something about the character of the area. He said he had been the president of the Association in the past, had been active with it since its inception, and he would be the first one to admit that they may not have done a good job at all times in specifying what they want, and there has been a lot of trouble with the question of natural physiography, but the point is that the zoning that was proposed is a product of local interest in the canyon, and is a form of local control as opposed to an imposed system from the County. The vagueness of the natural physiography phrase has been a problem, but the obvious intention was to prevent large-scale, unnecessary modifications of the land. There was never any intention to eliminate the normal sorts of development that goes on in the development of any piece of property.

Joanne Rubie, 2250 Pattee Canyon Road, said she feels very strongly about this issue. Ignorance of the zoning is no excuse. When the Baumgartners built their home in Pattee Canyon, they knew that they had to submit their plans before the Planning Board. The area for the tennis court is as large as many homes in the area. She said she hoped that everyone had driven up her road to view the site from her property. She presented two photographs taken from her house. She said the land had been clear-cut and bulldozed. Everyone recognizes the term, "natural physiography" is a subjective one; however, by any stretch of the imagination state that this tennis court fits in with the rest of the land. She said Dr. Baumgartner stated at the Planning Board meeting that his house had been landscaped to an acceptable degree. She asked if this tennis court was acceptable, and said she could see no landscaping from her house. If a six to ten foot high green fence is put on that knoll as the Planning Board suggests, it will truly stand out against the grey house and snow cover. Other recommendations of the Planning Board such as there be approval by a landscape architect, engineer and hydrologist are vague. She asked who was being considered and if any plans have been prepared from her view of the area. The view from the Baumgartner's house, she said, was certainly much different from hers. She asked if the slope would be attended, and who would be responsible for approval of what is done. She asked if this would be as subjective as the question of natural physiography. She asked the Commission to put some strength in their zoning regulations; they were approved by the Board of County Commissioners, and they are looking at the Commission to uphold them.

George Weisel, 615 Pattee Canyon Road, said it bothers him to see the continuous degradation that is taking place in the canyon. This little bit here and little bit there accumulates. He said he went up to Mrs. Rubie's place the other day and he sympathizes with her; he was shocked when he looked at the development going on just above here. He said he would say that it has devalued her property by at least 20 or 30 thousand dollars. He said the soil on the entire hillside is very fragile

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and quite moveable, and he could not see that with the house, tennis court, and eventually the road how there could not be a lot of sloughing. He said Mrs. Rubies could expect a lot of clay and loose gravel washing down to her property.

Burke Townsend, 1450 Pattee Canyon, said he was in opposition to this development as it was not in accord with the zoning regulations initiated by the local citizens and he didn't think they could allow the excuse to stand that it has been a project already started and it is too late to attempt to stop it. He said sometimes, his students make that same plea to him, who come at the end of the quarter and say, "Gosh, I'm sorry that I didn't do the work as originally assigned, but I am going to graduate this quarter, and if you hold me to it now, it's too late and I have a job on the line". He said he thought it was his responsibility to stick to the standards as they have been announced for the course, and it is the responsibility of the Commission to uphold the zoning regulations.

Dick Clemow, President of the Pattee Canyon Homeowner's Association said he thought there were a lot of places in the canyon that this tennis court is visible from; the opposing side of the canyon, where a number of homes have been built can see this tennis court very visibly. The clear-cutting done has opened up a tremendous panorama of this multi-story, very large house for them, where they once looked down on a forest canopy. The point here is that maybe it can't be seen from the public road today, but once he gets done with his tennis court and horse arena and barn, and his neighbors get done with theirs, nobody will be able to see any trees at all in the canyon.

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

Fern Hart said that having thought about this fairly seriously, she had some comments to make. She said the Commission did not create this standard for zoning, and it seems obviously a change in the physiography. She has read the letters and knows the folks who are neighbors and say it is all right, but in this zoning and in these regulations, it doesn't say that if the neighbors agree, then the zoning can be waived, or the problem can be overlooked. She said they were not making a decision about what erodes and what doesn't erode in this case, it's all ready happened. She said she was inclined, because it was a zoning district which was very hard to administer, to vote not to approve the tennis court.

Barbara Evans said she has had the minutes of the Planning Board only a couple of days, and she has made an attempt to read them thoroughly. She said Jay Raser had some comments that she would like to echo, and address them especially to Dick Clemow, not out of rancor, but simply to point out that what he said out a few minutes ago about when he gets his horse arena, tennis court and swimming pool in, nobody will be able to see any trees; and she said that was exactly right, and unless the people in that zoning district get together and do what needs to be done with those zoning regulations, that is exactly what is liable to happen. The regulations are so ambiguous, and everyone who put in a lawn, barbecue, or house have not done it in harmony with the natural physiography. Because if you move a rock, you have moved the physiography, and with the rules as written, it is left to the Commission to make subjective decisions that are not fair to anyone on the board. If the residents don't want tennis courts in Pattee Canyon, she said they should put that in their regulations, so that Dr. Baumgartner, or anyone else looking at those regulations would know that they are not supposed to put in tennis courts. If they don't want swimming pools, that should be clearly stated. These should be clear rules that the Commission can administer; that way, they would take little chance on them

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being misinterpreted. She said they had made it extremely difficult for anyone who lives up there to know exactly what is wanted. She said she had very mixed emotions about telling Dr. Baumgartner that they have to put the land back the way it was.

Horace Brown said that if the Commission goes by the regulations as they are set out, his opinion is that it is not fair that the Commission is thrust into the position of being referee, and he thought that the homeowners should come up with some new regulations covering such things as tennis courts, outbuildings, etc., and perhaps they should be required to have a permit to build those things. He said the Commission is coming in after the fact, and acting like their police, and he doesn't like to be put in that position.

Ann Mary Dussault said that it was true that in some ways, the actual application of Zoning District #4 are unclear. It is her belief, however, that the difficulty in interpreting it comes in the siting of roads and the reasonable siting of houses. She said it was not a reasonable argument at all that there is any doubt about the siting of an improvement such as a tennis court. She said she did not find that lack of knowledge, in a zoning district such as this one, an excuse. She said she did not find that the argument that just because somebody else did it that the applicant should be allowed to do it too, as persuasive. The fact of the matter is, it is very difficult to create a zoning district that is very restrictive, and those restrictions should be respected, and they have not, in this case. Whether or not the improvement is visible or not visible is irrelevant; it's got nothing to do with the size of the cut and the disturbance that has occurred in this situation. The most damning evidence, in her opinion, is the applicant's own statement that he is going to have to build a retaining wall. There should not be a need to build a retaining wall in a situation unless you have clearly disturbed the natural physiography. She said it was her opinion that the permit ought to be denied.

Barbara Evans said she did not disagree with any of Ann Mary's statements; but she was a strong believer in personal property rights, and a strong believer that when you live in an area, and you buy there based on what the zoning is, that you have a right to expect that zoning to be enforced. She said she was terribly torn on this issue. She said that the Baumgartners knew what the rules were, having already built a house in that area. She had no reason to disbelieve his statement that he didn't know that an improvement such as a tennis court qualified under those rules. She said she does not believe that the land can be restored as it was, and it is significant that the Planning Board, after several votes, decided to recommend that this Commission approve the request with the conditions listed.

John Torma read the recommended motion again, which was:

The Planning Board, in their meeting of March 3, 1987, recommended approval of this request subject to the conditions that there be landscaping of the cut and fill, surface water plans be prepared, that there be a green tennis court surface, that the backboard and all fencing be in vinyl green, and that the landscaping and surface-water plans shall be prepared respectively by a landscaping architect and a registered engineer, subject to the review of the Office of Community Development.

Barbara Evans said she had mixed emotions about the conditions. She said she could appreciate Joanne Rubie not having the view that she has had to be changed into a tennis court with vinyl green fencing. When she moved up there, she had a view of the forest. She said she did not appreciate people who try to tell

MARCH 25, 1987 (continued)

their neighbors what to do with their piece of property. If nobody even knew that the trees were being cut down until the last night that is indicative to her that there is really very little disruption of the forest.

Joanne Rubie interjected a comment, saying she had inquired about the trees being cut down, and was told that the Baumgartners were allowed to cut the trees down.

Barbara Evans said her point was that if no one knew it was happening, then no one noticed it, but apparently, that is not true.

Fern Hart said in regard to the roads, she understood that one of the problems in the area was the cut and fill on roads, and that logging is permitted, and logging roads are permitted. It does not justify cut and fill when you cannot, in an area, make rules against logging roads.

Barbara Evans said there is an additional problem that needs to be pointed out, and it appears to her that there are two people who are going to vote to deny the request, one who is going to vote to approve it, and her vote will be important, because if she votes to approve, and a motion is made to deny, and there are not enough people to pass the motion, it dies because it is a tie, and the request will be denied. She asked Mike Sehestedt if that was a proper understanding of the situation.

Mike Sehestedt, Deputy County Attorney, said that was the way he saw it. It takes a majority of the whole number of the Commission to take any action. Four members are necessary to take action on any matter, and three members must vote for the motion for it to pass. On a tie vote, no action is taken. This is a request for a permit, and on a tie vote, no permit would be issued. On the flip side, there is a request in the staff proposal for a directive that the property be restored, and on a tie vote, he wasn't sure of how that would get accomplished.

Ann Mary Dussault said that until somebody makes a motion, the Commission has nothing to vote on, so there is no way of telling how the vote will turn out.

Fern Hart moved and Ann Mary Dussault seconded the motion to deny the request of Dr. Baumgartner to construct a Tennis Court on property located in Zoning District #4.

Barbara Evans asked if there was any further procedures available in this process if this permit is denied.

Mike Sehestedt said there is always the possibility of judicial review of any decisions that are taken by the Planning and Zoning Commission. And Dr. Baumgartner could change the way he is going to develop this property and come back with a different development request. He said it all depends on what the Commissioners decide now; what Baumgartners decide to do in response to that; and what their neighbors decide to do about that.

A general discussion concerning voting procedures ensued. Ann Mary Dussault pointed out that an inability to act in this case is action; the inability of the Commission to reach a affirmative vote on either side of the question is, in essence, a denial of the permit, because the request before the Commission is a request to grant the permit. So an inability to achieve an affirmative vote on the request for a permit will deny the permit.

MARCH 25, 1987 (continued)

Fern Hart said she was concerned about restoration. If a tie vote ensues, then there could not be any follow-up action on the motion.

Ann Mary Dussault said that was correct. The recommended motion by staff was to deny the permit and to require restoration. The motion on the floor now does not require restoration, it simply denies the permit. So, in essence, the question has been divided, but it is not clear as to whether the second part of the question will be raised. The procedure is clumsy, because the applicant has proceeded to develop, absent the permit, but the main question the Commission must answer is whether or not a development permit will be granted.

Barbara Evans noted that no matter how she votes, the permit will be denied, but in her own conscience, it is not right that she should weasel out and not vote, but it is not easy to make a decision. She said the folks in Pattee Canyon make her very angry that they don't correct their zoning rules so that the Commission doesn't have to make these decisions for them. If they would make those rules so they are clear, they wouldn't put the Commission in this position, and they wouldn't put themselves in awkward positions.

The motion to deny the permit passed on a vote of 3-1, Fern Hart, Ann Mary Dussault and Barbara Evans voting yes, Horace Brown voting no, Janet Stevens abstained.

Fern Hart moved and seconded the motion that the Planning and Zoning Commission request that the Baumgartners restore the property to as natural a state as is possible; reestablishing the vegetation as per the recommendations from Bill Otten of the Weed Department; to plant Ponderosa Pine at a certain distance so that there will be smaller trees started again in that area.

The motion died for a lack of second.

Ann Mary Dussault asked John Torma to clarify what the staff's recommendation was concerning revegetation and slope restoration.

John Torma said the intent of the staff's recommendation was to restore the site in regards to its actual topography, both the slope and configuration of that knoll, and to restore as much as possible, the type of vegetation that was there before the excavation. The recommendations that were made in the staff report were done with consultation with Skip Sutherland of the Soil Conservation Service, who recommended Ponderosa Pine; and the grasses species were a recommendation from Bill Otten at the Weed Board. Those grass species are not the indigenous species, however, they would be required in order to bring a vegetation cover on that knoll, and to bind the soil there while the indigenous species that are much slower in reproducing, could creep back into that area, and eventually, the same understory ground cover would return.

Ann Mary Dussault said it should be noted that the recommendations from Bill Otten are the same recommendations that the Planning and Zoning Commission required for the Sickle's road.

Horace Brown said he had some problem with putting the slope back as it was before, but he did not see how anything would be gained by requiring Dr. Baumgartner to replace the soil as it was before, because it is not going to be as it was before, no matter what is done.

MARCH 25, 1987 (continued)

John Torma said that what might be gained is that if the slope and topography were restored, the end result would be much gentler slopes than on just the cut and fill and area, and these would be slopes that would revegetate more easily than steep cuts and steep fill areas will.

Ann Mary Dussault asked Horace Brown if he were suggesting that the current configuration be left as is.

Horace Brown answered in the affirmative.

Fern Hart said she would prefer that there be a knoll there.

Ann Mary Dussault said she would recommend that the site be restored by returning the land to its previous shape, and replanting according to a plan approved by the Soil Conservation Service as well as the Weed Control Office, then approved by the Office of Community Development.

Fern Hart moved, and Barbara Evans seconded the motion that the Planning and Zoning Commission request that the Baumgartners restore the property to as natural a state as is possible; and replanting the area in consultation with the Soil Conservation Service and the Weed District Supervisor, and have that plan reviewed and approved by the Office of Community Development.

The motion passed on a vote of 3-1: Fern Hart, Barbara Evans and Ann Mary Dussault voted aye; Horace Brown voted no.

The Planning and Zoning Commission recessed at 6:19 p.m.

The Board of County Commissioners reconvened at 6:19 p.m.

There being no further business to come before the Board, the Commissioners were in recess at 6:20 p.m.

In the evening, the Board of County Commissioners attended a City-County Planning Steering Committee meeting held at the City Council Chambers.

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MARCH 26, 1987

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

Daily Administrative Meeting

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

1. Susan Reed, County Auditor, will be instructed to recommend changes in the County claims procedure; and
2. Tax deed matters were discussed with Mike Sehestedt, Deputy County Attorney, and personnel from the Clerk and Recorder's Office. The Board of County Commissioners will stand by its previous position of not taking tax deed on properties with City SID's with certain exceptions and other property exceptions from tax deed were discussed and will be listed in a memo to the Clerk and Recorder's Office.

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

MARCH 26, 1987 (continued)

Quarterly Jail Inspection

In the afternoon, Commissioners Evans and Stevens and Can Corti of the Health Department conducted the quarterly inspection of the Missoula County Jail.

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MARCH 27, 1987

The Board of County Commissioners did not meet in regular session. Commissioner Dussault was in Great Falls attending a PIC/LGAC (Private Industry Council/Local Government Advisory Council) meeting, and Commissioner Evans was out of the office all day. In the afternoon, Commissioner Stevens spoke to the Victims Assistance Conference which was being held at the Sheraton.

Fern Hart
Fern Hart, Clerk & Recorder

Janet Stevens
Janet Stevens, Chairwoman

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MARCH 30, 1987

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

Daily Administrative Meeting

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

Contract

The Board of County Commissioners signed a contract between Missoula County and Grizzly Fence for the purpose of construction, installation, and completion of the site grading and fencing of the Missoula County Health Department junk vehicle lot, as per the terms set forth, for a total amount of \$47,903.00. The contract was returned to Centralized Services for further handling.

Resolution No. 87-035

The Board of County Commissioners signed Resolution No. 87-035, resolving that Missoula County accept from Tri Corp, of Missoula, Montana, and Watson & Associates, Inc., of Scottsdale, Arizona an easement for public road and all public purposes, located in the S 1/2 of Section 33, Township 14 North, Range 19 West, PMM, Missoula County, as this right-of-way is needed for the construction of Gleneagle Way to be accomplished by RSID No. 422. The Resolution was returned to the Surveyor's Office for further handling.

Cooperative Agreement

The Board of County Commissioners signed the 9-1-1 Cooperative Agreement between all of the agencies of the Missoula County Public Safety Answering Point for the purpose of establishing effective and equitable procedures for collecting and distributing 9-1-1 tax revenue, as per the principles set forth in the agreement. The agreement was returned to Dave Miller, 9-1-1 Manager for further signatures and handling.

MARCH 30, 1987 (continued)Resolution No. 87-036

The Board of County Commissioners signed Resolution No. 87-036, resolving that Missoula County accept from Five Valley Oil and Gas Exploration, Inc., an easement for public road and all public purposes located in the SW 1/4 of Section 33, Township 14 North, Range 19 West pmm, Missoula County, as this right-of-way is needed for the construction of Gleneagle Way to be accomplished by RSID No. 422. The Resolution was returned to the Surveyor's Office for further handling.

Resolution No. 87-037

The Board of County Commissioners signed Resolution NO. 87-037, relating to \$1,500,000.00 in Industrial Development Revenue Bonds for the YMCA project, Series 1987; approving the form of documentation in connection therewith and supplementing Resolution No. 87-022, adopted March 11, 1987.

Other items included:

The constables mileage issues were discussed. Action was delayed until a report and the Attorney General's opinion are received.

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

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MARCH 31, 1987

The Board of County Commissioners did not meet in regular session, as they and County department heads attended an all-day Cutback Management Seminar by Bader and Carr held at the Sheraton.

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APRIL 1, 1987

The Board of County Commissioners met in regular session in the afternoon; all three members were present. In the forenoon, the Commissioners and County Department heads attended the final portion of the Cutback Management Seminar held at the Sheraton.

PUBLIC MEETING

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

Proclamation- National Dispatchers Week

Barbara Evans moved, and Ann Mary Dussault seconded the motion to proclaim the week of April 12-18, 1987 as National Dispatchers Week in Missoula County, recognizing the contributions made by the public safety dispatchers. The motion carried on a vote of 3-0, and the Proclamation was signed.

Hearing: Proposed Gambling Regulations

Robert Deschamps, County Attorney said the new regulations have two provisions. The first, amendments in section 12, refer to work permits. Essentially, this does two things, it unifies the procedure between the County and the City so a person can apply in either place and the permit would be valid in both the City and the County. The second aspect deals with temporary work permits. He said the applicants are generally low-income people who generally get offers of employment at a moments notice, and they need to be able to go to work immediately. The process has been that they have to get investigated before a permit is issued, and it often takes a month or more to get the investigation completed, because some of the people have been in other states, and getting information back takes a long time. Often, by the time the investigation is completed, they have lost the job. At times, temporary work permits have been issued, but at other times, that hasn't been done, and there has been a lot of confusion and consternation in that area; so this clarifies that temporary work permits can be issued, if the applicant passes the basic record check. The temporary work permit would be good for thirty days, and it can be extended for another thirty days thereafter. He said the temporary work permit would be distinctive in appearance from the permanent work permit, which will make the system easier to police. The third aspect of the new regulations is that the permits will have to displayed.

He said these new regulations were passed by the City Council with no problem or difficulty. The proposal concerning Casino Night Regulations did not pass the City Council. He said Casino nights are events of a fund-raising nature that are designed to appear, or simulate casino-type gambling, such as blackjack, "21", craps, roulette, etc that are not lawful under Montana law. In the past, organizations such as the Chamber of Commerce and The Children's Theater have conducted these events. They were supposed to play with play money that had no value so they really weren't gambling. But the fact of the matter is, that they all gambled. Play money acquired value, and at the end of the night, an auction would ensue, and the person with the most play money could buy the good prizes; and in some cases, the play money was redeemed for cash. The situation got to the point where a few years ago, one of these events was being held weekly, and he said he had gone to the gambling commission and requested that some rules and regulations to police this activity be drawn up, or they would have to prohibit the games. The gambling commission, at that time, unanimously voted to prohibit this activity, and that has been their position for the past 8 years. This has led to a lot of consternation, particularly on the part of the Chamber of Commerce, which has viewed these events as useful

APRIL 1, 1987 (continued)

fund-raising tools, and he has been lobbied very heavily by the Chamber of Commerce to do something about this. Last fall, he brought the matter up to the gambling commission again, and the commission decided to try to devise a regulation that would allow these events to occur, and still ensure that state law is not violated. A joint committee between the gambling commission and the Chamber of Commerce then spent several sessions working out this proposal. The proposal was ultimately adopted by the gambling commission, and recommended to the City Council and the Board of County Commissioners. The City Council referred it to the public safety committee, and he said he did not know what their problem was, but he thought it was that they thought the regulation was unnecessary, and casino night is viewed as lawful activity. He said he agreed, if it is done with play money that has no value, or no possibility of value, it is lawful activity. He said he thought the committee did not want to promulgate more rules and regulations to regulate perfectly harmless legal behavior. He said they were also concerned by the fact that there isn't any penalty provision in these regulations. He said he and the Chamber of Commerce tried to talk to the committee, but eventually, the City Council refused to act on this particular proposal. He said he thought their position was wrong on both counts; as there is a demonstrable track record of blatant violations of state law by organizations attempting to do casino nights. He said this proposal was the best vehicle for monitoring and controlling those activities. Secondly, there is an enforcement mechanism. If someone proceeds to do an event and actually gambles, then they would be in violation of the gambling laws. If they elect to do one of these events, and not go through the procedure of going through the gambling commission and hiring law enforcement personnel to be there to monitor the event, there would be some authority to act. He said these regulations should be viewed as guidelines to these people who want to conduct these events and do them in a manner that will ensure the public safety and interest is protected.

He said he would suggest that the County Commissioners enact these regulations. He said it does not matter that the City Council did not, as the jurisdiction in the County, in this matter, is broad enough to include not only the County, but that portion of the County that is within the city limits. He said if this is enacted as an umbrella-type regulation, there would be no problem. He said there would be a problem if the City enacted something different, so that their rules are inconsistent with the County's, but where they have done nothing, it does not cause any insurmountable problem if the County enacts the regulations and the City does not.

Janet Stevens asked Dusty why he thought this regulation, if passed by the Board of County Commissioners, would have jurisdiction in the City limits.

Dusty Deschamps said it stems from State law; violations of State law in gambling arena are matters that are within the jurisdiction of the County Attorney. He said it was his responsibility to enforce that, and it is his opinion that this would come as a part of that package. He said cities and counties have the option, if they wish, to enact gambling regulations, although there is nothing in state law that says you have to enact anything; some counties and cities don't.

Janet Stevens asked how an issue would be resolved if the City adopted different regulations.

Dusty Deschamps said that if the City adopts something different, he would assume that the County would either have to negotiate or go back to the drawing board, but the fact is, they haven't adopted anything, and they apparently don't intend to.

APRIL 1, 1987 (continued)

Barbara Evans said she had asked Dusty if these regulations were satisfactory to the Chamber of Commerce, and he assured her that they were acceptable to that organization.

Dusty Deschamps said most of the language was drafted by the Chamber.

Ann Mary Dussault said that the Chamber held a casino night a couple of weeks ago, and she asked Dusty Deschamps how they did that.

Dusty Deschamps said it was held pursuant to this format; although it was not yet in place.

Ann Mary Dussault said the law enforcement clause in these regulations seems to be a bit much; in the sense that one officer for every 150 people seems too much, and if these are really non-profit fund-raisers, that the cost of doing business could exceed their profits.

Dusty Deschamps said it was arbitrary, and there really wasn't any clear rationale used in arriving at that figure, except that seemed to put too much burden on one officer to try to police all these things. Again, these figures were drawn up by the Chamber of Commerce.

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

Barbara Evans moved and Ann Mary Dussault seconded the motion to adopt the proposed new gambling regulations as submitted. The motion passed on a vote of 3-0.

Janet Stevens said she had a concern, and she asked Mike Sehestedt, whether, from his perspective, these regulations would govern the entire County, including the City.

Mike Sehestedt said he agreed with Dusty's assessments and legal opinions.

REVIEW OF REVISIONS IN YMCA BOND DOCUMENTS

Mike Sehestedt, Deputy County Attorney, explained that the underwriter for the title insurance for the issuance of the recently approved YMCA bonds has raised some concerns about the length of the term of the lease which could not be allayed without a change regarding the terms of the lease from the County to the YMCA. The specific concern was about the automatic lease renewal clause. He said that his understanding of the solution was that everyone had agreed that we have the ability to enter into the lease and to provide for renewal options within the lease and that the title company can then give us an unqualified title opinion. The lease would then be set up so that the YMCA has to take an affirmative step 180 days prior to the expiration of the lease term. It would be up to the County, under this revision, to ask if the YMCA wanted to renew the lease for an additional 10 years at the end of the first term. He said that with those changes in the documents, the title insurance will issue and the deal will work. He said that he had felt obligated, since it is a change in the lease terms, to bring it to the Board's attention. He did not think that it constituted changes in the substance or that it affected the County's position adversely in the deal, but that, as a result of the change, the County might be getting the leased property back sooner than under the existing arrangement, in that the Y might decline to exercise its option in regard to the lease renewal. He said that there would be a provision for the trustees of the Y, and their successors, to exercise the option so that the lease

APRIL 1, 1987 (continued)

could go forward. He said that he had not yet seen the final documents effecting the change. He said that they had been done in a manner that will not require a new physical execution of any of the documents, but since there is a change in substance over the title page, he felt obligated to bring it to the Board to receive affirmance of making those changes.

Ann Mary Dussault asked if Chairwoman Janet Stevens, since she had been given authority to execute bond documents pertaining to this issuance on behalf of the Board, would be the person to approve these changes.

Mike Sehestedt replied that the revision was substantive enough that he and bond attorney Mae Nan Ellingson had agreed that the matter should come before the full Board for approval or disapproval. He added that the maximum term of the lease had already been limited to 75 years, down from the original lease. He said that this change merely provides that every 10 years the YMCA will have to take an affirmative action to procure a renewal. His attorney's opinion letter on the matter is on the word processor in the County Attorney's Office, he said, and he would send a copy of it to the Commissioners as soon as it was completed.

Howard Schwartz, Executive Officer, said that his only question was that since the official statement on this issuance has already gone out to the public representing the 75-year term for the lease, would this revision cause any problems in that area.

Mae Nan Ellingson replied that she thought that we were okay in that regard. She said that while the option to renew is at the discretion of the YMCA, the County is obligated to enter into the lease if the Y exercises that option. She said that what they had done was to provide a 10-year lease, beginning March 1, 1987, with an option to renew for 5 additional 10-year terms, which would amount to 60 years, with an additional 8-year term renewal added onto that, which, combined with the 7 years which have already elapsed, would mean a total of 75 years if all the options were exercised. She said that the title company seems to be willing to insure this particular arrangement, and she thought the distinction they were making was that this would be a 10-year lease, not a 75-year lease. She said that the renewal doesn't come until the 10 years of any one term have elapsed, so they can't exercise all of their options at one time. She said that it had been concluded that this deal will only work if there is a lease at least until the bonds are paid off and stated that they were relying on Mike Sehestedt's opinion for that. She went on to say that in revising the documents, great care had been taken to keep the pagination the same as that in the original documents so that the documents would not have to be executed again.

Commissioner Ann Mary Dussault moved, and Commissioner Barbara Evans seconded the motion, that the Board of County Commissioners approve the changes in the lease procedures described by Mike Sehestedt and Mae Nan Ellingson in order to satisfy the title company. The motion passed by a vote of 3-0.

LOAN AGREEMENT BETWEEN COUNTY OF MISSOULA, MONTANA AND THE GREATER MISSOULA FAMILY YOUNG MEN'S CHRISTIAN ASSOCIATION

Chairwoman Janet Stevens signed the loan agreement between the County of Missoula and the Y.M.C.A. pursuant to the issuance of \$1,500,000.00 in Industrial Development Revenue Bonds for the Y.M.C.A. Project, Series 1987. Under this loan agreement, the County agreed to loan the proceeds of the Series 1987 Bonds to the Obligor to finance costs of the Project and the Obligor agreed to pay the County amounts sufficient to provide for the prompt payment of the principal of, premium, if any, and interest

APRIL 1, 1987 (continued)

on the Series 1987 Bonds and to cause the Project to be undertaken and completed.

INDENTURE OF TRUST BETWEEN COUNTY OF MISSOULA, MONTANA AND THE FIRST INTERSTATE BANK OF MISSOULA, NATIONAL ASSOCIATION

Chairwoman Janet Stevens signed the Indenture of Trust between Missoula County and the First Interstate Bank of Missoula pursuant to the issuance of \$1,500,000.00 in Industrial Development Revenue Bonds for the Y.M.C.A. Project, Series 1987, by which all loan repayments and payments on the principal of, premiums, if any, and interest on all bonds issued under the Indenture were pledged and assigned to the First Interstate Bank of Missoula, as trustee.

Since there was no further business to come before the Board, the meeting was recessed at 2:08 p.m.

ADMINISTRATIVE MEETING

Following the public meeting, a brief administrative meeting was held and the following items were signed:

Payroll Transmittal Sheet

The Board of County Commissioners signed the transmittal sheet for pay period #7 (3/08/87 through 3/21/87) with a total Missoula County payroll of \$341,774.12. The transmittal sheet was returned to the Auditor's Office.

Contract Amendment

The Board of County Commissioners signed an amendment to the Professional Services Contract between the Missoula City-County Health Department and Pamela Foggin, amending the hours per week and the total compensation as follows:

3. Performance Schedule: That the Contractor shall commence performance on this contract on the 1st day of July, 1986 and shall conclude completion of performance by the 30th day of June, 1987, and shall be responsible for specific days or hours of performance hereafter specified: Up to 40 hours per week.
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 \$6,840, and payment thereof shall be made at the times, in the amounts and to the parties hereinafter specified: \$6 per hour on submission at end of month time sheet.

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

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APRIL 2, 1987

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

Audit List

The Board of County Commissioners signed the audit list, dated April 2, 1987, pages 7-27, with a grand total of \$84,740.26. The audit list was returned to the Accounting Department.

APRIL 2, 1987 (continued)Daily Administrative Meeting

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

1. The new Centralized Purchasing Policy was reviewed and discussed. It was returned to the Auditor for revision of item #8 of the policy; and
2. The Commissioners determined that suitable access is provided in the division of three parcels larger than 20 acres located in the West 1/2 of Section 13, T.12 N., R.20W., by Sunlight Development Corporation.

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

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APRIL 3, 1987

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 if needed.

Benefit Basketball Game

In the evening, Commissioners Dussault and Stevens participated in the City-County basketball game held at the University Fieldhouse for the benefit of Multiple Sclerosis. The County team was victorious over the City team, and was awarded a trophy.

Fern Hart
Fern Hart, Clerk & Recorder

Janet Stevens
Janet Stevens, Chairwoman

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APRIL 6, 1987

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

Welfare Advisory Board

The Board of County Commissioners, serving as the Welfare Advisory Board, met with 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 signed:

Proclamation

The Board of County Commissioners signed a proclamation, proclaiming April 5-11, 1987, as National Library Week in Missoula County, and urging citizens to take time to read and use the Library this week and throughout the Year of the Reader.

Agreement

The Board of County Commissioners signed an Agreement between Missoula County and District XI Human resource Council, Inc., for the purpose of designating District XI Human Resource Council, an existing Montana non-profit corporation, as the fiscal

APRIL 6, 1987 (continued)

administrative agent in Missoula County to administer to the Y.W.C.A. Battered Women's Shelter and the Poverello Center those funds received from the Emergency Shelter Grants Program in the amount of \$6,095.00, as per the terms set forth in the agreement, for the period from March 1, 1987, through August 31, 1987.

Contract Amendment

The Board of County Commissioners signed an Amendment to the Professional Services contract between the Missoula City/County Health Department and Dr. Pat Hennessy, amending the contract as follows:

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 \$15,600, and payment thereof shall be made at the times, in the amounts and to the parties hereinafter specified: \$25 per hour and Missoula City/County Health Department will provide medical liability insurance and tail coverage if claims made insurance is purchased. Contractor shall pay for the physician yearly cost for the Montana Medical panels.

Contract Amendment

The Board of County Commissioners signed a Professional Service Contract between the Seeley Lake Refuse Disposal District and Service Management Associates, an independent contractor, for the purpose of gathering data, researching documents, compiling lists, attending meetings and doing a mass mailing regarding the approval fee schedule as per the terms set forth, for the period from March 31, 1987 through June 30, 1987 for a total amount not to exceed \$1827.00 plus the additional charges for postage, mileage, etc., which will be billed separately.

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

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APRIL 7, 1987

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

Indemnity Bonds

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

1. naming Earline Harkins as principal for warrant #58619, dated January 30, 1987, on the School District #1 payroll fund in the amount of \$15.78, now unable to be found; and
2. naming Earline Harkins as principal for warrant #58667, dated February 12, 1987, in the amount of \$7.89, now unable to be found.

Daily Administrative Meeting

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

Resolution No. 87-038

The Board of County Commissioners signed Resolution No. 87-038, a resolution creating RSID No. 415 for the purpose of the construction of approximately four force main distribution

APRIL 7, 1987 (continued)

systems (each to include a lift station) and three gravity distribution systems, with a total of 1.220 lineal feet of absorption trench in the Orchard Court Addition.

Notice of Sale of Bonds

Chairwoman Stevens signed the notice of sale of bonds for RSID No. 415 in a total amount not to exceed \$44,000.00, setting the sale date for May 13, 1987, at 1:30 p.m.

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

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APRIL 8, 1987

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated April 7, 1987, pages 7-35, with a grand total of \$470,639.13. The Audit List was returned to the Accounting Department.

Daily Administrative Meeting

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

Agreement

The Board of County Commissioners signed an agreement for building maintenance and custodial services contract between Missoula County and the Missoula Federal Credit Union for the purpose of allowing the credit union to obtain building maintenance and custodial service for the facility located at 126 W. Spruce from the County's General Services Department, as per the provisions set forth, through June 30, 1988 as the rate of \$50 per month for custodial services and \$22.00 per hour for building maintenance plus parts and supplies.

Memorandum of Agreement

Commissioners Stevens and Evans signed a memorandum of agreement between Missoula County and the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation for the purpose of agreeing to proceed with pursuing an agreement for land-use planning on the Reservation, and that the expertise of the Missoula County staff may be utilized by the tribes during the transition to Tribal land-use planning within the Flathead Indian Reservation; and such an agreement shall be executed by both parties at the earliest reasonable time.

Commissioner Dussault declined to sign until a second agreement is reached. The agreement was returned to John DeVore, Operations Officer, for further handling.

Operating and Financial Plan

Chairwoman Stevens signed Attachment I of the Operating and Financial Plan for reimbursable services requested by the Forest Service of the Missoula County Sheriff's Department for patrols to be assigned to Forest Serviced Administered campgrounds and launching facilities on the holiday weekends and times listed in the agreement, as per the terms set forth, for a total amount not to exceed \$16,162.00. The plan becomes a part of the original

APRIL 8, 1987 (continued)

agreement between the Forest Service and Missoula County dated October, 1983. The Plan was returned to the Sheriff for further signatures.

Policy Statement 87-B

The Board of County Commissioners signed Policy Statement No. 87-B, the Centralized Purchasing Policy, dated March 25, 1987 for the purpose of updating Policy Statement 81-C, dated April 7, 1981, which established guidelines for the Centralized Purchasing function, as per the terms set forth in the policy statement.

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

PUBLIC MEETING

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

Hearing: Intent to Create RSID No. 424 (Street Improvements on 37th Avenue, 36th Avenue, and Tower Streets.)

Information provided by John DeVore, Operations Officer indicated that a petition with 68% of the freeholders signatures was received for constructing street improvements on 37th Avenue, 36th Avenue and Tower Streets between South Avenue and North Avenue and a portion of Central Avenue between 33rd Avenue and 37th Avenue in U.S. Government Subdivision #1, Missoula County, Montana. Two letters of protest were received, and his recommendation is that this RSID be created contingent on appropriation of aid-to-construction for the project.

John DeVore, Operations Officer, said the two letters of protest involve being included in this phase of the project, based on the fact that they had prior involvement in paving projects in the area in the past, and they represent corner lots. He said this project includes County financial participation as well as Rural Special Improvement Bonds to finance it, and the County is not in a position to talk about proceeding with the project until the aid-to-construction funds are appropriate.

The hearing was opened for public comment.

Vaughn Anderson, of Stensatter, Druyvestein and Associates, said both the protests were from people who own corner lots, and several years ago, two other SIDs were done in this same area, one on North Avenue and the other on Central and 35th Street, and at that time, only a portion of the streets were done on these corner lots. Now the streets the front on the other side of their lots are also being paved. In the petition, they had tried to equalize it as best as they could by only allocating half of their lot within the district. Instead of charging the full acreage of their lot, which could have been done under the SID regulations, only have was charged for, because they had already been included in the previous petitions.

Ann Mary Dussault asked Vaughn Anderson what the total cost of the project would be, and what the County's share of that cost would be.

Vaughn Anderson said he did not have the figures available on the total cost of the project, but the County's share of the cost is in the neighborhood of \$25,000. This is the aid-to-construction they are requesting from the County.

APRIL 8, 1987 (continued)

Lois Roberts said that on February 13, her son was invited to a birthday party at the house next door, and because the streets were in such horrible condition, she had to drive her son next door. It was so muddy that he couldn't walk next door. She said she supports the RSID because of all the dust in the summer.

Mike Buckley spoke in favor of the RSID, because it will help alleviate the dust and pollution in the valley.

Linda Bentley spoke in favor of the RSID for both the pollution and the safety factor.

Twelve persons raised their hands in support of the RSID. People speaking in opposition to the RSID were:

Diana Anderson, said she was not speaking in opposition to the District, but she was in opposition to being included in the District. She said she was one of the people who sent a letter of protest. She said Mr. Anderson's comments do not convey the whole situation. She said when they were included in RSID #377 in 1980 and 1981, it was at 100% rate. At that time, they were told by Ted Crockett, who was General Services Manager then, that because they were fully included at that time, they would not be included subsequently to pave the streets west of their property. She said other people similarly situated, who have corner lots in the combination of the two districts are not being included for more than 100% of their pro rated share. She said she had paid on the whole 21,000 square footage of their lot when they were included in the previous RSID. The people who live directly west of her, who are in the proposed district, will only pay once; one full pro rated share, even though they are having the street in front of their home and the street on the side paved. There are only four of the approximately 90 homesites in the neighborhood between the two RSID's, 377 and the proposed 424, that are being assessed in both RSID's, and only two of those, herself and the people across the street from her were included at 100% in the previous RSID. She said she does not use 36th Street, as her house and driveway face West Central. She indicated her house and adjacent houses on a map, and showed where the paving is going to be done.

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

Barbara Evans said she would like either Mike Sehestedt, John DeVore or Vaughn Anderson to respond to Mrs. Anderson's contention that she should only be assessed 100%, not 150%.

Mike Sehestedt said that legally, property should be assessed according to the equity issue. To assess the way it is being done is lawful; the question is should it be done that way in all fairness. He said that question should be answered by the Board of County Commissioners.

Barbara Evans asked if he remembered if the policy, at the time of the first paving, said that she would not have to pay again, and was she promised something that the County is now not going to deliver on.

Mike Sehestedt said he could not speak from personal knowledge and recollection as to the representations that were, or might have been made at that time; and he does not have any reason to doubt Ms. Anderson's testimony, but he does not have any personal, independent knowledge of it. As to how this has been dealt with in the past, he said he did not know that there was a standing County policy.

John DeVore said from his perspective, it was a legal question, not a policy question.

APRIL 8, 1987 (continued)

Vaughn Anderson said he understands Mrs. Anderson's viewpoint, it is just a question of how much of a benefit she will be receiving. He said if the whole area was done with one RSID the first time, she would have been assessed just like any other corner lot. Being that it wasn't, we are now in a difficult situation, and the people who put this RSID together tried to be fair.

Ann Mary Dussault asked Vaughn Anderson for clarification. She said she understood that the two properties in question are being assessed at half the rate that the other properties are being assessed.

Vaughn Anderson said the other properties in the district are being assessed based on the square footage of their entire lot, but people who front on South Avenue are only paying half of their square footage as well. He indicated the lots involved on a map.

Ann Mary Dussault asked how much it would add to the cost of each lot if the County abated the assessment for the corner lots; or how much would be spread throughout the other property holders if the corner lots were abated. In addition, she wanted to know if the Commissioners could do that without going back and redoing an entire RSID petition.

Mike Sehestedt said he would have to look at the entire question. He said the County could not increase the dollars assessed on the other lots. His opinion is that it should either be done completely over, or have a project come in that is doable without the assessment on those corner lots at the rates stated.

Barbara Evans asked what the difference would have been if they had based the assessment on frontage rather on square footage.

Mike Sehestedt said it would probably come out the same.

Vaughn Anderson said the RSID statutes allow assessments to be made on a square footage standpoint, and corner lots to be assessed doubly if so desired.

Ann Mary Dussault said her inclination was to support the RSID as submitted, and to fund aid-to-construction, assuming that the Surveyor will include that in his budget; however, out of fairness, she thought the Commissioners ought to take at least a week to see if there is any written documentation that would support what Mrs. Anderson said, and to determine if a verbal promise was made.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to postpone the decision concerning an intent to create RSID #424 (Street Improvements on 37th Avenue, 36th Avenue, and Tower Streets) until the next Wednesday, April 15). The motion passed on a vote of 3-0.

Barbara Evans said she wanted the citizens to know that she would also support the RSID.

Janet Stevens concurred with that.

Consideration of: West Central Village (Final Plat)

Information provided by Paula Jacques, Planner for the Office of Community Development, indicated that West Central Village was given preliminary plat approval by the County in March of 1986. A planned variation to alter setbacks was also approved at that time. There are 33 single family lots, five multi-family lots and a neighborhood park. The extension of Mount Avenue from

APRIL 8, 1987 (continued)

Reserve to Eaton was accomplished as part of this project. The Community Development Staff recommends that the final plat of West Central Village be approved subject to the seven conditions set forth in the staff report:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. 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.
3. Plans for the development and maintenance of the park (to include initiation of a maintenance RSID) shall be reviewed and approved by the Parks and Recreation Department of Missoula County.
4. 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.
5. A statement advising future purchasers that acceptance of a deed for a lot within this subdivision shall constitute a waiver of the right to protest an RSID for sidewalk construction along Eaton shall be printed on the face of the plat and included in the covenants.
6. The developer shall work with the Parks Department to vary the types of street trees to be planted.
7. The parking lots shall be screened from view of the multi-family units.

Ann Mary Dussault said that on condition #3, the County prefers to go through the Department of General Services.

Paula Jacques said there would be no problem with that.

Nick Kaufman of Sorenson and Company indicated on the map the lots, #35, 36, and 37 that front Eaton Street that would be included for sidewalk and curb SID's. He said he would not want to put a waiver statement on the lots on Mount Avenue or the other interior lots, as they would not benefit from the SID.

Paula Jacques said she had called Bob Holm about it last week, and he pointed out that sidewalks are a neighborhood sort of thing and suggested just leaving it open to future wisdom as to how the RSID might be drawn up.

Barbara Evans asked Paula if she was suggesting that that condition be kept on the plats of every one of the interior lots that don't even front on Eaton.

Paula Jacques said the RSID boundaries are still unclear. At the time the RSID is drawn up, it may be considered to be a neighborhood benefit, and more than just the lots that front directly on Eaton.

Nick Kaufman said lots 1-38 are going to pay equally for the Mount Avenue improvements, which include sidewalk on Mount Avenue. By the same token, sidewalks are being put in on both sides of the street on Cottage Court, which those people pay for. What is under consideration is a waiver of a right to protest an SID, because the developer is not doing the sidewalks along Eaton Street until Eaton is improved. If the County wants curb and sidewalk on Eaton Street in front of those lots, 35, 36, and 37, which should be done as part of the subdivision process, but are given a variance, then only those lots should waive. He said the

APRIL 8, 1987 (continued)

Commissioners could order that SID in tomorrow, and if they waived it, they would build it. If the County wanted to do an area-wide SID for improving Eaton Street, he did not understand why the rest of the subdivision should be held hostage to that, when it is just those three lots that would benefit.

He said T & T Construction is giving some land for park, and about \$3,800 cash, and the developers want the Park Board to turn that cash-in-lieu back to improve this park. He said he would like to be on the Park Board agenda tomorrow.

Ann Mary Dussault moved and Barbara Evans seconded the motion to approve the final plat for West Central Village subject to the following conditions:

1. Sanitary restrictions shall be lifted by state and local health authorities.
2. 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.
3. Plans for the development and maintenance of the park (to include initiation of a maintenance RSID) shall be reviewed and approved by the General Services Department of Missoula County.
4. 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.
5. A statement advising future purchasers of lots 35, 36, and 37 that acceptance of a deed for a lot within this subdivision shall constitute a waiver of the right to protest an RSID for sidewalk construction along Eaton shall be printed on the face of the plat and included in the covenants.
6. The developer shall work with the Parks Department to vary the types of street trees to be planted.
7. The parking lots shall be screened from view of the multi-family units.

Ann Mary Dussault said the cash-in-lieu of parklands funds go into a pool, and there is a methodology in place for people to apply for monies in those pools, and when it comes time for the County Commissioners to vote on whether or not these funds should be turned over to this development, she would probably maintain that position.

The motion passed on a vote of 3-0.

Hearing: Certificate of Survey Review - Reynolds

Information provided by Joan Newman, Deputy County Attorney, indicated that Duane Reynolds has applied for an occasional sale exemption to create two 10-acre parcels from a 20-acre parcel he owns in the Ninemile area. It appears that Mr. Reynolds originally owned two adjacent 20 acre parcels several years ago. In 1985, Mr. Reynolds divided one 20 acre parcel into two 10 acre parcels, but has not sold either one. He now wants to divide the other 20-acre parcel, thus crating what looks like a 4 lot subdivision. She indicated the area on a map, and said that someone from Eli and Associates, representing the Reynolds, was informed of the date and time of the hearing today, but was not in attendance.

APRIL 8, 1987 (continued)

Ann Mary Dussault moved, and Barbara Evans seconded the motion that the Duane Reynolds' application for an occasional sale exemption be denied, on the basis of the following reasons:

1. Claimant has divided adjacent property by use of the occasional sale in 1985, and retains title to the parcels created; and
2. The configuration of the parcels suggests an intent to create multiple lots; and
3. Although there are smaller tracts in this area, it is still designated as Open and Resource land by the Comprehensive Plan, with density of only 1 unit per 40 acres.

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 2:17 p.m.

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APRIL 9, 1987

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 Commission on Courts of Limited Jurisdiction

Indemnity Bond

Chairwoman Stevens examined, approved, and ordered filed an Indemnity Bond naming Leslie Klatthor as principal for warrant #60652, dated March 27, 1987, on the School District #1 payroll fund in the amount of \$37.91, now unable to be found.

Daily Administrative Meeting

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

Resolution No. 87-039

The Board of County Commissioners signed Resolution No. 87-039, a budget amendment for FY '87 for the Library for the purpose of setting the expenditure and revenue accounts for the recently received "What America Reads" as follows, and adopted it as part of the FY '87 budget:

<u>Expenditures</u>		<u>Budget</u>
2220-410-460166		
Personnel	111	\$250
Printing	311	20
Newspaper Ad	314	200
Books	361	205
Consultants	327	345
<u>Revenue</u>		<u>Revenue</u>
2220-410-365006		
Grant: What America Reads"		\$1,020

APRIL 9, 1987 (continued)Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Sheriff's Department for payment of the amount awarded by the arbitrator's decision to the Missoula County Deputy Sheriff's Association and adopted it as part of the FY '87 budget: No. 870058, a request to transfer the following amounts from the following accounts:

420110-114	Work Study	\$2,000
420110-121	Overtime	1,500
420145-121	Overtime	1,500
420180-121	Overtime	2,880
420110-141	Fringe Benefits	4,300

to:

420110111	Permanent Salaries	\$5,119.00
420110141	Fringe Benefits	7,061.00

Other Matters Included:

The Commissioners voted to give longevity to the Sheriff's Department Captains; the COLA issue will be decided at a later date.

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

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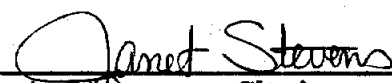
APRIL 10, 1987

The Board of County Commissioners met in regular session in the forenoon, a quorum of the Board was present. Commissioner Stevens was in Helena attending a Commission on Courts of Limited Jurisdiction meeting, and Commissioner Evans was out of the office all afternoon.

Outstanding Employee Award

In the evening, Commissioner Dussault and Stevens presented the Outstanding Employee Award to Jana Griggs of the County Elections Office at the Missoula County Employees Spring Party, sponsored by the Employees Council.


Fern Hart, Clerk and Recorder


Janet Stevens, Chairwoman

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APRIL 13, 1987

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

Monthly Report

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

APRIL 13, 1987 (continued)

Monthly Report

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

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 Clerk of Court and adopted it as part of the FY '87 budget:

No. 870059, a request to transfer \$5,824.00 from the temporary salaries account to the permanent salaries account because of an incorrect budget load.

Other items included:

The County Attorney informed the Commissioners that because of the resolution freezing salaries and the longevity of elected officials, their decision of April 9, 1987 to give longevity to the Sheriff's Department Captains will have to be revoked, therefore the Board of County Commissioners voted to cancel their decision of April 9, 1987, regarding the longevity issue.

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

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APRIL 14, 1987

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated April 14, 1987, pages 5-36, with a grand total of \$114,274.37. 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:

Payroll Transmittal Sheet

The Board of County Commissioners signed the transmittal sheet for pay period #18 (3/22/87 through 4/04/87) with a total Missoula County payroll of \$338,754.26. The transmittal sheet was returned to the Auditor's Office.

Resolution No. 87-040

The Board of County Commissioners signed Resolution No. 87-040, a resolution of intent to amend the "PUD" (Planned Unit Development) zoning on that parcel of land described as Grantland PUD.

APRIL 14, 1987 (continued)Resolution No. 87-041

The Board of County Commissioners signed Resolution No. 87-041, a resolution adopting the Personnel policies and addendums attached to the resolution, superseding all other personnel policies and amendments, effective as of March 15, 1987.

Other Items Included:

The Sheriff's meal claim audit fee was discussed. Dan Cox, Budget Officer, will look at the Sheriff's Department and Financial Administration budgets to determine how the audit fee is to be paid.

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

Employee Award

At noon, Commissioner Evans presented an award to Kim Brander in 9-1-1, recognizing her 10 years of service to that department.

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APRIL 15, 1987

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

Daily Administrative Meeting

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

Extension Letter

The Board of County Commissioners signed a letter to E.L. and Donna Thorsrud, approving a 60-day filing extension for the Thorsrud Addition, making the new filing deadline June 8, 1987.

Resolution No. 87-042

The Board of County Commissioners signed Resolution No. 87-042, a resolution of intent to adopt the Swan Valley-Condon Comprehensive Plan Amendment with the amendments to the recommendations as per the deletions and additions indicated in the resolution.

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

PUBLIC MEETING

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

Proclamation

The Board of County Commissioners and Mayor Bob Lovegrove signed a joint City-County Proclamation naming April 25 through May 1, 1987 as Missoula Spring Clean Up week.

APRIL 15, 1987 (continued)

Bid Award: South Hills Drainage System Phase I (Surveyor)

Information provided by Bob Holm, Project Engineer in the Surveyor's Office, indicated that construction bids were opened on April 13, 1987 for the installation of South Hills Drainage System, Phase I, RSID, #419. The following bids were received:

Olander Contracting Company	\$757,770.00
Western Materials, Inc.	565,915.00
American Asphalt, Inc.	717,396.70
Felton Construction Company	698,886.00
L.S. Jensen & Sons	589,189.06

The staff recommendation is to award the contract, contingent on the sale of bonds, to Western Materials, Inc., in the amount of \$565,915.00 for installation of South Hills Drainage System, Phase I - RSID #419.

Barbara Evans moved, and Ann Mary Dussault seconded the motion to award the contract, contingent on the sale of bonds, to Western Materials, Inc., in the amount of \$565,915.00 for installation of South Hills Drainage System, Phase I - RSID #419. The motion passed on a vote of 3-0.

Janet Stevens said she would like to note that this bid is way under what the residents were told that the cost would be.

John DeVore said the initial cost of construction for the total project was projected at \$988,400. The new cost is \$780,00, or a \$208,000 reduction. The cost was originally projected to be 5.7% of their taxable value, now that has been adjusted to 4.2%. In real dollars, that means that if you have a \$13,000 lot, originally it would have cost \$706 for 15 years, now it will cost about \$546.00 for fifteen years.

Resolution No. 87-043

The Board of County Commissioners signed Resolution No. 87-043 relating to RSID No. 419, authorizing and providing for the issuance and sale of bonds in the amount of \$780,000.00 for the purpose of financing construction of a drainage system to serve Pattee Creek and the South Hills area of Missoula County, MT.

The notice of sale was then signed by the Board of County Commissioners.

Decision On: Intent to create RSID No. 424 (Street Improvements on 37th Avenue, 36th Avenue, and Tower Street)

The public hearing on this issue was held April 8, 1987. The decision was delayed for one week to allow the County Attorney and John DeVore, Operations Officer, time to resolve some issues regarding abatements, cost of abatements, and documentation of previous commitments made to certain property owners in this district.

John DeVore said his staff had gone through the previous RSID files to look for any correspondence that went out to the residents, or any policies that the Board established during the creation and implementation of those districts, and none was found.

Barbara Evans moved and Ann Mary Dussault seconded the motion that the Board of County Commissioners create RSID #424 for 37th Avenue, 36th Avenue, and Tower Street Paving, contingent upon the appropriation of aid-to-construction for the project, noting that protests received were not sufficient to block the project. The motion passed on a vote of 3-0.

APRIL 15, 1987 (continued)

Public Comment

Mike Buckley asked the Commissioners what their comment was in regard to a letter he had dropped off at their office.

Mike Sehestedt said as he recalled the letter, he was in favor of the RSID, and had, upon reviewing the situation of the assessment for the earlier RSID, asked if the Commissioners changed the manner in which this district would be spread. He said the Commissioners had decided to proceed with the project as designed, as there is no public right-of-way in that area.

Vaughn Anderson concurred with that assessment.

There being no further business to come before the Board, the Commissioners were in recess at 1:55 p.m.

Steering Committee Meeting

In the evening, the Board of County Commissioners attended the City-County Planning Steering Committee meeting held in the City Council Chambers.

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APRIL 16, 1987

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

In the morning, Commissioners Evans and Stevens and County Auditor, Susan Reed canvassed the election of the Missoula Rural Fire District which was held April 7, 1987.

Daily Administrative Meeting

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

Resolution No. 87-044

The Board of County Commissioners signed Resolution No. 87-044, a resolution of intention to create RSID No. 418 for the purpose of the construction of approximately 19,360 feet of paved roadway complete with drainage structures, to serve the Goodan Keil Estates in Missoula County, Montana.

Notice of Passage of Resolution of Intent.

Chairwoman Stevens signed the Notice of Passage of the Resolution of Intent to create RSID No. 418 setting the hearing date for May 6, 1987, at 1:30 p.m.

Other Items Included:

The Commissioners approved moving the bond bid awards for the South Hills Project to the morning administrative meeting on May 14, 1987, as the public meeting scheduled for May 13, 1987 will be cancelled due to the Commissioners being in Polson attending the MACo District 10 and 11 Counties Meeting.

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

APRIL 16, 1987 (continued)Dinner/News Conference

In the evening, Commissioner Evans attended a dinner and news conference at the Sheraton sponsored by the future Shopko Store.

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APRIL 17, 1987

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

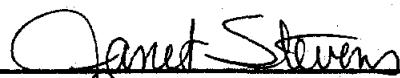
Monthly Reports

Chairwoman Stevens examined, approved and ordered filed the monthly reports of Justices of the Peace, David K. Clark and Michael Morris, showing collections and distributions for the month ending March 31, 1987.

Indemnity Bond

Chairwoman Stevens examined, approved and ordered filed an Indemnity Bond naming J. Justin Dilenschneider as principal for warrant #6900, dated March 6, 1987, on the Missoula County High School Payroll Fund in the amount of \$46.47 now unable to be found.


Fern Hart, Clerk and Recorder


Janet Stevens, Chairwoman

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APRIL 20, 1987

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

Daily Administrative Meeting

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

Resolution No. 87-047

The Board of County Commissioners signed Resolution No. 87-047, a resolution adopting the Swan Valley-Condon Comprehensive Plan Amendment, including all adopted changes and as printed in the document attached to the Resolution, which will incorporate the Swan Valley-Condon Comprehensive Plan Amendment into the County's Comprehensive Plan, and will provide an improved set of guidelines for development of the Swan-Condon area. This plan amendment covers approximately 330 square miles of Missoula County, and is the first document to be adopted that was authored by the residents of the planning area being studied.

Fencing Agreement

The Board of County Commissioners signed a fencing agreement between Missoula County and H.C. Allen Fencing Company, as per the terms set forth in the agreement, for fencing on the Palmer and Sorenson right-of-way on Mill Creek Road, which needs to be accomplished to allow Missoula Electric Co-op to move power poles prior to road construction on the Frenchtown Mill Creek Road and Bridge Project. The County agrees to pay 0.85 cents per lineal foot of fence installed, and the contractor agrees to complete all fencing by April 24th, 1987.

APRIL 20, 1987 (continued)

Other matters included:

The County appointments to the Planning Coordinating Committee were discussed and it was agreed that the Chairman of the Commission, and the County Administrative Officer would serve on the committee.

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

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APRIL 21, 1987

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

Daily Administrative Meeting

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

Extension Letter

The Board of County Commissioners signed a letter to Bud Lake agreeing to extend the preliminary plat approval for Mullan Trail Estates for one additional year, making the new deadline for final plat submittal on January 4, 1988. The extension was granted with the understanding that any further requests for extensions will be considered only if accompanied by a specific development schedule indicating the developer's intent to proceed with platting and construction of the subdivision in a timely fashion.

Resolution No. 87-045

The Board of County Commissioners signed Resolution No. 87-045, a resolution defining the boundaries of election precincts affected by city annexations as illustrated on the maps labeled "Missoula Urban area Precincts, Wards, and Legislative Districts, Amended April 1987," on file in the Elections Office, Missoula County Courthouse, Missoula, Montana, and in the Office of Community Development, City Hall, Missoula, Montana.

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

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APRIL 22, 1987

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

Audit List

Commissioners Dussault and Stevens signed the audit list dated April 22, 1987, pages 5-33, with a grand total of \$100,560.10. 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:

APRIL 22, 1987 (continued)Resolution No. 87-046

The Board of County Commissioners signed Resolution No. 87-046, a resolution defining the designated powers of the Larchmont Golf Course Board, as set forth in the resolution, and establishing the Larchmont Board as a Board of Missoula County and that the operation of Larchmont Golf Course be vested in the Larchmont Board, subject to the limitations set forth in the resolution.

Other items included:

Board Appointments

The Board of County Commissioners made the following appointments to the Larchmont Golf Course Board:

Will Deschamps and Inez Asta were reappointed through March 31, 1988; Jim Van Fossen and Cass Chinske through March 31, 1990; Howard Schwartz and Mike Sehestedt through March 31, 1989, and Ann Mary Dussault through March 31, 1990.

Also, the Commissioners approved a request from Captain Gerald Crego of the Sheriff's Department that he receive his longevity pay increase for FY '86 as it was a mistake not to have given it to him at that time.

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

PUBLIC MEETING

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

Proclamation: Victim Rights Week

Ann Mary Dussault moved and Barbara Evans seconded the motion to proclaim the week of April 26 through May 2, 1987, as:

VICTIM RIGHTS WEEK

urging all citizens and institutions, public and private, to support the establishment and enforcement of victim rights and services in Missoula County through participation in local and state activities commemorating those rights.

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

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APRIL 23, 1987

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

Daily Administrative Meeting

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

Resolution No. 87-048

The Board of County Commissioners signed Resolution No. 87-048, a resolution authorizing participation in the Montana Economic Development Board Intermediate Term Capital Program, as per the articles set forth in the resolution.

APRIL 23, 1987 (continued)Budget Transfers

The Board of County Commissioners approved and signed the following budget transfers and adopted them as part of the FY '87 budget.

1. No. 870060, a request from the Personnel Department to transfer \$2,300 from the recruitment account to the capital-technical equipment account to allow the purchase of a micro-computer.
2. No. 87-0061, a request from the Art Museum to transfer \$95.00 from the Museum Board's postage (\$75.00) and copy costs (\$20.00) accounts to the Art Museum's copy costs account for reimbursement by the Museum Trustees to the Art Museum for postage and photo copying of trustee correspondence.

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

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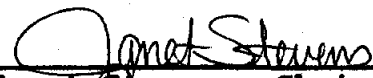
APRIL 24, 1987

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.

Arbor Day Bicentennial Celebration

In the afternoon, Commissioner Stevens participated in the Arbor Day/Bicentennial Celebration held at the State Forestry Office.


Fern Hart, Clerk and Recorder


Janet Stevens, Chairwoman

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APRIL 27, 1987

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

Daily Administrative Meeting

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

Plat

The Board of County Commissioners signed the plat for Wallace Creek Ranchos No. 2, a subdivision of Tract 4 of Wallace Creek Ranchos, located in the SW 1/4 of Section 24, T.12 N., R. 17 W., pmm Missoula County, a total of 6.15 acres, the owners of record being John F. Meeker, Jr., and Linda J. Meeker.

Policy Statement 87-C

The Board of County Commissioners signed Policy Statement 87-C, the Missoula County Micro-Computer Software Policy of the purpose of establishing guidelines for licensing and acquisition of micro-computer software for Missoula County Government Departments, as per the articles set forth in the policy.

APRIL 27, 1987 (continued)

Tax Incentive Application

The Board of County Commissioners approved and signed the tax incentive application from Louisiana Pacific Corp., which covers the expansion of the Missoula Particleboard Plant, consisting of the construction of a continuous industrial particleboard press line adjacent to the existing Missoula Plant. The original was forwarded to the Assessor's Office.

Other items included:

The audit bill for the meal claims audit in the Sheriff's Department was discussed-the Commissioners approved taking the money from financial administration and then transferring from the Sheriff's budget at the end of the fiscal year.

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

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April 28, 1987

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated April 28, 1987, pages 6-34, with a grand total of \$77,335.42. 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:

Agricultural Exemption

The Board of County Commissioners signed approval of Certification of an agriculture exemption for a parcel of land described as the SW 1/4, SE 1/4, SW 1/4, of Section 25, T. 11 N., R 20 W., pmm Missoula County, the owner being Terrance L. Hanson, who certifies 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) MCA.

Other Items Included:

The Board of County Commissioners approved the appointments of Dan Mizner as an alternate member and Byrl Thompson as the summer resident member of the Seeley Lake Refuse Disposal District Board of Directors.

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

Luncheon Meeting

The Board of County Commissioners attended a luncheon meeting with members of the Airport Authority at the Airport Restaurant.

Recognition Banquet

In the evening, Commissioner Dussault attended the RSVP Recognition Banquet which was held at the Sheraton.

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APRIL 29, 1987

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

Indemnity Bond

Chairwoman Stevens examined, approved and ordered filed an Indemnity Bond naming Patricia Cancellare as principal for warrant #6187, dated March 12, 1987, on the Missoula County Trust Fund in the amount of \$185.00, now unable to be found.

Daily Administrative Meeting

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

Payroll Transmittal Sheet

The Board of County Commissioners signed the transmittal sheet for pay period #9 (4/05/87 through 4/18/87) with a total Missoula County payroll of \$363,826.91. The transmittal sheet was returned to the Auditor's office.

Engineering Services Agreement

The Board of County Commissioners signed an agreement for Professional Engineering Services between Missoula County and Stensatter, Druyvestein and Associates for engineering services in the construction of an access road complete with drainage structures for Gleneagle at Grantland. (RSID No. 422), as per the terms set forth, for a total payment of \$7,000.00. The agreement was returned to General Services for further handling.

Articles of Dissolution

The Board of County Commissioners, as members of the Larchmont Golf Course Board of Directors, signed the consent to the adoption of the Resolution for Corporate Dissolution of the Larchmont Golf Course, as per the terms set forth in the Articles of Dissolution, because the refunding of the Golf Course debt by Missoula County and the concurrent transfer of all corporate assets to Missoula County has rendered any further continuation of the Larchmont Golf Course Corporation unnecessary and inadvisable. The documents were returned to Mike Sehestedt, Deputy County Attorney, for further handling.

Budget Transfer

The Board of County Commissioners approved and signed budget transfer No. 870062, a total of 5 pages, to transfer DES non-tax revenue to General Services as the amounts shown, for the purpose of capturing larger matching funds from the State EMA program and the transfers cover the in-house billings to DES from General Services for services given.

Other Items Included:

The date for the hearing on the proposed Seeley Lake Community Council was set for the evening of May 18th, and will be held in the Seeley Swan High School Gym.

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

APRIL 29, 1987 (continued)

PUBLIC MEETING

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

Hearing: Vacation of a portion of Road in Beavertail Villa Sites.

Information provided by Donna Cote, Recording Division Supervisor indicated that this is a petition for vacation of a portion of the North Placid Lake Road, shown as "new road" on the plat of the Beavertail Villa Site and a portion of that road dedicated to Missoula County; the south line of the north 11 feet of Lot V of Beavertail Villa to the north line of Lot "R" of Beavertail Villa Site.

The owners whose property this road crosses or abuts in this particular area would like to have the road abandoned for the following reasons: The North Place Lake Road as presently constructed and travelled is not within the right-of-way of that road shown on the official plat of Beavertail Villa Site as "New Road" which was dedicated to Missoula County at the time said plat was filed. It is the intention of the landowners affected by this vacation to dedicate a new right-of-way to Missoula County that coincides with the present travelled way at the time of filing an Amended Plat of their portion of Beavertail Villa Site. The existing dedicated road, per Book 166 (deeds) page 43 (DE. #357) does not fit the present travelled way either.

Title to the property adjacent to the roads in this area is vested in the following persons:

- | | |
|---|---|
| 1. W.J. Lois Dunlap
106 Broadview
Missoula, MT | 2. Champion International Corp.
c/o Jim Poling
Box 5236
Missoula, Mt. |
| 3. Rachel Kinney LeClaire Siefken
Alvira Kinney Wallace
East 245 13th Avenue
Spokane, Wa | |
| 4. Ruth Kinney Talcott
23876 Innisbrook Lane
LaGuna Niguel, Ca | 5. Edward Lehman and
Rosemary Kinney Sterling
1926 Parkhill
Billings, Mt |

Other parties who may be affected are:

James G. Talcott and Duane Talcott 2910 5th Ave. No. Great Falls, MT	USA Forest Service Attn: Peaches Peterson Bldg. 24 Ft. Missoula, Mt	Horace Brown County Surv. Office County Courthouse Missoula, Mt
Joan Newman Co. Attorney Off Courthouse Missoula, Mt	Seeley Lake Rural Fire District Box 309 Seeley Lake, Mt	

The notice of hearing was published in the Missoulian on April 19, 1987.

Dick Ainsworth, of PCI said this had nothing to do with his project at Placid Lake; this is some existing lots that are owned by some family members that want to do some boundary adjustments between themselves to get the lines to fit their cabins. In

APRIL 29, 1987 (continued)

doing that, he said he discovered one County road that was dedicated on the face of the plat that is nowhere near where the existing County road is; then later, he discovered a second County road that was actually dedicated in the early 1950's that is in the general vicinity of where the road is, but does not quite fit it. So the petition is to vacate those two existing rights-of-way, and when the amended plat is filed, a new 60 foot right-of-way will be dedicated where the road is now.

Horace Brown, County Surveyor said this vacation will have to be done simultaneously with the recording of the Amended Plat of Beavertail Villa Sites, Lots 1,2,3,4,5 and 6, which dedicates new right-of-way.

Janet Stevens noted that according to State Law, the road will have to be inspected by a County Commissioner and the County Surveyor before the vacation can take place. Commissioner Ann Mary Dussault was asked to inspect the property, and the matter was continued for one week.

Hearing: Vacation of a Portion of Montana and Garfield Streets (Riverside Addition - Block 9)

Information provided by Donna Cote, Recording Section Supervisor, indicated that this is a petition for vacation of portions of Montana Street and Garfield Street, located in Block 9, Riverside Addition, from a ten foot strip on the West side of Garfield from Idaho to Montana and a 10 foot strip on the north side of Montana from Garfield to Grant.

The owners whose property abuts the streets in this particular area would like to have a portion of the streets vacated for the following reasons: Abandonment is desired by the landowners as it will bring this portion of the block into conformance with other vacations around this block, and places more property on the tax rolls.

Title to the property adjacent to the street in this area is vested in the following:

- | | |
|---|--|
| 1. Richard C. Bossard
James T. Maddux
1135 Strand
Missoula, Mt 59801 | 2. Charles & Carole VanDeKop
1832 Montana
Missoula, MT 59801 |
| 3. Gloria J. Dye Becker
Timothy Gene Becker
1830 Montana | 4. Robert & Mary Pat Small
2704 Brooks
Missoula, MT 59801 |
| 5. MWI, Inc.
104 Iron
Missoula, Mt. 59801 | 6. Richard L. Bertlin
1808 Montana
Missoula, MT 59801 |
| 7. Gary V. Wilson, Jr.
1806 Montana
Missoula, MT 59801 | 7. Greg & Donna Martinsen
1800 Montana
Missoula, MT. 59801 |

All of the persons have signed the petition except Timothy Gene Becker and Mary Pat Small. Additional persons who may be affected by the petition and/or have been notified of the hearing are:

Joan Newman, Deputy County Attorney
Horace Brown, County Surveyor
Missoula Rural Fire Department

The notice of the hearing was published in The Missoulian on April 19, 1987.

APRIL 29, 1987 (continued)

Greg Martinsen said he and his neighbors are all in agreement to have this property vacated.

Janet Stevens noted that this property would be inspected during the week by the County Surveyor and Commissioner Barbara Evans, and a decision on the vacation would be scheduled for the next public meeting.

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

APRIL 30, 1987

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

Daily Administrative Meeting

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

Board Appointments

The Board of County Commissioners appointed Jim Dopp and Earl Reinsel as regular members of the Missoula County Park Board for three-year terms through May 7, 1990.

Also, the tax deed properties of Geneva Cates and the Ben Hughes Subdivision were discussed; the Commissioners agreed to extend the deadline until May 15, 1987, at which time tax deed will be taken if it is not paid by then, and no further extensions will be allowed.

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

MAY 1, 1987

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

Janet Stevens
Janet Stevens, Chairwoman

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MAY 4, 1987

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

BUDGET TEAM MEETING

The Commissioners met with the Budget Team all morning in regard to preliminary budget decisions.

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MAY 5, 1987

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

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFER No. 870063

The Board of County Commissioners formally adopted Budget Transfer No. 870063 for the Soil Conservation Department and made it part of the FY '87 budget. The transfer of \$3,000 from travel and \$1,000 from supplies for a total of \$4,000 to the contracted services line item increased the total amount available for a fungal geneticist to \$20,200, in accordance with an addendum to the Noxious Weed Trust Fund Project Grant Agreement No. MDA 85-01 between the Missoula County Conservation District and the Montana Department of Agriculture.

TAX ABATEMENT REQUEST: GREENWOOD ACRES

Barbara Evans moved, and Ann Mary Dussault seconded the motion, to approve the recommendation of Deputy County Attorney Mike Sehestedt to abate the taxes improperly assessed on Greenwood Acres property and issue a corrected tax bill showing the actual single ownership of the property, with the tax adjusted accordingly. Copies of Mike Sehestedt's memo outlining the problem and recommending a solution were sent to the Assessor's and the Treasurer's Offices.

RESOLUTION NO. 87-049: CONDEMNATION ORDER RE MILL CREEK ROAD REALIGNMENT PROJECT

Ann Mary Dussault moved, and Barbara Evans seconded the motion, to approve and sign the condemnation order prepared by the Surveyor's Office to allow the Missoula County Attorney's Office to procure the necessary right-of-way interest in the property described on exhibits attached to the condemnation order. The purpose of the condemnation order is to procure right-of-way for a parcel of land to be traversed by the Mill Creek Road realignment project.

MAY 5, 1987 (continued)

SUGGESTION BOXES

The Commissioners approved and signed a memo to all County personnel informing them that three suggestion boxes have been placed in three locations in order for employees to drop off suggestions, ask for answers to questions or ask for verification of rumors in regard to the Fy '88 budget situation and resulting cut-backs.

CONTRACT

The Commissioners approved and signed a contract between Missoula County and Western Materials, Inc. for the purpose of construction, installation and completion of the South Hills Drainage System Project, Phase I. The contract amount for phase I is \$565,915.00.

SITE INSPECTION

Commissioner Barbara Evans and Surveyor Horace Brown conducted a site inspection in regard to the requested vacation of a portion of Montana and Garfield in Block 9 of the Riverside Addition.

SITE INSPECTION

Commissioner Ann Mary Dussault conducted a site inspection of the requested vacation of a portion of the road in Beavertail Villa Sites near Placid Lake. Surveyor Horace Brown had inspected the site on May 4.

SEELEY LAKE CHAMBER OF COMMERCE BANQUET

Commissioner Ann Mary Dussault attended the Seeley Lake Chamber of Commerce Banquet held at the Seeley-Swan High School.

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

* * * * *

MAY 6, 1987

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

AUDIT LIST

The Board of County Commissioners signed the audit list dated May 5, 1987, including pages 6-29, for a grand total for all funds of \$86,531.99. The audit list was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

At the Daily Administrative Meeting, the following letters and documents were approved and signed and matters taken care of:

RESOLUTION 87-050: TO AMEND AND ADD NEW SECTIONS TO COUNTY ZONING RESOLUTION NO. 76-113

The Board of County Commissioners signed Resolution No. 87-050 to amend and add new sections to County Zoning Resolution 76-113, in accordance with the terms and conditions set forth in Resolution No. 87-050. The Resolution was returned to the Clerk & Recorder's Office to be recorded.

MAY 6, 1987 (continued)

PROPOSED CHANGE OF FISCAL YEAR FOR NORCO FROM JUNE 30 TO MARCH 31

Barbara Evans moved, and Ann Mary Dussault seconded the motion, approving the request from Norco Products to change the date of the end of its fiscal year from June 30 to March 31. John Kellogg, Grants Supervisor for the Norco CDBG Project, had recommended concurrence with this request and County Auditor Susan Reed had reviewed the request and proposed the form of the approval letter to be sent to Norco. The company was asked to notify John Kellogg when it received I.R.S. approval of the change.

REQUEST FOR EARLY BID LETTING--KONA RANCH ROAD PROJECT, PHASE III

The Commissioners approved and signed a request from Surveyor Horace Brown to let the bid for Kona Ranch Road prior to July 1, 1987 so that the County could obtain a more favorable bid in that asphalt prices are down at the present time and so that vendors could start work prior to the State bids, which are let after July 1. This would lead to a more efficient use of equipment and personnel, which could also mean lower total bids. Horace Brown informed the Commissioners that approximately \$90,000 in the bridge cash carry-over would fund approximately 40% of the FY '88 projected costs in the event of an early start-up.

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

PUBLIC MEETING

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

Decision: Vacation of a Portion of Road in Beavertail Villa Sites

Chairwoman Stevens noted that the hearing on this matter was held one week ago. In the interim, Commissioner Ann Mary Dussault and County Surveyor Horace Brown inspected the property as required by State law.

Ann Mary Dussault moved, and Barbara Evans seconded the motion that the portion of road in Beavertail Villa be vacated at the same time as that the new plat is filed. The motion passed on a vote of 3-0.

Decision : Vacation of a portion of Montana and Garfield Street

Chairwoman Stevens noted that the hearing on this matter was held one week ago. In the interim, Commissioner Barbara Evans and County Surveyor Horace Brown inspected the property as required by State law.

Barbara Evans moved, and Ann Mary Dussault seconded the motion to vacate a portion of Montana and Garfield Street found in Riverside Addition, Block 9. The motion passed on a vote of 3-0.

Bid Award: Construction Bids-RSID #415

John Devore, Operations Officer, said that RSID #415 was created to construct a sewer system to serve the Orchard Court Addition. Two construction bids were received as follows:

American Asphalt	\$47,508.00
L.S. Jensen & Sons	45,792.00.

MAY 6, 1987 (continued)

This petition was created for a total cost of \$42,573.00, therefore the cost of the project exceeds the petition amount. John DeVore's recommendation was to reject all bids. He said he is currently working with the project engineers and the owners to determine if there is an interest in revising the petition to cover the cost of the project. This will require obtaining new signatures from the owners of the property within the proposed district.

Barbara Evans moved and Ann Mary Dussault seconded the motion to reject all bids on the construction of RSID #415. The motion carried on a vote of 3-0.

Hearing: Intent to Create RSID #418-Roadway Construction (Gooden Keil Estates)

Information provided by John DeVore, Operations Officer, indicated that the purpose of this RSID is to finance the paving of the roadways within the Gooden Keil Estates. Petitions from the freeholders within the proposed district, representing 57% of the ownerships have been received. Two letters of protest were received, one opposed to the project because of the cost, and one registering a concern over the water system, in that needed repairs within the right-of-way need to be made prior to the paving. The recommendation was to create the RSID and further, that the required repairs to the water system within the right-of-way be included within the scope of work.

Joan Newman, Deputy County Attorney said some discussions have been held concerning the ownership of the right-of-way and ownership of property in this area. She said the original developer took bankruptcy, so there is a question of which lots the trustee in bankruptcy would have the controlling power in, and a lot of questions concerning title, etc. That also raised the question of who had the power to convey the right-of-way for public road for RSID purposes. The covenants contain a provision that the right-of-way may be dedicated by the homeowners association upon a majority vote of lot owners, so she said she was satisfied that the power to convey the right-of-way was appropriately given. The second question was the actual ownership of the lots. The record title is still in the original developer's name, but there are contract buyers and the trustee, and other people involved. Alex George, an attorney who has been working with the trustee in bankruptcy as representative of the original developers, Goodens and Kramer, assured her that that is a bankruptcy court order that settles the issue to her satisfaction that the equitable ownership and the actual power over a significant number of lots is in the trustee of bankruptcy. She said she will be provided with adequate documentation of the ownership questions for the protest purposes. She said the questions concerning the deed for the right-of-way could be answered by Terry Druyvestein.

Terry Druyvestein, of Druyvestein, Stensatter and Associates, said that in the petition, the transfer of votes as far as the freeholders go, and a resolution from the Board of Directors was signed, transferring property.

The hearing was opened for public comment.

Mark Blair, President of the Gooden-Keil Estates Homeowners Association, said he had been working to get the RSID done for a very long time, and said he and his organization supported the RSID.

Ray Williams said the original petition was for a ten-year pay off of the RSID, and he was wondering if it had been changed to 15 years.

MAY 6, 1987 (continued)

John DeVore, Operations Officer, said the RSID was for 15 years.

Jim Mikkelson, a prospective land purchaser in this area, said he had been interested in watching the development, and he was in favor of the roads being paved in this area.

Fern Hart, Clerk and Recorder, asked where Gooden-Keil Estates is located.

John DeVore said it was north of the Interstate, across from the airport.

Dick Clearman, a lot owner in the Gooden-Keil Estates, said he favored the RSID and if the paving is done, he will build there, and if they aren't the lots will remain vacant.

Betty Tingley, a landowner in the Estates, said her main concern is the economy, and she wondered if this paving would make the lots worth more. She said the paving would raise the price of the lots and make them more unsalable.

Janet Stevens said that if the RSID is approved, the County would not be guaranteeing that the property values would go up. She asked John DeVore to explain the revolving fund and how it works with RSID projects.

John DeVore said that the revolving fund serves as a guarantee to the bond holders that the bonds are secured over and above the property involved. By statute, a minimum of 5% of the total outstanding on the bonds has to be kept in reserve. The issue of whether or not this is an economically viable project will come home when the County proposes to sell the bonds. At that juncture, the underwriters will get involved, and they will actually go on site and look at the project, and ask for information about the ownership and size of the lots, and the services. They will then make a determination of whether or not it is a secure investment.

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

Ann Mary Dussault moved, and Barbara Evans seconded the motion to create RSID #418 with the understanding and recommendation that the required repairs to the water system within the right of way be included within the scope of the work, and that those activities will be reviewed by both the Health Department and the County Operations Officer. The motion carried on a vote of 3-0.

Hearing: Certificate of Survey Review-Bonnie Rickles

Information provided by Joan Newman, Deputy County Attorney, indicated that this was a request for occasional sale exemption from the Subdivision and Platting Act by Bonnie Rickles. She submitted an affidavit requesting the occasional sale exemption to split a 2-acre tract on Lena Lane. She has become the sole owner of the tract through her divorce, and wishes to split off a one-acre parcel to sell for her support. Real estate broker A.P. Hollinger said he would appear on her behalf as she is unable to appear.

This tract was originally created in 1981 pursuant to the exemption for court orders by the probate of the estate of Ebert C. Malone. The estate sold the tract to McGraw, who in turn sold it to the Rickles in 1983. The Rickles have not used any exemptions before.

This request for exemption was referred to the Commissioners because it is in an area proposed for platting and was denied. The records show that Carol Malone submitted a plat for review in

MAY 6, 1987 (continued)

1980 for this area, which proposed 13 small tracts with a fairly large amount of common area. The plat was denied preliminary approval in July, 1980, due to the objection of homeowners north of Lena Lane.

After the subdivision denial, Carol Malone and the Estate of E.C. Malone divided the area into 7 one-acre parcels and the one 2-acre parcel now owned by Mrs. Rickles. These divisions were accomplished by use of exemptions over a period of three years. The assessor's office shows that all tracts have been sold to third parties. The research shows that almost all tracts were sold shortly after being created.

In 1984, Missoula County Deputy County Attorney Jean Wilcox initiated the litigation against Malone, seeking to show evasion of the subdivision and platting act. However, it soon became clear that the courts were not invalidating sales to third parties in these cases. Since all tracts had already been sold, the litigation had little chance of succeeding in its original mission. The main reason for the litigation appears to have been to obtain some leverage over Malone to help solve the road problem, i.e., the maintenance of Lena Lane. Because there seemed no way to ever do that, the litigation was recently dismissed.

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

Barbara Evans asked what would happen if the Commissioners denied the request today, and Mr. Hollinger or Ms. Rickles were interested in pursuing this, would they have to pay an additional fee to have a rehearing?

Joan Newman said there are no fees for this kind of application.

Barbara Evans asked if Mr. Hollinger was notified of today's hearing.

Joan Newman assured her that Mr. Hollinger had been notified by phone and by letter.

Ann Mary Dussault asked if Ms. Hollinger could use the Minor Subdivision Act to divide her property.

Joan Newman said it would cost approximately \$500 for a one lot subdivision,

Ann Mary Dussault moved and Janet Stevens seconded the motion to deny the Certificate of Survey exemption for the following reasons:

1. This property is included in a plat which was originally denied by the Board of County Commissioners; and

2. The newly abbreviated and streamlined review process for minor subdivision review is available for use in subdividing this property.

The motion passed on a vote of 2-1, with Barbara Evans voting no.

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

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MAY 7, 1987

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

DAILY ADMINISTRATIVE MEETING

At the daily administrative meeting held in the morning, the following decision was made:

HERITAGE DAY DESIGNATION

In accordance with recent legislative action, Missoula County was obligated to designate a day to observe the "Heritage Day" holiday. The Commissioners approved Personnel Director Kathy Crego's recommendation that the Heritage Day will be in 1988.

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

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MAY 8, 1987

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

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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MAY 11, 1987

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

DAILY ADMINISTRATIVE MEETING

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

BUDGET TRANSFER

The Board of County Commissioners signed Budget Transfer No. 870064 for the Personnel Department, transferring \$1,300 from the recruitment line item to the capital/technical equipment line item. The reason for the transfer was to complete a purchase of a microcomputer. Reference was made to a previous budget transfer, No. 870060. The Commissioners formally adopted the transfer and made it part of the FY '87 budget.

RESOLUTION NO. 87-051

The Board of County Commissioners signed Resolution No. 87-051, amending the Sheriff's Department Budget and formally adopting the amendment as part of the FY '87 budget. The amendment is as follows:

Description of Expenditure
1000-300-420110-336
Public Relations
Victim/Witness Conference

Budget
\$1,200

Description of Revenue
1000-300-364016
Conference Registration Fees

Revenue
\$1,200

MAY 11, 1987 (continued)

Undersheriff T. Gregory Hintz explained in a memo that the budget amendment was requested to cover costs anticipated for the Western States Crime Conference hosted by the Sheriff's Dept.

EASEMENTS FOR THE RATTLESNAKE SEWER

The Board of County Commissioners signed the following easements for the construction and continued maintenance of the sewer system in Lincoln Hills, granted by J. Alan Pegelow and the Lincoln Hills Development Company. According to background information prepared by Deputy County Attorney Joan Newman, these easements are necessary to the sewer project and have been obtained through negotiations in settlement of the County's litigation with Pegelow over the failed sewer system. The language of the easements was drafted by Joan in conjunction with Tom McCarthy, the sewer project engineer retained by the County. The settlement and terms have been reviewed and approved by John DeVore as the receiver in the Lincoln Hills sewer failure litigation.

TEMPORARY CONSTRUCTION EASEMENT

The Board of County Commissioners signed their acceptance of a temporary construction easement whereby the Lincoln Hills Development Company granted a temporary construction easement to the County for purposes related to the construction of a sanitary sewer system.

EASEMENT FOR LINCOLN HILLS SANITARY SEWER TREATMENT AND DISPOSAL SYSTEM AND APPURTENANCES

The Board of County Commissioners signed their acceptance of an easement whereby the Lincoln Hills Development Company granted an easement to the County on a parcel more particularly described in Book 15, Micro page 19 and Book 12, Micro page 175, records of Missoula County to maintain, operate, expand, alter or improve a sanitary sewer treatment and disposal system in accordance with the schematic drawing attached to the recorded easement.

SANITARY SEWER EASEMENT

The Board of County Commissioners signed their acceptance of a sanitary sewer easement with the Lincoln Hills Development Company giving Missoula County the right to construct, maintain, operate and remove a sanitary sewer system along real property more particularly described in the recorded easement. The easements were returned to Deputy County Attorney Joan Newman.

REPORT OF THE CLERK OF DISTRICT COURT

Chairwoman Janet Stevens examined, approved and ordered filed the report of Clerk of District Court Bonnie J. Henri showing items of fees and other collections made in Missoula County, Montana for the month ending the 30th day of April, 1987. The report was forwarded to the Clerk and Recorder.

REPORT OF THE SHERIFF

Chairwoman Janet Stevens examined, approved and ordered filed the report of Sheriff Dan Magone, signed by Undersheriff T. Gregory Hintz, showing items of fees and other collections on account of civil business in the County of Missoula, for the month ending April 30, 1987. The report was forwarded to the Clerk and Recorder.

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

* * * * *

MAY 12, 1987

The Board of County Commissioners met in regular session. A quorum of the Board was present. Commissioner Ann Mary Dussault was in Helena attending a Family Services Task Force meeting.

DAILY ADMINISTRATIVE MEETING

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

MEMORANDUM OF AGREEMENT BETWEEN MISSOULA COUNTY AND THE MISSOULA COUNTY DEPUTY SHERIFFS' ASSOCIATION

Commissioners Janet Stevens and Ann Mary Dussault (signed upon her return from Helena) signed the above-referenced agreement to supersede the provisions contained in Article XXX of the agreement between the employer and association for the period from July 1, 1985 through June 30, 1987 in regard to a monthly meal allowance not to exceed \$45.00 for officers assigned to a regular graveyard shift of 2230 hours to 0630 hours, in accordance with terms contained in the agreement. Commissioner Barbara Evans did not sign the agreement as she disagreed with it. The agreement was returned to Personnel Officer and Chief Labor Negotiator Kathy Crego.

RESOLUTION NO. 87-052

The Commissioners signed Resolution No. 87-052 to vacate a portion of the North Placid Lake Road, shown as "New Road on the plat of Beavertail Villa Site, a platted subdivision of Missoula County and a portion of that road dedicated to Missoula County in Book 166 (Deeds), page 43, Deed Exhibit #357 and more particularly described in the resolution, which was returned to the Surveyor's Office.

RESOLUTION NO. 87-053

The Commissioners signed Resolution No. 87-053 to vacate a portion of Montana Street and Garfield Street, located adjacent to Block 9, Riverside Addition, a platted subdivision of Missoula County and more particularly described in the resolution, which was returned to the Surveyor's Office.

COUNTY DESIGNEE ON MEDC BOARD

Commissioner Janet Stevens was appointed the County Designee on the MEDC Board.

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

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MAY 13, 1987

The Board of County Commissioners did not meet in regular session. All three Commissioners were in Polson attending the District 10 & 11 Counties Meeting.

PUBLIC MEETING

Since the Commissioners were in Polson attending a meeting, the weekly public meeting was canceled.

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MAY 14, 1987

The Board of County Commissioners met in regular session in the morning. Commissioner Stevens was out of the office all afternoon. Commissioner Ann Mary Dussault left for Bozeman mid-morning to attend a Local Government Advisory Committee meeting later that afternoon.

DAILY ADMINISTRATIVE MEETING

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

AUDIT LIST

Commissioners Janet Stevens and Barbara Evans signed the audit list, dated May 14, 1987, pages 7-37, showing a grand total for all funds of \$96,284.94. The audit list was returned to the Accounting Department.

PAYROLL TRANSMITTAL SHEET

Commissioners Janet Stevens and Barbara Evans signed the payroll transmittal sheet for pay period 10, dated May 8, 1987 for the pay period April 19, 1987 through May 2, 1987. The total Missoula County payroll shown on the sheet was \$342,261.55. The transmittal sheet was returned to the Auditor's Office.

BUDGET TRANSFER NO. 870065

The Commissioners signed Budget Transfer No. 870065 for the Superintendent of Schools approving a budget transfer of \$500.00 from the mileage--county vehicle line item to the mileage--private vehicle line item because the office is now using private vehicles rather than County vehicles for business. The budget transfer was formally adopted as part of the FY '87 budget.

BOND BIDS FOR CONSTRUCTION OF IMPROVEMENTS UNDER RSID NO. 419--
SOUTH HILLS DRAINAGE PROJECT

The Commissioners awarded the bond bids for the construction of improvements under RSID No. 419--the South Hills Drainage Project. Background information prepared by Operations Officer John DeVore stated that the following three bids were received:

Net Effective Rate

Piper, Jaffray & Hopwood	7.8662%
Dain Bosworth	7.8905%
D.A. Davidson	7.9158%

The staff recommended that the bid be awarded to Piper, Jaffray & Hopwood, since their bid represents the lowest net effective rate to the County as well as meeting all the other terms and conditions of the Notice of Sale.

Barbara Evans moved, and Janet Stevens seconded the motion, that the bid for RSID No. 419 bonds be awarded to Piper, Jaffray & Hopwood, in accordance with staff recommendation. The motion passed by a vote of 2-0.

MAY 14, 1987 (continued)

AWARD OF BOND BIDS FOR RSID NO. 415

Background information provided by Operations Officer John DeVore stated that only one bond bid was received for RSID No. 419, as follows:

Net Effective Rate

Charlie Hall

6.9%

The staff recommended that all bids be rejected since the cost of construction exceeds the petition amount.

Barbara Evans moved, and Janet Stevens seconded the motion, that the bond bid for RSID No. 419 be rejected and that the performance bond be returned, in accordance with staff recommendation. The motion passed by a vote of 2-0.

PARK BOARD APPOINTMENTS

The Board of County Commissioners appointed Maria deMontigny-Korb and Mark Hurd as alternates to the Missoula County Park Board for one-year terms to run from May 4, 1987 to May 2, 1988.

AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

The Board of County Commissioners signed an agreement for professional engineering services for project #418 between Missoula County and the engineering firm of Stensatter, Druyvestein & Associates, for road improvements in Goodan Keil Estates, including gravel base, surfacing gravels, asphalt paving, drainage facilities and miscellaneous water system improvements, in accordance with terms and conditions set forth in the agreement. The contract amount for basic services to be performed under Articles IA through IG of the agreement is \$39,000.00 and the time-table for completion of work is set forth in the agreement.

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

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MAY 15, 1987

The Board of County Commissioners did not meet in regular session. Commissioner Barbara Evans was out of the office all day. Commissioner Ann Mary Dussault was in Bozeman attending a PIC/LGAC meeting (Private Industry Council/Local Government Advisory Committee).

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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MAY 18, 1987

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

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 87-054: RESOLUTION OF INTENT TO CREATE RSID NO. 425, WATER SYSTEM FOR SPORTCO ADDITION

The Board of County Commissioners signed the Resolution of Intention to Create RSID No. 425 for the purpose of construction of a water system for Sportco Addition and designating Stensatter, Druyvestein & Associates as the engineering firm for this project and giving approximate construction costs as \$15,575.37. Chairwoman Janet Stevens signed the Notice of Passage of the above-referenced resolution of intent, setting the hearing date for June 17, 1987 at 1:30 p.m. in Room 201 of the Courthouse Annex.

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

Hearing: Seeley Lake Community Council

The meeting was called to order in the Seeley Lake School Gym at 7 p.m. by Chairwoman Janet Stevens. Also present were Commissioners Barbara Evans and Ann Mary Dussault, and County Executive Officer Howard Schwartz. Bud Johnson was also in attendance, and 19 residents signed in.

Bud Johnson said that the purpose of the meeting was to have a question and answer period regarding the Seeley Lake Community Council, and the Commissioners will then be making a decision regarding whether or not it is the will of the people to have a Community Council.

Howard Schwartz said that over the past year, many of the residents had been working on Community Council concept, and basically, the idea came from Bud Johnson and other residents, and the County took it and worked with it to make it conform to state law, and try to clarify any problems that might come up. The document under question at this hearing is the proposed bylaws and a resolution, which if adopted, would create the Community Council according to the bylaws. After tonight's hearing, suggestions and changes will be considered, and a final draft will be drawn up. He said this was the only Community Council that he knows of in Montana, and state statutes authorize County Commissioners to create Community Councils as they wish.

The hearing was opened for public comment. Proponents were asked to speak first.

Jeff Macon, a resident of Seeley Lake for 11 years, spoke glowingly of the area, and in support of the Community Council. He said the Council has no authority to impose its will on people, or levy taxes, but gives residents a forum for discussing issues.

Kent Brown, a resident of the Seeley Lake area for 8 years, said he agreed with Mr. Macon's comments, but had a couple of suggestions as he did not live in Seeley Lake proper. He suggested that the membership of the council be made up of at least one member who lives at least 5 miles from the post office. The interests and problems of downtown Seeley Lake residents are different from those of the people who live in the outlying areas. One other suggestion he had was to revise the portion

MAY 18, 1987 (continued)

calling for an agenda at the council meetings, and suggested that a period for public comment be added.

Jerry Parker, a resident for most of 25 years, asked about the timing of the appointments, and when the Council would get started, and how much the people who are appointed will do before the election of Council members is held.

Bud Johnson said that initially, the Council was to start before the school elections, so there would be a real short period that the appointed people would serve, but the organizers found out that there was a lot more to the process than originally anticipated, so at this point, April elections are what is being looked at. Originally, it was thought that the appointed members would not be attacking the meat and potatoes issues until everybody was elected, but now, it looks like there will be a 8 to 9 month span. He said the process to appoint will probably take a couple of months too.

Jerry Parker said he had another issue he would like to discuss, regarding the wording relative to working with the Planning Board.

Bud Johnson said that the Council would be working with the Planning Board, as the Council is an advisory Board only. The Council would be a forum where a consensus of opinion is gathered, then taken to Missoula.

Janet Stevens noted that the Planning Staff would not have enough time allocated in the remaining fiscal year to develop an entire plan for the Seeley Lake area. There is some time allocated for all rural planning, but specifically coming up with a Seeley Lake plan in the next ten months is not feasible, considering all the other projects the planning staff is working on.

Howard Schwartz said that the language in the bylaws relating to drafting a plan was included to make it clear that no plan would be begun by the planning staff or the Commissioners, but that they would wait for the Community Council itself to draft the proposal. So when the people of Seeley Lake feel that they want to have a comprehensive plan, then they approach the County Commissioners and the Planning Staff and ask them to help them.

Ann Mary Dussault said that whole process is a very public process, with the staff holding a lot of meetings in the area in conjunction with the Council before anything is ever formalized and sent to the Commissioners. At that point, the Commissioners would hold more public hearings before it is adopted.

Harley Slocrum, a resident of the area for 30 years, agreed with Kent Brown in that a representative on the Council should come from outside the town.

Bud Johnson said the boundaries for the area would be the elementary school district #34, and he agreed that having someone from outside the immediate town area would be a good idea.

Ervin Gysler, a property owner in the area since 1951, and a permanent resident for the last 9 years said he has some misgivings about some of these issues. He said he did not think that many people have a good concept of what the Community Council is, and what its functions are. He said there is a need to let people know that this is an advisory board, with no authority to pass laws, levy taxes, or anything like that. In regard communicating the needs of the communities' infrastructures to the Commissioners, there are Boards that are set up by law and governed by law, and if input or advice is needed from the Commissioners, that could be done, but the Commissioners have no

MAY 18, 1987 (continued)

jurisdiction over some aspects of these boards. He said the Seeley Lake Community Council could do nothing but foul up the process. He said the Seeley Lake Rural Fire District and the Hospital District are examples of that.

He noted that he had read in the paper that 14 Sheriff's Deputies were to be laid off in Missoula County, and he suggested that the money allocated to set up the Community Council could be used to keep some of the deputies on the job. He said the work to be done by the Community Council could be handled by a three or five man committee from the Chamber of Commerce, instead of seven members who are like the committee set up to design a horse and ended up with an elephant. He said if the people in Seeley Lake really knew what was going on, they would be against the Community Council.

Bud Johnson said that the Chamber of Commerce has changed their format, and in his opinion, was acting as a spokesman for Seeley Lake on political issues, which he thought was wrong. An ad hoc committee of the Chamber of Commerce recommended several changes, such as a voice for the people of Seeley Lake that was elected, not assumed by the Chamber of Commerce, or some businessmen who belong to a select club. They recommended that the Chamber get out of politics, and to restructure the boards so that they will be able to provide better information to the Commissioners.

Erv Gysler said the theory was good, but the operation of the Council will be horrible. Now, people can call one of the Commissioners directly with their problems, and with the Council, people will have to go through them to get to the Commissioners.

Paul LeFebure said Mr. Gysler was being too negative, and it is not the Chamber's doing that brought the Council into being. The \$500 allocated to operate the Council is a drop in the bucket compared to the total County budget, and if that \$500 were not used for the Council, it would not make much difference to the Sheriff's Department. In regard to people not knowing what is going on with the Community Council, that is why this hearing was being held, and if people do not want to come to the meeting, and then spread misinformation, there is nothing that can be done about that. He said the good attendance at this meeting is a good indication that people are interested, and that things are changing in Seeley Lake. He said people would have to adapt to change, and the Community Council will provide better board inter-communication.

Kent Brown said he agreed with some of the points made by Erv Gysler, in that some of the wording in the draft by-laws indicate that some issues will be decided in consultation with the Board of County Commissioners, and on some boards, the Commissioners do not have control over those boards or issues.

Ann Mary Dussault said that the original language that was proposed to the Commissioners by the group that put the first draft together used the word "liaison", and the Commissioners had trouble with that, in that item "B" has potential dangers because the Board of County Commissioners have no authority over the School Board, the Water Board, the Fire District, etc. The only one the Commissioners have any relationship with is the Seeley Lake Refuse District. She said she was uneasy that it is going to appear that the Commissioners have delegated to the Community Council a power that is not only not theirs, but is not the Commissioners either. She said she did not think the Board of County Commissioners can do that, and suggested that that language be changed.

MAY 18, 1987 (continued)

Janet Stevens said that the Commissioners have indicated that that language should be changed, and that they thought that it would be better to stress the communication role between the Council and the Commissioners.

A general discussion of the wording of the language ensued. Howard Schwartz was directed to make the changes indicated to clear up the language regarding the Council's communication with the Board of County Commissioners, and other boards and agencies.

Erv Gysler noted that a Seeley Lake resident came to an ad hoc committee meeting regarding establishing the council, and when he started asking questions, he was invited to leave.

Janet Stevens said that there is a public comment period until May 22, and he has every opportunity to address the Board of County Commissioners, and if he has a problem with what happened at the meeting that he should do that. She asked that people in the audience who were in support of the Council, but did not wish to speak to raise their hands. Two people raised their hands.

Roger Johnson said he supports the broad concepts of the Community Council, and wished to clear up some misconceptions voiced at this hearing. He said the Council would be involved in public issues, not political issues. The Chamber of Commerce did try to be a forum for community issues, but were criticized and then stopped. He said what he likes about the Community Council is that it is a forum to discuss some of the County projects affecting and taking place in the community such as paving, bridge placement, etc.

Susan Smith said she had lived in Seeley Lake for 4 years, and she had a desire to see Seeley Lake grow. She said she was interested in seeing a comprehensive plan started, and asked how long it would take to get the ball rolling.

Janet Stevens said that the Community of Condon just completed their Comp Plan, after three years, and it takes an organized group of people to get a comp plan going. She noted that there is a comp plan that covers all of Missoula County, including Seeley Lake, so the new "plan" would be amendments to an already existing plan, which was drawn up in 1976.

Susan Smith asked Janet if she was saying that the Community Council was not needed to get a comp plan; that a group of interested people could get together and develop a plan.

Howard Schwartz said that if the Commissioners were going to create a Community Council, whose duties are to initiate the comprehensive plan and develop an area plan for the Seeley Lake area, then it ought to be done in conjunction with the Community Council.

Janet Stevens said that that is the tool that should be used, but she said there does not have to be a Community Council to get an amendment to the Comp Plan; but if there is a Community Council in place, that would be a good place to begin the process.

Ann Mary Dussault said that what the Commissioners need and what the Council would provide is a real clear indication from this Community that they want a comp plan, and that they want Planning Staff assistance in doing that. She said the Commissioners would have to prioritize the Planning Staff's workload. It is not only the Sheriff's Department that is facing layoffs and cutbacks; every department is facing that situation. The Planning Staff's workload is increasing, and they have less time to get the work done, so the sooner the Commissioners get a clear indication of whether there is community support for this issue, the better.

MAY 18, 1987 (continued)

Barbara Evans said she hoped she was not hearing that one group might start working on a comp plan, and the Community Council might start working on a plan, and everyone will be pulling on the Planning Staff's coattails.

Colin Moore said he is in favor of the Community Council, and said he feels it will improve access to the County Government. He said in order for him to come to a County Commissioner's meeting, they would have to be paving his living room. He said he did not have time to run down to Missoula all the time for meetings, and the Community Council meetings will be more convenient.

Jeff Macon said that in regard to the length of time it took to get the Condon Plan improved, it was not their fault that it took three years; their plan was put together in about 3 months, and when they were ready to submit it to the Commissioners, talk of secession occurred, and rural planning came to a screeching halt. When it resumed, it took only a couple of months to get it through the process.

Erv Gysler said he would like to defend himself a little. He said is not against Rural Planning, but is against installing a mechanism for fouling up the works.

Susan Smith asked how long it would take before the appointments to the Board are made.

Janet Stevens said the Commissioners have not decided that yet. Once the Community Council is approved, then the rules for the appointments would be made up, and the appointments would be done sometime after that. She said she agreed that there needs to be a good cross-section of people appointed or elected to the Council. She said the Commissioners would be appointing the interim members within 30 days after they adopt the resolution setting up the Community Council.

Ann Mary Dussault said there is a process for Board appointments in place, which is generally used for all appointments. She said the openings would probably be advertised in the Pathfinder and then people fill out application forms, and the Commissioners then interview a certain number of those applicants before making the appointments.

Janet Stevens said she would only be in favor of letting anyone who wanted to apply. She would not favor, for instance, asking for recommendations from each of the Boards in Seeley Lake, or from the ad hoc committee.

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

Barbara Evans said she would like some wording changed on Article XI, as the County Attorney's Office may not be able to offer assistance in a timely manner, and the Attorney must have the personnel available before he can offer the assistance.

Janet Stevens said she had a question on Article IV, section D, which said the Council shall attend meetings of the County Commissioners and the Planning Board. She suggested that that wording not be so specific, as there are other Boards the Council may want to attend.

The hearing was in recess at 8:20 p.m. It was noted that written testimony would be accepted in the Commissioners Office until 5 p.m. on Friday, May 22, 1987.

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MAY 19, 1987

The Board of County Commissioners met in regular session in the morning, when a quorum was present. Commissioner Barbara Evans was out of the office all afternoon because of illness. Commissioner Ann Mary Dussault was in Helena all day attending a MACo Resolutions Committee meeting.

DAILY ADMINISTRATIVE MEETING

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

LARCHMONT GOLF COURSE BOARD APPOINTMENTS

The Board of County Commissioners appointed Mike Anderson as a regular member of the Larchmont Golf Course Board of Directors for a three-year term to run from March 31, 1987 through March 31, 1990 and Tom Kosena as first alternate member for a one-year term to run from March 31, 1987 through March 31, 1988.

ESCROW AGREEMENT

Commissioner Ann Mary Dussault moved and Commissioner Barbara Evans seconded the motion to allow Chairwoman Stevens to sign the Rattlesnake Escrow Agreement on behalf of the Board. The motion carried by a vote of 3-0.

Janet Stevens then signed the Escrow Agreement, between Missoula County and the First Interstate Bank of Missoula, as Escrow Agent. The Escrow Agreement relates to and was made part of the Rattlesnake Interceptor Interlocal Agreement between the City of Missoula and the County of Missoula, dated October 21, 1986. First Interstate Bank will act as sole Escrow Agent under the terms and conditions set forth in the Agreement, which was returned to Operations Officer John DeVore for further processing.

REPORTS OF JUSTICES OF THE PEACE MICHAEL D. MORRIS AND DAVID K. CLARK

Chairwoman Stevens examined, approved and ordered filed the reports of Justices of the Peace Michael D. Morris and David K. Clark for collections and distributions for the month ending April 30, 1987. The reports were forwarded to the Clerk & Recorder's Office.

SEELEY LAKE REFUSE DISPOSAL DISTRICT BOARD MEETING

Commissioner Ann Mary Dussault attended a meeting of the Seeley Lake Refuse District Board in Seeley Lake in the evening.

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

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MAY 20, 1987

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

DAILY ADMINISTRATIVE MEETING

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

MAY 20, 1987 (continued)

AUDIT LIST

Commissioners Ann Mary Dussault and Janet Stevens signed the audit list dated May 19, 1987, pages 7-42, showing a grand total for all funds of \$1,556,265.30. The audit list was returned to the Accounting Department.

RESOLUTION NO. 87-055

The Board of County Commissioners signed Resolution No. 87-055, a resolution relating to pooled Rural Special Improvement District Bonds, Series 1987A (Special Improvement District Nos. 414 and 416); authorizing and providing for the issuance and sale thereof in the amount of \$595,000.00 for the purpose of financing construction of 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 to serve the Rattlesnake Valley Area of Missoula County, Montana.

NOTICE OF SALE: POOLED RURAL SPECIAL IMPROVEMENT DISTRICT BONDS, SERIES 1987A (RSID NOS. 414 & 416)

Chairwoman Stevens then signed the above referenced notice of sale, giving the date of the sale as Wednesday, June 17, 1987, at 1:30 p.m. in Room 201 of the Courthouse Annex for sale to the highest and best bidder for cash serial bonds drawn against the funds of RSID No. 414 in the amount of \$260,000.00 and RSID No. 416 in the amount of \$335,000.00, in a total aggregate amount of \$595,000.00 for the purpose of construction of the sanitary sewer mains and related appurtenances for the Rattlesnake Interceptor Sanitary Sewer.

AGREEMENT BETWEEN DHES AND MISSOULA COUNTY HEALTH DEPARTMENT RE PROVISION OF SANITARY REVIEW OF MINOR SUBDIVISIONS

Chairwoman Janet Stevens signed the agreement between the Montana Department of Health and Environmental Sciences and the Missoula County Health Department in regard to provision of sanitary review of minor subdivisions. Performance of the agreement will begin July 1, 1987 and continue through June 30, 1988, with fees in consideration of services paid quarterly by the DHES in accordance with the most current version of rule 16.16.804 of the Administrative Rules of Montana. The agreement was returned to the DHES in Helena.

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

PUBLIC MEETING

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

Bid Award- Gas and Diesel Fuel

Information provided by Terry Wahl, Operations Analyst in the Surveyor's Office, indicated that on May 18, 1987, bids were received for gas/diesel fuel from the following vendors:

1.	Hi Noon Petroleum	\$91,074.50
2.	Tremper Distributing	88,620.00
3.	JGL Distributing	89,970.60
4.	Finest Oil Company	91,059.30

MAY 20, 1987 (continued)

The recommendation was to award the contract to Tremper Distributing to supply gas/diesel fuel for FY '88. This is a combined bid for both Centralized Services and the Surveyor's Department.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to award the bid for Gas and Diesel Fuel to the low bidder, Tremper Distributing in the amount of \$88,520.00. The motion carried on a vote of 3-0.

Bid Award - Removal of Abandoned Vehicles (Sheriff's Office)

Information provided by T. Gregory Hintz, Undersheriff, indicated that bids for removal of abandoned vehicles were opened May 18, 1987. The only bid received was:

1. Brown's Towing \$30.00 per vehicle in town
 30.00 per vehicle out of town
 1.125 per load mile

The recommendation was to refuse the bid as the amount is too high, and rebid the contract.

Barbara Evans moved, and Ann Mary Dussault seconded the motion to reject the bids and rebid the contract as the bids were too high. The motion carried on a vote of 3-0.

Rehearing: Certificate of Survey Review (Bonnie Rickles)

Joan Newman, Deputy County Attorney, said this was a rehearing on Bonnie Rickles' application for an occasional sale to divide Tract 2-B-2 of Certificate of Survey 2554 (Lena Lane). The application was heard by the Board of County Commissioners on May 6, 1987, and was denied. She had recommended to the Commissioners that they rehear the issue because neither Ms. Rickles or her agent, A.P. Hollinger appeared at the original hearing, and she had failed to give official notice of the hearing to Ms. Hollinger. She said that Sorenson and Company who had done the original subdividing of this land, had indicated that the cost of subdividing this two acre tract would cost at least twice as much as doing an occasional sale, somewhere in the neighborhood of \$2,000.

The hearing was opened for public comment.

A.P. Hollinger, of Hollinger Realty, representing Ms. Rickles, said that when the Rickles' purchased the lot, they understood that there were to be two 1-acre tracts, but they choose to buy both, because they thought they might utilize them. All the other tracts in this area are one-acre, and that is why he had requested the rehearing. He said he had talked to Paula Jacques in the Office of Community Development, and she told him that to go through a one-lot subdivision would cost more than \$2,000, and a Certificate of Survey would cost between \$875 and \$1,100. He said going through the subdivision would be driving up the price of the ground. He said the Rickles had never used an occasional sale.

Barbara Evans asked if there were any structures on the land.

A.P. Hollinger said no.

Ann Mary Dussault asked him if Paula Jacques had told him it would cost \$2,000 for a subdivision.

MAY 20, 1987 (continued)

A.P. Hollinger said he had first gone to Sorenson and Company and talked with Nick Kaufman, and then called Dick Ainsworth at P.C.I., because he wanted a second opinion.

Ann Mary Dussault asked him again if he had mentioned that Paula Jacques told him it would cost \$2,000 for a subdivision.

A.P. Hollinger said he was mistaken. He had gone over to see Paula to get the information to do the subdivision, and had asked her what all the requirements were, and then he took the requirements to Sorenson and Company, and asked Woody Germany about it, and he had given the estimate of the cost.

Janet Stevens asked Ms. Rickles if this sale was the result of a divorce.

Mrs. Rickles said that was not the case; both parties involved in the sale are moving out of state, and she wants to sell both parcels, but there is not a market for a two-acre site, and she would like to sell them separately.

Barbara Evans said she would like to give Mr. Hollinger a word of advice: If he should ever have to bring another exemption before the Commissioners again, she would suggest that he not use the cost of subdividing as a reason for requesting an occasional sale exemption. She said he should stress the fact that the person has, by law, a right to split their land once; and that it is not for the reason of evading the subdivision law. She said that everything he has said today puts him in the position of not getting approval. She said she would vote to allow the approval on the basis of the fact that the subdivision law says that each person is allowed one split as long as there is no intention to evade the subdivision act.

A.P. Hollinger said that is what he thought he had stated when he said he didn't even know that it had to go before the Commissioners, because it was within the law to split the land.

Barbara Evans said that the allowance for a split is within the law, and the fact that Ms. Rickles is not creating a subdivision; there is one already created, is, in her mind, enough of a reason to allow her to do this. But everything Mr. Hollinger said so far has put it in the position of making it impossible to approve.

Barbara Evans moved to approve Bonnie Rickles' request to divide Tract 2-B-2 of Certificate of Survey 2554 for the following reasons:

1. The subdivision already exists, and no new subdivision will be created; and
2. The family has not had an exemption or split before, as is allowed by law.

The motion died due to a lack of a second.

Ann Mary Dussault asked if this property was on Lena Lane, and if this property is affected by the road and drainage question currently under question.

Barbara Evans said no, this property is north of that area.

Joan Newman said that everyone needs to be aware that there have been ongoing discussions by several of the owners out there about Lena Lane being accepted for County maintenance. There has been some controversy on this issue; and the two problems with County

MAY 20, 1987 (continued)

maintenance are the drainage facilities, which were destroyed during construction, and the condition of the pavement. One of the options for solving the road maintenance problem is a maintenance RSID, which would affect all of the properties, including this one.

Ann Mary Dussault asked Joan Newman if an RSID were created to fix the drainage and fix the road, would these properties be included.

Joan Newman answered in the affirmative, and said that the road is paved, but it is substandard paving, and has not been accepted for County maintenance.

Janet Stevens said she was having a problem deciding this issue because of the question of evasion of the subdivision law. He said it is not an excuse to shy away from the subdivision process to use the certificate of survey when it is a "for profit deal", and both pieces will be sold. She said another process is available, and that is the process that will be used.

A.P. Hollinger said he went to see Woody Germany to do an occasional sale for the exemption, and he was informed that he had to fill out a form. When it was rejected, he then went to see if there was any other alternative, but the request before the Commissioners today, was submitted because it is allowed under the law. He said he only checked with Sorenson and Company after the Certificate of Survey was rejected by the Board of County Commissioners.

Bonnie Rickles said that when she and her husband bought the property, they thought they were already split, and she does not understand what has happened.

Ann Mary Dussault said this is not uncommon, it creates a real problem for the property owner, and a real problem for the Commissioners. The original owners came in to the Board of County Commissioners and wanted to subdivide the property, and it was denied. The owners divided the property anyway, outside the subdivision law.

Bonnie Rickles asked how she was able to buy the property.

Ann Mary Dussault said it is entirely possible that the sale was represented to her in a questionable way, but that was a matter between her and her seller.

Joan Newman said that the particular tract that Bonnie Rickles owns, though, was created by a court order pursuant to a probate. It was created as a two-acre tract, and it is entirely possible that Mr. Malone intended to use another exemption to create to split it into two acres, but that was not done. The other tracts were created by other means, family exemptions, etc. Mr. Malone just didn't get around to getting his done.

She said that if the area had not been a part of an area initially proposed for subdivision and rejected, and then had some of the problems created by Mr. Malone, Mrs. Rickles request could have been approved administratively by her, because Mrs. Rickles had not had an exemption before.

Ann Mary Dussault said there is a real fine line here, and she did not think that Mrs. Rickles should be punished for Mr. Malone's illegal acts. She said she would like to suggest a solution: given that the County may need to create an RSID out in this area which could include these lots in order to solve the road reconstruction and maintenance problem, she suggested granting this request with the condition that if either lot is

MAY 20, 1987 (continued)

sold, that it be sold with the clear condition that the buyer waives their right to protest the creation of an RSID for the purpose of road reconstruction, drainage and/or maintenance.

Joan Newman said that would be acceptable, and also enforceable.

Ann Mary Dussault moved, and Barbara Evans seconded the motion to grant approval of the exemption to divide Tract 2-B-2 of Certificate of Survey 2554 for the following reasons and with the following conditions:

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 approval is granted on the condition that the following language be printed on the face of the Certificate of Survey:

Acceptance of a deed by a buyer of parcels created here constitutes a waiver of right to protest an RSID created by Missoula County for maintenance and repair of Lena Lane pavement and drainage. Sellers have informed buyers of this condition.

In addition, the following language must also be printed on the face of the survey:

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

The motion passed on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 2:10 p.m.

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MAY 21, 1987

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

DAILY ADMINISTRATIVE MEETING

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

RESOLUTION NO. 87-056: ESTABLISHING ANNUAL DATE FOR HERITAGE DAY

The Board of County Commissioners signed Resolution No. 87-056 establishing the annual date for the observance of the Heritage Day Holiday as the day immediately following Thanksgiving Day, the 4th Friday in November, in accordance with MCA 1-1-216. The effective date of this decision is January 1, 1988, so the holiday will be observed for the first time in November, 1988.

MAY 21, 1987 (continued)

POLICY STATEMENT NO. 87-D: REDUCTION IN FORCE

The Board of County Commissioners signed Policy Statement No. 87-D setting forth sick and annual leave pay-off policies and policies in regard to health and dental contribution rates in regard to employees terminated in accordance with Missoula County reductions in force.

RESOLUTION NO. 87-057: APPLICATION FOR TAX DEED

The Board of County Commissioners signed Resolution No. 87-057, authorizing and instructing the County Clerk and Recorder to make application to the County Treasurer for the issuance to Missoula County tax deeds on the following-described lands which remain unredeemed in the Office of the County Treasurer on May 19, 1987, and for which notice has heretofore been properly made; and the County Treasurer is hereby instructed to cancel 1982, 1983, 1985 and the current years' taxes on the same:

<u>Parcel</u>	<u>Taxes Owed</u>
Carline #1--Lots 32 & 33, Blk. 46	\$1,115.18
C&D Orchard Homes--Amended Lot 17-- Lot 17N; legal also known as: Lot 17N of the Amended Plat of Cobban & Dinsmore's Orchard Homes, Lot 17	4,703.72
Spring Valley Acres--Lot 16	517.50
In SW1/4 SE1/4 Plat C-5 27-12-20 4AC; legal also known as: In SE1/4 Section 27, T12N, R20W, according to Cert. of Survey 2651	679.90
Tract A3-1, SW1/4NW1/4SE1/4 Pt Plat T' 11-13-19 .50AC; legal also known as: in NW1/4SE1/4 Section 11, T13N, R19W being Tract A-3-1 of Certificate of Survey 2539	4,926.30
Tract A3-2, SW1/4 NW1/4 SE1/4 Pt Plat T' 11-13-19 .50AC; legal also known as: Tract A-3-2 in NW1/4SE1/4 Section 11, T13N, R19W, according to Cert. of Survey 2539	4,489.96
In SW1/4 SW1/4 Plat X' 14-13-19 2AC; legal also known as: In SW1/4 SW1/4 Plat X' Section 14, T13N, R19W 2AC	20,410.53
Pt. SW1/4 & SE 1/4 Plat D 11-16-15 171.024AC; legal also known as: Pt SW1/4 & SE 1/4 Plat D Section 11 T16N, R15W 171.024 AC	15,985.28

*Totals owed include principal, penalty and interest through February 10, 1987.

Commissioner Ann Mary Dussault moved, and Commissioner Barbara Evans seconded the motion, to take tax deed on the 1982 delinquent tax parcels as set forth in Resolution 87-057. The motion passed by a vote of 3-0.

MAY 21, 1987 (continued)

LICENSE AGREEMENT

The Board of County Commissioners signed a license agreement between Resurrection Cemetery Association and the Missoula General Services Department to allow the use of a tract of land located in Block 1, School Addition to be used for a project called "Missoula County General Services/Down Home Project Community Gardens, for a term from May 20, 1987 to October 30, 1987 and in accordance with other terms and conditions set forth in the agreement. It was returned to Assistant Operations Officer Jim Dopp.

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

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MAY 22, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Barbara Evans was out of the office all day but available for signatures and phone calls.

Fern Hart
Fern Hart, Clerk & Recorder

Janet L. Stevens
Janet L. Stevens, Chairwoman

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MAY 25, 1987

The Courthouse was closed all day for the Memorial Day holiday.

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MAY 26, 1987

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

Daily Administrative Meeting

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

INDEMNITY BOND

Chairwoman Janet Stevens examined, approved and ordered filed an indemnity bond naming Bob J. McCauley as principal on warrant no. 008136 in the amount of \$558.96, drawn on the Missoula County payroll fund and issued 4/20/87. The warrant was lost. The indemnity bond was forwarded to the Clerk and Recorder's Office.

MAY 26, 1987 (continued)

EVENING MEETING REGARDING MODEL CONSERVATION STANDARDS

In the evening, Commissioners Dussault and Evans attended a meeting at the Chamber with the Homebuilders Association, et. al., regarding the model conservation standards.

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

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MAY 27, 1987

The Board of County Commissioners met in regular session. A quorum of the Board was present. Commissioner Ann Mary Dussault was out of the office all day due to illness.

DAILY ADMINISTRATIVE MEETING

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

AUDIT LIST

Commissioners Janet Stevens and Barbara Evans signed the audit list, dated 5/27/87, pp. 7-27, in the total amount for all funds of \$58,318.26. The audit list was returned to the Accounting Department.

BUDGET TRANSFER NO. 870066: SHERIFF'S DEPARTMENT

The Board of County Commissioners signed Budget Transfer No. 870066 for the Sheriff's Office/Court Support. The transfer of \$1,000 from the permanent salaries line item to the court services line item was requested in order to allow for a contract with Norm Foss for bailiff services. The transfer was formally adopted as part of the FY '87 budget.

RESOLUTION NO. 87-058: BUDGET AMENDMENT--LIBRARY, SCHOOL DIST. #1

The Board of County Commissioners signed Resolution No. 87-058, amending the Library-School District 1 budget and formally adopting the amendment as part of the FY '87 budget. The amendment is as follows:

Description of Expenditure

Budget

Temporary salaries & FB
2223-442-460193-112
2223-442-460193-144

\$1,562
470

Note: Original budget was under-loaded by this amount

Description of Revenue

Revenue

SID-Library
2223-442-337035

\$2,032

Information in a memorandum from Library Director Ted Schmidt stated that the amendment was needed to pay salaries and benefits for the first three weeks of the Summer Bookmobile program, from June 16-30.

NOTICE OF HEARING ON SANDING MATERIALS

Chairwoman Janet Stevens signed a notice of hearing on sanding materials used in the Missoula urban area, to be held Wednesday, June 3, 1987, at 1:30 p.m. in Room 201 of the Courthouse Annex.

MAY 27, 1987 (continued)

MISSOULA COUNTY LABOR MARKET ANALYSIS

The Board of County Commissioners approved the research proposal for Missoula County labor market analysis presented by the Bureau of Business and Economic Research of the University of Montana for a contribution by Missoula County in the amount of \$8,200. Part I, an overall view of the Missoula labor force, will be completed by July 1, 1987, and parts II and III, the household and business surveys, by September 1, 1987.

AMENDMENT TO PROFESSIONAL SERVICES CONTRACT WITH OUT IN MONTANA-- AIDS TASK FORCE

The Board of County Commissioners approved and signed an amendment to the above-referenced contract between Missoula County and the Aids Task Force (Charles Cannaliato, Chairman; Bob Swisher, Co-Chairman) altering the performance schedule to commencement of performance on December 1, 1986 and conclusion on August 31, 1987. The amendment was returned to the Health Department.

ADDENDUM TO THE CURRENT PROFESSIONAL SERVICES CONTRACT WITH NORMAN P. FOSS

The Board of County Commissioners signed an addendum to the professional services contract between the Missoula County Sheriff's Department and Norman P. Foss in order to allow him to provide bailiff services for the Sheriff's Department on an on-call basis. Under the terms of the contract, which will run from May 14, 1987 through September 4, 1987, Mr. Foss is to be reimbursed at the rate of \$7.28/hr.

CONSENT TO ASSIGNMENT OF PERMIT

The Board of County Commissioners signed a consent to allow the assignment of a permit to use part of Canyon Village Park for pasture (described in the permit recorded at Volume 162, page 1852, Micro Records of Missoula County) from Robert L. and Barbara Foreman to Donald and Christine Schmitz (9400 Singletree Lane), with the original conditions of the permit, as set forth therein, to remain in force.

APPROVAL FOR CHAIRWOMAN STEVENS TO SIGN INTERCAP DOCUMENTS

Commissioner Barbara Evans moved, and Commissioner Janet Stevens seconded the motion, that Chairwoman Stevens be authorized to sign the documents pertaining to the Intercap closing, to be held in June. The motion passed by a vote of 2-0.

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

PUBLIC MEETING

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

Hearing: Addendum to Missoula County Fireworks Stand Regulations (liability insurance requirement)

Joan Newman, Deputy County Attorney, said that the County has enacted regulations on fireworks that are consistent with, and reflect the state statutes on a yearly basis. In 1985, the regulation was put in on a permanent basis, and now, at the suggestion of Missoula County's Risk Manager, Hal Luttschwager, a requirement adding a requirement of proof of insurance has been drawn up. The reason behind this requirement is for the protection of the fireworks stand operators, and in addition, if

MAY 27, 1987 (continued)

someone gets hurt, they may look toward the County for some recompence. The proposed amendment requires that applicants for permits must provide certificates of insurance. Bodily injury and property damage liability coverage will be provided with limits of not less than \$100,000.00 Combined Single Unit.

A general discussion of what constitutes a Certificate of Insurance ensued.

The hearing was opened for public comment.

Bruce Suenram, Rural Fire Chief said he was in favor of the new regulations.

John Peterson, operator of BI Fireworks, said he supports the liability insurance requirement, and said it was quite common in other parts of the country.

Bill Casto of R & S Fireworks, said he favored the new requirements.

Ann Marie Clouse, operator of Pink Grizzly Fireworks spoke in support of the new fireworks regulations.

John Peterson asked why the County only sells fireworks stand permits for only one day. He said operators who have multiple stands around the state, have a very difficult time buying licenses because Missoula County only sells licenses for one day.

Fern Hart, Clerk and Recorder, said she would check that out.

Joan Newman said that State Law says that fireworks will only be sold between the 24th of June and July 5. She said perhaps it has been interpreted that the County could not sell licenses until the 23rd.

Fern Hart said that if the licensees had the permits earlier, they still could not sell fireworks before the 24th.

John Peterson said he understood that; but there was no reason that the permits could not be sold earlier.

Anna Marie Clouse said that last year, she was unable to pay by check, which was very inconvenient.

Janet Stevens said that was a policy in the Clerk and Recorder's Office, and beyond the control of the Commissioners.

John Peterson asked if one policy would cover all the stands that one person might own.

Joan Newman indicated that each stand should have its own license, and the insurance figures would indicate that much insurance was carried for each separate stand.

Fern Hart said she had just checked in the Treasurer's Office, and their form that they receive from the State indicates that licenses may be sold beginning June 22, and that date seems to change yearly.

Barbara Evans said it appears to be an administrative rule from the State Fire Marshall, rather than a law.

Fern Hart said her concern was that if licenses were sold too far in advance, fireworks might be sold before the legal date.

Janet Stevens said that would be policed through law enforcement, rather than the Treasurer's Office.

MAY 27, 1987 (continued)

Fern Hart said that the Treasurer's Office serves as a first hurdle, and if the applicant can cut the hurdles down, then it might allow sales to begin too soon.

John Peterson said the Fire Marshall has the authority to confiscate all fireworks from a stand if the operator sells fireworks outside the specified dates outlined in the law.

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

Barbara Evans moved, and Janet Stevens seconded the motion to adopt the new fireworks regulations, with the added stipulation that each individual stand location be required to carry the necessary insurance coverage. The motion carried on a vote of 2-0.

Resolution No. 87-059

The Board of County Commissioners then signed Resolution No. 87-059, a resolution amending the fireworks regulations in Missoula County, relative to insurance coverage for each stand.

Bid Award-Legal Advertising

Information provided by Billie Blundell, Central Services Manager, indicated that bids were opened for legal advertising on May 26. The single bid received was:

THE MISSOULIAN	per unit first insertion \$6.00
	per unit each subsequent insertion \$4.00
	legal advertising, rule and figure work
	\$8.00 and \$4.00 (No discounts offered)

The recommendation was to award all the legal advertising to the Missoulian, as per their bid. \$3,000 has been budgeted for this line item.

Barbara Evans moved, and Janet Stevens seconded the motion to award the bid for legal advertising to the Missoulian, in an amount not to exceed \$3,000. The motion carried on a vote of 2-0.

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

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MAY 28, 1987

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

DAILY ADMINISTRATIVE MEETING

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

GOLF BOARD APPOINTMENT

Ann Mary Dussault moved, and Janet Stevens seconded the motion, to appoint Lois Anderson to a two-year term as second alternate member of the Larchmont Board of Directors, through March 31, 1989.

MAY 28, 1987 (continued)

AUDIT LIST

Commissioners Janet Stevens and Barbara Evans signed the audit list, dated 5/27/87, pp. 7-27, in the total amount for all funds of \$58,318.26. The audit list was returned to the Accounting Department.

FEDERATION PLAN OF SERVICE AND BUDGET REQUEST FOR FY '88 (1987-1988)

Chairwoman Janet Stevens, as Chair of the local governing body, signed the Tamarack Federation of Libraries' Plan of Service and Budget Request for FY '88. The document was returned to the Public Library to be forwarded to the State Library in Helena.

ACTION ON PROPOSALS BY GAMBLING COMMISSION

Barbara Evans moved, and Ann Mary Dussault seconded the motion, to approve changing the annual poker and keno machine fee to \$100, in accordance with the recommendation of the Gambling Commission. The motion passed by a vote of 3-0.

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

HEARING AT THE FISH, WILDLIFE & PARKS DEPARTMENT OFFICE

In the afternoon, Commissioner Evans attended a hearing held at the Fish, Wildlife & Parks Department Office regarding the goldfish problem in the ponds at Larchmont Golf Course.

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MAY 29, 1987

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

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

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JUNE 1, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was on vacation the week of June 1-5, 1987.

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.

Audit List

Commissioners Dussault and Stevens signed the Audit List dated June 1, 1987, pages 7-26, with a grand total of \$79,837.35. 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 Geni Mitchell, an independent contractor for the purpose of providing health care services as required in the Missoula County Jail for the care and keeping of inmates incarcerated therein, for a temporary period of time, as per the terms set forth, for total compensation not to exceed \$12.50 per hour for a minimum of one hour and after that to the nearest half hour.

Resolution No. 87-060

The Board of County Commissioners signed Resolution No. 87-060, a resolution approving the sale of 1982 delinquent tax property, as per the terms set forth and the list of real estate for sale shown on the Notice of Sale, setting the sale date for June 24, 1987, at 1:30 p.m.

Other matters included:

1. The Commissioners voted to authorize 24-hour gambling in Missoula County as per the Gambling Commission's proposal.
2. A motion passed at their May 19, 1987 regular meeting by the Seeley Lake Refuse Disposal District Board of Directors amending the contract with Service Management Associates adding additional compensation for services was approved by the Commissioners as follows:

Under Compensation for Services, add:

2.A.and an additional 40 businesses at
\$15.47 per business=\$618.80

2.Band an additional 50
hours X \$7.00/hr.=\$350.00 for the
processing of returns and answers.

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

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JUNE 2, 1987

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

DAILY ADMINISTRATIVE MEETING

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

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Surveyor's Department, and adopted it as part of the FY '87 budget:

No. 870067, a request to transfer \$1,330.00 from the Capital Vehicles account to the Chips account because of a bid overrun for chips.

Contract Amendment

The Board of County Commissioners signed an amendment to the Professional Services Contract with independent contractor, Bob Swisher, amending the contract as follows:

3. Performance Schedule: That the contractor shall commence performance of this contract on the 4th day of March, 1987, and shall conclude completion of performance by the 30th day of June, 1987, and shall be responsible for specific days or hours of performance hereafter specified: 8 hours per week during clinic hours.

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 \$1,000, and payment thereof shall be made at the times, in the amounts and to the parties hereinafter specified: \$8/hour.

The amendment was returned to the Health Department for further handling.

Fencing Agreement

The Board of County Commissioners signed a fencing agreement, dated May 27, 1987, between Missoula County and H.C. Allen Fencing Company, for the purpose of installing a fence and fence panels on the northerly, easterly, and southerly right-of-way of O'Brien Creek Road project No. 81-2000, as per the terms set forth; Missoula County agrees to pay \$1.00 per lineal foot of fence installed, and the contractor agrees to complete all fencing by August 1, 1987.

Agreement

The Board of County Commissioners signed an agreement to extend preliminary plat deadline between Missoula County and Placid Lake Properties, a Montana general partnership consisting of R.A. Ainsworth and D. Lester Turnbull, referred to as "subdividers", for the purpose of extending preliminary approval for Placid Lake-South Shore Tracts for a period of ten years from the date of approval, March 25, 1987 to March 25, 1997, providing that the project is developed on a phased basis as anticipated by both the subdivider and the County at the time the project was reviewed and that the final plats for the various phases are submitted within a reasonable time interval of the previous phase.

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

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JUNE 3, 1987

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

Indemnity Bond

Chairwoman Stevens examined, approved and ordered filed an Indemnity Bond naming Michael Biggins as principal for warrant #12107, dated April 18, 1986, on the Missoula Vo-Tech Center payroll fund is the amount of \$71.81 now unable to be found.

DAILY ADMINISTRATIVE MEETING

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

Services Contract

Chairwoman Stevens signed a Services Contract between Mineral County and Missoula County, whereby the Missoula County Superintendent of Schools will perform the duties required of County Superintendents in Mineral County for the period from July 1, 1987 to June 30, 1988, as per the terms set forth. The contract was returned to Rachel Vielleux, Superintendent of Schools, for the signatures and handling.

Notice for Publication

Chairwoman Stevens signed the notice of hearing on the Additional .5% to the Motor Vehicle Fee, setting the hearing date for June 17, 1987, at 1:30 p.m.

Other items included:

The Commissioners approved the letter drafted by Amy Eaton of the Rural Planning Office to the residents and property owners in the Rattlesnake Valley regarding the Rattlesnake Valley Comprehensive Plan Amendment.

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

PUBLIC MEETING

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

Proclamation: Month of Disabled Persons

The Board of County Commissioners and Missoula Mayor Bob Lovegrove signed a joint City/County proclamation naming June, 1987 as the Month of Disabled Persons in Missoula.

Proclamation: Ken Fielding Day

The Board of County Commissioners signed a proclamation honoring Ken Fielding, former head of the University of Montana's Radio-TV Department, and proclaiming Wednesday, June 10, 1987 as Ken Fielding Day in Missoula County.

Bid Award: Typewriter Maintenance (Centralized Services)

Bids for typewriter maintenance for fiscal year 1988 received June 1, 1987 were as follows:

Tech Service Company, Inc.	\$4,144.00 (IBM Typewriters only)
Monroe Systems for Business	\$4,701.20 (IBM Typewriters only)
Business Machines/Delaney	\$3,931.62 (IBM, Olympia, and Brother Typewriters-105 pieces)

JUNE 3, 1987 (continued)

The seven Canon typewriters will be carried through P.O.E.S. for maintenance, as they continue to be the only firm able to service this equipment. The recommendation from Billie Blundell, Manager of Central Services is to award the bid for typewriter maintenance to Business Machines/Delaney's for fiscal year 1988.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to award the bid for typewriter maintenance to Business Machines/Delaney's for fiscal year 1988 in the amount of \$3,931.62. The motion carried on a vote of 2-0.

Hearing: Proposed Changes in Regulations Concerning Sanding Materials Used in the Missoula Urban Area

Jim Carlson, Environmental Health Specialist from the Missoula City/County Health Department, said that this amendment would require that winter sanding materials meet a "hardness" specification. The purpose is to reduce the amount of particulate generated from sanding materials. During January, February and March, sanding materials account for much of the ambient suspended particulate and are the largest contributor to violations of the Federal daily particulate standard. This amendment does not require "washed" material, which would eliminate the "fines" already present. Washing would entail significant additional costs. The Air Pollution Control Board conducted a hearing on April 16 and passed this amendment, and the State of Montana Department of Health and Environmental Sciences approved it as compatible with State Law on May 11. The recommendation from the staff is the approved the resolution amending Section X 1440. The fiscal impact to the County is \$0; to the City, \$5,000 to \$20,000; and to the State, unknown.

The hearing was opened for public comment.

Joe Aldergarie, Public Works Director/Engineer for the City of Missoula noted that he was the Environmental Health Director for the Health Department for 6 or 7 years, and he understands why the Health Department is proposing this amendment, and in that regard, he supports the proposal, but he wanted to advise the Board of County Commissioners as to what the ramifications of adopting this regulations are. He said that the City currently gets its sand and gravel from two pits, one on the north side and one near BFI. This material is screened by the street department personnel during the winter months, and is a source of their employment. In neither one of those pits can the city procure the kind of material which is called for in this amendment. The city bought this kind of street sanding material for some work during the summer months, and had to pay an extra \$12,000 for it, so their budget has had to be expanded to meet those costs. If this amendment is passed, these two employees who previously screen the gravel during the winter months will be laid off. In addition to those two employees losing their jobs, the City Street Department will be laying off an additional one or two persons.

Janet Stevens asked how many employees would be laid off, and what their salary is.

Joe Aldergarie said that was difficult to assess, as the records in the past have not been that accurate, and these jobs were kind of fill-in jobs between the sanding and actually placing the material on the streets; so part of the day, they would put the screening plant in operation.

Janet Stevens said that he had indicated that there would be loss of that employment; and she wanted to know how much of an employment loss the city would incur.

JUNE 3, 1987 (continued)

Joe Aldergarie said it would eliminate the need for two employees during the winter months, and their annual average salary is about \$21,000.

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

Janet Stevens asked Bob Holm, the Road Supervisor for the County Surveyor's office if the County was currently operating under these new standards.

Bob Holm said that the County does operate under these guidelines now, but for a different reason. Approximately six years ago, the County changes its specifications to provide a material that meets these specs in order to minimize the amount of freezing accumulated in the stockpiles. He said that is the reason the fiscal impact to the County is zero. When the County first started using this material, the cost jumped about 25%, they have since gone back down, so today the County is purchasing material for about the same cost as it was purchased in 1982.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to approve the amendments to Section X 1440 of the Missoula City-County Air Pollution Program, requiring that winter sanding materials meet a "hardness" specification.

Resolution No. 87-061

The Board of County Commissioners then signed Resolution No. 87-061, a resolution amending Section X 1440 of the Missoula City-County Air Pollution Program, requiring that winter sanding materials meet a "hardness" specification.

Hearing: Proposed CIP (Capital Improvements Program) for 1988-1992.

John DeVore, Operations Officer, said the purpose of the hearing is to take public testimony on the proposed Capital Improvements Program for 1988-1991. Copies of the proposal are available for public comment, prior to the Board's adopting the intent of the Capital Improvements Program, scheduled for the last week of June.

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

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

* * * * *

JUNE 4, 1987

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

Indemnity Bond

Chairwoman Stevens examined, approved and ordered filed an Indemnity Bond naming Pat McDonnell as principal for warrant #009530, dated May 28, 1987, on Missoula County High School Payroll Fund in the amount of \$92.95, now unable to be found.

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JUNE 5, 1987

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

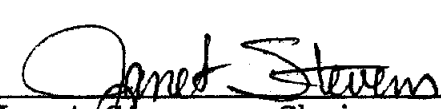
Indemnity Bond

Acting Chair Dussault examined, approved and ordered filed an Indemnity Bond naming American Bankers Life Assurance Company as principle for warrant #10747, dated August 21, 1985, on the Missoula County School District #1 claims fund in the amount of \$143.00, now unable to be found.

Certificate of Participation

Chairwoman Stevens and Clerk and Recorder, Fern Hart signed certification of Missoula County relating to its participation in the Intermediate Term Capital Program of the Montana Economic Development Board with respect to an installment purchase contract between Missoula County and the Montana Economic Development Board and the note, both dated as of the 1st day of May, 1987, as per the items set forth in Exhibit E of the Installment Purchase Contract.


Fern Hart, Clerk and Recorder


Janet Stevens, Chairwoman

* * * * *

JUNE 8-10, 1987

The Board of County Commissioners did not meet in regular session. Commissioners Dussault and Stevens were in Havre, where they attended the MACo Annual Conference, June 7-10; and Commissioner Evans was on vacation the week of June 8th through June 12th.

Weekly Public Meeting Canceled

The weekly public meeting of June 10, 1987, was canceled as the Commissioners were out of town.

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JUNE 11, 1987

The Board of County Commissioners did not meet in regular session. Commissioner Dussault attended a Family Services Task Force Meeting in Helena, and Commissioner Stevens was out of the office all day.

* * * * *

JUNE 12, 1987

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated June 10, 1987, pages 7-32, with a grand total of \$99,186.24. The Audit List was returned to the Accounting Department.

Monthly Report

Chairwoman Stevens 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 May 31, 1987.

JUNE 12, 1987 (continued)

Certification of Election List

Chairwoman Stevens signed the form certifying the list of names of the registered qualified electors of Missoula County as of June 9, 1987. The list contains 44,045 names and was prepared in accordance with Section 3-15-301 and 3-15-404 (3), MCA. The certification was returned to the Elections Office for further handling.

Fern Hart
Fern Hart, Clerk and Recorder

Janet Stevens
Janet Stevens, Chairwoman

* * * * *

JUNE 15, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Evans was on vacation the week of June 15th through the 19th.

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 (5/17/87 through 5/30/87) with a total Missoula County Payroll of \$349,914.47. The transmittal sheet was returned to the Auditor's Office.

Agreement

Chairwoman Stevens signed an agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of establishing a program to prevent low birthweight within Missoula County, as per the mutual covenants and stipulations set forth, for the period from April 1, 1987, through June 30, 1987, for a lump sum payment of \$10,367.00. The agreement was returned to Helena for further handling.

Other matters included:

Board Appointments

The Board of County Commissioners made the following appointments to the Lolo Water and Sewer Board (RSID No. 901):

1. Norman Yogerst was appointed as a regular member to a three-year term which expires June 30, 1990;
2. Ralph Michaelson was reappointed for a three-year term through June 30, 1990; and
3. Myron Boucher and Todd Brandoff were appointed as alternate members to the board.

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

* * * * *

JUNE 16, 1987

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

Monthly Reports

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

Monthly Report

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

DAILY ADMINISTRATIVE MEETING

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

Proclamation

The Board of County Commissioners signed a joint proclamation with the City of Missoula proclaiming June 25 and 26, 1987 as Senior Games Days in the City and County of Missoula, Montana.

Master Agreement

The Board of County Commissioners signed the Master Agreement between Missoula County and I.U.O.E. Local #400, Butte Teamsters Union Local #2, I.A.M. and A.W. Local #1434 from July 1, 1986 through June 30, 1988 for the purpose of the promotion of harmonious relations between the employer and the union; the establishment of an equitable and peaceful procedure for the resolution of differences; and the establishment of rates of pay, hours of work, fringe benefits, employee safety and other conditions of employment as per the terms set forth in the agreement. The agreement was returned to the Personnel Department for further handling.

Letter of Agreement

The Board of County Commissioners signed a letter of agreement between Missoula County and I.U.O.E. Local #400, Butte Teamsters Union Local #2, I.A.M. and A.W. Local #1434 from July 1, 1986 through June 30, 1987, agreeing to the following provisions:

1. All wages, including longevity compensation, of employees covered by the union shall remain at the levels in effect on July 1, 1987. Employees shall be ineligible for any increases in compensation levels through June 30, 1987;
2. Eligibility for longevity increases shall be reinstated effective July 1, 1987. Other wages shall be subject to collective bargaining at that time.

The letter of agreement was returned to the Personnel Department for further handling.

Pension Fund Agreement

Chairwoman Stevens signed the agreement for the Machinists Pension Fund, as per the terms set forth with no changes from last year. The agreement was returned to the Personnel Department for further handling.

JUNE 16, 1987 (continued)

Other items included:

The decision on the proposed Seeley Lake Community Council will be made on June 25, 1987, at 10:30 a.m.

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

* * * * *

JUNE 17, 1987

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

Audit List

Commissioners Dussault and Stevens signed the Audit List, dated June 16, 1987, pages 7-33, with a grand total of \$905,667.77. The audit list was returned to the Accounting Department.

DAILY ADMINISTRATIVE MEETING

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

Plat

The Board of County Commissioners signed the plat for West Central Village, a subdivision of Missoula County, located in the SW 1/4, NW 1/4, Section 29, T.13 N., R. 19 W., PMM, a resubdivision of portions of Lots 16, 17, 18, & 19 of R.M. Cobban Orchard Homes, the owner of record being T & T Construction, Inc., and cash in lieu of parkland in the amount of \$3,868.50 was received by Missoula County.

Agreement

Chairwoman Stevens signed an Agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of providing services under the Maternal and Child Health Services Block Grant, as per the mutual covenants and stipulations set forth, for the period from July 1, 1987, through June 30, 1988, for a total amount of \$59,434.00. The agreement was returned to Helena for further handling.

Resolution No. 87-063

The Board of County Commissioners signed Resolution No. 87-063, a resolution establishing the Missoula Chemical Emergency Preparedness Task Force in accordance with the Federal Emergency Planning and Community Right-To-Know Act of 1986 (Title III) which requires local governments to designate a local planning committee to develop hazardous material mitigation and response plans, as per items set forth in the resolution.

Agreement

Chairwoman Stevens 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) to the residents of Missoula, Mineral, and Ravalli Counties, as per the terms set forth, for the period from July 1, 1987, through June 30, 1988, for total payments not to exceed \$171,736.00. The Agreement was returned to Helena for further handling.

JUNE 17, 1987 (continued)

Contract

The Board of County Commissioners signed a contract between Missoula County and Patrick D. Mackin for the preferential repurchase of tax deed property described as Lot 17 N. of the Amended Plat of Cobban and Dinsmore's Orchard Homes, Lot 17, which was acquired by the County by tax deed for non-payment of taxes in the amount of \$4,703.72, and will be repurchased by the taxpayer as per the payment schedule set up in the contract.

Agreement

The Board of County Commissioners signed an agreement between Missoula County and Dasibi Environmental Corporation of Glendale, California for the purpose of establishing an escrow account, as per the terms set forth, in an attempt to settle the lawsuit between the parties over the disputed air monitors purchased by the Missoula City/County Health Department. The agreement was returned to Diane Conner, Deputy County Attorney, for further handling.

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

PUBLIC MEETING

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

Bid Award-Kona Ranch Road Paving

Information provided by Bob Holm, P.E. from the County Surveyor's Office indicated that construction bids for paving Kona Ranch Road were opened on June 15, 1987. The following bids were received:

L.S. Jensen & Sons, Inc.	\$136,300.50
Marvin Rehbein	\$128,823.50
American Asphalt, Inc.	\$127,109.50
Western Materials, Inc.	\$142,375.00

The recommendation from Mr. Holm was to award the contract to American Asphalt, Inc. in the amount of \$127,109.50 for paving Kona Ranch Road. \$145,000 has been appropriated in the FY '88 budget for this project.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to award the bid to American Asphalt, Inc. in the amount of \$127,109.50 for the paving of Kona Ranch Road, contingent upon the funds being included in the final FY'88 budget. The motion carried on a vote of 2-0.

Bond Bid Award: Pooled RSID Bonds (SID No. 414 and 416)
Rattlesnake Interceptor Sanitary Sewer

Information provided by John DeVore, Operations Officer for Missoula County indicated that bond bids for RSID 414 and 416 for the Rattlesnake Sewer Project were solicited, and one bid was received:

Piper, Jaffray, & Hopwood	Net effective interest rate:
	.078502%

The staff recommendation was to award the bond bids to Piper, Jaffray, and Hopwood.

JUNE 17, 1987 (continued)

Ann Mary Dussault moved, and Janet Stevens seconded the motion to award the bond bids for RSID (SID No. 414 and 416) for the Rattlesnake Sewer Project to Piper Jaffray, and Hopwood. The motion carried on a vote of 2-0.

Hearing: Resolution of Intent to Create RSID No. 425 (Construction of a Water System) in the Sportco Addition.

Information provided by John DeVore, Operations Officer, indicated that on May 18, 1987, the Board of County Commissioners passed a Resolution of intention to create RSID #425 for a water system to serve Sportco Addition. 100% of the freeholders signed the petition. The recommendation was to create RSID # 425.

Gilbert Larson, an engineer with Stensatter, Druyvestein and Associates, said the project is an extension of an existing water line, 150 feet of new line to serve four lots.

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

Ann Mary Dussault moved, and Janet Stevens seconded the motion to allow the creation of RSID #425. The motion carried on a vote of 2-0.

Hearing: Adding an extra 0.5% to the Motor Vehicle Fee

Janet Stevens noted that the Montana Legislature passed Senate Bill 200, authorizing Boards of County Commissioners to increase the tax on motor vehicles by 0.5%, which would mean that the tax on motor vehicles would increase to 2.5% of the average trade-in or wholesale value, effective July 1, 1987.

Howard Schwartz, Executive Officer, said that the origins of this new law, and the issue under discussion today, goes back to 1981, when the legislature removed motor vehicles from the property tax base. At that time, motor vehicles were included as property, and each County government assessed the same number of mills on the taxable value of automobiles as it did on all other property. The legislature went to the flat fee system, charging everyone across the state an equal amount for their cars; but that meant that cars that were in the property tax base were lost from the property tax base, and every local government jurisdiction, schools, fire districts, etc., lost a significant portion of their property tax base. In Missoula County, something like 13 million dollars was lost. As a result, the legislature created what was known as a block grant program to replace that lost revenue. That block grant program was a way of getting money back to the local taxing jurisdictions to compensate them from the loss of the property tax revenue. It was composed of two parts:

Every local taxing jurisdiction got a part of the flat fee; and they also got a share of what was known as the block grant program, which was funded principally from the oil severance tax. The first couple of years, the revenue from that program was, indeed, roughly about the same as what local governments would have gotten if the motor vehicles had not been taken off the property tax base, but after that, year by year, revenues from the block grant program began to fall. When the crash in oil prices came, it meant that the oil severance tax statewide collected only about 40% of what originally had been anticipated. So it came to the point that if nothing had been done at all, local jurisdictions would have gotten no more than 60% of what would have been otherwise anticipated if the block grant were fully funded.

JUNE 17, 1987 (continued)

In response to that problem, the 1987 legislature passed Senate Bill 200, which, in a sense, puts motor vehicles back on the local tax rolls, but in a different way. Instead of being assessed on the basis of mills, and being included in the local property tax base, they are to be taxed at a minimum of 2% of their wholesale value, and that revenue is to be distributed back to all local taxing jurisdictions in the County. The Legislature, at the same time, gave County Commissioners the option to levy an additional half of one-percent on top of the 2% minimum authorized by the Legislature. So this issue, and the resolution before the Commissioners today is on behalf of all the taxing jurisdictions in the County, and not just Missoula County. Missoula County only gets about 1/5 of the motor vehicle tax revenues collected in the County. As an example of the amounts of money involved, he said that last year, Missoula County received approximately one million dollars in motor vehicle revenue. The County general fund received about \$468,000. At 2%, the general fund would receive about \$295,000, and at 2 1/2 percent, the general fund would receive about \$373,000; an additional \$80,000 for the County general fund, and an additional \$173,000 for the County as a whole, and probably something in the neighborhood of between five to seven hundred thousand dollars for all the taxing jurisdictions. He said a number of those taxing jurisdictions have indicated their support by letter and phone.

The hearing was opened for public comment.

Dennis Kraft, Superintendent of Schools-Missoula County High Schools spoke in favor of the proposal, as the income for the schools has rapidly decreased since 1981.

Bruce Suenram, Missoula Rural Fire Chief, spoke in favor of adding the extra 1/2% to the motor vehicle fee.

Larry Anderson, Administrative Assistant to the Mayor of the City of Missoula, said the City Council had passed a resolution asking the Commissioners to adopt this fee. He said the City of Missoula will lose \$ 207,000 in FY '87 in this category unless this resolution is passed. The 1/2 % increase will mean approximately \$95,000 to the City, spread across a variety of levies. He said without the money, the City would decrease their contribution to the City/County Health Department by approximately \$5,000.

Rachel Villeaux, Missoula County Superintendent of Schools, said that school expenses are increasing, and revenues are frozen, and it is important to remember that while this is an apparent increase to individuals, the increase would still leave the schools with a loss of motor vehicle money, and there is no way to levy any additional taxes to make up for that.

Harley Baker, spoke in opposition to the increase, saying this would be a tax rip-off. In his previous employment, he was laid off several times, and there was no way he could come to the government and say he was going to be short of money then, and he thought that the County ought to try to make it on the funds available to them.

Happy Feder spoke in opposition, saying the Commissioners should put the issue on a ballot and let the voters decide whether or not this tax increase should be allowed, like the Mayor's gasoline tax will be.

Howard Schwartz said the next County-wide election would be the primary election in June of 1988, so all the taxing jurisdictions would have to forego the revenue from this measure for the next fiscal year. The next school levy elections would be next April.

JUNE 17, 1987 (continued)

Happy Feder said there were some city elections coming up sooner than that, and asked what the cost would be to extend the ballot to include this issue.

Fern Hart, Clerk and Recorder, said the cost of an election would offset the revenue from the tax.

Happy Feder asked if this tax could be set up on a one-year, temporary basis, until an election could be held to let the voters determine whether this tax would be permanent.

Mike Sehestedt, Deputy County Attorney, said that Senate Bill 200 provides that the governing body of a County may impose a local vehicle tax for a fiscal year, by adopting a resolution before July 1 of the fiscal year, after conducting a hearing on the proposed resolution. So there is no way, given the time frames for notice of elections after the governor signed the bill, for it to be possible for a public vote. He said that his understanding that it is a process that would have to occur each year.

Janet Stevens said that the law does not preclude an election, but does not provide for one either.

John Whitenberg said he thought that the tax was unfair, and what is needed is tax relief, not a tax increase.

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

Ann Mary Dussault moved, and Janet Stevens seconded the motion to adopt the resolution adding an extra 0.5% to the motor vehicle fee. The motion passed on a vote of 2-0.

Ann Mary Dussault she respected the opinions of those who testified in opposition, but she made the motion for two reasons:

1. Missoula County is in the final stages of finalizing the budget for the coming fiscal year, and that budget has been cut significantly. Well over 10% of the County's workforce has been laid off, over a million dollars has been cut from the budget, and to cut that budget and cut personnel further would be irresponsible.
2. This tax is one of the few progressive taxes in the State of Montana. The property tax is an extraordinary regressive tax. The Income tax is regressive; but this tax is not. She said she did not have any problem at all voting to support a progressive tax. Those people who own and operate more expensive machines are going to pay more money under this tax, and in her opinion, that is fine. She said it is entirely possible that those people who have less expensive cars are likely to pay less under this tax than they are currently paying for those same vehicles.

Janet Stevens said that this year was not the only year that Missoula County made budget cuts; last year another million dollars was cut out of the budget, so that in the past two years, a substantial amount has been taken from the amount of money Missoula County has been operating with. She said her 1984 BMW would cost over \$400 now, and it was just a little over \$100 last year, and she feels good about doing that, because she can afford the car; therefore, she can afford the tax. She said that this is a progressive tax, and is one of the few tools that the legislature gave the Counties this legislative session^{to} increase County income without increasing property tax; and in her opinion, Missoula County would be silly not to use it. She said not adopting this tax would send a message back to the legislature that when local option taxes were made available, the Counties did not use them.

JUNE 17, 1987 (continued)

Resolution No. 87-064

The Board of County Commissioners signed Resolution No. 87-064, a resolution adding an extra 0.5% to the motor vehicle fee.

Continuation of Hearing: Proposed CIP (Capital Improvements Program) for 1988-1992.

The hearing was opened for public comment. No one came forward to speak and the hearing was continued until the next public meeting.

Consideration of: SuperAmerica request for special use permit in Special District #2

Paula Jacques, Planner from the Office of Community Development, said this was not a public hearing, but in Special District #2, the application is scored, and a public hearing is held before the Planning Board. The Commissioner's option today, given that no one appealed the Planning Board's decision, is to hold a public hearing. She said SuperAmerica scored 42 of the possible 57 points, which is 74%. The required percentage for them to gain approval was 60%. The Planning Board has recommended that the permit for SuperAmerica be approved, and the Planning Staff recommends that that decision be affirmed.

Nick Kaufman said that this was a good site plan; which exemplifies what the Commissioners are looking for in Special District #2.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to affirm the decision of the Planning Board in granting a special use permit for SuperAmerica in Special District #2 based on the findings of fact and the conditions set forth in the recommendations. The motion passed on a vote of 2-0.

Consideration Of: Ibey Request for Special Use Permit in Special District #2.

Paula Jacques said the request to construct a car wash at the southeast corner of Spurgin and Reserve was processed as a special use, requiring a public hearing before the Planning Board and a second public hearing before the Board of County Commissioners either on appeal or upon the decision of the Board of County Commissioners. No appeal of that decision has been made, and the staff recommends that the Commissioners affirm the Planning Board's decision to deny the Special District #2 permit for the car wash requested by the Ibey's.

She said the Ibey's are contemplating reapplying in the fall, as the car wash did not fit into the character of the surrounding structures, which are residential. This cement building with a metal roof needs buffering, noise abatement, etc.

Ann Mary Dussault asked if this was a permitted use if the design and construction meets the required number of points.

Paula Jacques said that was correct.

Ann Mary Dussault moved, and Janet Stevens seconded the motion to affirm the Planning Board's decision to deny the Special District #2 permit by the Ibey's to construct a car wash at the southeast corner of Spurgin and Reserve. The motion carried on a vote of 2-0.

There being no further business to come before the Board, the Commissioners were in recess at 2:20 p.m.

* * * * *

JUNE 17, 1987 (continued)

Bond Closing RSID #419 (South Hills Drainage Project)

The Board of County Commissioners met in regular session at 3 p.m. on June 17, 1987, at the County Commissioner's meeting room, Missoula, Montana. Commissioners Dussault and Stevens were present, Commissioner Evans was absent.

Commissioner Dussault introduced the following resolution and moved its adoption:

Resolution No. 87-062

A resolution relating to \$780,000 Rural Special Improvement District No. 419 Bonds; creating Rural Special Improvement District No. 419 fund and prescribing covenants of the County for the security of the holders of the bonds, as per the terms set forth. The motion for the adoption of the foregoing resolution was duly seconded by Commissioner Stevens, and upon vote being taken thereof, Commissioner Dussault and Commissioner Stevens voted in favor of adoption of the resolution; whereupon the resolution was declared duly passed and adopted, and was signed by the Chairwoman of the Board of County Commissioners, which signature was attested by the County Clerk and Recorder/County Treasurer.

* * * * *

JUNE 18, 1987

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

DAILY ADMINISTRATIVE MEETING

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

Notice of Hearing

Chairwoman Stevens signed a notice of hearing on a petition for annexation to the Frenchtown Rural Fire District for two parcels of land as per the description in the notice setting the hearing date for July 1, 1987, at 1:30 p.m.

Resolution No. 87-065

The Board of County Commissioners signed Resolution No. 87-0065, a resolution to accept real property for public drainage easement located in the NE 1/4 of Section 1, Township 12 North, Range 20 West, PMM., conveyed to the County by Gladys M. and Roy Gray, Jr. by an easement for storm drainage purposes and containing 0.04 acres more or less.

Agreement

The Board of County Commissioners signed an agreement dated June 10, 1987, between Missoula County and Gladys M. Gray and Roy Gray, Jr., as per the mutual promises set forth, the parties agree as follows:

1. \$2,500 cash to be paid at the time of signing of agreement of the new easement "triangle" of land; and

JUNE 18, 1987 (continued)

2. In addition to the above-mentioned cash, the agreement is to include the following:
 - a. the new fence which basically follows the old fence in the existing agreement will be extended to the north to the access road and to the found SW corner pin of Book 92 Micro, Page 445 and shown in Deed Exhibit #2899 on the south;
 - b. the total of six (6) iron pins shall be installed at the corners of the easement;
 - c. a written legal description shall be supplied to both Roy and Gladys Gray describing the easements;
 - d. the "triangle" labeled Parcel A-1 on the north side of the existing easement shall be removed and deeded back to Gladys M. Gray and shall be done no later than January 1, 1988.
 - e. the County is granted permission to encroach upon the immediate area of the "root cellar" to, (if necessary) remove "root cellar", fill in with comparable dirt and return to original terrain design, including the concrete retaining wall on bank and re-seeding with grass as per prior agreement specs; and
 - f. items (b) and (c) shall be completed as soon as feasibly possible after excavation has been completed on the subject easement of Gray's property.

Quitclaim Deed

The Board of County Commissioners signed a Quitclaim Deed from Missoula County to Gladys M. Gray for the following described premises in Missoula County:

Parcel A-1 (portion of an existing storm drainage easement) a parcel of land located in the Northeast 1/4 of Section 1, Township 12 North, Range 20 West, PMM Missoula County, containing 0.04 acres more or less.

Resolution No. 87-066

The Board of County Commissioners signed Resolution No. 87-066, a Resolution to vacate a portion of the storm drainage easement, shown in Book 185 Micro, Page 2029 and further described as:

Parcel A-1 (portion of an existing storm drainage easement) a parcel of land located in the Northeast 1/4 of Section 1, Township 12 North, Range 20 West, PMM Missoula County, containing 0.04 acres more or less,

as this portion is not needed for drainage purposes, and it is in the best public interest to vacate this portion of the easement.

Designation Form

Chairwoman Stevens signed the 1987 Designation Process form for Montana's Area Agencies on Aging, which must be redesignated every four years, stating that the "Missoula Area Agency on Aging is responsible for administering the Older Americans Act programs in our County and we support the designation of this Agency to administer the programs for the next four (4) years". The form was returned to the Department of Family Services in Helena.

JUNE 18, 1987 (continued)

Other Items Included:

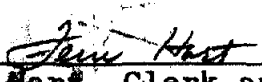
A request from Attorney Don Torgenrud, representing Clarence Rule, one of the landowners petitioning for vacation of Pertile Lane, to waive the \$75.00 administrative fee was denied by the Commissioners.

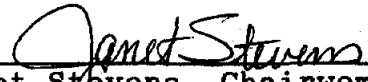
The minutes of the daily administrative meeting are on file in the Commissioners Office.

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JUNE 19, 1987

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


Janet Stevens, Chairwoman

* * * * *

JUNE 22, 1987

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

Daily Administrative Meeting

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

Resolution No. 87-067

The Board of County Commissioners signed Resolution No. 87-067, a Resolution of Intent to Create RSID No. 911 for the purpose of maintaining a park; three (3) six-inch fire hydrants; and five (5) high pressure sodium vapor street lights in West Central Village, a proposed subdivision in Missoula County, as per the terms set forth.

Notice of Passage of Resolution of Intent

Chairwoman Stevens signed the Notice of Passage of the Resolution of Intent to create RSID No. 911, setting the hearing date for July 15, 1987, at 1:30 p.m.

Plat

The Board of County Commissioners signed the plat for Sunny Meadows No. 2, a subdivision located in portions of the SE 1/4, NE 1/4 of Section 13, T.13 N., R. 19 W., and Government Lot 2, Section 18, T. 13 N., R. 18 W., pmm, Missoula County, a total area of 2.12 acres; the owners of record being Russell K. and Norma J. Price, and the cash-in-lieu of parkland in the amount of \$3,400.00 was paid to the County Treasurer on June 8, 1987.

Agreement

Chairwoman Stevens signed an agreement between Missoula County and the Montana Department of Health and Environmental Sciences for the purpose of evaluating the ground water pollution potential within Missoula County, as per the terms set forth in the agreement, to be completed by June 30, 1988, for a total payment to the County of \$6,500. The agreement was returned to Helena for further handling.

JUNE 22, 1987 (continued)

Agreement

The Board of County Commissioners signed an agreement for professional engineering services between Missoula County and Sorenson and Co., for the RSID No. 426 project, extending individual sanitary sewer services from the Rattlesnake interceptor sanitary sewer to the property lines of adjacent lots and parcels as an item of construction in the EPA/City of Missoula Construction Grant Project C-300311, Step 3, as per the terms set forth, for a total payment of \$9,800.00. The agreement was returned to General Services for further handling.

Other items included:

The Commissioners reviewed and signed a letter to the Board of Trustees of the Missoula Public Library denying their request for a 7.5% salary increase for the Library Director, stating that his salary would be frozen during FY '88 pursuant to the Interlocal Agreement which provides The Board of County Commissioners with budgetary authority for the Library.

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

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JUNE 23, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Helena attending JTPA and Family Services Task Force Meetings.

Indemnity Bond

Chairwoman Stevens examined, approved and ordered filed an Indemnity Bond naming Bonnie K. Wilson as principal for warrant #8732, dated June 1, 1987, on the Missoula County Trust Fund in the amount of \$300.00, now unable to be found.

Daily Administrative Meeting

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

Resolution No. 87-068

The Board of County Commissioners signed resolution No. 87-068, a resolution fixing the salaries of certain County elected officials as follows for FY '88:

Clerk of the District Court	\$25,388.33
County Sheriff/Coroner	32,866.00
County Auditor	25,388.33
County Superintendent of Schools	25,838.33
Justice of the Peace	25,838.33
County Surveyor	25,388.33
County Attorney	42,918.16
Commissioners	27,388.33
Clerk and Recorder/Treasurer	30,466.00

Contracts

The Board of County Commissioners signed three contracts for preferential repurchase of tax deed property between Missoula County and Jack L. Green II, the owner of the following properties which were acquired by the County for non-payment of taxes and will be repurchased by the taxpayer as per the payment schedules set forth in the contracts:

JUNE 23, 1987 (Continued)

1. a tract of land located in the SW 1/4, SW 1/4 of Section 14, Township 13 North, Range 19 West, pmm with a total amount owing of \$20,410.53;
2. a tract of land located in the Northwest one-quarter of the Southeast one-quarter of Section 11, Township 13 North, Range 19 West, Principal Meridian, Montana, Missoula County Montana, being Tract A-3-1 of Certificate of Survey No. 2539, with a total amount owing of \$4,926.30; and;
3. a tract of land located in the Northwest one-quarter of the Southeast one-quarter of Section 11, Township 13 North, Range 19 West, Principal Meridian, Montana, Missoula County, Montana being designated as Tract A-3-2 of Certificate of Survey No. 2539, with a total amount owing of \$4,489.96.

The contracts were returned to Mike Sehestedt, Deputy County Attorney, for further handling.

Other Matters Included:

1. The Commissioners discussed the Deputy County Attorney's longevity and made the decision that their salaries will be maintained at FY'87 levels and no longevity increases will be processed during FY'88;
2. The grant application to the Board of Crime Control for drug enforcement was approved; and
3. The Commissioners informed Kathy Crego, Personnel Director, that a decision had been made to maintain salaries of all employees covered by the Personnel Plan at the FY'87 salary levels with the only exception being those employees on probationary status who shall be eligible for up to a 2.5% end-of-probation period increase based on performance.

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 24, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was in Bozeman attending a LGAC (Local Government Advisory Council) meeting.

Audit List

Commissioners Evans and Stevens signed the Audit List, dated June 23, 1987, pages 8-35, with a grand total of \$104,671.32. The Audit List was returned to the Accounting Department.

Daily Administrative Meeting

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

JUNE 24, 1987 (continued)

Payroll Transmittal Sheet

The Board of County Commissioners signed the transmittal sheet for pay period #13 (5/31/87 through 6/13/87) with a total Missoula County payroll of \$351,225.48. The transmittal sheet was returned to the Auditor's Office.

Policy Statement 87-E

The Board of County Commissioners signed policy statement 87-E for purposes of determining contribution rates and eligibility for health, dental, optical and life insurance, as per the definitions set forth in the statement.

Resolution No. 87-069

Chairwoman Stevens signed Resolution No. 87-069, authorizing certain employees, whose names and signatures are shown on the resolution, to acquire federal surplus property from the State of Montana, Property and Supply Bureau for Missoula County, as per the terms set forth.

Contract

The Board of County Commissioners signed a contract for preferential repurchase of tax deed property between Missoula County and James Benn, the owner of the property located in the SE 1/4 of Section 27, T. 12 N., R. 20 W., pmm, Missoula County, and shown on Certificate of Survey No. 2651, which was acquired by the county for non-payment of taxes totaling \$679.90, and will be repurchased by the taxpayer as per the payment schedule set forth in the contract. The contract was returned to Mike Sehestedt, Deputy County Attorney, for further handling.

Budget Transfer

The Board of County Commissioners approved and signed the following budget transfer for the Fair for closeout of FY '87, and adopted it as part of the FY '87 budget:

No. 87006, a request to transfer \$13,600 from the temporary salaries (\$1,600.00) and various accounts listed in the memo attached to the transfer (\$12,000.00) to the capital account for the purpose of purchasing a copy machine for \$1,600, and \$12,000 for additional money for the new building at the fairgrounds.

Other matters included:

In response to an inquiry from Susan Reed, County Auditor, regarding approving claims for capital prior to adoption of the FY '88 budget, the Commissioners agreed that there would be no limit on claims for operations and personnel, but there will be no claims for capital purchases approved prior to the adoption of the budget.

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

JUNE 24, 1987 (continued)

PUBLIC MEETING

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

Bid Award: Removal of Abandoned Vehicles (Sheriff's Department)

Bids were opened June 22, 1987 for removal of abandoned vehicles in Missoula County for a two year period. It is estimated that there will be approximately 100 removals inside the local area and 100 removals outside the local area over the term of the contract. Bids received were:

Brown's Towing	\$25.00	inside the local area
	\$25.00	outside the local area
	1.125	per load mile
Sparr's Inc	\$25.00	inside the local area
	\$20.00	outside the local area
	2.250	per load mile
Fred's Towing	\$20.00	inside the local area
	\$20.00	outside the local area
	1.000	per load mile

The recommendation from Sheriff Dan Magone was to award the bid to the lowest bidder, Fred's Towing and Crane. \$2,000 has been budgeted for FY '88.

Barbara Evans moved and Janet Stevens seconded the motion to award the bid for removal of abandoned vehicles in Missoula County for a two year period to Fred's Towing and Crane. The motion passed on a vote of 2-0.

Continuation of Hearing and adoption of proposed CIP (Capital Improvements Program) for 1988-1992.

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

Sale of Tax Deed Property

Information provided by Donna Cote, Recording Division Supervisor noted that the notice of tax deed sale was published in the Missoulian for two consecutive Sundays and posted in three places as required by 7-8-2302 M.C.A.. A copy of the tax deed and a memo to persons who tax deed was taken from, stating that they had the right to redeem the property prior to the auction was mailed to all interested parties on June 8, 1987.

Mike Sehestedt, Deputy County Attorney said that the sale had been duly noticed, and the minimum accepted bid is the fair market value. If the properties are not sold at this sale, then the County will take offers.

The property for sale is as follows:

Carline #1--Lots 32 and 33 Block 46	\$17,000
Spring Valley Acres--Lot 16	4,200

The bidding process was opened. No one came forward to bid for either of the properties, and the sale was closed.

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

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JUNE 25, 1987

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

Daily Administrative Meeting

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

Resolution No. 87-070

The Board of County Commissioners signed Resolution No. 87-070, resolving that a community council is hereby created for the community of Seeley Lake, Montana, effective July 25, 1987, with powers, duties, responsibilities and procedures of the Seeley Lake Community Council being as set forth in the bylaws attached to the resolution and effective upon the approval of the Board of County Commissioners and by the interim Seeley Lake Community Council to be appointed by the Board of County Commissioners.

Maintenance Plan-1987

The Board of County Commissioners signed approval of the maintenance plan for 1987 between Missoula County and the U.S. Forest Service stating that the parties shall maintain roads under their jurisdiction, except for the Missoula County roads that the Forest Service will maintain and the Forest Service roads that Missoula County will maintain as listed in the plan. The maintenance plan was returned to the Surveyor's Office for further handling.

Temporary Employment Contract

The Board of County Commissioners signed a temporary employment contract between Missoula County and Howard Schwartz, a temporary employee, for the purpose of allowing the County to obtain the product of the expertise and effort of the employee, who will act as a policy consultant on behalf of the Missoula Board of County Commissioners in order to develop and carry out a process for Missoula County to adopt the Northwest Power Planning Council's Model Conservation Standards, and provide technical assistance and analysis of options for Missoula County's role in County administration of JTPA (Job Training and Partnership Act) programs in Montana, as per the terms set forth, for the period from July 1, 1987, through December 31, 1987, for total compensation up to \$8,610.00, and travel allowance up to \$2,000.00.

Other Items Included:

Board Appointment

The Board of County Commissioners reappointed Jim McDonald to the Museum Board of Trustees for a three-year term through June 30, 1990.

Also,

1. The Commissioners made the decision to maintain FY '87 salaries of the following administrative Department Head positions throughout FY '88 and that no salary increases will be considered over the course of FY '88: Administrative Officer, Health Officer, Museum Directors, Planning Director, Court Operations Officer, D.E.S. Coordinator, Fair Manager, Weed Control Supervisor, Data Processing Manager, Library Director, Operations Officer, and Personnel Director.

JUNE 25, 1987 (continued)

2. Hal Luttschwager, County Risk Manager, met with the Commissioners and discussed the Health Department's liability insurance - it was agreed that it will be handled through the self-insurance program; and
3. The Commissioners reviewed and approved a letter written by Diane Conner, Deputy County Attorney, to Lake County, containing a proposal to settle Missoula County's lawsuit to recover Lake County's share of the District Court operating costs.

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

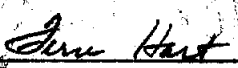
Audit Exit Conference

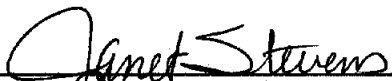
In the afternoon, The Board of County Commissioners and other County staff members attended the audit exit conference conducted by the auditors from Dobbins, DeGuire and Tucker, P.C.

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JUNE 26, 1987

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


Fern Hart, Clerk and Recorder


Janet Stevens, Chairwoman

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JUNE 29, 1987

The Board of County Commissioners met in regular session; a quorum of the Board was present. Commissioner Dussault was on vacation the week of June 29 through July 3, 1987.

DAILY ADMINISTRATIVE MEETING

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

Resolution No. 87-071

The Board of County Commissioners signed Resolution No. 87-071, a resolution accepting real property located in a portion of SE 1/4 of Section 1, Township 15 North, Range 23 West, P.M.M. Missoula County, from Janet Phillips for a right-of-way easement for vehicular access and parking purposes for use by the Nine Mile Rural Fire Department.

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 for the purpose of purchasing the services of 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 July 1, 1987, through June 30, 1988 for a total amount of \$6,671.00. The agreement was returned to the Health Department for further signatures and handling.

JUNE 29, 1987 (continued)

Larchmont Board Bylaws

The Board of County Commissioners approved the bylaws for the Larchmont Golf Course Board, a board established by Resolution No. 87-046, as per the articles set forth.

Other items included:

1. The Commissioners approved amending Larchmont Golf Course's budget to cover unexpected expenses in the amount of \$1,500.00, which will be covered by unexpected revenues from increased play and miscellaneous sources;
2. The Commissioners approved the employee contracts and the salaries for Jim Dopp, Operations Officer, and Jane Ellis, Fiscal Officer. The salary for Administrative Officer, John DeVore, was also approved and his contract will be reviewed at a later date;
3. A request from Dale Johnson, regarding the location of his fireworks stand on Clements Road was discussed and approved by the Commissioners as per recommendations from Missoula Rural Fire and County Risk Manager, Hal Luttschwager.

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

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JUNE 30, 1987

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

Audit List

Commissioners Evans and Stevens signed the Audit List dated June 29, 1987, pages 8-26, with a grand total of \$828,326.58. The Audit List was returned to the Accounting Department.

Audit List

Commissioners Evans and Stevens signed the Audit List dated June 30, 1987, pages 8-31 with a grand total of \$59,928.73. The Audit List was returned to the Accounting Department.

Daily Administrative Meeting

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

Contract

The Board of County Commissioners signed a Professional Services Contract between Missoula County and Evy O'Leary, an independent contractor, for the purpose of providing health care services as required in the Missoula County Jail for the care and keeping of inmates incarcerated therein, as per the terms set forth, on a temporary basis, at the rate of \$12.50 per hour for a minimum of one hour.

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

Groundbreaking Ceremony & Meeting

In the afternoon, Commissioners Evans and Stevens attended a ground breaking ceremony for the CFR/Maintenance Facility at the Airport, and also attended the Airport Authority Meeting which followed.

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