

MISSOULA COUNTY COMMISSIONERS' JOURNAL: JULY 2012

BCC = BOARD OF COUNTY COMMISSIONERS

BC = Commissioner Bill Carey, Chair

ML = Commissioner Michele Landquist

JC = Commissioner Jean Curtiss

The following Claims Lists were signed during the month of JULY 2012:

Date Signed	Claims List Date	Who signed	Amount
July 2, 2012	July 2, 2012	BCC	\$49,117.19
			\$1,929.29
July 3, 2012	July 3, 2012	BCC	\$535.46
			\$9,133.00
July 5, 2012	July 5, 2012	BCC	\$9,951.52
			\$233.13
			\$357.63
			\$24,530.19
			\$14,120.91
			\$653.00
July 9, 2012	July 5, 2012	BCC	\$9,275.03
July 9, 2012	July 6, 2012	BCC	\$141,015.80
			\$383,985.43
July 9, 2012	July 9, 2012	BCC	\$28,200.80
			\$690.25
			\$87,347.41
			\$126,659.45
			\$5,610.05
July 10, 2012	July 9, 2012	BCC	\$14,162.04
			\$29,457.71
			\$6,027.92
			\$123,467.00
			\$3,936.87
			\$31.74
			\$21,035.17
			\$52,706.96
			\$74.00
			\$536.80
			\$932.72
July 10, 2012	July 10, 2012	BC, JC	\$10,563.59
			\$110,897.00
			\$2,544.20
			\$66,516.41
			\$8,875.11
			\$45,764.18
			\$54,656.55
			\$1,371.41
July 11, 2012	July 11, 2012	JC, ML	\$30,084.56
July 13, 2012	July 11, 2012	JC, ML	\$20,551.20
			\$35,508.52
July 13, 2012	July 12, 2012	JC, ML	\$6,423.16
July 6, 2012	PHC Amerisource ACH		\$80.00
July 10, 2012	PHC Cardinal Health ACH		\$39,241.24
July 10, 2012	PHC Cardinal Health ACH		\$16,450.80
July 17, 2012	July 12, 2012	BCC	\$1,231,098.47
			\$33,121.66

July 17, 2012	July 13, 2012	BCC	\$8,050.00
July 17, 2012	July 16, 2012	BCC	\$33,425.71
			\$23,346.02
			\$15,008.81
			\$97,055.73
			\$12,973.63
			\$37,861.09
			\$32,489.26
July 17, 2012	July 17, 2012	BCC	\$3,766.75
			\$481.92
			\$16,894.67
			\$370.94
			\$2,860.38
			\$1,219.47
			\$1,210.48
			\$730.00
			\$54,519.85
			\$28,858.88
July 18, 2012	July 16, 2012	BCC	\$100,583.17
July 18, 2012	July 17, 2012	BCC	\$2,599.00
			\$46,752.00
July 18, 2012	July 18, 2012	BCC	\$10,279.38
			\$15,164.40
			\$169,251.98
July 20, 2012	July 18, 2012	BCC	\$1,272.93
			\$1,348.42
			\$2,109.20
			\$2,453.26
			\$101,158.49
			\$132.50
			\$57,008.09
			\$11,172.20
			\$12,021.68
July 20, 2012	July 19, 2012	BCC	\$3,004.22
			\$1,366.00
			\$7,889.60
			\$102,390.49
			\$5,705.77
July 23, 2012	July 19, 2012	BCC	\$850.00
			\$102.59
July 25, 2012	July 19, 2012	BCC	\$11,303.56
			\$133,252.93
July 25, 2012	July 23, 2012	BCC	\$103,631.06
July 25, 2012	July 24, 2012	BCC	\$5,038.46
			\$23,346.20
July 25, 2012	July 25, 2012	BCC	\$137,782.85
July 25, 2012	July 24, 2012	BCC	\$1,803.17
			\$8,171.14
July 25, 2012	July 25, 2012	BCC	\$12,213.55
			\$1,099.28
July 26, 2012	July 24, 2012	BCC	\$12,199.80
July 26, 2012	July 25, 2012	BCC	\$5,947.03
			\$1,271.45
			\$1,400.00
			\$32,302.87
			\$6,773.97

July 26, 2012	July 25, 2012	JC, BC	\$27,981.99
			\$15,159.73
			\$40,117.51
			\$3,640.00
			\$2,397.40
July 27, 2012	July 25, 2012	JC, BC	\$1,384.27
July 27, 2012	July 26, 2012	JC, BC	\$22,663.39
			\$8.49
			\$43.40
			\$492.44
July 30, 2012	July 27, 2012	JC, BC	\$109.19
			\$3,278.16
July 25, 2012	PHC Cardinal Health ACH		\$29,058.88
July 25, 2012	PHC Cardinal Health ACH		\$27,804.41
July 31, 2012	July 30, 2012	BCC	\$351,030.59

All Claims Lists were returned to the Accounting Department.

MONDAY, JULY 2, 2012

BCC met in regular session; all three present.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Duffield Shoreline Permit; 3) OPG Director's update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) OLC Bylaw Revisions; 3) Parks & Trails Program updates; 4) Potomac Pioneer Festival/August 4th; 5) Communications; 6) Director's update.

Shoreline Permit – BC signed. #12-11 for Applicant John Duffield to replace existing dock/stairs at 308 Access Road, Big Sky Lake Estates – Rasmussen Addition. Original to Todd Kietz/OPG.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated June 27, 2012. Amount/\$39,601.77. To County Auditor.

TUESDAY, JULY 3, 2012

BCC met in regular session; all three present.

Monthly Report - BC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending June 30, 2012.

Monthly Report - BC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending June 30, 2012.

Monthly Report - BC examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending June 30, 2012.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 13/CY2012 - Pay Date/June 29, 2012. Total Payroll/\$1,268,419.96. To County Auditor.

Contract Extension – BC signed, dated May 9, 2012. Two-year extension to Audit Contract between County and Nicole Noonan, CPA, P.C. for 2012 and 2013 audits of County's Financial records. Amount/not to exceed \$84,400 for each audit. Term/June 30, 2012-December 31, 2013. Original to Ms. Noonan for further signatures/handling.

Resolution No. 2012-060– BCC signed, dated July 3, 2012. Budget Amendment for All Departments showing revenue from Total Fund Cash Reserves to expenditures for Salary/Fringe in amount of \$1,500,393.59 (for reflect 27th pay period). For total disclosure, expenditures included in formal FY12 Operating Budget/Revenue Estimates for County.

Closing Documents - BCC signed closing documents between County (Airport Industrial District) and EWR, LLC (Sun Mountain Sports) for purchase of 1.73 acres/Park 9/MDP-Phase 2 (Lot 3A/Block 8). Purchase Price/\$226,076.40 (with \$35,000 credit towards Buyer's engineering costs, etc.). Originals to Barb Martens/Projects.

Letter – BCC signed, dated June 27, 2012. To Mary Greil, Missoula, in response to her request to initiate parking restrictions on Juniper Drive and Tamarack Road. After meeting with MDOT, a decision was made to delay any action until new state park at confluence is developed.

Request – BCC approved waiver of Donated Sick Leave Cap for OPG Employee.

Additional discussion item(s): None.

WEDNESDAY, JULY 4, 2012

**THE COURTHOUSE AND ADMIN BUILDING WERE CLOSED
FOR THE INDEPENDENCE DAY HOLIDAY**


THURSDAY, JULY 5, 2012

Administrative meeting cancelled

FRIDAY, JULY 6, 2012

BCC met in regular session; quorum present in morning. Afternoon: ML attended Ribbon Cutting Ceremony for Adventure Cycling. BC out of the office all day.


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

MONDAY, JULY 9, 2012

BCC met in regular session; all three present. Afternoon: BC attended meeting of Missoula County Transportation Committee, held at MCPS Building.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Hohn Family Transfer; 3) OPG Director's update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) DNRC Grants; 3) Communications; 4) Director's update.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated July 5, 2012. Amount/\$9,647.20. To County Auditor.

TUESDAY, JULY 10, 2012

BCC met in regular session; all three present. Evening: BCC attended Public Meeting hosted by MDT: *Present Initial Findings of Existing Conditions Analysts*, held at Target Range School.

Indemnity Bond – BC signed. Gisele Forrest, Missoula, Principal for MCPS A/P Warrant #27249588, issued June 13, 2012. Amount/\$250.08 (for mileage). Warrant lost.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 03/CY2012 - Pay Date/February 10, 2012. Total Payroll/\$1,302,575.22. To County Auditor. [Missing from February 2012 Journal; filed July 10, 2012].

Agreement – BCC signed, dated July 10, 2012. Between County (Historical Museum at Fort Missoula) and Dunrovin Ranch ("Ranch") for permission to use Ranch's services for Homestead Day Camp "It's a Homesteader's Life for Me" for campers to learn how to groom/saddle/ride horses as part of the camp experience. Ranch will provide staff/ horses and transport horses to Fort Missoula grounds. Project dates: July 19th and August 16, 2012. Amount/\$320-445 (depending on number of participants). Two originals to Dorene Dyer/Historical Museum.

Board Appointment – Per MCA 7-4-2503-4(ii), BCC appointed Vickie Zeier as the 3rd Elected County Official to serve on the County Compensation Committee. Barbara Berens and Shirley Faust are other appointed County-elected members. [County Supt. of Schools Erin Lipkind declined appointment].

Board Appointment – BCC appointed Jack Chambers to fill a vacant term to July 24, 2014 on the County Compensation Committee.

Board Appointments – BCC appointed the following to the Zoning Board of Adjustment:

- 1) Appointed 1st Alternate Mark Kobos Regular Member to fill Chris Nygren's unexpired term to December 31, 2012;
- 2) Appointed Paul Forsting 1st Alternate to fill Kobos' unexpired term to December 31, 2012; and
- 3) Appointed Chad Powell 2nd Alt to fill Forsting's unexpired term to December 31, 2012.

All three members are eligible for new 2-year terms (January 1, 2013-December 31, 2014).

Contract – BC signed. MT Land Information Act FY 2013 Grant #MLIA_2013_01 between County (RI, IS, Public Works/GIS) and MT State Library for PLACE (Practical Landscape Assessment for Conservation and Enhancement) Project: Interactive Web-Based Mapping Application. Amount/\$20,000 for GIS consulting services. Two originals to Nate Rogers/RI for further signatures/handling.

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Resolution No. 2012-061 – BCC signed, dated July 10, 2012. Rescinding Resolution #81-153 (adopted by BCC on August 21, 1981, which established a Park Board, appointed Park Board Commissioners, and provided for other matters); and creating a Missoula County Parks and Trails Advisory Board. Number of members/seven (including one sitting County Commissioner), and 2 alternates. Terms/three years, members may serve three consecutive terms. Following Park Board Members are appointed to new Parks and Trails Board:

- 1) Bill Carey, sitting County Commissioner;
- 2) Sue Brown, Jim Dayton, Ed Heilman (terms to June 30, 2013);
- 3) Dan Morgan, Martha Yates, Jessie Fischer (terms to June 30, 2014); and
- 4) Anne Rupkalvis (term to June 30, 2015).

Additional discussion item(s): Meadow Lane dust abatement.

WEDNESDAY, JULY 11, 2012

BCC met in regular session; quorum present. BC on vacation through Monday, July 16th.

CAO MEETING

Resolution No. 2012-055 – BCC reviewed. Resolution dated May 29th, 2012 (Budget Amendment for OPG/Transportation-TDM Programs Comprehensive Review). Resolution re-recorded July 11, 2012 due to incorrect codes.

Board Appointment – BCC appointed Stuart Clemow as 1st Alternate on the Weed Board. Mr. Clemow will fill an unexpired term (Fred Bremer's) to December 31, 2013.

Letter – BCC signed, dated July 10, 2012. To Missoula City Council, thanking them for attending June 27th Public Meeting and reading City Council Resolution 7704 into the public record (relating to financing of city sidewalks). The BCC decided against putting the gas tax question on the November ballot, as it would create a problem/deepens disparity for county residents.

Letter – BCC signed, dated July 10, 2012. To Chad Parrish, Missoula, in response to his letter of June 25th in which he states his concern for trailer parked at 2761 Meriwether Street. After viewing by Director of Public Works, it was concluded that trailer does not constitute a safety hazard, and does not interfere with sight visibility triangles.

Letter – BCC signed, dated July 10, 2012. To Tim Reardon/MDOT, Helena, re: installation of "Welcome To....." community entrance advisory signage along roads. BCC requests that current moratorium on placement of certain signs in prohibited places be reconsidered. BCC refers to *Gateway Monument Demonstration Project Study*, in part sponsored by FHWA

Letter – BCC signed, dated July 10, 2012. To Tim Reardon/MDOT, Helena, re: MAP 21 Reauthorization-CTEP Program Funding. BCC is concerned that bill halves guaranteed funding to communities, and asks MDOT to restore funding at or near current level and continue their strong support for alternate modes of transportation.

Letter – BCC signed, dated July 11, 2012. To N. Faroni/Big Sky Economic Development Trust Fund ("BSEDTF")/MT DOC, Helena, in support for BitterRoot Economic Development District's application a BSEDTF Category II planning grant for Pimlico Studios (for help with a third-party feasibility study to develop a full services motion picture/television production facility in Missoula County).

Additional discussion item(s): None.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated July 12, 2012:

- 1) Approving request from Malissa Bennett, Missoula, to refund taxes/fees overpaid due to her 100% disabled veteran status.
- 2) Approving request from Eric Pallas, Missoula, to refund taxes/fees overpaid for a "street legal" motorcycle (when he stated it would be used as race bike only).
- 3) Denying request from Harold Fullerton, Missoula, to waive penalty/interest for tax payment postmarked June 1, 2012. BCC has no legal authority to do so.
- 4) Approving request from Kent Averett, Missoula, to refund taxes/fees paid for sold Vehicle #2901883.
- 5) Denying request from Shauna Miller, Missoula, to waive penalty/interest for tax payment received after the due date of May 31, 2012. BCC has no legal authority to do so.
- 6) Approving request from H. Wilson/Action Services LLC, Missoula, to refund taxes/fees paid for sold Vehicle #2395162.
- 7) Denying request from Dara Sprague, Missoula, to refund motor vehicle taxes/fees paid for 1973 boat.
- 8) Follow-up letter to Cheryle Lee Blakney, Huson [see June 15th Journal entry], stating taxes for 2011 were reduced/prorated to date the mobile home was destroyed. Also, Ms. Blakney will not receive tax bill for 2012 tax year for her mobile home.

- 9) Follow-up letter to Nathaniel Johnson, Missoula [see June 15th Journal entry], stating his request was denied. Property CDU had been adjusted from Good to Average. Reduction in property value was based on change in condition, not error in description or location of real property or improvements.
- 10) Follow-up letter to Angie Sloan, Alberton [see June 15th Journal entry], re: her 2011 real estate tax bill. Wes Redden, DOR, will contact State DOR Office to see if taxes can be reduced.

PUBLIC MEETING – July 11, 2012**1. CALL TO ORDER**

Commissioners Present: Commissioner Jean Curtiss, Commissioner Michele Landquist

Commissioners Absent: Commissioner (Chair) Bill Carey

Staff Present: Deputy County Attorney, James McCubbin, OPG, Jennie Dixon, Weed District, Jerry Marks, Weed District, Bryce Christiaens

2. PLEDGE OF ALLEGIANCE**3. PUBLIC ANNOUNCEMENTS**

Commissioners Gas Tax Decision ~ Commissioner Landquist read the letter written by the Board of County Commissioners to the City Council regarding the request to put the gas tax on the ballot.

4. PUBLIC COMMENT: None**5. ROUTINE ADMINISTRATIVE ACTIONS**

Bi-Weekly Claims List (\$1,534,836.93)

Executive Session

Commissioner Landquist made motion that the Board of County Commissioner approve the Bi-Weekly Claims List in the amount of \$1,534,836.93. Commissioner Curtiss seconded the motion. The motion carried a vote of 2-0.

6. HEARING (Certificate of Survey)

Hohn (Jeffrey) Family Transfer

Jennie Dixon read the staff report. Mr. Hohn represented by PCI proposes to transfer a 20 acre parcel to his daughter, Melissa, a 20 acre parcel to his son, Garrett and he also proposes to transfer a 40 acre parcel to his wife. Mr. Hohn intends to retain ownership of the remaining 80 acre parcel. The total acreage encompasses 160 acres and is unzoned. Jennie asked Mr. Jeffrey Hohn the standard Family Transfer questions.

Commissioner Landquist: Whose road accesses the property? Forest service road and you were given an easement?

Jeffrey Hohn: We're part of a user's agreement.

Commissioner Landquist: We're not reviewing your access road but too often when folks buy certain pieces of property that have a road through it that either belongs to it or has access to DNRC lands or forest service lands. It comes back with little clouds on their title with the bank later on when they try to do things later. I just wanted to have a brief road discussion with you so that you're aware of whatever road issues may crop up in the future, if any. You purchased this property from Plum Creek, right?

Jeffrey Hohn: Correct.

Commissioner Landquist: And they gave you some sort of road easement, often when lands/roads access forest service lands and it's their road, they make other land owners that have pieces of the property enter into a user agreement, so you may have to help with maintenance costs along the way. I just wanted to make sure you were aware of it.

Jeffrey Hohn: Yes, I'm well aware.

Public Comment: None

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the request to create three (3) additional parcels by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Curtiss seconded the motion. The motion carried a vote of 2-0.

7. HEARING

Noxious Weed Management Plan 2012 Update

Jerry Marks, Department Head for the Missoula Weed District and Bryce Christiaens, Weed District Manager, gave update. The three main changes that have gone through for these since this plan was last approved by the Weed Board in 2010, were the inclusion of aquatic invasion species, the inclusion

of compliance policy and the clarification of what's required for weed management plan for subdivisions.

You can access their website to get updated information.

<http://www.missoulaeduplace.org>

Commissioner Curtiss: I think we have the only weed district person that has tattoos on his arm of native plants.

Commissioner Landquist: I really appreciate the work that you have put into this and the updates that you made to it, especially the part regarding the comprehensive subdivision vegetation management guidelines. Like Appendix C, the City/County Partnership Program, it says here that the funds are available to assist County Road Department, Park Department, Missoula Open Space and other City/County Departments that manage land in the development and implementation of integrated weed management programs. I think as some of you know, especially Jerry Marks, I bow my head to you because I've been pretty head strong about noxious weeds and wanting the County take a more diligent role in our county properties, in managing our weeds. My question to you is; Kind of give us ...or give me some guidance to where we go from here. To the Commissioners, do we need to do some sort of Resolution following this up to make it more clear? Like to the Fair, the Development Park, Fort Missoula, I know they're all trying to do their part, some of them are working on weed management plans but do we need to do something more official so that the county lands that we're responsible for they have a Resolution spelling it out that they need to have a weed management plan and be actively implementing it or what?

Jerry Marks: I don't know what the easiest answer is there but our expectation is that each of them has their own plan that includes noxious weeds but also includes an overall vegetation program. To this date, the City of Missoula with their Open Space have gone through that entire process, it took about 10 years to work through that, they do have an outstanding plan. County Parks is certainly working with us; they're still not at a stage with a complete plan. Public Works has moved steps forward and we're doing some mapping for them this summer but it isn't done yet. Bob Brown at the Historical Museum has had an active program for a number of years and we do cooperate with him, I can't say he has a plan on file with us and we haven't made a big issue because he has a very active program. For our expectations we would expect each of the departments that manage land have some kind of plan that there's. We do have a grant's program to facilitate that and we do provide staff help; mapping or whatever it takes.

Commissioner Landquist: And I want to give kudos, you know I think highly of your mapping program. I don't know if it's still just the one man, super hero of mine, Jed Little, who walks and uses GPS and identifies everything and provides the landowner with a map. What a valuable, valuable service and it's at no cost to the landowner. It's a great starting point.

Jerry Marks: Yes, I agree with you. And Jed is also very active with groups that have folks that want to go out and do their own GPS, then works with them to download it to make their own maps. So we do try various ways of doing it. I think it's very important for folks that manage the land to be able to develop that visual picture and that whatever plan comes out, it is theirs, that they have a passion. If it's simply out to kill a few weeds or keep ahead, I don't think they will ever be totally successful in that venture.

Commissioner Landquist: Are you setup yet to where if someone was out and sees a noxious weed, especially ones in Class 2 or something that aren't that common, that they could GPS it to you, or email it to you? Do you have something like that, or are we going to get there?

Bryce Christiaens: Yes, there is a form on our website that people can upload GPS coordinates and a photo for identifying plant species or we also have the plant clinic where people can bring in physical specimens for us to identify.

Jerry Marks: I think the addition, we struggle with the new invaders since there's so much area out there and trying to be everywhere, but we are setup internally to at least help people to make sure things are identified. We've talked about enhancing that program; use of volunteers, working with the landowner groups so they do their searches. I think as much as we can get into the hands of the people, the better off we are.

One other comment I'd make in each of our program areas, I meant to mention. We make a list in our plan of the current management plan and the needs, we evaluate these annually to see where we are and what we've gotten done and go through a process of what we do the following year, it's for us to see where we're going, so that becomes part of our ongoing process so this plan is constantly evolving.

Commissioner Landquist: We've noticed your banners along Higgins and we've received some really good feedback, people are enjoying them. They're not only pretty but they're teaching people, so what a wonderful concept. I think you had some spare money or something, that you did that with? Kudos to you.

Public Comment: None

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the adoption of the Missoula County Updated Noxious Weed Management Plan, Title 7, Chapter 22, Section 7-22-21011 through 7-22-2153. Commissioner Curtiss seconded the motion. The motion carried a vote of 2-0.

8. OTHER BUSINESS: None

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9. RECESS

Being no further business to come before the Board, The Board of County Commissioners was in recess.

After Public Meeting, BCC approved/signed:

Resolution No. 2012-063 – BCC signed, dated July 11, 2012. Adopting Missoula County Noxious Weed Management Plan 2012. Public Hearing held July 11, 2012.

Resolution No. 2012-062 – BCC signed, dated July 11, 2012. Approving petition to abandon a 40-foot wide utility easement affecting Tracts E and F of Remick's Swan River Tracts No. 2, Block 2, Lots 1-6, situated in Section 1 of T 20 N, R 17 W, PMM, Missoula County. Public Meeting held June 6, 2012.

THURSDAY, JULY 12, 2012

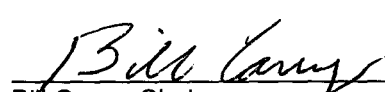
BCC did not meet in regular session. ML traveled to Superior for HRC Board Meeting, held at mineral County Courthouse. Evening: JC attended meeting of West Valley Community Council. BC on vacation through Monday, July 16th.

ADMINISTRATIVE MEETING – CANCELED**FRIDAY, JULY 13, 2012**

BCC did not meet in regular session. JC out of the office most of day. BC on vacation through Monday, July 16th.

Resolution No. 2012-064 – JC/ML signed, dated July 13, 2012. Abandoning a portion of West Twin Creek Road, located in Section 2 of T 13 N, R 17 W, and Sections 33, 34 & 35 of T 14 N, R 17 W, PMM, Missoula. Hearings held December 7, 2011 and June 6, 2012.


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

MONDAY, JULY 16, 2012

BCC did not meet in regular session. JC and ML out of office all day. BC on vacation through this date.

TUESDAY, JULY 17, 2012

BCC met in regular session; all three present. Evening: ML attended meeting of Shelby Water District Board.

Indemnity Bond – BC signed. Marsha Cummerford, Missoula, Principal for Sheriff/Detention Warrant #60-030659, issued March 5, 2012. Amount/\$111.87 (for Inmate Commissary Account balance). Warrant lost.

Replacement Warrant - BC signed. Yeej Moua, Missoula, Principal for MCPS Warrant #28-220474, issued June 29, 2012 on Payroll Fund. Amount/\$334.37 (for wages). Not received in mail; no bond of indemnity required.

ADMINISTRATIVE MEETING

Local Government's Request – Acting Chair JC signed checklist and drawdown #2 request for CDBG planning grant (#MT-CDBG-09-PG-12) Preliminary Architectural Report for Poverello Center in Missoula. Amount requested/\$4,533.01. Total grant amount/\$17,325 with 50/50 match from Poverello Center. Project term/ August 19, 2009-August 19, 2012. Original to Jean Harte.

Contract – BCC signed, dated July 9, 2012. Between County and Cold Hard Cash, Inc. to provide live music entertainment on August 9, 2012 at the Western Montana Fair. Amount/\$900 for two shows: 5:00pm-6:30pm and 9:00pm-10:30pm. One original to Steve Earle/Fair.

Renewal Contract – BCC signed. #CM 8199(113) Between County, Missoula OPG, and MDT for FY 2012-13 funding for Missoula In Motion (TDM Program) using Congestion Mitigation and Air Quality funds through June 30, 2013. Amount/ \$175,000. One original to Barb Berens/Auditor.

Letter – BCC signed, dated July 17, 2012. To Ray Benford c/o Colleen Dowdall/Worden Thane P.C., Missoula, in support of Mr. Benford and asking for an update re: his home in Lolo and his willingness to repair damage done by previous owner to riparian areas on property.

Letter – BCC signed, dated July 17, 2012. To Carol Evans, Seeley Lake, expressing sadness with her resignation from the Seeley Lake Community Council. BCC appreciates her long-standing devotion to Seeley Lake, its people and its natural resources, and will continue to follow-up on issues she has raised so all community councils can better serve their communities.

Letter – BCC signed, dated July 11, 2012. To Paul Matter/Dry Gulch Access/Lolo National Forest/Missoula, expressing grave concerns on the special use permit request to use Dry Gulch Road #9961 to access properties held by Pruyn Estate for residential purposes. BCC stated that if a special use permit is granted, a notice should be attached to the permit setting forth lack of emergency services available to area, etc.

Additional discussion item(s): TPCC Review.

WEDNESDAY, JULY 18, 2012

BCC met in regular session; all three present. Afternoon: BCC presided at County Employee Service Awards, held in Admin B14.

CAO MEETING

Renewal Agreement – BC signed. Between County (IS-TS) and Blackfoot Communications for County's Telecom provider. Also provides additional PRI for total of three, to include long distance calling. Term/36 months from date signed. Amount/approx. \$50,700. Two originals to Teresa Emery/TS

Contract Document – BC signed *Sources of Information* document, in connection with MT DPHHS contracts with County Attorney's Office to pay for paralegal position to assist in dependent neglect cases. Document lists sources of info that may be consulted by contractors for guidance on health care privacy requirements. Original to Marnie McClain/Attorney's Office.

MOU – BC signed. Between County (MCCHD) and St. Patrick Hospital covering expenses related to delivery of training and curriculum for Coordinated Approach to Child Health Program for County schools. Budget covers 0.5 FTE for Lisa Tims. Amount/\$30,476.16. Term/July 1, 2012-June 30, 2013. Two originals to Julie Mohr/MCCHD for further signatures/handling.

Amendment – BC signed. #2 to Task Order #12-07-5-21-060-0 between MCCHD and MT DPHHS (Breastfeeding Peer Counselor Program-WIC) as follows: 1) Changes Effective Date/Period of Performance from October 1, 2011 through September 30, 2012 (vs. June 30, 2012); and 2) Additional funding in amount of \$8,500 will be added to contract for a final total not to exceed \$34,000. Three originals to Julie Mohr/MCCHD.

Additional discussion item(s): None.

NO PUBLIC MEETING HELD THIS DATE

THURSDAY, JULY 19, 2012

BCC met in regular session; all three present. BCC in Budget deliberations all morning. Afternoon: BCC met with Matt Butler of Verizon, re: Cell Tower on Waterworks Hill. Evening: ML attended Fair Planning Committee Meeting, held at Fairgrounds.

ADMINISTRATIVE MEETING

Contract and Addendum – BCC signed, dated July 9, 2012. Between County Ibey Sprinkler/Landscape, Inc. for landscape maintenance for MDP Airway Boulevard and Expressway medians/roundabout. Amount/\$15,075. Term/July 19, 2014-October 31, 2014. Addendum – BC signed, dated July 13, 2012. Relating to: 1) provision of traffic control (#201 County Public Works Manual) when workers are in roadway/on medians; and 2) Workers to wear high visibility clothing in conformance to ANSI Class2. One original to Barb Martens/Projects.

Addendum #2 – BC signed, dated July 19, 2012. Extending Option Agreement by additional four months (to October 31, 2012) for Lot 1-6, MDP-Phase 5C (dated December 9, 2011) between County and Pimlico Studios, Inc. with condition that Seth Bloom of Pimlico (President/CEO) provide MDA with copy of completed RoadTown feasibility study no later than September 15, 2012. Purchase price/\$3,000,000.

Offer to Purchase – BC signed Sale Agreement/Addenda A & B. County Airport Industrial District and MAEDC's offer to purchase 148,954 sq. ft (+/-) of northernmost extent of Lot 1B, Block 4, MDP-Phase 1B), being a portion of that approx. 4.56 acre lot, as platted. Price/\$3.00 per sq. ft. (for land and not buildings). Total price/\$446,862. Lot originally sold to EndoBiologics in 2000. Original to Barb Martens/Projects.

MOU – BC signed. Between County (Justice Courts 1 & 2 via MT Office of Court Administrator) and CitePayUSA ePayment Services to process all fines paid by credit/debit cards through CitePay to interact with Courts software systems. Amount/\$30,476.16. Term/July 1, 2012-June 30, 2013. Two originals to Julie Mohr/MCCHD for further signatures/handling.

Agreement – BC signed, dated July 11, 2012. Between Missoula County and Mineral County for the services of the Missoula County Superintendent of Schools, Missoula, for 2012-2013. Amount/\$3,300.

Additional discussion item(s): Review of CIP Budget.

FRIDAY, JULY 20, 2012

BCC met in regular session; all three present. Early evening: BCC attended County Employees Picnic, held at Franklin Park.


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

MONDAY, JULY 23, 2012

BCC met in regular session; all three present. BCC in Budget deliberations all afternoon.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Bennett Family Transfer; 3) Lowry Family Transfer; 4) OPG Director's update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Deer Creek (Seeley Lake) Open Space Bond Project update; 3) Communications; 4) Director's update.

Certificate of Title – BC signed on behalf of County Animal Control; purchase of 1995 Ford Ranger

TUESDAY, JULY 24, 2012

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Contract – BCC signed, dated July 10, 2012. Between County (PHC) and Missoula OPG for PHC to provide services to Dept. of Corrections clients through a .06 FTE counselor. Amount/\$23,643 (funded by HB130 grant from DPHHS/Addictive & Mental Disorders Program). Term/August 4, 2012-June 30, 2012. Two originals to Andrea Laine/PHC.

Contract – BCC signed, dated July 10, 2012. Between County Weed District (with DNRC, FWP & MDA) and Mountain Valley Plant Management ("MVPM") to eradicate Yellowflag Iris on Clearwater River. Amount/\$15,387 (\$15,000 to MVPM; \$387 for internal mapping support). Term/August 7-September 15, 2012. Two originals to Bill Otten/Weed Dist.

Request – BCC retroactively approved expenditure of \$3,385 from Parks Fund for water pump replacement by Western Montana Pumps, LLC at Fort Missoula Regional Park. Fund available in Parks FY13 Budget. Original to Christine Dascenzo/ County Parks.

Task Order – BC signed. #13-07-6-11-035-0 between MCCHD and MT DPHHS (Public Health Emergency Preparedness & Training). Annual renewal of 7-year Master Contract for 2012. Amount/\$147,552. Three originals to Julie Mohr/MCCHD.

Bid Award – BCC awarded bid for Flynn Trail Project and upgrade to pedestrian crossing near Hellgate Trading Post to L.S. Jensen (only bidder). Amount/\$143,648.90. To Greg Robertson/Public Works.

Bid Award – BCC awarded bid for Courthouse Renovation Project (Phase 2) to Jackson Contractor Group (lowest bidder). Amount/\$4,895,667. To Barb Berens/Auditor.

Additional discussion item(s): 1) Resolution Regulating Parking on Tamarack Road/Juniper Drive; 2) Tickler items.

WEDNESDAY, JULY 25, 2012

BCC met in regular session; all three present. Morning: BCC attended MEP Investor Breakfast, held at Missoula Federal Credit Union on Brooks Street. Late afternoon: BCC presented plaque to 2012 Outstanding Employee of the Year, at Detention Center Briefing Room.

Replacement Warrant - BC signed. Lynn Weger, Missoula, Principal for MCPS Warrant #28-197395, issued October 2, 2009 on Payroll Fund. Amount/\$933.78 (for wages). Not received in mail; no bond of indemnity required.

CAO MEETING

Request – BCC reviewed several basic organizational structures related to City and County OPG (and related services) re-organization project. Per management team's recommendation, BCC selected "Alternative 1", as set forth therein. Original to Dale Bickell/CAO.

Request – BCC reviewed 118 Enhancement Requests from various County Departments for inclusion in the 2013 County Budget. BCC approved all but approx. 15 (as set forth on matrix therein). Original to Andrew Czorny/CFO.

Board Appointment – BCC appointed Duane Schlabach to the Seeley Lake Community Council to fill Carol Evans' unexpired term to May 31, 2013. Mr. Schlabach must run in the May 2013 Special District Election for a new three-year term.

Letter – BCC signed, dated July 24, 2012. To Dick Ainsworth, Chair, East Missoula Community Council, stating County is in process of restructuring land use planning efforts, and the Council's request for assistance is timely. County will be balancing available resources with needs in/requests from Seeley Lake, Lolo, Frenchtown, Bonner, East Missoula, the Swan and Evaro,

Additional discussion item(s): Tickler items.

PUBLIC MEETING – July 25, 2012

1. CALL TO ORDER

Commissioners Present: Commissioner (Chair) Bill Carey, Commissioner Michele Landquist, Commissioner Jean Curtiss

Staff Present: Jennie Dixon, OPG

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

Fair week, August 7-12

4. PUBLIC COMMENT: None

5. ROUTINE ADMINISTRATIVE ACTIONS

Bi-Weekly Claims List (\$2,852,653.63)

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners approve the bi-weekly claims list in the amount of \$2,852,653.63. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

6. HEARINGS

a. Lowry (Kelland & Gail) Family Transfer

Jennie Dixon read the staff report and asked Ms. Lowry the standard family transfer questions.

Public Comment: None

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the request to create (1) additional parcel by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Curtiss seconded the motion. The motion carried a vote of 3-0.

b. Bennett (Raymond and Mary) Family Transfer

Jennie Dixon read the staff report and asked Mr. Bennett the standard family transfer questions.

Commissioner Curtiss: As Jennie stated the Floodplain Administrator had some comments to make. I was just wondering; if you figure out that you might need a little different configuration then what is drawn on the picture, or have you already checked to make sure the water table is okay for a septic system?

Raymond Bennett: We haven't checked into that. The floodplain on the septic system but this log loader is sitting at the base of that gravel pit. That log loader is about 12 feet tall and the ground that log loader sitting on is approximately 4 or 5 feet higher than these water pictures are. The proposed site is up here on this railroad grade which you can see is probably 20 or 30 feet higher than that log loader.

Commissioner Curtiss: So my main question was just whether or not there's flexibility if we approve this today that if they discover, Greg might be able to answer this, that they need...because you can't put the septic up on that mound, you can put the house there. We just want to make sure that you have adequate land to put a septic if need be.

Raymond Bennett: Oh yes, we do.

Jennie Dixon: When I was going over this with Todd in person he did comment to me in person, but not in his letter, that this is probably the best spot to create a separate parcel out of the parent tract.

Commissioner Landquist: Because it's at the beginning of the outside bend?

Jennie Dixon: I believe so, yes.

Raymond Bennett: As far as the rip-rap that goes on there, that rip-rap has been on that river for over 100 years when the Milwaukee Railroad put it in there.

Commissioner Landquist: So you said that you inherited the property, that you've had it about 8 years now?

Raymond Bennett: Yes, we've lived there for 35 years.

Commissioner Landquist: Okay. So you've seen it through some pretty high water times, right?

Raymond Bennett: Yes, I think that map on the floodplain, to my knowledge which goes back over 50 years, I believe that parcel down on that lower end flooded about 5 or 6 times.

Commissioner Landquist: We normally don't ask questions like this because as Jennie said when she gave you the review questions, we're not reviewing it for access; we're not reviewing for adequate septic placement and wells placement. The reason our interest is running so high regarding this particular piece of property is because it's right next to the river and especially because it's on an outside bend and rivers change and we wanted you to make note and understand what you could and could not do in the event that high water does someday maybe change the channel and wash out some of the rip-rap and that the railroad levels were never considered or built to any certified level standard.

Raymond Bennett: Yes I understand that. It does have some history behind it there on that outside corner, over 100 years that's been put in there and it hasn't moved any yet.

Greg Martinsen, Bennett's agent for the property: If you have any questions about it, I'd be glad to answer them but I will also note that if you look through the materials that I assume you received, you look at the floodplain map and that little arrow that says abandoned railroad grade, if it was pulled over to the east probably about 600 or 700 feet, that would be the site that is being proposed to be divided as a gift to the child. You will also note on there, you look at the floodplain there, in that particular bend the floodplain is a ½ mile wide. It goes clear up to the interstate Hwy right-a-way. What I'm saying is there's a large, large, large area in there other than just the main channel that the floodplain goes into, which means it rises very little during a flood stage. It also means the velocity of the stream is slowed considerably in that area, that's probably why the railroads been there for over a 100 years. It doesn't seem to show any chance of going away. If you look at the next photo, preliminary floodplain, that red area is the zone AE, the floodplain zone I was just discussing. It shows the western boundary of the Bennett's property and the railroad berm cut where the residence and drain field will be, it's a long ways in distance, like 800 feet. It's well above the 100 year floodplain, its 25 feet or so above. It's hard to tell elevation from these maps. There's a lot of change in elevation and there's absolutely nothing to be worried about in relation to the floodplain.

Commissioner Landquist: My only concern was to make sure that in case there was high groundwater you had enough location but if you're confident in that, I'm fine with it all.

My concern regarding the floodplain is the fact that it is right next to a river on an outside bend. The 100 year floodplain, just like the 50 year floodplain, just because the railroad was there for 100 years, 100 year floodplain just means that at least once in 100 years that land may flood, that's what that means. I have river front property too and I know how things change dramatically, I just wanted the land owners...I find some assurance knowing that they've lived there for 30+ years. But I also know that living through the...and being a County Commissioner during the high water last year in the Target Range area and the question kept surfacing; How did these people get allowed to build there, how are they allowed to build? Sooner or later that question may be asked here, I hope never, but I just want people to be very, very aware. If you do end up finding that there's high ground water issues, that will be your problem to deal with and that if in the future if there is something going on with that outside bend, you will have to seek other ways of solving it rather than just thinking you can rip-rap it, just because it was already rip rapped there for ions before you owned, that's all I was concerned about.

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioner approve the request to create (1) additional parcel by the use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

7. OTHER BUSINESS: None

8. RECESS

Being no further business to come before the Board, the Commissioners were in recess at 1:54.

PRELIMINARY BUDGET HEARING – July 25, 2012

Andrew Czorney: Presentation ~ National economy update.

(First part of recording was inaudible)

Public Comment

\$6500 CVO fund. Last fiscal year it was \$5500. We've been recommended for approximately a 25% cut for this next fiscal year and I would just ask for reconsideration of that. Now more than ever we are seeing a real need for these services, it's a topic that not a lot people want to address or acknowledge that we have in our community but we do. This year's request was \$6,500; in fiscal year 2012 we received \$5,000. The recommended was \$3,825.

Fran ~ Watsons Children Shelter: Thank you for your years of support of Watson's Children Shelter as we continue to serve abused, neglected, abandoned children from Greater Missoula and Western Montana. Update, we are seeing the most children we've ever seen in our history, we are now estimating we're going to finish this fiscal year serving 160 children, that's almost double what we saw in previous years. Close to capacity in both of our homes. We are seeing the severity of children that are being referred to us at a high level of emotional needs; it's placing a lot of stress on staff and placing a lot of stress on our ongoing need for services and for funds. In recent years you were very kind in supporting us with a \$20,000 grant annually, last year we were cut down to \$10,000 and then this coming fiscal year it was recommended a cut of 25% down to \$7,800. I would ask you to at least reconsider putting us back to the \$10,000 we asked to be reinstated to the original amount and I know that's probably unrealistic unfortunately we're having to continually go back to the community to ask for funds and we're finding that that's becoming distressful as everyone is experiencing needs.

Teresa ~ Parenting Place: Children abuse prevention program. As with everyone we're experiencing the same cuts, the same kinds of drops in our budgets across the board. Now more than ever I think funding from those sources especially that are so creditable to us in gaining funds from other sources. When you have your County's support or your City's support, or your local United Way's support it means a lot when you go to ask someone else for money. What I'd like to ask today is basically the same as what you've been hearing; you may take a look at our recommendation and reconsider an increase to that as well. The major thing we focus on is prevention; I'd like to bring more *prevention* dollars to the table.

Danette ~ Big Brothers, Big Sisters: Thank you for your support. With your support this last year we ended fiscal year 2012 matching 317 children from the community. Also experiencing a lot of changes in our funding and in our particular case with us with have the kids and we've got the volunteers but unfortunately, we do not have all the money that we need to continue provide our prevention program to the community. As Teresa mentioned I hope that you will continue to support prevention programs in our community.

Janice ~ Boys & Girls Club: This is the third year we've been supported by Missoula County. We offer after school programs and summer camps and focus on education and prevention. What you are supporting is a drug & alcohol prevention program specifically designed for young kids. We're lucky this year to have an intern who's bringing in some new ideas. In our after school program we have more kids enrolled this past year than in the 15 year history of the program and our summer camps are going strong, we are able to do that because we're able to keep our cost low due to support from the County, United Way and organizations like that. Thank you.

Christian ~ CASA: Thank you for your support over the years. We have more cases than we've ever had, just since January we've had 67, which is a record for this time of year. We have 69 volunteers that advocate for kids in court who have been removed from their homes that were experiencing abuse and neglect, now they're in limbo they're either in foster care at Watson's, parents are working on a treatment plan, everyone's just trying to figure out when kids can go home. It's a huge decision for a judge to decide the future of a child's life and the cost of a volunteer. If there's a CASA on the case, the case goes much quicker and the kids aren't in limbo for as long, which is ideal. We use the money used for training and for operation costs. Expenses keep going up to rent spaces in the community so we just ask that you continue providing the support that you do. We're trying to reach out with some new fund raising ideas as well.

Billy ~ Missoula Forum for Children and Youth: Thank you, I haven't been in this position for a very long time but I've definitely seen the impact that the support the County has provided. The funding has allowed us to continue doing the work that we do helping many of these agencies collaborate and putting together trainings and things that we are very proud of doing and hope to continue doing. Thank you also for allowing the Mill Levy to come through and your role in that. A few things that we're doing, I'm sure you've heard about the community conversation, a series coming up that will be addressing substance abuse in youth in the community. As well as the report card that we're putting out providing some statistical information on what the community looks like here in Missoula in regard to substance abuse in minors.

Ilene ~ Missoula Aging Services. Like others I'm here to express our appreciation for the funding that we've received through the community based organization program. The funding that we apply for is for our under age 60 meals on wheels recipients. It's very important for this particular group of clients because there aren't a lot of other funding sources, at least that we receive through aging services to support those who are under age 60. We've seen a 17% increase in the number of meals served this year, compared to last year.

Hearing recessed until September 5, 2012.

Being no further business to come before the board, the Board of County Commissioners was in recess at 3:14.

THURSDAY, JULY 26, 2012

BCC met in regular session; all three present. Noon: BC/JC attended retirement celebrations for Karen Gonzales (at Missoula Public Library), and Susan Leaphart (in Room 374 of Courthouse).

Indemnity Bond – BC signed. Susan Langley, Missoula, Principal for Payroll Warrant #16012068, issued January 10, 2011 on County Payroll Fund. Amount/\$70.76 (for substitute wages). Warrant lost.

Indemnity Bond – BC signed. Virginia McHugh, Missoula, Principal for Payroll Warrant #16012450, issued June 13, 2011 on County Payroll Fund. Amount/\$222.40 (for shortage paid to certified staff).

Indemnity Bond – BC signed. Meghan Ekstrand, Missoula, Principal for Payroll Warrant #16012082, issued January 10, 2011 on County Payroll Fund. Amount/\$64.40 (for substitute wages). Warrant lost.

Indemnity Bond – BC signed. Ashley Lundborg, Missoula, Principal for Payroll Warrant #16012068, issued April 8, 2011 on County Payroll Fund. Amount/\$175.90 (for substitute wages). Warrant lost.

ADMINISTRATIVE MEETING

Resolution No. 2012-065 – BC signed, dated June 26, 2012. Qualifying purchase of lands to be owned by FWP in Deer Creek area near Seeley Lake as a "Qualified Open Space Project" for expenditure of \$75,000 (County's share) in 2006 Open Space bond funds per April 5, 2007 Interlocal Agreement between City and County of Missoula.

Agreement – BCC signed, dated July 26, 2012. Between County and Chem-Safe Environmental for annual Household Hazardous Waste and Conditionally Exempt Small Quantity Generator Waste Collection Events, to be held on September 7 & 8, 2012. Amount/approx. \$24,000 (fee schedule set forth therein). Term/September 6-October 31, 2012. Two originals to Peter Nielsen/Health Dept. for further signatures/handling.

Board Appointment – BCC appointed Jedediah Rogers to fill Chris Nygren's unexpired term on the Fairgrounds Advisory Committee. Mr. Rogers' term begins immediately and ends September 20, 2013, at which time he will be eligible for appointment to a new three-year term.

Board Appointment – BCC appointed 1st Alternate Stuart Clemow as Regular Member on the Weed Board to fill Stan Lucier's unexpired term to December 31, 2013 (at which time he will be eligible for appointment to a new three-year term).

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated July 25, 2012. Amount/\$74,426.28. To County Auditor.

Additional discussion item(s): 1) Pulp Mill site; 2) Parking on Tamarack Road/Juniper Drive; 3) Maclay Bridge update; 4) BCC Tickler items.

FRIDAY, JULY 27, 2012

BCC met in regular session; quorum present. ML out of the office all day.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 14/CY2012 - Pay Date/July 25, 2012. Total Payroll/\$1,301,582.61. To County Auditor.


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

MONDAY, JULY 30, 2012

BCC met in regular session; quorum present. ML out of the office all day. Evening: BC attended Parks Open House presentation on Fort Missoula Design Development Concepts, held in Admin B14.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Halcro Shoreline Permit; 3) Seifert Shoreline Permit; 4) Rock Creek LIDAR Collection (*info*); 5) OPG Director's update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Land Managers MOU August Meeting update; 3) Communications; 4) Director's update.

Shoreline Permit – BC signed. #13-01 for Applicant Carol Halcro to replace current permanent dock with floating aluminum/vinyl dock at 698 Perimeter, Lot J-4, Big Sky Lake Estates – Lee Addition. Original to Todd Kietz/OPG.

Shoreline Permit – BC signed. #13-02 for Applicant Scott/Ivy Seifert to change configuration of existing dock at 692 Access Road, Big Sky Lake (Lot X3 McGillen Addition). Original to Todd Kietz/OPG.

TUESDAY, JULY 31, 2012

BCC met in regular session; all three present. Noon: BC/ML attended Special Joint City/County Parks Boards meeting (re: DHM Design at Fort Missoula). JC attended Retirement Celebration for Ken Anderson.

ADMINISTRATIVE MEETING

Contract – BCC signed, dated June 29, 2012. Between County and Reane, Inc. d/b/a AxentEdge/AxentGreen to provide weed maintenance (Broadleaf weed spraying) for Lot 13, MDP-Phase 3C (5404 W. Harrier-LaLonde Ranch). Amount/\$851. Term/July 31-August 10, 2012. One original to Barb Martens/Projects.

Form – Prepared by Chris Lounsbury, Director of Emergency Services BCC approved FY 2012 County Election Form for Secure Rural Schools Act State Payments (vs. 25% '16 USC 500' Payments). County will receive \$819,569. Original to C. Lounsbury/OEM.

Letter – BCC signed, dated July 31, 2012. To Eunice Misbe, thanking her for her many years of service to Missoula County (in particular, the Western MT Fair). The BCC also sent her a framed pen/ink drawing of the Courthouse, done by Kevin Parks.

Additional discussion item(s): August 8, 2012 Public Meeting.

MISSOULA COUNTY COMMISSIONERS' JOURNAL: AUGUST, 2012
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BCC = BOARD OF COUNTY COMMISSIONERS

BC = Commissioner Bill Carey, Chair

ML = Commissioner Michele Landquist

JC = Commissioner Jean Curtiss

The following Claims Lists were signed during the month of AUGUST 2012:

Date Signed	Claims List Date	Who signed	Amount
August 1, 2012	July 25, 2012	BCC	\$26,600.04
			\$3,222.20
August 1, 2012	July 26, 2012	BCC	\$4,022.36
			\$30,846.82
			\$2,991.66
August 1, 2012	July 31, 2012	BCC	\$77,596.36
			\$1,791.57
August 2, 2012	July 31, 2012	BCC	\$242.65
			\$5,650.76
			\$2,940.67
			\$127,652.46
August 2, 2012	August 1, 2012	BCC	\$17,900.95
			\$3,018.79
			\$1,405.24
			\$521.03
			\$7,212.75
			\$3,695.95
			\$1,069.47
			\$5,100.00
			\$11,847.18
August 2, 2012	August 2, 2012	BCC	\$5,765.21
			\$2,520.60
			\$1,158.12
			\$234.65
			\$692.03
August 3, 2012	July 31, 2012	BC, JC	\$5,433.30
August 3, 2012	August 1, 2012	BC, JC	\$5,839.91
August 3, 2012	August 2, 2012	BC, JC	\$141.83
			\$10,000.00
			\$7,827.75
			\$3,923.78
			\$1,024.94
			\$170.55
			\$38,046.49
			\$1,630.23
			\$29,899.40
			\$198.68
August 6, 2012	August 2, 2012	BCC	\$468.89
August 6, 2012	August 6, 2012	BCC	\$460.36
			\$68,790.26
			\$4,672.60
			\$6,734.12
August 8, 2012	August 2, 2012	BCC	\$223.00
August 8, 2012	August 6, 2012	BCC	\$15,804.46
August 8, 2012	August 7, 2012	BCC	\$1,308.62
			\$4,974.78
			\$1,460.00
			\$8,010.88
			\$4,704.42
			\$6,731.52

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August 8, 2012	PHC Amerisource ACH		\$80.00
August 8, 2012	August 8, 2012	BCC	\$45,943.70
August 8, 2012	August 7, 2012	BCC	\$42,815.03
August 9, 2012	August 9, 2012	BCC	\$900.00
August 9, 2012	August 9, 2012	JC, BC	\$170,065.00
August 10, 2012	August 7, 2012	BC, JC	\$3,306.64
			\$287.00
			\$1,111.57
August 10, 2012	August 8, 2012	BC, JC	\$1,984.22
			\$5,538.79
			\$5,957.98
August 10, 2012	August 9, 2012	BC, JC	\$16.65
			\$3,170.00
			\$3,746.00
			\$8,239.49
			\$20,094.15
			\$37,000.67
			\$2,181.82
			\$128.92
			\$1,268.70
			\$239.70
			\$7,000.00
			\$1,020.62
			\$1,531.21
			\$631.50
			\$124.46
			\$140.00
			\$358.15
			\$36.00
August 13, 2012	August 13, 2012	BCC	\$3,287.24
August 14, 2012	August 8, 2012	BCC	\$8,548.87
August 14, 2012	August 11, 2012	BCC	\$8,284.00
			\$9,120.00
			\$23,560.00
			\$8,930.00
			\$2,926.13
			\$5,244.00
			\$6,108.45
			\$5,986.45
August 14, 2012	August 13, 2012	BCC	\$5,592.48
			\$1,079,614.76
			\$5,204.45
			\$6,716.85
			\$3,723.88
			\$58,306.22
			\$12,667.64
			\$57,955.48
			\$1,030.22
			\$1,922.14
August 14, 2012	August 14, 2012	BCC	\$6,500.00
			\$2,251.52
			\$3,341.55
			\$3,235.00
			\$6,677.11
			\$3,918.75
August 10, 2012	PHC Cardinal Health ACH		\$35,386.86
August 10, 2012	PHC Cardinal Health ACH		\$93,438.36
August 15, 2012	August 13, 2012	BCC	\$4,877.43

August 15, 2012	August 14, 2012	BCC	\$41,530.68
			\$170.89
			\$574.93
			\$25.00
August 16, 2012	August 13, 2012	BCC	\$4,610.17
August 16, 2012	August 14, 2012	BCC	\$123,148.99
			\$857.44
August 16, 2012	August 15, 2012	BCC	\$49,651.14
			\$5,848.78
			\$28,423.64
			\$258,361.27
			\$1,473.08
			\$19,730.03
			\$4,210.76
			\$395.27
August 17, 2012	August 16, 2012	BC, JC	\$750,000.00
			\$5,584.09
			\$23,627.96
			\$160.00
August 20, 2012	August 16, 2012	BCC	\$44,207.37
			\$36,006.47
			\$781.82
			\$6,851.75
			\$29,480.81
			\$62,952.82
August 20, 2012	August 17, 2012	BCC	\$4,825.43
August 21, 2012	August 20, 2012	BCC	\$4,428.76
			\$176.25
			\$1,611.44
			\$14,900.89
			\$486.07
			\$11,015.83
			\$1,358.88
			\$17,374.52
			\$11,354.41
			\$5,514.98
			\$10,478.81
August 22, 2012	August 21, 2012	BCC	\$6,450.00
			\$57,732.85
			\$44,393.47
			\$604.49
			\$6,201.56
			\$3,205.99
			\$17,021.48
August 22, 2012	August 22, 2012	BCC	\$4,195.72
			\$1,520.77
August 23, 2012	August 20, 2012	BCC	\$17,401.03
August 23, 2012	August 22, 2012	BCC	\$253.80
			\$25.00
			\$12,669.45
			\$4,074.76
			\$10,343.10
August 24, 2012	August 22, 2012	BC, ML	\$85.00
			\$44.36

August 24, 2012	August 23, 2012	BC, ML	\$3,901.39
			\$2,809.96
			\$325.59
			\$3,554.55
			\$9,053.08
			\$1,747.21
August 28, 2012	August 23, 2012	JC, ML	\$1,057,414.27
August 28, 2012	August 27, 2012	JC, ML	\$22,586.95
			\$2,133.21
			\$12,691.75
			\$965.97
August 27, 2012	PHC Cardinal Health ACH		\$32,572.18
August 27, 2012	PHC Cardinal Health ACH		\$67,330.56
August 29, 2012	August 27, 2012	BCC	\$11,439.82
August 29, 2012	August 28, 2012	BCC	\$16,599.13
			\$371.62
			\$2,957.46
			\$3,053.00
			\$327,679.14
			\$32,747.09
			\$11,773.39
August 30, 2012	August 28, 2012	BCC	\$747.53
			\$1,718.17
August 30, 2012	August 29, 2012	BCC	\$821.76
			\$29,053.66
			\$19,532.77
			\$499.86
			\$104.00
			\$623.19
			\$1,367.50
			\$3,334.17
			\$1,707.54
			\$4,374.06
			\$1,443.49
			\$16,303.05
August 31, 2012	PHC Amerisource ACH		\$376.40

All Claims Lists were returned to the Accounting Department.

WEDNESDAY, AUGUST 1, 2012

BCC met in regular session; all three present.

Site Visit

BCC traveled to Deer Creek, Seeley Lake, to view land being considered for Seeley Lake Open Space Bond Project.

Monthly Report - BC examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending July 2012.

CAO MEETING

Modification – BC signed. #2 to contract between MCCHD and Paragon Bermuda (Canada) LTD (dated August 18, 2008) for web-based, electronic food establishment inspections. Modification provides for fixed monthly license fee for Paragon’s pool/spa inspection module; MCCHD will pay Paragon \$1,200 per year. Project begin: August 15, 2012. Two originals to Julie Mohr/MCCHD for further signatures/handling.

MOU – BCC signed, dated May 7, 2012. Between County and City of Missoula for 2012 Edward Byrne Memorial Justice Assistance Grant (#2012-H2609-MT-DJ). City (Fiscal Agent) to provide \$17,611 to County for part-time property clerk; City to use \$40,090 balance of grant for various programs. Term/July 1, 2012-June 30, 2013. Two originals to Dawn Seaton/Sheriff’s Dept.

Additional discussion item(s): None.

No Public Meeting held this date.

THURSDAY, AUGUST 2, 2012

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Amendment – BC signed. #1 to Task Order #12-07-5-31-035-0 between MCCHD and MT DPHHS (Maternal/Infant/Early Childhood Home Visiting Development Project). Extends end date of task order to September 30, 2012 (vs. June 30, 2012. \$100,000 awarded in task order was paid in FY2012). Originals to Julie Mohr/MCCHD for further signatures/handling.

Task Order – BC signed. #13-07-4-31-031-0 between MCCHD and MT DPHHS (Immunization Program). For 2nd half of Calendar Year 2012. Amount/\$18,560. Originals to Julie Mohr/MCCHD.

Task Order – BC signed. #13-07-5-31-012-0 between MCCHD and MT DPHHS (MT's Initiative for Abatement of Mortality in Infants – Public Health Home Visiting). Amount/\$84,917. Term/July 1, 2012-June 30, 2013. Originals to Julie Mohr/MCCHD.

Task Order – BC signed. #13-07-5-01-032-0 between MCCHD and MT DPHHS (Maternal Child Health Block Grant). Amount/four quarterly payments of \$33,762. Term/July 1, 2012-June 30, 2013. Originals to Julie Mohr/MCCHD.

Letter: To Mica Lindsey, Compliance Officer, Montana CDC regarding transfer of funds to CDC signed and dated 8/2/12.


Additional discussion item(s): None.

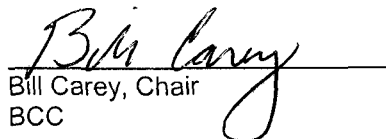
FRIDAY, AUGUST 3, 2012

BCC met in regular session; quorum present. ML out of office all day.

Monthly Report - BC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending July 2012.

Monthly Report – BC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending July 2012.


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

MONDAY, AUGUST 6, 2012

BCC met in regular session; all three present.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) McCutcheon Shoreline Permit; 3) Joyner Shoreline Permit; 4) OPG Director's update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) 2012 Missoula County Land Stewardship Award Recommendation (John Rimel-OLC); 3) Communications; 4) Director's update.

Shoreline Permit – BC signed. #12-06 for Applicant Donald Joyner to replace existing dock on Skull Island, Salmon Lake. Original to Mitch Doherty/OPG.

Shoreline Permit – JC signed. #13-01A for Applicant Colleen McCutcheon to build dock & stairway dock on Placid Lake (364 So. Shore Place). Disturbed areas within shoreline protection zone to be replanted with native vegetation. Original to Mitch Doherty/OPG.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 15/CY2012 - Pay Date/July 27, 2012. Total Payroll/\$1,308,073.72. To County Auditor.

TUESDAY, AUGUST 7, 2012

BCC met in regular session; all three present. Late morning: BCC participated in judging of booths at Western MT Fair.

ADMINISTRATIVE MEETING

County Proclamation – BCC signed, dated August 7, 2012. Naming Bill and Betty Potter of the Blackfoot Valley as recipients of the 2012 Missoula County Land Stewardship Award, and thanking them for their outstanding efforts in caring for natural resources in the County and for providing citizens with an opportunity to learn from their success.

Letter – BCC signed, dated August 7, 2012. To Ms. Wannebo/MT DOC/MT MicroBusiness Finance Program, Helena, in support of the MT Community Development Corporation's application for certification in our region as a MicroBusiness Development Corp. for the Dept. of Commerce.

Additional discussion item(s): None.

WEDNESDAY, AUGUST 8, 2012

BCC met in regular session; all three present. Noon: JC attended MBWN Luncheon, held at Holiday Inn.

CAO MEETING

Agreement – BCC signed, dated August 8, 2012. Between County and YWCA for Missoula Ada's Place Program (Services/housing to families affected by domestic violence). Amount/\$101,201 Continuum of Care Grant; County to receive \$2,385.50 for administering grant. One original to Melissa Gordon/OPG.

Resolution No. 2012-066 – BCC signed, dated August 8, 2012. Adopting Compensation Schedule for FY2013 for elected officials, as recommended/adopted by the FY 2013 County Compensation Board, effective June 24, 2012.

Contract – BCC signed, dated August 8, 2012. Formalizing Bid Award between County and LS Jensen for Flynn Trail Project. Amount/\$143,648.90. Term/August-September 2012.

Change Order – BC signed. #1 to contract between County (IS) and Resource Data, Inc. for Parcel Integration in Enterprise GIS and prepare for GCDB standard. Amount/\$20,000 increase to contract; total contract amount \$45,000. Term/August 15-October 30, 2012. Original to Jim Dolezal/IS.

Contract – BC signed. #HC-325 between County (MCCHD) and Center for Breastfeeding, (part of Healthy Children Project, Inc.) for delivery of Certified Lactation Counselor Training Program in Missoula. Amount/\$30,000 (to come from amendment to WIC Program task order). Term/September 10-14, 2012. Originals to Julie Mohr/MCCHD for further signatures/handling.

Contract – BCC signed, dated August 8, 2012. Between County (MCCHD) and Sanders County for provision of Registered Dietitian and Competent Professional Authority Services for Sanders County WIC clients. Services to be delivered via web cam, phone, and e-mail. Term/June 1, 2012-June 30, 2013. Three originals to Julie Mohr/MCCHD for further signatures/handling.

Letter – BCC signed letter from Missoula Metropolitan Planning Organization ("MPO") to Pam Langve-Davis, MT DOT, for MDT technical/financial assistance for development of a Community Transportation Safety Plan for Missoula area. No local matching funds required. Project end: 2013. Signatures also required from Mayor Engen, TPCC Chair, and MPO Planner. Original to Ann Cundy/MPO.

Letter – BCC signed, dated August 8, 2012. To Faye Krueger/Northern Region One/USFS/Missoula, supporting acquisition of former Plum Creek timberland by the USFS as part of MT Legacy Project (Legacy Completion LWCF FY14 Proposal).

Letter – BCC reviewed letter signed by CAO Dale Bickell, dated August 1, 2012. To Major David Pierce/Salvation Army, Missoula, expressing interest in the County occupying space for the purpose of general local government at 301 West Broadway. County anticipates majority of 1st floor of building to be occupied by grants/transportation staff. Remainder of building to be available for Salvation Army needs.

Claims Larchmont - BCC signed one (1) Signature Page for A/P Invoice Register dated August 8, 2012. Amount/\$81,114.67. To County Auditor.

Additional discussion item(s): None.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated August 10, 2012:

- 1) Denying request from Gayla Erickson, Kennewick, WA, to waive penalty/interest for taxpayer id #196159. BCC has no legal authority to do so.
- 2) Denying request from Mary Kingery, Missoula, to refund taxes/fees paid to permanently register 1996 Mercury Villager. BCC has no legal authority to do so.
- 3) Approving request from Tess Nielson, Missoula, to refund motor vehicle taxes paid for vehicle #1313255.
- 4) Denying request from Paul Gladen, Missoula, to refund penalty/interest for taxpayer id #3389301. BCC has no legal authority to do so.
- 5) Approving request from Sterling Miller, Lolo, to refund motor vehicle taxes/fees paid in error, contingent on proof vehicle was destroyed.
- 6) Approving request from Judith Oliver, Lolo, to waive penalty/interest for taxpayer id #1688304.
- 7) Approving request from Daniel Bennett, Missoula, to refund motor vehicle taxes/fees paid in error for vehicle #2033465.
- 8) Approving request from Dan Dixon, Missoula, to refund motor vehicle taxes/fees paid in error, contingent on proof vehicle was sold.

- 9) Approving request from Barbara Martens, Missoula, to waive penalty/interest for taxpayer id #4184558 (County-owned Lot 4, MDP-Phase 3C).
- 10) Letter to Angie Sloan, Alberton, MT, stating DOR is requesting info for her PTAP for 2011. Once received, DOR will proceed with applying reduction to her 2011 taxes.

No Public Meeting held this date.

THURSDAY, AUGUST 9, 2012

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Contract – BC signed. Between County (MCCHD) and Shodair Children's Hospital for Registered dietician services for patients served by Hospital's Metabolic Clinic. Compensation based on monthly invoices to the hospital. Term/July 1, 2012-June 30, 2013. Two originals to Julie Mohr/MCCHD for further signatures/handling.

Appearance Release – BC signed. To allow MCCHD Employee, Alisha Johnson, R.S., to be filmed for an episode of "Health Inspectors", a new documentary being produced for the Food Network by Leftfield Pictures of New York.

Contract – BCC signed. Between County (MCCHD) and Granite County for provision of Public Health Nursing Services 20 hours/week for maternal child health/immunization/Agency on Aging/communicable disease followup. Amount/\$43,207.21. Term/July 1, 2012-June 30, 2013. Two originals to Julie Mohr/MCCHD for further signatures/handling.

Additional discussion item(s): 1) Bonner Mill Site; and 2) Address for published directories for County will remain 200 W. Broadway.

FRIDAY, AUGUST 10, 2012

BCC met in regular session; all three present.



Vickie M. Zeier
Clerk & Recorder



Bill Carey, Chair
BCC

MONDAY, AUGUST 13, 2012

BCC met in regular session; all three present.

Planning Status Meeting – CANCELED (No Agenda Items)

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Communications; 3) Director's update.

TUESDAY, AUGUST 14, 2012

BCC met in regular session; all three present. Morning: JC, et al met with Senator Jon Tester re: Federal Public Health Funding. Noon: JC participated in Orchard Gardens Outreach Tour.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 16/CY2012 - Pay Date/August 10, 2012. Total Payroll/\$1,296,326.19. To County Auditor.

Bylaws – BCC approved/signed Amendment to Bylaws for Historical Museum at Fort Missoula Board of Trustees. Amendment creates term limits for appointed members. One original to Bob Brown/Museum.

Letter – BCC signed, dated August 7, 2012. To Jamie Kirby, Missoula, addressing his concerns re: issues/criminal activity in his Target Range neighborhood. BCC sympathizes with him, but County lacks authority to pass an ordinance, since we have a "general powers" government. BCC suggests he continue to contact 9-1-1 when needed and notifying Target Range HOA may also be appropriate.

Additional discussion item(s): Changes to Moving Ahead for Progress in the 21st Century Act (MAP-21). JC will personally deliver comments to MACo.

WEDNESDAY, AUGUST 15, 2012

BCC met in regular session; all three present. Late afternoon: JC attended *Make Your Move* Event to end sexual violence. Evening: JC attended meeting of Evaro-Finley-O'Keefe Community Council.

CAO MEETING

RCA – BCC approved/signed request to authorize payment for overtime compensation (in excess of 40 hour per work week) for Undersheriff and Captains in accordance with County HR Policy 214.30. Original to Sheriff.

Task Order – BC signed. #13-07-3-31-011-0 between MCCHD and MT DPHHS (MT Tobacco Use Prevention Program). Annual renewal of 7-year Master Contract for period July 1, 2012-June 30, 2013. Amount/\$91,928. Three originals to Julie Mohr/MCCHD.

Requests – BCC reviewed/signed 2013 Budget Enhancement Requests #119 and #120 asking for pay exception pursuant to County Policy #205.00 to increase pay of Office Managers for Justice Courts #1 (Odlin) and #2 (Orzech). Amount/\$10,821 per Office Manager. Original to Andrew Czorny/CFO.

Letter – BCC signed, dated August 15, 2012. To Mayor John Engen, City of Missoula, requesting reimbursement to County in amount of \$3,287.24 for City permit fees for Flynn Lane Trail Project. This project was funded by County, though a portion is in City limits.

Additional discussion item(s): Public Works Monthly Departmental update: a) Expired permits; b) Correspondence review; c) Delayed items; d) Road safety; e) Other items of mutual interest.

No Public Meeting held this date.

THURSDAY, AUGUST 16, 2012

BCC met in regular session; all three present. Morning: BCC met with Jamie Wise, Legislative Director for Senator Tester. Afternoon: JC participated in MACo conference call. BCC, et al, participated in tour of Creamery Building renovations.

ADMINISTRATIVE MEETING

Resolution No. 2012-067 – BCC signed, dated August 16, 2012. Designating Office of Planning/Grants as the Environmental Preparer for a District XI Human Resource Council, Inc. HOME Grant from the MT Department of Commerce – effective August 16, 2012.

Contract – BCC signed. Between County (PHC) and Adam Jensen, DDS for provision of dental services at PHC. Amount/\$110,000 per year. Term/July 1, 2012-June 30, 2015. Originals to C&R and Andrea Laine/PHC.

Contract – BCC signed. Between County (PHC) and Terry Delgadillo for provision of services as Operations Coordinator/Compliance Officer at PHC. Amount/\$55,000 per year. Term/July 1, 2012-June 30, 2014. Originals to C&R and Andrea Laine/PHC.

Additional discussion item(s): MACo Resolutions for September 2012 Conference.

FRIDAY, AUGUST 17, 2012

BCC did not meet in regular session. JC traveled to Hamilton for MACo District 10 & 11 Meeting. ML out of office all day.

Indemnity Bond – BC signed. Charles Douglas Myers, Great Falls, Principal for Sheriff/Detention Warrant #60-034254, issued July 6, 2012. Amount/\$45.15 (for Inmate Commissary Account balance). Warrant lost.


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

MONDAY, AUGUST 20, 2012

BCC met in regular session; all three present. Afternoon: BCC participated in Rural Land Managers MOU/ Field Trip to Rock Creek Confluence project site.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Fred Rush Addition Subdivision (info); 3) Veale Subdivision (info); 4) OPG Director's update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) County Parks and Trails Program Project update; 3) August 22nd Planning Board Meeting update; 4) Deer Creek Conservation Project update; 5) Communications; 6) Director's update.

TUESDAY, AUGUST 21, 2012

BCC met in regular session; all three present. Evening: ML attended meeting of Swan Valley Community Council.

ADMINISTRATIVE MEETING

Resolution No. 2012-068 – BCC signed, dated August 23, 2012. Submitting to the Electors at the November 6, 2012 General Election the Question of Creating the Seeley Lake Resort Area Tax (with language used on accompanying Petition). Petition signed by 15%+ of registered electors in area was received/verified by County Elections Office.

Contract – BCC signed. Between County (PHC) and Anna Burham, Dental Hygienist, for provision of dental services to patients at PHC. Amount/\$32.13 per hour for .27 FTE. Term/July 1, 2012-June 30, 2013. Originals to C&R and Andrea Laine/PHC.

Contract – BCC signed. Between County (PHC) and Liz Rolle, Dental Hygienist, for provision of dental services to patients at PHC. Amount/\$34.30 per hour for .15 FTE. Term/July 1, 2012-June 30, 2013. Originals to C&R and Andrea Laine/PHC.

Contract – BCC signed. Between County (PHC) and Doreen Boyer, Finance Director, specifying her responsibility for overall fiscal management of PHC's information systems/supervision of personnel. Amount/\$73,000 per year. Term/July 1, 2012-June 30, 2014. Originals to C&R and Andrea Laine/PHC.

Contract – BCC signed, dated August 7, 2012. Between County and DTM Consulting, Inc. to complete PLACE (Practical Landscape Assessment for Conservation and Enhancement) Interactive web-based mapping application (to display natural resource data in a user-friendly accessible format). Project is fully funded by \$20,000 MLIAC grant received by County on July 17, 2012. Term/August 2012 (upon signed contract)-June 30, 2013. Originals to C&R and Nate Rogers/RI.

Contract – BCC signed, dated August 21, 2012. Between County (MCCHD) and Sandra Kuntz for MIECHV ID (Maternal/Infant/Early Childhood Home Visiting Infrastructure Development) Community Assessment Project (per Task Order 12-07-5-31-035-0). Amount/not to exceed \$9,500. Term/May 1-September 30, 2012. Three originals to Julie Mohr/MCCHD for further signatures/handling.

Task Order – BC signed. #13-07-3-01-087-0 between MCCHD and MT DPHHS (MT Asthma Control Home Visiting Program). Yearly contract for home visiting in Missoula and Granite Counties. Amount/\$35,000. Term/July 1, 2012-August 31, 2013. Three originals to Julie Mohr/MCCHD for further signatures/handling.

Letters – BCC signed three (3) letters, dated August 8, 2012. To: 1) Mike Thompson (MT FWP, Region 2); 2) Lindsey Bona (County Weed District); and 3) Bob Schroeder (Conservation District Board Member), all of Missoula, thanking them on behalf of the BCC and the Open Lands Citizen Advisory Committee greatly appreciate their participation in the Land Stewardship Award Program. Their expertise has been critical in making this program successful.

Additional discussion item(s): None.

WEDNESDAY, AUGUST 22, 2012

BCC met in regular session; all three present. Early morning: JC attended meeting of MEP Board.

CAO MEETING – Canceled/No Agenda Items

PUBLIC MEETING – August 22, 20121. **CALL TO ORDER**

Commissioners Present: Commissioner (Chair) Bill Carey, Commissioner Jean Curtiss, Commissioner Michele Landquist

Staff Present: Deputy County Attorney, James McCubbin, Karen Hughes, Rural Initiatives

2. **PLEDGE OF ALLEGIANCE**3. **PUBLIC ANNOUNCEMENTS**

Commissioner Curtiss: Missoula Aging Services is always looking for volunteers to deliver Meals on Wheels, you don't have to do it every day, and you can pick a day. They have clerical assistance and they also oversee the foster grandparent programs/senior companion. If you're interested, contact Missoula Aging Services.

Commissioner Landquist: The fire season is upon us and it's very, very high. Whoever it is that's setting off the fireworks in the Lolo Creek Drainage needs to stop doing it now, it's done!

4. **PUBLIC COMMENT:** None5. **ROUTINE ADMINISTRATIVE ACTIONS**

Monthly Claims List (\$4,745,323.97)

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners approve the Monthly Claims List in the amount of \$4,745,323.97. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

6. PRESENTATION

Adventure Cycling (Jim Sayer, Executive Director)

Jim Sayer: Thank you for attending the Open House of our new building.
Showed presentation

7. HEARING**Deer Creek Open Space Bond Project**

Karen Hughes read the staff report. In terms of the staff recommendation the 2007 interlocal agreement related to the Open Space Bond establishes the general purposes of the open space bond and the project meets several of the purposes of the bond including; protecting water quality of rivers, lakes and streams, protecting wildlife habitat, managing for growth, providing open space and scenic landscapes and providing wildlife corridors.
Staff recommends approval of the project.

Lewis Kogan, Five Valleys Land Trust: Deer Creek Conservation Project. We are requesting \$75,000 in county open space bond funding. The project property is 640 acres currently owned by Plum Creek Timber Company. The project cost in total are \$1.28 million dollars of which \$1.25 million comes from the agreed upon purchase price from Plum Creek Timber Company and the remaining \$30,000 represents legal fees directly incurred by Five Valleys in negotiating that purchase price. Of the total project cost, we're requesting \$75,000 from Missoula County, which represents less than 6% of the total costs. This project is going to result in the protection of habitat for more than 30 species of concern in Montana and habitat for more than 160 native species documented on or adjacent to the project property. It will protect a source of clean water which feeds directly into Seeley Lake, which is the municipal water source for the community of Seeley Lake. With the county's support we expect to be completely done with this project and closed with it in October of this year.

John Rimel, Member Open Lands Committee: OLC recommends approval of this project. Deer Creek & Fawn Creek frontage, prior to the bond passage, when a poll was done of Missoula County residents, protection of water sheds ranked one of the highest among values that citizens wanted to see protected in that effort to deal with land conservation. Not only are we protecting fresh water that comes into Seeley Lake but there's also the opportunity to restore that fishery and its spawning ground. Partnership ~ Missoula County is a fairly small part of a real partnership among people who are funding this acquisition. It's a key piece but it also gives Missoula County the opportunity to have a great bang for a buck.

Public Comment: None

Executive Session

Commissioner Curtiss: Great piece of property enjoyed the tour. It's a great addition to that Marshall block that we already set aside, not the county but the state to protect water quality, wildlife, fisheries. I thought it was interesting to find out that we have...what are the lemmings called? Northern bog lemmings that we didn't know we had and they will now be studied by folks; we found a species we didn't know about up there.

Commissioner Landquist: I echo Commissioner Curtiss' comments. The opportunities that have been coming before the Commissioners for utilizing some of this open space bond money seems like they just keep getting better and better and better and they're all different and unique, offering different things. It's such a privilege and an honor to think not only about this one, but the others that we've done so far, it may not seem like such a big deal today at this point and time, but to think of what this means for the future generations when they look back.

Commissioner Landquist made Motion that the Board of County Commissioners approve the expenditure of \$75,000 in Open Space Bonds funds via the attached resolution, towards the acquisition of land by Montana Fish, Wildlife & Parks in the Seeley Lake area, based on findings that the project qualifies for funding, recommendations of the Open Lands Citizen Advisory Committee, public hearing comments, and staff's analysis, with the condition that a deed restriction stating that the land shall be managed for open space purposes be placed on the parcel prior to release of Open Space Bond funds. Commissioner Curtiss seconded the motion. The motion carried a vote of 3-0.

8. CONSIDERATIONS:**a. Fred Rush Addition (2 lots) North side of South 3rd between Tower Road & Clements****Aaron Wilson read staff report:**

A portion of the property north of the Clark Fork River channel, that's not included in this subdivision, because it's separated by that channel which is State owned land, determined to be a separate piece of property and is not included. Related to that, there is a recommended condition that a statement be placed on the plat noting that that property is not part of the subdivision, to be clear.

The property has a minimum lot width of 1/3 the average lot depth, that's the reason for the common area. This lot 2 if extended to the property boundary on the channel of the Clark Fork River would exceed that minimum lot width; the depth would be too long. So with that common area both lots meet the zoning for both density and lot configuration.

There is riparian resource associated with the Clark Fork River on the North end of the property, the developer has proposed including that in a riparian resource no improve zone. They have also proposed a 25 foot riparian resource buffer and included a riparian resource buffer and included a riparian resource management plan that outlines their proposed restricted use of those areas.

There's one variance request ~ South 3rd Street is classified as a residential location so subdivision regulations require the developer to install a bicycle lane, staff supports the variance in that standard. There aren't any other bike lanes in the vicinity, it's a fairly narrow roadway and we would support that request for variance.

Staff recommends approval of the variance and approval of the subdivision subject to the recommended 15 conditions of approval.

Commissioner Landquist: Comparing flood maps.

Dale McCormick, PCI: Representing Fred & Linda Rush.

The waiver from the requirement to connect to water and sewer has been approved by the State DEQ because it meets the criteria of not being economically practical due to the fact the cost of installing water and sewer at \$58,232 would be almost five times the cost of installing the well and drainfield at \$12,074 this far exceeds the three times the cost criteria used in State Law. There was no ground water less than seven feet deep in the vicinity of the proposed drainfield. We are in agreement with staff's recommendation with the exception of proposed conditions 7 & 9, recommending a 100 foot riparian buffer. Fred & Linda have taken a lot of care in creating a landscape attractive to birds, as acknowledged by the Audubon Society. However, we don't agree with the Audubon Society's recommendation. They recommend a 120 foot riparian buffer; Fish Wildlife & Parks recommends a 100 foot buffer. Jackie Corday, City Parks Open Space Manager recommended a 50 foot buffer and Lisa Moisey with County Parks found the 25 foot buffer we proposed to be acceptable and had no adverse comments. When this was approved previously as a three lot subdivision in 2005 for preliminary plat approval it was approved with a 50 foot buffer based on a similar comment from Jackie Corday, at that time. Our preference is for a 25 foot buffer but a 50 foot buffer would be an acceptable compromise. We would ask that you support staff's recommendation for approval of the variance request and Fred Rush Addition Subdivision subject to staff's recommended conditions with the exception of conditions 7 & 9.

Commissioner Curtiss: We all learned about what the Clark Fork River is doing in that area, it's a pretty braided channel and we have quite a wandering stream in the area. Even though the bank is well defined right now, you don't know exactly what it's going to look like in the future.

Commissioner Landquist: I'm also concerned about the riparian area, not just for the wildlife but for the human protection aspect because I did find some of the photos from 2011. I did go out and visit the area that was flooded so badly a year ago to check it out this spring, this particular channel and some of the others, there's still sources of concern. I think the more room we allow the channel to do its migration things, these things are just so unpredictable and I get a little apprehensive about approving something that someday somebody's going to say; how did people get permits to build so close to the river? It wasn't a river, now it's a channel of the river, these things move and they need the ability to move. I take the agency comments pretty seriously, why should they waste their time making comments if it's just going to fall on deaf ears. The Fish, Wildlife & Parks comments that said see attached photo from June 11th, I couldn't find that in the packet but I'm wondering if it's some of the same stuff I have from 2011 during the Clark Fork flooding. That says, keep in mind that the side channel of the river could potentially become a main channel over time, a wider buffer zone would enable some channel migration for the river as well as help protect the residents from placing structures or their investment too close to the river. I'm thinking rather than go the full 100 feet to me a compromise would be 75 feet, I'm much more comfortable going with 100 feet but I'm also wanting people to be able to use their land and live with the land, they're going to be living with enough conditions so I'm willing to go 75 feet but I don't think I'm willing to go any less for that buffer zone for the riparian.

Did Todd Kleitz comment?

Aaron Wilson: Yes he did comment. There was an email received, his concerns were mostly related to the 100 year flood, elevation should be on the plat and the high ground water. I don't know if it was included in the packet.

Dale McCormick: I know Todd did comment but I'm having a hard time finding it in the packet as well. To clarify, the location if you look at where the river channel is on the other side of the channel, it has an elevation of 31.26 and if you look at basically the edge of the common area you have a contour that's 31.36 so you have basically 10 feet of elevation change over that distance between the north end of the common area and the south end of the common area. So it is quite in size at that point which is one of the reasons why we felt that a 25 foot buffer would be sufficient because you don't really get that much more...there's a gently sloping edge to the river then I could understand where there might be more of a tendency for riparian vegetation to really move into that area but because it is a 10 foot drop and really does contain the flooding. If you look at where the shared driveway is, it's lower closer to 3rd and then it slopes up and then drops down to the river. In fact, the areas where we encountered some high ground water when we dug the test holes was actually closer to 3rd and then the areas where there was no high ground water where the drainfield is proposed is further north. So it is a little counterintuitive to what you might think. Again, really my understanding of the riparian buffer was that it was about the riparian vegetation not about flooding. Todd didn't really have any comments other than his standard comments about two foot separation above base flood elevation for mechanical equipment.

Commissioner Landquist: It's also an outside bend, this channel and I was visiting one of the neighbors...I've seen the changes back in this section of the river and the various channels, this particular side channel really does concern me for the future. It's an outside bend and that's where the banks slough off and get eroded and fall into the river and then you don't have any bank or gradual anything. That's what that migration protection zone is all about.

Commissioner Curtiss: It's nice to see a piece of property that's been well taken care of and that you have planted trees that have made it a nice habitat for birds and animals, on all the property, not just the riparian area.

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners requests to vary from Subdivision Regulations Article 3, Section 3.2.3(6), which requires that bicycle lanes be provided on all streets that are functionally and classified as collector or arterial streets be approved. Commissioner Curtiss seconded the motion. The motion carried a vote of 3-0.

Commissioner Landquist made motion that the Board of County Commissioners that the Fred Rush Addition Subdivision be approved based on the findings of fact in the staff report and subject to the recommended conditions of approval in the staff report, going with the 100 foot riparian protection zone in the staff's report. Commissioner Curtiss seconded the motion. The motion carried a vote of 3-0.

Commissioner Landquist: I will submit the aerial photograph that I was looking at that I pulled off my computer from the floods of 2011; Aaron helped me make sure I was locating the right property so it's only fair I include it in today's information.

b. Veale Subdivision (2 lots on 2.38 acres) Terry Lane in Lolo

Tim Worley read staff report. Terry Lane which isn't far from the Bitterroot River and SE Lolo, the nearest county maintained paved road is Expedition Drive. There's a small portion of the property in the SW corner that's within the area of significant flood risk designation. Terry Lane provides access to the subdivision. The route that folks typically take to get this location, they come by way of Expedition Drive, this connects with Terry Lane which continues east of the subdivision towards the Bitterroot River. Terry Lane does meet basic emergency access standards but per recommendations of County Public Works we are recommending that it be renamed. Deb Evison is here from Public Works and can speak to that but I believe but I believe the recommendation in particular addresses this east/west portion of Terry Lane. So again, road renaming is one of the recommended conditions. Also, we're recommending that legal access be obtained for the short section of Terry Lane between Expedition Drive and the subdivision. We're also recommending that any onsite easement dedications address the use and scope of the Veale Subdivision. There's a small little are of FEMA floodplain on the Southwestern portion of the property, since the building area of the subdivisions going to be further east this doesn't seem to be any logistical problem. Todd Kleitz did recommend that this area end up as a no improvement zone, per whatever current FEMA floodplain map has been adopted by the time this gets filed as a final plat. There is a preliminary defirm that covers the Lolo area so this area of no improvement zone might change from what you're seeing right here. And per Todd's typical recommendation also, we're recommending the covenants include language requiring that the lowest floor of the new home be two feet above the base flood elevation. County Public Works does recommend that there be a waiver of the right to protest an RSID that would pay for connection to the public sewer in the area. After talking to Deb late last week we do recommend a small correction; since Terry Lane isn't public right-of-way, we recommend striking a line in the waiver statement that makes reference to public right-of-way. Also I noticed a typo in the waiver, I said 'proper' instead of 'property' so we should address that, it's on page 19 and 20 in the back of the staff report.

Dale McCormick, PCI: Representing John and Mara Veale.

This portion of Terry Lane is a private road and a shared roadway and public utility easement. The waiver from requirement to connect to water and sewer has been approved by the State DEQ because it meets the criteria of not being economically practical due to the fact that the cost of installing water and sewer of \$82,251 would be almost 6 times the cost of installing a well and drainfield at \$14,235. This far exceeded the 3 times the cost criteria used in State law. Groundwater monitoring was done this past summer and all the groundwater monitoring pipes came up dry, so there's no groundwater less than 7 feet deep in the vicinity of the proposed drainfield. We ask that you support staffs recommendation for approval of the Veale Subdivision subject to staffs recommended conditions.

Commissioner Curtiss: Deb, as we look at that renaming of the road; Terry Lane starts to the west, goes east/west then goes north. Are we going to rename more than once? Looks to me like you probably don't want it to go around the corner either, are you thinking it might have two new roads?

Deb Evison: The way it sits right now, Terry Lane starts at Lewis & Clark Drive and that is public road right-of-way and it goes east/west then it makes a turn to the north. Where it makes that turn to the north it becomes a private road easement and that portion is also known as Terry Lane and that continues all the way north to the school property. At this time we're only asking to rename that portion that goes in front of their house because that is a private access easement, we have no way to rename it at this point...a mechanism to rename that. We could but normally we do that when someone comes in for either a building permit or there's some mechanism that allows us to do that.

Commissioner Curtiss: Again, you might want to state why we're looking so closely at road names related to emergency response.

Deb Evison: Absolutely, that is our biggest concern right now. I realize that folks have probably had these addresses for quite some time but because there is a directional change, as well as an ownership change in the easement, we feel that it's pertinent for our emergency 9-1-1 facilities to rename this private access.

Sterling Miller: I live at 5375 Terry Lane which is on the east end of that east/west section that you're talking about. I have three minor comments on the proposal. One deals with the road renaming; I did read the full packet. I'm not quite sure where we are on the road naming issue. All my issues none of them are relative to the proposed subdivision, they all deal with impacts on neighbors, like us. There

would be an impact on the neighbors of renaming that road. My recommendation is if there's some compelling reason to rename the road, then all the neighbors that are on the section of the road to be renamed need to be involved in that decision making process. Many people have been there 20-30 years and they should be able to have a say in how the road is named. My first preference would be no renaming but if there's a compelling reason to name it, the neighbors have to be involved in that process. There are only four neighbors that would be involved.

Second thing as I read through the packet, it says that there were no known covenants and there are in fact covenants, those can be accessed and found by a title record company. They are standard.

My third point: I looked at the section on the road access; it deals the road maintenance agreement. We are on the extreme east end of that road and for many years now we have been the only people doing road maintenance on that section of Terry Lane. We've asked all the other neighbors to be involved in sharing those costs and they have all declined, therefore, we have shouldered for many years the entire cost of the road maintenance. My request would be as a condition of approval of this subdivision that the proposer of the subdivision be required to enter into a road maintenance agreement and that be binding on whoever he sells this new proposed lot to. The other neighbors on the road will not sign such a road maintenance agreement but we will and since we're the only ones that are now maintaining the road, we don't think it's unreasonable as a condition of approval of this subdivision.

Deb Evison: We do have a mechanism in place in Missoula County Public Works manual that allows for folks that live on a private road easement, there is a form there; it does have to go through the process. All folks will be contacted and they will be allowed to have their say in what the new road name will be. So we do have a mechanism in place for that, and that is recommended as part of the conditions prior to final plat approval.

Dale McCormick: I wanted to address the last point that Mr. Miller made about a road maintenance agreement. In the packet right behind the wild land residential interface information, in the covenants is a road maintenance agreement for the two lots. So there is an agreement proposed, signed and notarized that insures that the second lot that's being created will have access maintained between those two parties.

Commissioner Curtiss: Mr. McCormick, I think what Mr. Miller was trying to say was he would hope, and I don't know that we can require it because we can only deal with the property that's in front of us, I believe. But I think what Mr. Miller was trying to say was he would hope that you would talk to the other neighbors and get as many as possible...and Mr. Miller has said they're willing to join that agreement so that the cost could be shared and the work be shared.

Dale McCormick: Sure and I understand the spirit of that but I am concerned if it were to become a condition of subdivision approval.

Commissioner Curtiss: I'm not sure that we could condition it that way. We just hope that that would be what you do.

Commissioner Carey: James, any comment on that?

James McCubbin: Sure. You can only condition based on the impacts of the subdivision and at lease I'm not aware of impacts that would exist for this subdivision further to the east, basically impacts are along the frontage of the subdivision, up to Expedition Drive. Some folks might drive out Terry but it doesn't make any sense for them to go that way, just adds distance. So really the impact is on the northern frontage and the western frontage to the Expedition Drive intersection, that's about all you can really condition.

Commissioner Curtiss: And if the property that Mr. Miller suggested may be up for sale and be subdivided in the future, they would be expected to have an agreement also, so at that point it would definitely get spread further.

James McCubbin: Correct. And there's nothing preventing the developing from entering an agreement that would extend further and if they did that it would be a minor amendment. I don't think you could require it at this point.

Commissioner Curtiss: But it also doesn't say that the road maintenance agreement can only be to these two parties, so others could be added, I would guess.

James McCubbin: Yes and forgive me, I didn't look at that language in particular detail but if there were any inconsistency to expand the agreement that would fine.

Commissioner Curtiss: The one other one was Mr. Miller's comment about current covenants. If there are covenants on the property currently, do we need to reflect that somehow and amend them?

James McCubbin: If there are current covenants those covenants will continue to apply and if they're inconsistent with the subdivision they might prevent the recording of the final plat.

Dale McCormick: We weren't aware of any covenants but certainly if there are covenants that apply to the property that would be required to be attached to the information with the filing of the final plat.

Commissioner Curtiss: So do we want anything in these documents to reflect covenants not in conflict with existing that may apply?

James McCubbin: I don't think so; you're reviewing the application based on the information that's been presented to you. If there are covenants that have omitted from the application that we discover later on, we'll have to address those.

Commissioner Landquist: When's our last day that we have to approve this? I'm just wondering if we have time to clear it up before approving it so we don't end up with a mistake on the records costing people money.

James McCubbin: We can always do an extension to not have a final decision.

Commissioner Landquist: If we're not under some sort of deadline.

Sterling Miller: Just to explain how I know there are covenants. When we started a business on our property, the lawyer we hired at the time to investigate whether or not there was any problem with us starting a business there, recommended we get a waiver of the covenants from all the neighbors' in that subdivision, which is Tract B. So we did get a waiver of those covenants to start our business from all the residents of Tract B, which is also on file. That waiver was signed by the people who owned the property prior to Mr. Veale. I don't think there's anything in those covenants which is inconsistent with this proposal.

I did learn something about the road and the road maintenance agreement here that I didn't know. This is a dead-end road that ends on the Bitterroot River at our property so we have no leverage what-so-ever to keep people from piggy-backing on our maintenance effort at no cost and that's in fact what has been going on. If there's no way to address that, there's no way of addressing that, but it does seem unfortunate that the people who do the maintenance. The only leverage you ever have to get people to put in and to participate in a road maintenance are when there trying to do something like this.

Commissioner Landquist: Sterling, the fact that you do live at the end of the road and have a business there, I know if I was one of your neighbors, I'd probably be thinking they use the road more than me, they live at the end of the road, I don't mind maintaining my stretch but let him maintain the rest and pay the price because he's the one that has himself and all of his guests using the road and putting more wear and tear on it. I'm playing the devil's advocate. I understand what you're saying but I'm just throwing that out there about why people may be less than willing to enter into a road agreement with you.

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners approve the Veale Subdivision based on finding of fact in the staff report subject to recommended conditions of approval with the amendments to language in condition #14. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

9. OTHER BUSINESS: None

10. RECESS

Being no further business to come before the Board, the Commissioners were in recess at 3:11 pm.

After Public Meeting – Resolution No.2012-069 – BCC signed, dated August 22, 2012. Approving expenditure of up to \$75,000 of 2006 Open Space Bond Proceeds for acquisition of land by MT Fish, Wildlife and Parks to add to the Marshall Creek Wildlife Management Area in Seeley Lake. Public Hearing held August 22, 2012.

THURSDAY, AUGUST 23, 2012

BCC met in regular session; all three present. Morning: JC attended joint meeting of MCCFIC/MBBC, held at Mountain West Bank.

ADMINISTRATIVE MEETING

Request – BCC reviewed, JC signed to waive bid procurement processes for LS Jensen Construction and Ready Mix for repairs of trench settlements in Wye/Mullan Sewer Trench area. Amount/approx. \$50,000 for trench settlements in business areas. Originals to Hal Luttschwager/Risk Mgt.

Contracts – BCC signed three (3) contracts, dated August 23, 2012 between County and Jackson Contractor Group for the following:

- 1) Phase 2 Courthouse Renovation Project. Term/date of Notice to Proceed-January 31, 2014. Amount/ \$5,182,793.
- 2) Asbestos Abatement Work. Term/ date of Notice to Proceed-January 31, 2014. Amount/\$110,309.
- 3) Pre-Construction Services for Phases 3-5. Term/September 1, 2013-December 31, 2015. Amount/ \$77,100.

Three originals signed: one original of each to Jackson, A&E, and Clerk & Recorder.

Additional discussion item(s): Maclay Bridge update.

FRIDAY, AUGUST 24, 2012

BCC did not meet in regular session. ML and JC out of office all day.


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

MONDAY, AUGUST 27, 2012

BCC met in regular session; all three present.

Plat – Owner/James L. and Mandy N. Burns. Bratumn Acres, located in the NE¼ of Section 3, T 11 N, R 20 W, PMM, Missoula County. Net lot area/140,485 sq. ft.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Clearwater Junction Phasing Plan (*action item*); 3) OPG Director's update.

Letter – BCC signed, dated August 27, 2012. To John Richards, Seeley Lake, conditionally approving phasing plan amendment for Clearwater Junction Subdivision with modified final plat submittal deadlines. Final plat submittal deadline for Phase 1 is extended to September 15, 2012 (subject to confirmation by Weed District of implementation of Weed Management Plan). Submittal deadlines are: Phase 1: July 11, 2013; Phase 2: July 11, 2015; Phase 3: July 11, 2017.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Communications; 3) Director's update.

TUESDAY, AUGUST 28, 2012

BCC met in regular session; all three present. Evening: BC attended Historical Museum Volunteer Appreciation Picnic.

ADMINISTRATIVE MEETING

Task Order – JC signed. #13-07-5-51-113-0 between MCCHD and MT DPHHS (Children's Special Health Services). Amount/\$5,000. Term/July 1-September 30, 2012. Three originals to Julie Mohr/MCCHD for further signatures/handling.

Contract – BCC signed. Between County (PHC) and Doug Marbarger, PA-C for provision of primary care to patients at PHC. Amount/\$86,000 per year. Term/July 1, 2012-June 30, 2014. Originals to C&R and Andrea Laine/PHC.

Contract – BCC signed. Between County (PHC) and Joseph Faircloth to serve as Health Information Technology Director at PHC. Amount/\$62,000 per year. Term/July 1, 2012-June 30, 2014. Originals to C&R and Andrea Laine/PHC.

Contract – BCC signed. Between County (PHC) and Mary Jane Nealon to serve as PHC's Director of Integration. Amount/\$77,000 per year. Term/July 1, 2012-June 30, 2014. Originals to C&R and Andrea Laine/PHC.

Contract – BCC signed. Between County (PHC) and MMW Architects for remodel/construction at the Creamery Building (Phase Four), as well as Residency Clinic. Amount/\$4,400,400. Project End: July 1, 2013 (Phase Four), and August 30, 2013 (Residency Clinic). Originals to C&R and Andrea Laine/PHC.

Resolution No. 2012-070 – BCC signed, dated August 28, 2012. Emergency Proclamation to activate applicable parts of local emergency plan and authorizing furnishing of aid/assistance in accordance with such plans/programs, and declaring an emergency exists in Missoula County effective this date.

Resolution No. 2012-071 – BCC signed, dated August 28, 2012. Adopting Stage 1 Fire Restrictions on all private land in Missoula County, effective at 00:01 am, Wednesday, August 29, 2012. Second reading of this ordinance is waived due to current emergency conditions.

Additional discussion item(s): Update/review of 2013 Proposed Budget prior to Final Budget Hearing.

WEDNESDAY, AUGUST 29, 2012

BCC met in regular session; all three present. Late afternoon: JC attended United Way 2012 Campaign Kick-Off event.

CAO MEETING

Amendment – BC signed. #3 to Task Order #12-07-5-21-014-0 between MCCHD and MT DPHHS (WIC Program). Extends end date of task order to September 30, 2012 (vs. June 30, 2012). Additional funding in amount of \$159,246 will be added to contract for final total not to exceed \$492,246. Original to Julie Mohr/MCCHD.

Task Order – BC signed. #13-07-3-01-098-0 between MCCHD and MT DPHHS (MT Nutrition and Physical Activity Program-Community Breastfeeding Support in Worksites). Term: July 1, 2012-June 30, 2013. Annual funding of \$15,000 is already budgeted. Originals to Julie Mohr/MCCHD.

Task Order – BC signed. #13-07-5-21-085-0 between MCCHD and MT DPHHS (WIC Farmer's Market Nutrition Program). Term: July 1, 2012-June 30, 2013. Annual funding of \$2,000 is already budgeted. Originals to Julie Mohr/MCCHD.

Task Order – BC signed. #13-07-3-01-083-0 between MCCHD and MT DPHHS (MT Cardiovascular Disease & Diabetes Prevention Program). Term: July 1, 2012-June 30, 2013. Annual funding of \$25,000 is already budgeted. Originals to Julie Mohr/MCCHD.

Agreement and Cover Letter – BCC signed Letter (dated September 7, 2012); BC signed Agreement. Amended/Restated Managed Pharmacy Benefit Services Agreement between Missoula County (and Counties that are members of National Association of Counties) and CaremarkPCS Health for purpose of setting forth terms/conditions of provision of pharmacy benefit services (discounted prescriptions to County residents). Amount/\$1.00 for each retail claim processed by Caremark. Term/January 1, 2012-December 31, 2014. Two originals to NACo for further signatures/handling.

Additional discussion item(s): 1) County Planning update; 2) Claims Larchmont - BCC signed one (1) Signature Page for A/P Invoice Register dated August 8, 2012. Amount/\$81,114.67. To County Auditor.) Update/review of 2013 Proposed Budget prior to Final Budget Hearing (*cont'd from 8/28/12*).

Claims Larchmont - BCC signed one (1) Signature Page for A/P Invoice Register dated 8/21/12 in the amount of \$42,570.58. To County Auditor.

SPECIAL PUBLIC MEETING – FINAL BUDGET HEARING – August 29, 2012

1. CALL TO ORDER

Commissioners Present: Commissioner (Chair) Bill Carey, Commissioner Jean Curtiss, Commissioner Michele Landquist

Staff Present: Andrew Czorny, CFO, Dale Bickell, CAO, Greg Robertson, Public Works Director

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS: None

4. PUBLIC COMMENT: None

5. ROUTINE ADMINISTRATIVE ACTIONS

Weekly Claims List (\$1,668,603.82)

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners approve the Weekly Claims List in the amount of \$1,668,603.82. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

6. FINAL BUDGET HEARING

Andrew gave presentation.

Public Comment

Skip Rosenthal, Western Montana Addiction Services: We are a recipient for a couple of our programs of the prevention levy funding. Even though we never get what we think we need, I very much appreciate the county's support. Through this funding we've been able to keep project success counselors in five Missoula High Schools; Frenchtown, Willard, Hellgate, Sentinel and Big Sky. Some of the kids are identified as having substance abuse issues and then also the funding has helped support Flagship which includes nine schools in Missoula County, which is an after school program.

Gypsy Ray, Mountain Home Montana: I wasn't able to attend the July 25th meeting. I want to thank you for the support you give our organization. We use the funds to provide really basic needs such as food and child care and basic expenses for the homeless young mothers that move into our program. Sometimes when they enter our program they have nothing but maybe a garage sack full of a few things. We are now serving 11 families a day and expect to serve 30 families throughout the year.

Adoption next Wednesday, September 5, 2012.

Commissioner Landquist: If we're going to adopt this next Wednesday, this is out there today for public comment, is this information that you're presenting today going to be posted on the website?

Andrew Czorny: Yes, it is.

Commissioner Landquist: Will the tax bill be broken out so the average tax payer can see what is staying locally and how much is being spread across the State?

Andrew Czorny: There's two things we're working on in that regard; one is that we're trying to put an enhancement through our CSA tax systems so you can go online to look at your tax bill and press 'more information' and there it should be able to give you a detailed list of where your taxes are going.

A second one that's a little more difficult that I've been working with is out of our taxes it produces an Excel spreadsheet a spread of where the taxes are going. I'd like to put that into a pie chart format and somehow get that to the tax payers. That's something I'm working on with our IS team to see if we can get that going.

Commissioner Landquist: Any idea when that might be rolling out? I know our tax bill goes out the end of October.

Andrew Czorny: We're trying as hard as we can so we hope to have something soon.

7. **OTHER BUSINESS:** None

8. **RECESS**

Being no further business to come before the Board, the Commissioners were in recess at 2:00 pm.

THURSDAY, AUGUST 30, 2012

BCC met in regular session; all three present. Morning: BCC and Senior Staff held meeting re: Road Issues. Afternoon: JC met with John Oetinger re: Fort Missoula Regional Plan. Late afternoon: BCC attended retirement party for Pat Turner, held at Fairgrounds.

ADMINISTRATIVE MEETING

Board Appointments – Due to two resignations, BCC appointed Tim Winger and Laura Henning to the County Fairgrounds Advisory Committee for new 3-year terms (October 1, 2012-September 30, 2015). Tim Winger was also reappointed to a new 3-year term. Jedediah Rogers appointed to fill unexpired term to 9/30/13.


Letter – BCC signed, dated August 30, 2012. To Mark Baumler/State Historic Preservation Officer, MT Historical Society, Helena, in support of listing the Ressler Homestead on the Thisted Ranch in the Ninemile Valley.

Additional discussion item(s): Missoula Development Park update.

FRIDAY, AUGUST 31, 2012

BCC did not meet in regular session. ML and JC out of office all day.


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

MISSOULA COUNTY COMMISSIONERS' JOURNAL: SEPTEMBER 2012

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BCC = BOARD OF COUNTY COMMISSIONERS

BC = Commissioner Bill Carey, Chair

ML = Commissioner Michele Landquist

JC = Commissioner Jean Curtiss

The following Claims Lists were signed during the month of SEPTEMBER 2012:

Date Signed	Claims List Date	Who signed	Amount
September 4, 2012	August 29, 2012	BCC	\$19,209.61
			\$3,111.22
September 4, 2012	August 30, 2012	BCC	\$33,631.60
			\$5,998.92
			\$250.78
			\$62.20
			\$4,537.75
			\$1,124.10
			\$2,540.57
			\$6,000.00
			\$47.70
			\$319.50
			\$570.73
September 5, 2012	August 29, 2012	BCC	\$1,095.94
September 5, 2012	August 31, 2012	BCC	\$114,089.21
September 5, 2012	September 4, 2012	BCC	\$2,214.28
			\$9,618.36
			\$10,220.35
			\$6,337.00
			\$6,686.91
			\$13,327.00
			\$1,462.29
September 5, 2012	September 4, 2012	BCC	\$58.32
			\$100.00
			\$117.73
			\$45.79
			\$78.52
			\$118.00
			\$1,793.72
September 5, 2012	September 5, 2012	BCC	\$6,565.34
			\$4,897.91
			\$121.00
			\$125.00
September 6, 2012	September 5, 2012	BCC	\$18,935.46
			\$28,669.42
September 11, 2012	September 4, 2012	BCC	\$64.61
September 11, 2012	September 10, 2012	BCC	\$6,434.04
			\$386.88
			\$740.96
			\$15,493.63
			\$5,478.77
			\$1,839.57
			\$4,268.32
			\$44,299.91
September 11, 2012	September 11, 2012	BCC	\$6,112.36
			\$220,601.19
			\$6,748.56
			\$7,954.00
			\$127.50
			\$11,586.14
			\$382.56

September 12, 2012	September 11, 2012	BCC	\$4,179.88
			\$7,907.86
			\$490,701.60
			\$72,473.56
			\$16,278.97
September 7, 2012	PHC Amerisource ACH		\$314.72
September 8, 2012	PHC Cardinal Health ACH		\$69,188.68
September 8, 2012	PHC Cardinal Health ACH		\$40,028.83
September 13, 2012	September 10, 2012	BC, JC	\$32,163.54
September 13, 2012	September 11, 2012	BC, JC	\$5,296.75
			\$10,298.41
			\$26,601.89
			\$68.22
			\$477.26
September 13, 2012	September 13, 2012	BC, JC	\$337.70
			\$2,999.97
September 14, 2012	September 11, 2012	BC, JC	\$199.90
September 14, 2012	September 13, 2012	BC, JC	\$3,518.34
			\$11,863.27
			\$25,243.29
			\$3,086.34
			\$22,774.75
			\$2,999.97
			\$5,815.80
			\$83,995.97
			\$15,706.35
			\$4,183.90
September 14, 2012	September 14, 2012	BC, JC	\$1,483.00
			\$282.31
			\$578.00
			\$494.34
			\$232.96
September 17, 2012	September 14, 2012	BC, JC	\$1,294.94
			\$343.07
			\$1,004.26
			\$2,052.22
			\$15,136.43
			\$371.63
			\$20,971.17
September 17, 2012	September 17, 2012	BC, JC	\$45,369.06
September 18, 2012	September 17, 2012	BC, JC	\$1,161,144.53
			\$15,322.41
			\$181,045.00
September 19, 2012	September 19, 2012	BC, JC	\$20,311.17
			\$6,434.41
			\$14,265.29
			\$4,777.72
			\$95.00
September 19, 2012	August 28, 2012	BC, JC	\$13,505.95
September 20, 2012	September 19, 2012	BC, JC	\$1,319.27
			\$141,940.46
			\$6,326.78
			\$5,459.03
			\$8,879.66
			\$7,017.49
September 20, 2012	September 20, 2012	BC, JC	\$1,481.03
			\$9,508.39
			\$44,683.27
			\$18,841.97
			\$175,203.87
			\$5,226.25

September 25, 2012	September 24, 2012	BC, ML	\$410.31
			\$5,227.34
			\$38,171.36
			\$2,787.35
			\$37,175.98
			\$12,301.07
			\$9,430.31
			\$92,916.51
			\$3,977.00
			\$14,394.20
			\$3,241.25
			\$174.22
			\$9,731.51
September 25, 2012	September 25, 2012	BC, ML	\$7,132.24
			\$159.39
			\$791.38
			\$1,458.62
			\$75,040.00
			\$647.96
			\$4,736.89
			\$17,365.70
			\$1,469.89
September 26, 2012	September 24, 2012	BC, ML	\$18,931.65
September 26, 2012	September 25, 2012	BC, ML	\$771.75
			\$2,391.61
			\$8,437.68
			\$133.39
			\$1,450.45
			\$23,884.27
September 25, 2012	PHC Cardinal Health ACH		\$63,700.73
September 25, 2012	PHC Cardinal Health ACH		\$22,481.72
September 27, 2012	September 25, 2012	BC, ML	\$3,500.00
September 27, 2012	September 26, 2012	BC, ML	\$21,587.32
			\$6,357.37
			\$16,102.15
			\$1,790.13
			\$3,721.58
			\$9,774.62
			\$29,998.92
			\$58,062.97
			\$8,623.50
September 28, 2012	September 26, 2012	BC, ML	\$13,294.53
			\$7,411.39
			\$658.44
September 28, 2012	September 27, 2012	BC, ML	\$500.00
			\$8,180.16
			\$35,818.11
			\$25,687.46
			\$594.01
			\$2,233.78
			\$2,004.50
			\$12,664.54
			\$1,518.89
			\$47.00
			\$4.00
			\$23.83

All Claims Lists were returned to the Accounting Department.

MONDAY, SEPTEMBER 3, 2012

THE COURTHOUSE AND ADMIN BUILDINGS ARE CLOSED FOR THE LABOR DAY HOLIDAY

TUESDAY, SEPTEMBER 4, 2012

BCC met in regular session; all three present.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) OPG Director's update.

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Communications; 3) Director's update.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 17/CY2012 - Pay Date/August 24, 2012. Total Payroll/\$1,343,705.85. To County Auditor.

Request – BCC approved County Parks/Trails Advisory Board's recommendation to clarify matters relating to revenue generated from cell-tower subleases at American Legion lease area at Big Sky Park. Original to Lisa Moisey/County Parks.

Contract – BC signed. #13-07-3-01-010-0 between County (PHC) and MT DPHHS (PHC & MT Cancer Control Program), to implement breast/cervical/colorectal screening services, etc. Term: July 1, 2012-June 30, 2013. Amount/\$83,710. Three originals to PHC for further signatures/handling.

Contract – BCC signed, dated September 4, 2012. Between County and A&E Architects for preliminary design of Extension/Weed District Office and cost estimates. Site being considered is at Western MT Fairgrounds. Amount/\$29,560 (from Dept's Building Trust Account). Term/September 1, 2012 – September 1, 2013. One original to C&R; others to Jerry Marks/Weed District.

Additional discussion item(s): None.

WEDNESDAY, SEPTEMBER 5, 2012

BCC met in regular session; all three present.

Monthly Report - BC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending August 2012.

Monthly Report – BC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending August 2012.

CAO MEETING

Allocations Request – BCC approved/authorized allocations for FFY12 Secure Rural Schools Act State payment at 85% for Title I, 8% for Title II, and 7% for Title III. FY13 allocation request is proportionately same as it was in FY12. Original to Chris Lounsbury/OEM.

Contract – BCC signed. Between County and Language Line Services to provide translation services for Public Safety Communications Officers (administered by WA State), and widely used by 9-1-1 Centers. Amount/\$0.82 per minute w/no ongoing charges. Term/August-September 2012.

Amendment – BCC signed. To contract dated April 2, 2012 between County and DHM Design for recreational portion of Fort Missoula Regional Park. Extends performance schedule from October 31, 2012 to December 31, 2012 to allow time for final public hearing on plans. Originals to C&R and Lisa Moisey/County Parks.

Board Appointment – Due to an earlier oversight, BCC reappointed Chris Behan to a new 3-year term (October 1, 2012-September 30, 2015) on the County Fairgrounds Advisory Committee.

Additional discussion item(s): None.

No Public Meeting held this date

THURSDAY, SEPTEMBER 6, 2012

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

SubGrant Award – BC signed acceptance of Missoula City/County Victim/Witness Project Subgrant #12-V01-91182 with MT BOCC in amount of \$126,134 for FY2013 VOCA grant. (\$100,907 from BOCC; \$25,227 local match). Original to Shantelle Gaynor/OPG.

Request – BCC reviewed/approved Missoula County Fairgrounds Enhancement/Development Plan. Recommendation approved at July 23, 2012 MCFAC meeting. Original to Steve Earle/Fair.

Bid Award – BCC awarded bid for Fairgrounds Paving Project to Jackson Contractor Group (lowest qualified bidder). Amount/\$91,357. Original to Steve Earle/Fair.

Contract – BCC signed. Between County and L.S. Jensen for Wye Sewer warranty repairs (Wye Area Sewer Phase 2A). Amount/\$51,718.90. Three contract books to G. Robertson/PW for further signatures/handling.

Contract – BCC signed. Between County and Community Development Services of MT for consulting services to facilitate creation of Bonner Mill Site Industrial Tax Increment Financing (TIF) District. Amount/\$10,000 (from land sale account). Term/September 6, 2012 – June 30, 2013. Original to C&R, other to CDS MT.

Resolution No. 2012-072 – BCC signed, dated September 6, 2012. Adopting a Budget for Missoula County for Fiscal Year 2012-2013, as follows:

RESOLUTION NO. 2012-072

**ADOPTING A BUDGET FOR MISSOULA COUNTY
FOR FISCAL YEAR 2012-2013**

WHEREAS, PURSUANT TO SECTION 7-6-2315, MCA, the Board of County Commissioners of Missoula County, Montana, has held public hearings on the proposed budget of Missoula County for Fiscal Year 2012-2013, as required by law; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the final County Budget for Fiscal Year 2012-2013 be as set out in Attachments A, B and C, and the same is hereby adopted as the final budget, subject to the conditions set forth below.

BE IT FURTHER RESOLVED that the levies as detailed below be fixed and adopted for Fiscal Year 2012-2013, based on the mill value of \$196,534 County-wide, and a value of \$88,367 outside the City limits of Missoula, and a value of \$192,432 for the Open Space Bonds which tax all non-timber and non-agricultural lands within the County.

Fund	Mills	Attachment
Countywide		
General	43.03	A, B, and C
Poor	5.17	A and C
Bridge	4.81	A and C
Weed	2.37	A and C
Child Daycare	0.33	A and C
Fair	1.00	A and C
District Court	3.17	A and C
Park	1.18	A and C
Library	11.79	A and C
Planning	3.34	A and C
Substance Abuse Prevention Levy	1.88	A and C
Aging	3.34	A and C
Extension	1.72	A and C
Mental Health	0.56	A and C
Search & Rescue	0.40	A and C
Public Safety	42.32	A and C
Permissive Medical Levy	4.77	A and C
Museum	2.25	A and C
Technology	2.57	A and C
Risk Management	3.05	A and C
	140.03	
Debt Service		
Jail Bond	5.00	A and C
Open Space Bond	3.31	A and C
Total Debt Service	8.31	

Total County-Wide	148.34	
County Only		
Road	23.38	A and C
Health	9.20	A and C
Animal Control	1.61	A and C
Permissive Medical Levy (County Only)	2.19	A and C
County Only	36.38	
	184.72	

DATED THIS 6th DAY OF SEPTEMBER, 2012

BOARD OF COUNTY COMMISSIONERS

s/ _____
Bill Carey, Chair

s/ _____
Michele Landquist, Commissioner

ATTEST:

s/ _____
Vickie M. Zeier, Clerk & Recorder

s/ _____
Jean Curtiss, Commissioner

Attachments A, B and C to Resolution 2012-072 are on file in the Clerk and Records Office.

Resolution No. 2012-073 – BCC signed, dated September 6, 2012. Adopting Rural Special Improvement Districts' Budget for Missoula County for Fiscal Year 2012-2013, as follows:

RESOLUTION NO. 2012-073

**ADOPTING RURAL SPECIAL IMPROVEMENT DISTRICTS BUDGET
FOR MISSOULA COUNTY
FOR FISCAL YEAR 2012-2013**

WHEREAS, PURSUANT TO SECTION 7-6-4024, MCA, the Board of County Commissioners of Missoula County, Montana, has held public hearings on the proposed budget of Missoula County for Fiscal Year 2011-2012, as required by law; and

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

WHEREAS, Sections 7-12-2101 through 7-12-4001, MCA, provide for the fixing of various special assessments to raise funds sufficient to meet said expenditures authorized in the budget;

NOW, THEREFORE, BE IT RESOLVED, that the final County Rural Special Improvement Districts Budget for Fiscal Year 2011-2012 be as set out in Attachment H, and the same is hereby adopted as the final budget, subject to the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED that the final County Rural Special Improvement Districts Budget for Fiscal Year 2012-2013 be as set out in Attachment G, and the same is hereby adopted as the final budget, subject to the conditions set forth below.

DATED THIS 6th DAY OF SEPTEMBER, 2012

BOARD OF COUNTY COMMISSIONERS

s/ _____
Bill Carey, Chair

s/ _____
Michele Landquist, Commissioner

ATTEST:

s/ _____
Vickie M. Zeier, Clerk & Recorder

s/ _____
Jean Curtiss, Commissioner

Attachment G to Resolution 2012-073 is on file in the Clerk and Records Office.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated September 6, 2012. Amount/\$22,809.31. To County Auditor.

Letter – BCC signed, dated September 6, 2012. To Intermountain West Funder Network, Coral Gables, FL, in support of a grant application from Seeley Lake ROCKS to place yurts at the Nordic ski trails as one of the improvements of creating a Nordic center.


Additional discussion item(s): None.

FRIDAY, SEPTEMBER 7, 2012

BCC met in regular session; quorum present. ML out of office all day.

Monthly Report - BC examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending August 2012.


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

MONDAY, SEPTEMBER 10, 2012

BCC met in regular session; all three present. Afternoon: BCC participated in tour of Bonner Mill Site.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Gallatin Estates Subdivision Fee Waiver Request; 3) Triple C Subdivision (*info*); 4) Emerald Lake Estates Subdivision Phasing Plan Amendment; 5) OPG Director's update.

Letter – BCC signed, dated November 2, 2012. To Dean/Steven Crofts, Florence, approving a partial fee waiver for Gallatin Estates Subdivision. BCC waived fees except for 7 variance fees at \$500 each. Total review fee is \$3,500.

Letter – BCC signed, dated September 5, 2012. To Emerald Lake, LLC, c/o Greg Hamilton, Seeley Lake, approving phasing plan amendment for Emerald Lake Estates Subdivision (as shown in Attachment A). Final plat submittal deadline extended to November 29, 2012 for Phase 1, and November 29, 2017 for Phase 2 (subject to conditions of subdivision approval as part of May 2009 Settlement Agreement (Attachment B).

Rural Initiatives Update – BCC/RI Staff. Agenda: 1) Public Comment; 2) Support letter for Travelers' Rest (see September 12th entry); 3) Scheduling update; 4) Communications; 5) Director's update.

TUESDAY, SEPTEMBER 11, 2012

BCC met in regular session; all three present. Noon: JC participated in County 9-1-1 Remembrance, held on Courthouse Lawn. JC also held conference calls with DOR for Forest Land Advisory Committee, as well as with Public Health Improvement Task Force. Evening: JC attended meeting of Lolo Community Council.

ADMINISTRATIVE MEETING

Request – BCC reviewed/BC signed all Missoula County School Budget Reports for FY 2012-2013. Originals to Erin Lipkind/Superintendent of Schools.

Application - BCC reviewed/BC signed Conditional Use Permit Application with Powell County for the Seeley Sewer Project. Missoula County is agent on behalf of Seeley Lake Sewer District to develop a sanitary sewer collection/wastewater treatment system for Seeley Lake community.

Letter – BCC signed, dated September 11, 2012. To Patricia Davenport, Clinton, enclosing a survey exhibit detailing the issue re: fence encroachment at Lot 22, Lewis & Clark Subdivision. BCC believes Public Works Dept. has acted properly/followed MT law in carrying out its duties. Fence removal is scheduled for September 17, 2012.

Additional discussion item(s): None.

WEDNESDAY, SEPTEMBER 12, 2012

BCC met in regular session; all three present. Afternoon: BC attended retirement celebration for Ellie Moss of Sheriff's Dept.

CAO MEETING

Contract – BCC signed, dated September 6, 2012. Between County and National Coalition Building Industry (NCBI-Missoula) for technical assistance to OPG to develop Outreach Plan to engage community in discussion/collect feedback regarding City Council changes to Accessory Dwelling Unit regulations. Amount/not to exceed \$5,000. Term/September 6 – December 7, 2012. Originals to C&R and Laval Means/OPG.

Letter – BCC signed, dated September 12, 2012. To MT State Land Board/DNRC, Helena, supporting acquisition of additional land to Travelers' Rest State Park, which has important historic/cultural/recreational and open space values. Project has been approved for use of \$300,000 County Open Space Bond funds.

Additional discussion item(s): Excess Liability Insurance w/J. Goodwin and S. Sattler of Berkley Risk Administrators.

PUBLIC MEETING – September 12, 2012

1. CALL TO ORDER

Commissioners Present: Commissioner (Chair) Bill Carey, Commissioner Jean Curtiss, Commissioner Michele Landquist

Staff Present: James McCubbin, Deputy County Attorney, Greg Robertson, Public Works Director, Tim Worley, OPG

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

Commissioner Curtiss reminded everyone of the Historical Trolley at the Historical Museum at Fort Missoula on September 29th. It will be open for the public to view on this day.

4. PUBLIC COMMENT

None

5. ROUTINE ADMINISTRATIVE ACTIONS

Bi-Weekly Claims List (\$1,310,150.25)

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount of \$1,310,150.25. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

6. HEARING

Triple C Guest Ranch (19 lots on 212.60 acres) Southern Swan Valley

Tim Worley read the staff report and showed PowerPoint presentation.

Paul Forsting, Territorial Landworks: I wanted to thank Tim for the work he put together during this project and the detail he put into the staff report. In that staff report he goes through the seven review criteria and put together findings of fact from our packet that ultimately came to a recommendation that we agree with, which is a recommendation of approval. There are certain things in the packet that we would like to discuss and I have a presentation for that. But prior to that, I'd like to give Ralph the opportunity to take you through a separate presentation, which can give this Commission some additional information about the site.

Ralph Cruz, Owner: What I thought might be helpful was to give a little background on how this all came about and what the vision is. I first bought this place in 2005, I believe and we first came out to Montana in 2000. I say we; my wife and three kids. Like maybe some of you here, when I first came out to Montana I really fell in love with the place, I can't even explain why but it was a real passion for me. I can honestly say that this property means more to me than my home in Miami, which I live most of the year and it's a real connection. I've actually become very friendly with the prior two owners of the property, a gentleman, Hank Pennypacker, who was actually born on the property in the 30's and I think we all have this connection to the land in common and it's been really, really neat. One of the things I loved about not just the property but Montana was that it was an opportunity to get my kids away from video games and TV and texting and get them doing stuff outdoors and it's been great. My daughter and my son, I have a son whose autistic, all of my kids really love the hiking and the horseback riding, I got them here young enough where it really made an impact on them. I'm very, very happy about that. My initial vision and view was that I was going to use this place personally and enjoy it and be a family place so we could all enjoy, like we have for many years. But the last few years, my kids were growing up and my son went to college and I started realizing that what I loved about the place, which is being there with my kids and spending time with them, it's going to change as they get older. There was one summer in particular where the kids were doing different things and my wife and I were alone there on the ranch and I was thinking it's going to be very different as the kids get older. So that's where the idea of a guest ranch started. The idea of having a place that always has life to it, that always has a feeling of people enjoying and I can relive it through their eyes. One of the things...Jimmy, he's not just a ranch manager but he's been there from the very beginning so this has really been a labor of love for both of us and it's been fun working with him and dreaming and creating this together. That's sort of how the idea of the guest ranch started, it was more of a life style choice then it is any other sort of motivation. Just because the economics of guest ranches aren't great, especially if you want to do a relatively small one where its' a very intimate setting and sort of, it's a difficult thing to do in terms of financially making it feasible. So what we did is come up with a plan that we thought made the most sense, to keep it small but yet make it at least a feasible project. One of the things I wanted to do because as Tim mentioned, one of the things that came up was sort of a vision and questions about the vision and I thought the best way to illustrate that was to show you what we've already done. I think that speaks more than anything else I could say.

Jimmy Boyd: One of the greatest things about working on it was working with the hydrologist and working with professionals, you get to learn so much through the process.

Ralph showed a PPT of the property; what it looked like before and what it looks like now.

Anytime there's something like this that occurs, there are very strong passions on both sides, and I recognize both positions because I think they're both valid. One of things that's been really gratifying for me, I think we've been able to envision and create a project that we've gotten support from a lot of people with various opinions. I think the reason is; to me guest ranches are the original eco-tourism, this is what eco-tourism in my mind is all about. It's about encouraging people to come out here to enjoy the nature in a low impact, relatively small setting. I think it's one of those things that hopefully is a win/win situation, where you can support what is a rural community but at the same time I think what it does is highlight and emphasize what makes this area great, which is the wildlife setting and the beautiful scenery and activities.

Paul Forsting: PowerPoint presentation of the property.

Commissioner Curtiss: Paul, how wide is that road? (Off-set road?)

Paul Forsting: It varies, like most roads in rural settings. It's close to 20 foot, 18 foot in stretches. Jim did go around and measure a lot of the roads in the area and you see them in the 16-22 foot width but gravel starts to take over into the swales and into the ditches.

Commissioner Carey: Paul, is that the proposal that FWP sent their response in, is this what they saw?

Paul Forsting: This information is just information that was in the packet that we put into an exhibit to show our no-build zones.

Commissioner Curtiss: Was it in response to FWP?

Paul Forsting: The wildlife corridor was added after we received our initial comment from FWP.

Commissioner Carey: So they saw something different than this?

Paul Forsting: They did not see the wildlife corridor but we went back through the sufficiency process presented that information to the agencies that were highlighted by the Office of Planning & Grants and that information was represented to agencies, we did not receive any follow-up correspondence from FWP.

Commissioner Landquist: Your answer is still confusing me. The wildlife corridor you're showing us, who identified it?

Paul Forsting: The wildlife corridor was identified by Jimmy, Ralph and myself and proposed as mitigation after we had received the initial FWP letter.

Commissioner Landquist: Because FWP's letter said....

Paul Forsting: It said many things but it identified the northern parcel as an area where area traverse through and if you look at how we did the wildlife corridor, we filled in a lot of the riparian areas.

Commissioner Carey: So there were lots north of the current proposal?

Paul Forsting: No. The lot arrangement has not changed since our initial submittal. What has changed is the level of no-build zone that we're proposing. Wildlife Corridor ~ we came up with that, I think it fits here. It basically restricts any development other than ranch. It was pretty restrictive and Tim came back in and provided some additional language to the conditions of approval that you have that allow for more management of the area and we appreciate that.

Exhibit helps show the lengths of road we're proposing. Off-site section of road, Underwood Road...we connect into it and this goes for about 4200 feet or .88 miles. The on-site stretch is about 3400 feet and it goes for about .65 miles. If we look at a total it's almost a mile and a ½ of road that we're proposing to build. So when we talk about road width and the importance of that, we're talking about a significant amount of road that has to be constructed to make this project acceptable to the regulations and for fire codes so adding two foot of square footage to that is important. We are proposing a variance, we would like to get a road that meets fire safety standards but fits within the area, finding that balance was what we tried to achieve. We are proposing two foot gravel shoulders on both sides of our 18 foot road stretch; it's our understanding that would create a 22 foot drivable surface. When talking with Ralph and meeting with Jimmy at the initial onset of this project, less is more to them. Their clients don't want to feel like they're in an urban environment or a suburban environment. If you build a bigger road, people will drive faster and that's contrary to the feel that they want as guests having as they arrive. Again, our proposal is for 22 foot, if something less could have been proposed and we could of addresses a lot of the safety concerns that have been brought up, then we would of maybe come in with something less. Today we're here with a 22 foot road; I think Tim's condition clarifies a little bit how that road would look if it's approved at our proposed width. If it's fine to say that a 20 foot drivable road that base needs to be established with no shoulders like Underwood Road, which would be fine with us. This is what was reviewed and I have some

comments about that so that's what we're presenting today. I have circled 8 turn around locations that are required due to the length of our road. Every 1200 foot you have to build an engineered, fire department safe turn around. As Jimmy told me, you'll probably be able to see one from the other one, there's going to be quite a few of them. They are quite big; they'll provide areas on the road for trucks to pull off if the road wouldn't be wide enough in some instance, or to turn around. Pointed out 4 comments received.

So going back to this exhibit, still communicating the same information but what I did I looked at the difference in width ~ 22 foot as proposed compared to 24, I calculated the square footage and put together how big of an impact that would be, it's just over a 1/3 of an acre of size, if you were just to gravel an area that that 2 extra foot would encompass. When we look at the area where we're putting a road, why is that 2 foot important? Well, we're situating it in a very wild area, we're going to try to keep it as natural as possible but further it expanse, there's some limitation and some clearing that's going to be needed. We have a variance from the sidewalk standards. Side walk standards requires a sidewalk on one side of our proposed on-site road, it would not be required on the off-site section. This is significant to us; our on-site road is over 1/2 mile long, getting close to 3/4 a mile and building a 5 foot sidewalk next to that is going to increase our impact to the area, the applicants feel strongly that their concept works without a sidewalk. That people will be able to function and get from point A to point B. We got the comment from Public Works that said either or, you either get a smaller road or you provide a sidewalk. We looked at what was done in the area and this Commissioner approved last June without a variance a 3 foot minimum wide native soils pedestrian walkway and this is a condition from that condition of approval. Again, it's important to note that there was no variance request, that was simply what the applicant...I'm not sure exactly how that came to be but that tells me the regulations allow without a variance, this style of road or excuse me, trail. If there was a place for that to be appropriate we feel that our site would be that, so if there is a requirement for a trail this would be the trail we prefer as it seems to match our goals and the development.

Commissioner Landquist: But I think that also created that minimum 3 foot wide pedestrian walkway is also within a minimum 10 foot wide...

Paul Forsting: Correct, there's a couple things going on there. I think it either has to be within the road right-a-way, which is proposed to be 40 but recommended to be 60 by the Office of Planning Grant. It either has fall within that or if it deviates from that, then it has to be in a 10 foot easement. And we understand that.

Commissioner Landquist: So you're okay with that?

Paul Forsting: Yes absolutely. Having that minimum soils trail and some flexibility to move it away from the right-a-way will allow us to put it into the sights and potentially avoid some...

Commissioner Landquist: Because by having that easement it allow things to change over time if that needs to happen rather than come back and put a band aide on something that with a little more forethought, it seems like you guys are trying to think ahead of the game. This is our way of thinking ahead of the game and having that flexibility without having to take people to court 20 years from now when we're not here.

Jimmy Boyd: I think our general concern was the safety of the speed of the road. We feel like the width of the swath that is created through the process effects the psyche of how fast someone will drive. So what's recommended is a 7 foot boulevard with a 5 foot pedestrian walkway, now if you were to go back to Tim's presentation of the specs of the engineered road, you get into your minimum cutback slopes. And you get into minimum cutback slopes, add those to your 7 foot boulevards and add those to your pedestrian walkways...now if you add all those up; we're about 16 feet wider than the Swan Highway. So just to give a perspective the Swan Highway doesn't have those and it's only 24 foot wide and it doesn't have shoulders. So it has it in sections but it just gives you a visual of how wide that swath then becomes. The reason why we like the native soils trail is that we can go with the terrain and around the trees and it's there legally but it allows us to not just have to do this giant swath.

Public Comment:

Diane Erickson: I have a question. What was planning board's concerns about this plan not being explained thoroughly enough on paper? They wanted a guarantee, they wanted conservation easement on that 148 acres, for example and they wanted building envelopes on those lots. Could you elaborate on their concerns there and are the Commissioner aware of that?

Tim Worley: My understanding of planning boards concerns was that the development team has a vision for how Triple C Ranch is going to build out, what the buildings will look like, how far they will be set back from Triple C Drive, etc. That's not necessarily articulated in the packet itself specifically...I think the main concern, you have unzoned land so you don't have a zoning district and a zoning district typically has restrictions on building heights, on uses, on side yard setbacks, on front yard setbacks, on whether you can do commercial or not or what types of commercial you can do, so I think that was planning boards concern. It started out mainly with a setback question, whether there were any sort of restrictions of how the big the buildings could be on any given lot and where they would be on any given lot.

Commissioner Landquist: Which I think on a project like this it's really hard to map out building envelopes because if you map them out without having some alternatives on each side ~ you have to have your well located so far away from certain things, like your septic, etc. Trying to map out building

envelopes, keeping those sanitary things in mind and then offering people the privacy, it kind of doesn't give that broad brush canvass appeal like the owner seems like he's tried really hard to work with the land and let the land sort of guide the process. I applaud what you've done there so far.

Commissioner Carey: Can anything happen there given what's in front of us?

Tim Worley: I think the concern of certain planning board members was that after today, September 12th, assuming that the board approves this subdivision. If something were to happen, if the development team were to sell off, for instances, this project it would be subject to the covenants approve with the subdivision. It wouldn't necessarily build out as has been articulated, in that instance, that's just a hypothetical of course but that was a concern that there's nothing that insures that the project will build out as has been articulated. Now granted, it's been articulated on the public record now in two hearing so that's something for the board to consider.

Commissioner Curtiss: I think that we have to be realistic; we're approving a subdivision, we're not approving a guest ranch. So in the end there could be a trailer house on every one of these. That's reality. I don't believe that Mr. Cruz wants to live next to a trailer house settlement but there's definitely a need for work force housing up there. Maybe it's a trailer house and then it ends up being a nice house, I think we just have to be...the economy is going to drive things too.

Merrily Dunham: I'm a Montana Western Artist residing in the Swan Valley. I am here in support of the Triple C Guest Ranch in Condon. I've done some research through the Montana Office of Tourism on tourism in Montana. In 2011 there were approximately 10 million non-resident visitors to Montana, these visitors spent 2.774 billion dollars in Montana, this was a 1.6% increase over 2010 and a 9.9 increase in the dollars spent in Montana in 2010. The first two quarters of 2012 indicate a 6% increase in visitors over 2011. Studies tell us that 85% of the visitors who come to Montana visit Yellowstone Park and Glacier Park and 2/3 of those who come will return to visit other areas of the State. We want to encourage that return visit by providing them with quality experience on their first visit and I feel like Triple C Guest Ranch would achieve that goal. Swan Valley is ideally situation to take advantage of this tourism business being located on the most scenic route to Glacier Park but we lack the quality facilities for tourist to stay, we don't have any lodging to speak of. Our valley residents need the economic stimulus that such a resort such as the triple C Guest Ranch would provide. Young families are leaving the valley because they can't support a family on part-time wages. Our elementary school has shrunk from attendance of almost 100 students about 15-20 years ago to approximately 30 students this year, which is from K-8. There are old folks like me living in the valley but young folks are having to move out because they can't afford to live there. A resort such of this would contribute dollars not only to the local economy but tax dollars to Missoula County and the State of Montana. The resorts in Jackson Hole and Big Sky Montana, they don't have sidewalks, they have trails. Trails wind through the woods and through the trees, which is what they are proposing here and I think that's an ideal proposal. Sidewalks beside the road require cutting down more trees to widen the roadway and accommodate the sidewalk. A trail through the woods and skirting through the existing trees would be much more environmental sensitive while still accomplishing the need for a walking area. If I were at this type of resort I would prefer to walk through the woods rather than on a sidewalk beside the road. So I encourage a variance to allow this type of a trail walkway.

Dwayne: Swan Valley Resident. I wish to share some personal thoughts with you. During the past couple weeks we have heard leaders of both Republican and Democrat parties tell about their ancestors effects to pursue the American dream. Some the dream was to own property and have private property rights, the Constitution supported it. While some folks who have moved to the valley have been able to experience their pursuit of the American dream and now seems some do not want others to be able to do the same. If I may I would like to give you some maps that were shown earlier, that show the landscape. The valley has experienced however an onslaught of groups, agencies, departments and trusts campaigning to put lands under open lands in our conservation easement as if there was such a threat to develop everything that is a myth. As you can see that threat is a myth because of the legacy project and those lands are already under easement. Easements diminish and restrict and/or remove certain private property use rights by property owners. I do think that property owners have the right to put easements on their lands, on their own free will. I do not support groups, agencies or trust asking or using the easement to exert pressure on land owners in exchange for support of the owner's proposal. I feel that the project will contribute to the much needed jobs and ability to substance a vibrant community where young families can grow, work, play and pursue their American dream, along with the remainder of the community.

Ken Donovan: Swan Valley Resident. I'd like to speak a little bit to the financial end of things. On July 26 there was a feature story in the Missoulian entitled, Missoula only Urban County in Montana with continued drop in earnings growth. I found this news very disappointing and troubling, 100's of millions of dollars in taxpayer dollars that was spent in the county by the legacy project, Crown of the Continent, Y to Y, ICLI, Nature Conservancy, Trust for Public Land plus other land trusts including MT Fish, Wildlife and Parks and the US Fish Wildlife Services. With the goal of eliminating people from the rural areas by stopping any growth and development that generates a basis for real property taxes that pay for our schools, maintain our roads and provide to the safety of our citizens. As a previous school teacher and coach and someone that has been in business for many years, I'm very sensitive to being last place on any list. The County is in financial crisis with only .97% growth rate. May not be obvious, I know that there's savings and stuff for an immediate crisis but it is coming without some significant changes on how we all do business. We as tax payers and land owners cannot solve it all on our own. You, as County Commissioners, can't solve it all on your own either, we need to all get together and create a business friendly climate that provides options for businesses and individual home ownership, while protecting financial resources in the Swan Valley. Private property rights have to be respected even a little bit more during the tough economic times. There is a shining light, this

time we have one significant person in the Swan Valley that really believes in the Swan Valleys economic future and that's Mr. Ralph Cruz. He's stepped up to the plate and he's willing to invest millions of dollars of his own money, not tax payer money or grant money but his own money to move forward with this carefully planned project, very short sided by anyone to rely on pilt payments, taxes on thousands of acres that be valued by conservation easements to secure the future of the land, we need private investment. Mr. Cruz' project will provide short term and long term jobs that are much needed in the valley and facility economic growth to all of us by helping otherwise local businesses maintain and approve their customer base. I respectfully urge to yes vote on this and let's all work together to get out of this last place position that we're in right now.

Roger Donald: The southern boundary of my land abuts the northern boundary of this project so I'm very concerned about it and I looked at it with great care and worry and the result is that I think it's terrific. I hope you all will pass this, it is very well thought out. We really need this in the Valley. American taxpayers put up two hundred million dollars a few years back to buy wildlands and a good deal of that money went to transfer the Plum Creek lands into what are now State and Federal Forests. Now if any of those taxpayers would like to see what they bought, there's a problem in the Swan Valley there's virtually no place to say. You can stay in Seeley, you can stay in Big Fork ~ we have two small B&B's, we no longer have a Motel. For people to enjoy Swan Valley which has been named over and over is the Gem, the Crown of the Continent because of its wildlife, because of its beautiful scenery. People need to come and see what this wonderful area is and they need a place to stay. The disappearance of young people in the valley is horrendous, there's only one endangered species in the valley and that's people. As far as the wildlife corridors, I live right there, I can tell you there are corridors both to the west of this project and to the east of this project. There is no problem with wildlife getting around in that area and the buildings do not affect them, I have 160 acres with 4 buildings on it, 3 of them close together, the animals have no problems with those buildings. As mentioned, the economic values to a project like this in the valley, which is in terrible trouble. It is now being populated by people like me...retirees, not the young people. Over 25 years ago, my wife and I, we both lived in New York; we came and stayed in a guest ranch in the Swan Valley, which no longer exists today, we came back the next year and bought our land. We need a guest ranch and this is a terrific one.

Vern Sharp: Everyone's gone over everything I was going to say. The way things are shrinking in the Swan Valley due to the economy and lack of work the legacy project has brought up, things are really shrinking. We're down to one restaurant, there used to be two and three. If we keep losing the young people we're going to lose the school, if we lose the school we're going to lose our grocery store, gas station and the Merc and then we're going to be traveling to Big Fork and Seeley Lake for groceries and gas. It's pretty imperative that we do something economically to help strengthen the Valley before it goes under.

Diane Erickson: Live in the Swan Valley. Our community council has worked hard to encourage local participation on local issues in the Swan Valley and in the process of their work at times there becomes confusion between a liaison and a representative. I'm bringing that up because today I feel as though I'm here as a representative of over 40 people that I have talked to about their point of view of subdivisions in the Swan Valley and they like me are very concerned about subdivisions, for many of the very reasons that have already been discussed and I would like to say right now "I am not here representing 40 people discussing anti-development", I'm specifically addressing the role of subdivisions in this wildlife habitat that we live in.

Nathan, Territorial Landworks: I'm here wearing a lot of hats today but one thing I wanted to briefly comment on is Underwood Road. Jean and Bill you may remember because we dealt with that road about 4 years ago and the county road used to be in a different location but we vacated that right-a-way, moved it and rebuilt that road. I saw a lot of road cross section exhibits; I saw some conditions of approval and various recommendations going on. I would strongly advocate for many different hats right now; as a citizen to a land use planner, to an engineer, whatever, business owner, the trail letting it weave through the trees 3 foot wide it accomplishes our clients roles, I think it's much better for the environment. then the road width in particular, I think actually Tim's recommended approval is probably where I think is the most appropriate, I saw an exhibit with an 18 foot wide driving service with a 2 foot wide shoulders on the side, which on a gravel and maybe Greg sees this differently than I do but on a gravel road that means it's a 22 foot wide road. I would advocate for narrower, I don't think that's probably going to happen so if we could do 18 if you guys could do that with no shoulders that would be, I think, better in the long run.

James McCubbin: It's been raised a couple times and was discussed with the planning board, the difference between a guest ranch and a subdivision and this all sort of ties into subdivision for lease or rent though I don't think that's necessarily been expressly discussed but that's sort of the elephant in the room. In order to do a guest ranch current status in Montana Law requires that you go through subdivision review if you have multiple buildings that are going to be leased or rented out. The subdivision review process for subdivision for lease or rent essentially is the same as for a regular subdivision. I'm not necessarily saying that that status of law makes a lot sense but that's where we are. I understand where the development and application team is coming from on applying for full subdivision because that review would be the same as a subdivision for lease or rent.

Commissioner Curtiss: But there would be no ability to sell anything off.

James McCubbin: That's correct. So if you approve the subdivision yes, these are lots that could be sold, it would be Tracts of record, it could be sold there's nothing that would require this be operated as a guest ranch. It's entirely appropriate for Mr. Cruz to explain what his vision for the property is and I think it's an important part of this process but our job as a County is not necessarily to approve or disapprove of the vision, it's to approve or disapprove the application that you received and that's for subdivision. That's the rule that we and you are stuck in and there's been some confusion with some

members of the public where we are, we do have an obligation to review this and process it and make a decision based on being a subdivision application. I was just hoping to try and hopefully clarify that.

Executive Session

Commissioner Curtiss: I thought maybe after Ms. Erickson's comments that we should clarify that while our comp plan says that this is 1 per 10, of course the comp plan is just a guide, but that doesn't mean minimum lot size, it's an overall. I just wanted to make that real clear. The other piece I thought I would put on the record is just that the wells and septic, that whole portion of it, they could go through the whole thing and if their perc tests didn't pass and they don't get water, that's a whole other process. They refer to this hearing to hear people's concerns but that's more of a technical thing that happens by the DEQ and Health Department. The exempt well issue is again being addressed by the legislature in this coming session so people that have a concern there, there are those that do believe we shouldn't have so many exempt wells which means that every home in the County can drill their own well, they think there should be more study to that. That's being studied by an interim committee and it will be addresses in the legislature.

Commissioner Landquist: I think it's important to put on the record that we did have a couple people that emailed us regarding their concerns that stage 2 septic systems be considered because they're a little bit efficient compared to the other ones but pretty much it's my understanding Missoula County and DEQ, most septic systems anymore have to have those filters on them and those extra measures.

Commissioner Curtiss: But that's a DEQ decision.

Commissioner Landquist: But I still wanted that out there on the record for the folks that had that concern regarding the septic systems.

I did read the hydraulic reports and it looks like there's definitely ample water to support anything you want to do there. I was glad to read DNRC's letter and see that they were approving and actually thanking you for what you did regarding the Weed mitigation for meeting the subdivision regs and I approve what Tim had mentioned for coming up with an improved Weed evacuation plan and garbage disposal plan. I think you've done a nice job with the wildlife habitat mitigation that you've come up with, you might consider the term when Paul was almost struggling for words saying that's what we decided to call it. I wrote down to myself 'transition zone' because that's one of the things that living with wildlife tells you you should try to do when you're implementing those measures, so it's not always called mitigation zone because we have no say where they're going to travel. You did a really nice job, I appreciate the presentations. Tim I want to thank you for all the work you put in.

I do support the 18 foot road with the two and two shoulders and the offsite trail. I think for it being more in character for the rural nature of this development and for the people that will be living there, whether they will be walking or riding horse or whatever, it much more in keeping with that style of living community in the rural areas.

Commissioner Curtiss: I agree with you on that Michele. People may see me looking at the ceiling...it's because I know these ceiling tiles are two feet, so from this wall to the middle bump out is 18 feet or pretty close. If you look at that, that's a wide country road.

The other is this property will not become a connected road to some other subdivision on the west side for example because it's forest service there, I think it's an end to what will happen there.

I also like the...Ms. Erickson again talked about some fragmentation in the wildlife concerns. Again, Paul talked about the comments received from FWP and then they added the transition zone, wildlife corridor, whatever you want to call it and received no further comment from FWP's, so it rather addressed giving the animals plenty of room to move through without wandering through houses, although having grown up up there and having a cabin up there I can tell you that the elk and deer don't seem to really care where your house is anymore, unless you have tulips and then they will be there for sure!

And the addition of the wildlife interface plan and the garbage plan, that's something new, not something we've done before, I don't think. And the wildlife corridor discussion I think that the wildlife stuff has been addressed.

Commissioner Landquist: I also do think it's in keeping with the land use plan for the area as well as the opportunity to create jobs and one of the other things that was near to my heart and that I thought was good in trying to live with the land, create a responsible development, was the various sizes of the lots, I think that gives people with different incomes an opportunity to buy what they can afford. I think that's part of what I think almost backward thinking in rural developments that they're making them all standard sizes and not giving people the opportunity to have that starter piece, I know that's one of the difficult pains that we've heard from people living more rural, we're losing our young people, they can't afford to buy these massive amounts of land. I think that the design of the size of these lots will offer that variety, that opportunity to people to be able to afford a place there if they're younger and not making as much money as some of the retirement community money that comes into the area, so I applaud you for that.

Commissioner Carey: Before we start motions I would like to just say this is a really tough call for me. I'm delighted that Mr. Cruz fell in love with Montana, he's willing and able to invest in his property and do the things he's done, and it's exactly what we need here. My concern here is that we're basically, correct me if I'm wrong, putting a suburban designed project in the middle of one of the most pristine areas left in the Country and it doesn't bode well for the future. I'm not against development

but I would like to find some way to balance the development a little better with protecting the environment. It seems like we haven't heeded the FWP's suggestion of doing a better job of clustering, I know that can be financially not as desirable but it's just something that I'm afraid year after year, decade after decade we will gradually take the beauty and magic out of that part of the world, despite our best intentions.

Commissioner Curtiss: Tim, can you remind me what condition has the no parking?

Tim Worley: Yes, #9 page 27 in the Staff Report.

Commissioner Curtiss: I just see these signs as sign pollution in the county myself. I don't think they are necessary. The road is wide enough, there really wouldn't be any reason for them to park along there unless they were stopping to take a picture of a deer or something. I don't think that one is needed.

Motion:

Commissioner Curtiss made a motion that the Board of County Commissioners delete recommendation #9, for installation of "No Parking" signs along both sides of Triple C Drive. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

Commissioner Curtiss: One more comment about the building setbacks that the planning board made comments about. I understand where they're coming from on that but I think that from the photos that Mr. Cruz showed us of how they placed the cabins on their other piece of property that is adjacent. It's obvious that when you start setting cabins like that, it's better to have some flexibility so that you can set them so you're not looking at each other's windows and there's a tree that blocks your view or whatever. I think that flexibility is good, it's not a condition in here at all but I just wanted to make that comment.

Tim Worley: As we move through motions, you might want to take a look at some of the particulars and I would use the memo because it seems like we're talking about road width, we're talking about the 3' bare soil pathway. Let's start with #1 if I could, there's one thing I wanted to flag on that one. If you go with that lesser road width that condition language continues to have the 60' wide access easement that was recommended by Public Works. The original proposal was for 40', I don't know if Greg wants to weigh in on that or not but if you go to that 18 foot with 2' and 2', you might want to consider that 60.

Commissioner Curtiss: This might be a question for Nathan since he said he would be the 'Engineer of Record'. If I could ask....I know that some of the off-site road is going to have more cut and fill and you might need 60' or do you think you have adequate in 40'?

Nathan: I think 40' is fine and I think if you need more for cuts and fills #1 we could do wider easements if we wanted to. There's certainly platted right-a-ways for State Highways where they widen it. I was just told 60 is fine by the client but quite frankly I disagree with my client and say 40 is fine, you can do what you want with that. I don't like and maybe Greg at some point and time could explain to me why we would say gravel roads are 18 feet wide with 2' shoulders on either side, that's not how you build roads. We aren't going to come in at 18' and throw a shoulder on each side, which is why I'm advocating for what Tim said...

Commissioner Curtiss: Oh to say 20' and not say shoulders?

Nathan: Because what you do is basically cut out where the roads going to be, grade the existing soils and then you put your road on top of that (inaudible) ...you don't pour them on the sides because that's where your ditches are going to be. Trying to actually do something different from that with shoulders is probably more expensive.

Commissioner Curtiss: You just end up with a 22' wide road.

Nathan: 20' is what we did for Underwood, 20' edge to edge.

Greg Robertson: I guess to address Nathan's point, when Underwood Road was submitted it was built as a private road serving essentially a couple residences and this is somewhat changing the tone. I have to agree with James, while this is being represented as a guest ranch and the like, the reality is that this is going to be subdivided; it's going to have the potential for both commercial and residential uses and really needs to be treated as such, even with the best of intentions. The economy can change or whatever so I think it needs to be looked at in a conventional style.

Commissioner Curtiss: So can you explain to me then...you saw what their drawings are so if you have an 18' road ~ are you telling me then that the shoulders have that 2% slope? Is that what the difference is?

Greg Robertson: To a certain degree along with surfacing, yes. That's a transition point, it's a little more stable than getting off in the ditch line, which is a natural and typically grasses. But it is an area, a shy distance for vegetation and the like for off tracking for getting around vehicles or whatever.

Commissioner Curtiss: So it's not going to crumble if you happen to pull over to get out of the way for that fire truck?

Greg Robertson: If you're getting into the ditch line, that's generally your softer area, it's not as compacted. In looking at Condition #1, I'm okay with what's proposed, I think narrowing down further is probably not appropriate for the use that is being proposed now or could be considered in the future.

Commissioner Curtiss: So this is basically saying an 18' road with 1' shoulders, so you get 20' of unobstructed drivable ~ is that what it's saying?

Tim Worley: I tried to leave it fairly open to reflect what you're seeing on the screen right there and I think what's being proposed is an 18' traveled surface, which has the full base that you would expect with a road. But then you have a shoulder on one side that matches that 2% cross slope that you can expect on the other side of...there's not a center crown on this one, it's A-symmetrically sloped. Now the shoulder on the other side has that 4-1 slope so this would be the deeper, the steeper drop-off on this side but from here to here (looking at the screen) you would have 20'. I think the condition as I've tweaked it here on the memo gets to there and allows for some flexibility so that not every road section has to look exactly like what's on the screen.

Commissioner Curtiss: So you're okay with that?

Greg Robertson: That particular cross section that's proposed would be fine.

Commissioner Curtiss: So if it says 18 up at the top though and if you looked down at the underlined piece that doesn't do that? (The underlined at the very end of 1)

Greg Robertson: Essentially what that proposes is 22'. As opposed to 20 ~ 22 is more appropriate.

Commissioner Curtiss: So maybe we don't need #1 if we go with what they proposed? If Greg likes that and that's what they proposed we wouldn't need a condition.

Tim Worley: We need at least a final plat check off that says this is what the road section looks like.

Commissioner Curtiss: So Greg, if this comes to your office aren't you going to look at what they proposed and compare it?

Greg Robertson: Generally yes, unless there's a variance that's granted to control otherwise, we would apply the typical standard that is contained in the subdivision regulations unless spoken for otherwise. So in this particular if you can amend Condition #1 to reflect that, that would be okay with me.

Commissioner Curtiss: So it would just be a check box for you, a place for you to check. So we could just say the road shall be constructed as proposed?

James McCubbin: Yes, but I would actually recommend that that not be a condition because you're not changing anything in the packet. But it is appropriate to have and OPG started doing this, I believe Tim you can confirm that we have a final plat checklist of additional requirements that are specific things that we want to make sure we don't miss out of the packet or specific regulations that apply. So we would have that checklist that Public Works would see, is that correct?

Tim Worley: Yes, that's right.

Greg Robertson: In order to get where you're going James, the only thing I would recommend changing of the original conditions is subbing out 20' no obstructed to 18 because it's exclusive with shoulders. Then you met what had been proposed by Territorial.

Jimmy Boyd: I wanted to comment on the construction process; when we do our rough in grades we have to put in that sub-base all the way out, it then goes through the compaction ratios and I think what all of our general concerns was that we have 20' unobstructed drivable that will need a compaction ratio. So that's really where we're all trying to figure out the logistic, is to get 20 unobstructed with compaction ratio. So for us, when we did Underwood Road we did 20' road service and then when we had minimum cut back slopes those also have sub base under them too because it's just the process of how you grade, spread run a compactor back and forth and then you build one more layer of your pines. So end up for example on Underwood Road there's sections that are 29' just because that's how it lays on the land. I guess what I was trying to get at is, if we can concentrate on the 20' unobstructed meeting the compaction ratio, I don't know if that's possible that becomes accessible appropriate language or not.

Commissioner Landquist: Isn't that what this says here on this condition that Tim wrote for us, the underlined part?

Commissioner Curtiss: I still think we don't need to add a condition if they've already proposed what we want them to do.

Tim Worley: This is actually one cross section and there's multiples in the packet, I guess what I would recommend even coming back full circle to original condition #1, with just a slight tweak, where it says the road shall be constructed...on Page 26 of the staff report. The road shall be constructed to a 20' unobstructed drivable width, and then you might as well just strike 'exclusive of shoulders'. Then we would extract this condition of approval so to speak and put it under the final plat check off list so then it's clear. Okay here's the fundamental road section, whether it looks like that or if it slopes a different direction, doesn't really matter, you achieve your 20' unobstructed drivable. Greg and Brent and Deb and company at Public Works will all see that as a check off.

Commissioner Curtiss: And this is proposed to be a private road right?

Tim Worley: Right.

Commissioner Curtiss: So Greg do you care if this is a private road if it has 40' or 60'? I guess if they put a trail through part of it, it doesn't matter.

Greg Robertson: My preference...let's discuss the trail part of it, I would concur with what they're proposing, I would prefer to meander off into the woods parallel but connecting residents, it doesn't need to be adjacent to the roadway to minimum the prism width. I think there's some things they can do, they're concern as it's explained to me, is protecting the road prism and sloping it to one side can minimum that cut width that we'll have to (inaudible) on either side. Right-a-ways are generally there to accommodate whatever infrastructures necessary or to accommodate the subdivision. A lot of times we have utilities, they may not be much of an issue with that here and it may be able to serve other ways. So 60 is a standard width that also assumes that there's utilities in it, if they are providing services another way through UV's or whatever, then the right-a-way doesn't need to be that wide. If in the future as in pretty common place with a lot of folks, they want to make them county roads then the right-a-way width probably does need to be 60 for redundancy purposes and predictability so that we have the ability to maintain. The 60' doesn't have anything in terms of what the road prism looks like, at some point and time in the future, if it is to be developed as a county road, then it's already there without having to go in and acquire additional right-a-ways, so just one thing for consideration.

Motion:

Commissioner Curtiss made motion to strike 'exclusive of shoulders' in Condition #1 of the Staff Report (Page 26). Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

Greg Robertson: Can you give me and Nathan a chance to chat in the hallway and then come back to figure this out?

Commissioner Curtiss: Sure, that's fine.

Commissioner Curtiss: Condition #10, I'd like to have a discussion about whether it needs to be 5' wide or 3' wide like we did in Glacier Creek with native soil. I agree that when you go to an area to enjoy the outdoors, it should look like the outdoors and I think 3' is wide enough.

Commissioner Landquist: Personally I can live with 3' as long as there's...as long as we're still talking language of an easement that's wider than that. Because when you're riding horses and you're riding side by side with a couple people 3 feet's not wide enough. If it's used enough it will become as wide as it needs to be. As life and conditions change, grow and evolve that someday down the road it may need to be wider than the 3', so I can live with the here and now of 3' but as long as the minimum....

Commissioner Curtiss: So I think the one of Glacier Creek Meadows said 10' easement didn't it instead of 20'?

Tim Worley: Yes and I was going to recommend, you could probably slim that down to a 10' wide easement. You do need some sort of easement, unless it's in the right-a-way.

Motion:

Commissioner Curtiss made motion that the Board of County Commissioner amend Condition #10 to strike '5' wide pedestrian' and strike '5' wide non-motorized pathway' to say 3' and the easement to be 10' native soil. Insert 'native soil' before walkway. Commissioner Landquist seconded. The motion carried a vote of 3-0.

James McCubbin: Commissioners, the condition as currently stated is within a boulevard drainage swale along one side, my understanding is this may be located a little bit further up the road.

Commissioner Curtiss: That's why if you go to this one it has that.

James McCubbin: Okay, I see. Thank you.

Greg Robertson: I think he and I are using a different context of how this is to be applied. I think he and I agree 18 with 2 and 2 is appropriate. We will craft a design so that it fits in a narrow prism then what's currently showing on the map to minimize those impacts.

Commissioner Curtiss: So it would say?

Greg Robertson: 18' travel way exclusive with shoulders. Our standard is 2' shoulders for both gravel and paved roads. The design will be...so it does look in context of 22' of surfacing but in reality it's not going to be as much. And we will steepen up the interior slope of the ditch line to make up the difference in width and still achieve the same thing that they're wanting to do. It would satisfy me.

Paul Forsting: I just wanted to clarify I think where Tim landed with the 20' unobstructed surface, exclusive of shoulders is completely fine. I think they got a little technically on me there, I think that's what they were talking about, I think they talked about getting less than the 22' prism, I think it was pretty clear. Tim and I are going to have to get together and make sure this condition is satisfied. 20' drivable, however we have to achieve that, I think that's what the condition says Tim? Is that correct?

Nathan: Where Greg and I landed is appropriate and it is a little different then what Tim has drawn up. Earlier I was trying to explain how I never really understood shoulders on a gravel road and I now understand how Missoula County Public Works looks at that and so what Greg is recommending is satisfactory to our client.

Commissioner Curtiss: So 18' exclusive of shoulders?

Greg Robertson: Yes.

Commissioner Curtiss: And it should say 18' unobstructed drivable or is that necessary?

Greg Robertson: No, not really. It says that anyway.

Commissioner Landquist: So we reached a win/win, we just have to figure out how to say it?

Greg Robertson: I think the only thing you need to do is just change the number from 20 to 18 and you're there.

Motion:

Commissioner Curtiss made motion to amend condition #1 to strike 20 and insert 18. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

Commissioner Curtiss: Nathan, they're going to have people out building this stuff so we just want to make sure you're both on the same page before.

Motion:

Commissioner Curtiss made motion to adopt a new condition to read that the development covenants shall be amended to include the following information to be reviewed and approved by County Public Works, prior to the phase 1 final plat approval. That wording is as follows: 'Address assignments for driveways approaching private roads are required to be approved by Missoula County Public Works.' Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

Motion:

Commissioner Curtiss made motion that staff re-number as appropriate. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

Tim Worley: My only recommendation on the non-motorized facility #5, I would just recommend conditional approval instead of denial of the variance. I think that's probably the best approach at this point.

James McCubbin: Commissioners, one other thing that was discussed was the language of transition zone versus wildlife corridor ~ was that a condition or what?

Commissioner Curtiss: I think that's just something they're going to put on the map.

Commissioner Landquist: No I don't really care what it's called. I guess the reason why I brought that up was because the way people and or their lawyers sometimes use certain terms. I got a little concerned when you called that a wildlife corridor and that's why I questioned you...who's calling it a wildlife corridor and who's identifying it because usually that's the sort of thing FWP or the professional biologist do, so I got concerned about that possibly being used as like professional...in the future by somebody else. I don't care what it's called as long as it's called what it needs to be.

James McCubbin: For consistency with other plats because I think it's a fairly common language. I think if we just called that a no-build, no-alteration zone and it's clear what the purpose is.

Tim Worley: I think it's okay to continue to call it a wildlife corridor or just in this specific context because in the condition of approval we say; take the wildlife corridor and make sure it's a no-build zone. So it's tied to a no-build reality when phase 2 gets platted.

Commissioner Landquist: Because I also realized the importance that in complying with State law and subdivision review that we have to look at...was there a need to mitigate for wildlife, for this or for that and be able to show that yes there was maybe a need to identify to mitigate for wildlife and this is what they did. I just wanted to throw that language out in case it was useful and to make sure something didn't get used for or against us in the future.

Motion:

Commissioner Curtiss made motion that the variance request to Subdivision Regulations Section 3.2.2.5(2) which requires installation of a 24' wide off-site road, Triple C Drive be conditionally approved based on findings of fact, subject to the required conditions of approval as amended. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

Commissioner Curtiss made motion that the variance request to Subdivision Regulations section 3.2.2.6, table 1 requiring installation of a 24' wide on-site road, Triple C Drive be conditionally approved based on findings of fact, subject to required condition of approval as amended. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

Commissioner Curtiss made motion that the variance request to Subdivision Regulations 3.1(1)(b) and 3.2.2.2(4)(5) requiring a 20' unobstructed drivable width for an emergency access road be approved based on the findings of fact. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

Commissioner Curtiss made motion that the variance request to Subdivision Regulations 3.3.1(5) which prohibits through lots for lots 7-10 be conditionally approved based on findings of fact and subject to condition of approval. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

Commissioner Curtiss made motion that the variance request to Subdivision Regulations sections 3.2.3(3) which requires installation of non-motorized vehicles along Triple C Drive be conditionally approved based on findings of fact and subject to conditions of approval as amended. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

Commissioner Curtiss made motion that Triple C Guest Ranch Subdivision be approved based on the findings of fact subject to conditions of approval as amended. Commissioner Landquist seconded the motion. Commissioner Carey denied the motion. The motion carried a vote of 2-0.

Commissioner Curtiss: I'd like to thank the staff, the developer and the land owner for a good project and being good stewards of the land. I look forward to the project.

7. **OTHER BUSINESS:** None.

8. **RECESS**

Being no further business to come before the Board, The Board was in recess at 4:23.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated September 13, 2012:

- 1) Approving request from Penny Stevens/Pumco, Inc., Lolo, to refund motor vehicle taxes/fees paid in error for vehicle #370024.
- 2) Denying request from Owen Family Partnership, Missoula, to refund penalty/interest for taxpayer id #3406402. Tax bill was mailed to correct address.
- 3) No action needed re: Worley Mobile Home Taxes. Info only.
- 4) Denying request from Michael/Helen Nisbet, Missoula, to refund penalty/interest for taxpayer id #4139291. Tax bill was mailed to correct address.
- 5) Denying request from Michael/Helen Nisbet, Missoula, to refund penalty/interest for taxpayer id #3680402. Tax bill was mailed to correct address.
- 6) To Maria Umhey, Milltown, re: reconsidering BCC decision of April 11, 2012. Son's file was reviewed by County Deputy Attorney; both cases are closed/taxes were not discharged. BCC has no legal authority to cancel taxes for taxpayer id #80516058.
- 7) Approving request from Carla Davis/Brent Campbell, Missoula, to refund motor vehicle taxes paid in error for vehicle #997783 (contingent on proof of sale to Flanagan Motors).
- 8) Approving request from Daniel Bennett, Missoula, to refund motor vehicle taxes paid in error.
- 9) Approving request from Daniel Bennett, Missoula, to refund motor vehicle taxes paid in error.
- 10) Approving request from Jason Tirrell, Missoula, to refund motor vehicle taxes paid in error for vehicle #2121157 (contingent on proof of sale).
- 11) Denying request from Geneva Bybee, Oakland, CA, to refund motor vehicle taxes/fees paid for vehicle #827440. BCC has no legal authority to do so.
- 12) To Joan Burnett, Missoula, re: her request to refund taxes due to incorrect assessment for taxpayer id #962801. BCC will notify DOR than abatement be prepared for 2011 taxes.
- 13) To Emery/Reina Benson, Missoula, re: her request to refund taxes due to incorrect assessment for taxpayer id #2138002. BCC will notify DOR than abatement be prepared for 2011 taxes.

THURSDAY, SEPTEMBER 13, 2012

BCC met in regular session; quorum present in morning. JC attended NARA Conference off and on through Friday, September 14th. ML on vacation through Friday, September 21st.

ADMINISTRATIVE MEETING – No Agenda items

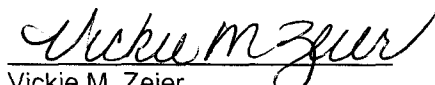
Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated September 12, 2012. Amount/\$26,712.14. To County Auditor.

Additional discussion item(s): 2012 Western MT Fair update.

FRIDAY, SEPTEMBER 14, 2012

BCC did not meet in regular session. JC attended NARA Conference off and on through this date. ML on vacation through Friday, September 21st.

County Payroll Transmittal Sheet – BC, JC signed. Pay Period: 18/CY2012 - Pay Date/September 7, 2012. Total Payroll/\$1,275,494.28. To County Auditor.


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

MONDAY, SEPTEMBER 17, 2012

BCC met in regular session; quorum present. ML on vacation through Friday, September 21st.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Porte Lindbergh Lake Shoreline Permit; 3) Pioneer Acres Subdivision; 4) OPG Director's update.

Letter – BCC signed, dated October 3, 2012. To Bill/Ramona Holt, Lolo, conditionally approving phasing plan amendment for Pioneer Acres Subdivision. Final plat submittal deadline is extended to December 15, 2012 for Phase 1 (subject to submittal of Weed Management Plan in COA #25).

Shoreline Permit – BC signed. #13-03 for Applicant Neva Porte for dock improvements at 6765 Lindbergh Lake Road (Lot 18A, Diamond L Bar Ranch). Original to Todd Klietz/OPG.

Rural Initiatives Update – Canceled

TUESDAY, SEPTEMBER 18, 2012

BCC met in regular session; quorum present. ML on vacation through Friday, September 21st.

ADMINISTRATIVE MEETING

Resolution No. 2012-074– BCC signed, dated September 18, 2012. Budget Amendment for OPG/Grants Division/CVA Program, showing \$50,000 revenue from Municipal Court Crime Victim Surcharge, and expenditures in same amount for salaries/fringe/tech transfer and phone. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County.

Request – BCC approved revised following grants policy and new policy for tracking payroll costs allocable to OPG grants: *Missoula County Grants and Timesheet Approval/Allowable Costs for Federal Awards*; and *Missoula County Grants and the Schedule of Expenditures of Federal Awards*. Original to Barb Berens/Auditor.

Renewal Agreement – BCC signed. Between County and Missoula Maulers, Inc. for alcohol concession for 2012-2013 hockey season at Missoula County Fairgrounds. Amount/approx. \$3,200 (10% of gross alcohol beverage receipts). Term/October 1, 2012 – October 1, 2013. Originals to Steve Earle/Fair.

Additional discussion item(s): 1) MACo Resolutions for annual conference; 2) Retirement Plaque print selection.

WEDNESDAY, SEPTEMBER 19, 2012

BCC met in regular session; quorum present in morning. Early a.m.: BC attended Chamber Ad Hoc Meeting. Afternoon: JC attended "Hit the Tap" Grand Opening of Community Fountains, held at Riverfront Park. ML on vacation through Friday, September 21st.

CAO MEETING

Trading Partner Agreement – BC signed. Safe Drinking Water Information System/Lab Analysis Sample Results (LASR) Agreement between MCCHD and MT DEQ to define terms/conditions under which Water Sample Results will be exchanged using the DEQ LASR Solution. Project begin: August 23, 2012; no end date determined. Two originals to Julie Mohr/MCCHD.

Contract – BCC signed. Between County and Bernadette Roy for provision of services as Director of Nursing at PHC. Amount/\$62,000 per year. Term/August 20, 2012-June 30, 2014. Originals to C&R and Andrea Laine/PHC.

Renewal Contract – BCC signed. Between County OPG and Missoula Urban Transportation District for TDM program (Missoula in Motion). Amount/\$145,000 (provided by CMAQ funds). Term/July 1, 2012 – June 30, 2013. Two originals to Alex Stokman/MIM for further signatures/handling.

Request for Full Reconveyance – BC signed, dated September 19, 2012. With City, County and Twite Family Partnership for completion of all required development related improvements for Linda Vista 12th Supplement (Units 3, 4, 5, 6, 7 & 8 in One Hundred South Curtis Condominiums). Document releases trust indenture in effect to guarantee the improvements.

Contract – BCC signed, dated September 14, 2012. Between County and American Society of Civil Engineers for provision of peer review of County Public Works Dept. Amount/\$9,000. Term/week of October 15 – December 31, 2012. Originals to C&R and Andrea Laine/PHC.

Letter – BCC signed, dated September 19, 2012. To C. Cartwright/Superintendent/Glacier National Park, thanking his staff for their help in the process of County's acquisition of West Glacier wastewater treatment facility dredge for use at our Lolo facility.

Letter – BCC signed, dated September 19, 2012. To Governor Brian Schweitzer, Helena, thanking Mark Athearn, Program Manager of MT Property/Supply Bureau, for his help in acquiring dredge (referenced above) from the National Park Service.

Letter – BCC signed, dated September 19, 2012. To Senator Max Baucus, Missoula Office, responding to his query re: status of Patricia Davenport's fence encroachment. BCC provided brief summary from Public Works Dept. and explained how and why encroaching fence was removed on September 17, 2012.

Additional discussion item(s): Public Works Departmental Update

No Public Meeting held this date

THURSDAY, SEPTEMBER 20, 2012

BCC met in regular session; quorum present. ML on vacation through Friday, September 21st.

ADMINISTRATIVE MEETING

Amendment – BC signed. #1 to Contract #12-07-3-01-010-0 between County (PHC) and MT DPHHS for breast/cervical cancer screening. Screening support services is raised from \$112,000 to \$118,200. Total reimbursement may not exceed \$210,410 for period July 1, 2011-June 30, 2012. Originals to Andrea Laine/PHC for further signatures/handling.

Bylaws – BCC reviewed/signed Revised Bylaws, dated September 20, 2012 for the County Open Lands Citizen Advisory Committee in an effort to clarify group's roles/responsibilities as an advisory body and bring bylaws into compliance with County Policy. Two originals to Laurie Hire/RI.

Amendment – BC signed. #1 to MOU between MT DPHHS and Interim Assistance Providers Coalition, which provides services to individuals waiting for SSIT determination. Missoula County has been administrative entity since 2003 for Missoula, Lewis & Clark, Butte-Silverbow and Yellowstone Counties. Amendment extends contract through September 2013 (vs. September 2012). Two originals to Peggy Seel/OPG for further signatures/handling.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated September 19, 2012. Amount/\$14,141.75. To County Auditor.

Request for Records Disposal/Transfer Authorization – BC signed request form from Sheriff for Confidential: 1) Personnel Records (1974-1997); 2) Traffic and other Citations (1994-2001); 3) Training Records (1983-1996). To be destroyed

Additional discussion item(s): Maclay Bridge update.

FRIDAY, SEPTEMBER 21, 2012

BCC met in regular session; quorum present. ML on vacation through this date


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

SUNDAY, SEPTEMBER 23, 2012

JC at MACo Annual Conference through Wednesday, September 26th - Great Falls.

MONDAY, SEPTEMBER 24, 2012

BCC met in regular session; quorum present. JC at MACo Annual Conference through Wednesday, September 26th - Great Falls. Morning: BC/ML attended Milltown Event *Celebrating the End of Remediation & Restoration Phase* – Bluff Overlook. Afternoon: ML attended retirement celebration for Kathy Goode.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) 8045 Starr Drive (Miller) Rezone (*info*); 3) Lessnau and Shoupe Family Transfer (*info*).

Rural Initiatives Update – 1) Public Comment; 2) Contract Extension for Kennedy Creek Reclamation Grant; 3) Roth Open Space Bond Project/update on Qualifying Resolution; 4) Communications; 5) Director's update.

TUESDAY, SEPTEMBER 25, 2012

BCC met in regular session; quorum present. JC at MACo Annual Conference through Wednesday, September 26th - Great Falls.

ADMINISTRATIVE MEETING

Committee Appointment – Per MCA 13-17-504, BCC appointed Steve Smith as an Alternate Post Election County Audit Committee member, as current member Jeff Seaton will not be available for audit of Presidential election. One original to C&R; one to Steve Smith.

Agreement – BCC signed. Between County and Big Brothers Big Sisters of Missoula for their Community Mentoring Program. Amount/not to exceed \$17,000 (funded from June 2008 voter-approved mill levy to support substance abuse prevention efforts). Term/July 1, 2012 – June 30, 2013. Originals to C&R and Peggy Seel/OPG.

Agreement – BCC signed. Between County and City Life Community Center for their After Dark Program. Amount/not to exceed \$16,000 (funded from June 2008 voter-approved mill levy to support substance abuse prevention efforts). Term/July 1, 2012 – June 30, 2013. Originals to C&R and Peggy Seel/OPG.

Board Appointments – Per amended Bylaws, terms on the Open Lands Citizen Advisory Committee will expire December 31st (vs. current term end of November 30th). Consequently, BCC extended terms of all current OLC members by one month, as follows:

- 1) Terms extended to December 31, 2012: Alicia Vanderheiden, Jack Rich, Becky Anderson, Jim Cusker, Dennis Iverson, and Dan Stone.
- 2) Terms extended to December 31, 2013: Anne Dahl, John Rimel, Carolyn Mehl, Heather Wills, and Marci Valeo.
- 3) Terms extended to December 31, 2014: Sharon Sweeney, Juanito Vero, Carolyn Demin, Jock Conyngham, Jeanne Hall, and Andy Hayes

Contract – BCC signed, dated September 25, 2012. Between County and CRW Enterprises, Inc. d/b/a Rainmaker to replace irrigation line at Fort Missoula Regional Park. Amount/\$2,860. Term/October 1 - 15, 2012. Originals to C&R and Lisa Moisey/RI-Parks.

Request – BCC reviewed/approved request from RI/Parks to include Fort Missoula Trail (portion of Fort Missoula Regional Park) as part of the National Public Lands Day Project to be held September 29, 2012. Trail will be 8' wide, ½ mile long, and ADA compliant. To Lisa Moisey/RI-Parks.

Request – BCC reviewed/approved request from RI/Parks staff to apply for a Sarbanes Transit in Parks Federal Grant (via US DOT/Federal Transit Administration) for trail projects at Fort Missoula Regional Park. Application due September 28, 2012. To Lisa Moisey/RI-Parks.

Contract – BC signed, dated September 20, 2012. Between County and Jackson Contractor Group for Fairgrounds Paving Project (bid awarded September 6, 2012). Amount/\$91,356.80. Originals to C&R and WGM.

Contract – BCC signed, dated September 25, 2012. Between MCCHD and Chippewa Cree Tribe of the Rocky Boy's Reservation to provide Registered Dietitian for Rocky Boy WIC Program. Services provided via web cam, iPad, phone and e-mail. Amount/\$4,800. Term/October 1, 2012 – September 30, 2013. Three originals to Julie Mohr/MCCHD.

Amendment – BC signed. #4 to Task Order #12-07-05-21-014-0 between MCCHD and MT DPHHS for WIC Program (to purchase iPads so MCCHD can conduct face-to-face sessions with clients via the Internet. State Dietician Services are raised by \$5,000 (from \$492,246 to \$497,246). Total reimbursement may not exceed \$210,410 for period July 1, 2011-June 30, 2012. Three originals to Julie Mohr/MCCHD.

Additional discussion item(s): MT Safety Culture Act – establishing a committee/defining its role.

WEDNESDAY, SEPTEMBER 26, 2012

BCC met in regular session; quorum present. JC at MACo Annual Conference through this date.

CAO MEETING

Resolution No. 2012-075 – BC signed, dated September 26, 2012. Qualifying purchase of conservation easement on land owned by the Roth Family in the Swan Valley as a "Qualified Open space Project" for expenditure of up to \$350,000 in 2006 Open space bond funds.

Contract Extensions – BC signed. Between County (RI) and Trout Unlimited and DNRC. Extensions for the Kennedy Creek Mine Reclamation Grant. Two new Ninemile Reclamation grants projects: 1) Josephine Creek Planning Project and 2) Twin/Housum Reclamation Project. Contract expiration date extended from September 30, 2012 to December 31, 2012. Originals to Nancy Heil/RI.

Memorandum of Agreement Renewal – Between County and Confederated Salish and Kootenai Tribes regarding Cooperative Land Use Planning and Regulation. Current five-year effective date is due to expire. BCC approved renewal for signature by BC when BCC meets with tribes on October 3, 2012.

Agreement – BC signed, dated September 13, 2012. Between County and National Coalition Building Institute/Missoula, for provision of *Respect Club*, an after-school leadership development program for middle school youth (as part of substance abuse prevention efforts). Amount/\$9,000 for period July 1, 2012-June 30, 2013. One original to C&R; one original to Peggy Seel/OPG.

Additional discussion item(s): None.

PUBLIC MEETING – September 26, 2012

1. CALL TO ORDER

Commissioners Present: Commissioner Bill Carey (Chair), Commissioner Michele Landquist

Commissioners Absent: Commissioner Jean Curtiss

Staff Present: Tim Worley, OPG, Jennie Dixon, OPG

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

National Public Lands Day

4. PUBLIC COMMENT

Renee Mitchell: November Elections, 650 vote tabulator malfunction ~ read letter from Patty Lovaas

5. ROUTINE ADMINISTRATIVE ACTIONS

Bi-Weekly Claims List (\$2,638,306.67)

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount of \$2,638,306.67. Commissioner Carey seconded the motion. The motion carried a vote of 2-0.

6. PROCLAMATION

Missoula Trolley #50 Day

Commissioner Carey read the Proclamation.

7. HEARING (Certificate of Survey)

Lessnau/Shoupe Family Transfer & Boundary Line Relocation – Clinton

Jennie Dixon read the staff report and asked Daniel Shoupe the standard Family Transfer questions.

Public Comment

None

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the request by Lessnau and Shoupe to create one (1) additional parcel by use of the family transfer exemption and a boundary relocation based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Carey seconded the motion. The motion carried a vote of 2-0.

8. HEARING

Rezone Parcel in West Riverside from C-I1 (Light Industrial) to C-RR2
(Residential – 2 dwelling units per acre) 8045 Starr Drive

Tim Worley read the staff report and showed PPT presentation.

The recommendation coming both from staff and from planning board is approval of the rezoning because much of West Riverside is residential, you don't really see a lot of industrial until you get to the Bonner mill site and the log yard further to the south and east. The density that's being requested is comparable to the area. The current zoning is a bit problematic because it creates a nonconformity right now, you have a residential dwelling that's been there for decades that if it were to burn down, it would be hard to find zoning compliance in rebuilding that structure after say a year. The rezoning would allow rebuilding and expansion of residential uses on the property and that could happen through a number of mechanisms; one being family transfer, another being subdivision or subdivision for lease or rent. This property is within the urban growth area. Again, this request is consistent with the comp plan. This particular property is within walking distance of a couple of different county parks. Not too far from the new state park that will be coming on line in 2014. And we found that emergency response distances to this location compare favorably with other parts of the Missoula Urban Area.

We do have one recommended condition and that's for a waiver of the right to protest inclusion in a future rural special improvement district for walkways or other pedestrian facilities along Starr Drive, which is a public road. The recommendation would be for the Miller's to file a document similar to the

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one up on the screen and I know of no project plan for the West Riverside area as far as pedestrian facilities is concerned. We felt as far as findings of fact that it was important since this is within the urban area and growing that this might be a way of facilitating future pedestrian facilities, without actually requiring them at this time because there's no development project imminent right now.

This did go before Planning Board last Tuesday and they did ask some pertinent questions. One was regarding the fact that this is close to a bus stop but should this property be required to partition into the urban transportation district. I have talked to Michael Tree of Mountain Line since Planning Board and he did confirm that this property is within the urban transportation district and it does pay essentially the taxes that go to Mountain Line, so they don't need to partition into the district. That was a good question coming from Planning Board. And Planning Board also asked the question about the large shop on the property, which is on the western edge of the property. The shop is currently used for storage. The question was pertaining to nonconformities, if this property for instance were subdivided in the future ~ could you subdivide off that shop all by itself and be compliant with the residential zoning? I think it's important to put on the record that this shop does need to be accompanied by a primary use basically and it is right now because of the home on the eastern side of the property, but if you were to divide that property in half there needs to be a primary use associated with that shop, you can't just have the shop on there all by itself and be zoning compliant. So following this action today, assuming that this rezoning goes through, everything will be fine but the next action down the road, if there's subdivision or family transfer or subdivision for lease or rent, that zoning compliance piece does need to be investigated. At this time there are no zoning compliance issues with this zoning action that's being requested so in summary staff and planning board recommend approval of this rezoning and planning board's recommendation was unanimous.

Public Comment

None

Commissioner Landquist: Seems pretty straight forward to me Tim and from the maps of the area that the contiguous properties it seems like it would be a better fit for what's there, compared to what it is now. I don't have a problem with it.

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the request to rezone property legally described as a parcel of land located in the SW ¼ of Section 16, in Township 13 North, Range 18 West, more particularly described in the Warranty Deed in Book 857, Page 643 Micro, from C-11 (Light Industry) to C-RR2 (Residential – 2 dwelling unit per acre) be conditionally approved, subject to the condition of approval and based on the findings of fact in the staff report. Commissioner Carey seconded the motion. The motion carried a vote 2-0.

9. OTHER BUSINESS

None

10. RECESS

Being no further business to come before the Board, The Board of County Commissioners are in recess at 2:05.

Following Public Meeting, BCC signed Resolution No. 2012-076, dated September 26, 2012. Resolution of Intent to rezone parcel of land located in the SW¼ of Section 16, T 13 N, R 18 W, from C-11 (Light Industry) to C-RR2 (Residential-2 Dwelling Units Per Acre). Public Hearing held September 26, 2012.

THURSDAY, SEPTEMBER 27, 2012

BCC met in regular session; all three present. Morning: ML attended MT Petroleum Association Oil & Gas Briefing, held at DoubleTree. Early evening: BCC attended MDT/FHWA Maclay Bridge Information Meeting, held at Big Sky High School.

ADMINISTRATIVE MEETING

Replacement Warrant - BC signed. Yeej Moua, Missoula, Principal for MCPS Warrant #28220109, issued June 15, 2012 on County Payroll Fund. Amount/\$410.88 (for wages). Not received in mail; no bond of indemnity required.

Indemnity Bond – BC signed. Isaiah Wakkinen, Missoula, Principal for MCPS Warrant #221227, issued September 14, 2012 on County Payroll Fund. Amount/\$84.15 (for wages). Warrant lost.

Indemnity Bond – BC signed. James Onderko, Chardon, OH, Principal for County Attorney's Office Warrant #65008694, issued July 11, 2012 on County Special Restitution Fund. Amount/\$777.29 (for restitution of funds). Warrant lost.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 19/CY2012 - Pay Date/September 21, 2012. Total Payroll/\$1,351,653.03. To County Auditor.

Contract – BCC signed, dated September 21, 2012. Between MCCHD and Richard Mark Fenton to serve as keynote speaker at *Summit to Prevent Childhood Obesity* and to facilitate small group discussion about the Healthy Built Environment. Amount/\$5,000; and up to \$1,500 for additional expenses. Term/September 28-29, 2012. Two originals to Mary McCourt/MCCHD.

Resolution No. 2012-077 – BCC signed, dated September 77, 2012. Budget Amendment for Development Park/Non-increment Reserve, providing budget authority in amount of \$10,000 for September 2012 contract with CDS Montana for tax increment consulting services (for proposed Bonner Millsite TIF). For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated September 26, 2012. Amount/\$38,600.83. To County Auditor.

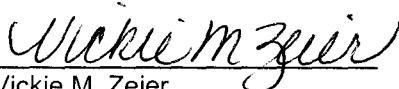
Additional discussion item(s): Maclay Bridge update.

FRIDAY, SEPTEMBER 28, 2012

BCC met in regular session; all three present. Afternoon: BC attended retirement celebration for Bill Otten of Weed District. JC attended meeting with Kim Mansch, Dr. Apostle, et al.

Request for Records Disposal/Transfer Authorization – BC signed request form from Employee Benefits for Claim Batch (Medical/Dental 7/1/2003-6/30/2004); Claim Batch (RX 7/1/2003-6/30/2004); Trust Account Records (7/1/2009-6/30/2010). To be destroyed

Request for Records Disposal/Transfer Authorization – BC signed request form from Superintendent of Schools for Bus Contracts; Bus Contracts/Seeley Lake; Bus Contracts/Swan Valley; Fall Reports; TR-1, 4, 13, 5 & 6; and Tuition Agreements (for varying dates 7/1/2000-6/30/2007). To be destroyed


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

SATURDAY, SEPTEMBER 29, 2012

JC attended "Let's Move! Missoula", Childhood Obesity Summit, held at UofM Campus.

MISSOULA COUNTY COMMISSIONERS' JOURNAL: OCTOBER 2012

BCC = BOARD OF COUNTY COMMISSIONERS

BC = Commissioner Bill Carey, Chair
 ML = Commissioner Michele Landquist
 JC = Commissioner Jean Curtiss

The following Claims Lists were signed during the month of OCTOBER 2012:

Date Signed	Claims List Date	Who signed	Amount
October 1, 2012	September 27, 2012	JC, ML	\$4,618.67
			\$12,107.73
October 1, 2012	October 1, 2012	JC, ML	\$29,465.14
			\$25,348.84
			\$1,717.50
			\$44,909.17
			\$1,895.57
			\$251.56
			\$785.00
			\$236.25
			\$3,269.01
			\$2,280.70
			\$5,483.27
			\$15,330.65
			\$248,608.50
			\$613.61
			\$1,532.49
			\$1,077.41
			\$98,558.35
October 3, 2012	September 25, 2012	BCC	\$100.00
October 3, 2012	October 2, 2012	BCC	\$4,452.80
			\$18,173.69
			\$1,454.72
October 3, 2012	September 27, 2012	BCC	\$3,155.64
October 3, 2012	October 2, 2012	BCC	\$144.54
			\$102.96
			\$10,226.05
			\$1,222.79
			\$7,725.87
			\$3,589.43
October 4, 2012	October 3, 2012	BCC	\$3,191.89
			\$577.72
			\$26,125.30
			\$55.91
			\$16,787.55
			\$1,443.43
			\$750.00
			\$2,032.98
			\$3,835.84
			\$816.00
			\$117.26
October 5, 2012	October 3, 2012	BC, JC	\$102.00
			\$3,064.90
October 5, 2012	October 4, 2012	BC, JC	\$4,235.51
			\$1,187.00
			\$26,342.69
			\$361.64
October 10, 2012	October 4, 2012	JC, ML	\$13,351.72

October 10, 2012	October 5, 2012	JC, ML	\$4,000.00
			\$137,001.96
			\$19,310.61
			\$975,508.34
			\$2,319.02
			\$7,563.29
			\$57,397.78
			\$5,516.36
October 10, 2012	October 9, 2012	JC, ML	\$7,513.06
October 10, 2012	October 10, 2012	JC, ML	\$3,543.90
			\$207.24
			\$4,083.53
			\$18,093.38
October 11, 2012	October 9, 2012	BCC	\$40,481.55
			\$10,093.13
October 11, 2012	October 10, 2012	BCC	\$50,516.32
			\$3,918.81
			\$584.22
			\$928.38
			\$2,293.38
			\$14,367.85
			\$7,326.96
			\$912.97
			\$2,624.73
			\$32,069.22
October 10, 2012	PHC Cardinal Health ACH		\$29,726.58
October 10, 2012	PHC Cardinal Health ACH		\$39,235.98
October 12, 2012	October 11, 2012	JC, ML	\$4,972.81
			\$746.43
			\$1,423.28
			\$2,280.71
			\$170.72
			\$2,198.27
			\$101,438.63
			\$37,413.63
			\$127,522.25
			\$258.70
			\$4,439.99
			\$6,841.66
			\$2,537.49
			\$4,750.00
October 15, 2012	October 12, 2012	JC, ML	\$26,272.09
			\$530.65
			\$1,139.96
			\$30,355.39
			\$371.99
			\$4,013.82
			\$4,668.12
October 16, 2012	October 11, 2012	BCC	\$1,027.27
October 16, 2012	October 12, 2012	BCC	\$251.92
			\$1,166.56
October 16, 2012	October 15, 2012	BCC	\$39.44
			\$1,145.00
			\$11,835.50
			\$8,696.69
			\$1,190.07
			\$1,723.20
			\$70,110.52

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October 16, 2012	October 16, 2012	BCC	\$26,600.00
October 17, 2012	October 12, 2012	BCC	\$96.64
October 17, 2012	October 15, 2012	BCC	\$404.00
October 17, 2012	October 16, 2012	BCC	\$548.44
			\$5,819.81
			\$13.56
			\$85.00
			\$15,152.39
			\$227.81
			\$51.81
			\$2,776.29
October 17, 2012	October 17, 2012	BCC	\$15,000.00
			\$10,218.14
			\$804.00
October 18, 2012	October 17, 2012	BCC	\$3,318.90
October 19, 2012	October 18, 2012	BC, ML	\$22,690.28
			\$107,639.07
October 19, 2012	October 19, 2012	BC, ML	\$158.00
			\$2,273.09
October 22, 2012	October 22, 2012	BC, JC	\$205,751.39
			\$10,860.81
			\$700.54
October 23, 2012	October 22, 2012	BC, JC	\$65,123.30
			\$32,750.73
			\$13,145.87
			\$151.88
			\$7,065.28
			\$1,016.93
			\$15,792.55
			\$12,441.10
October 23, 2012	October 23, 2012	BC, JC	\$6,683.27
			\$18,974.33
			\$3,206.17
			\$656.82
			\$3,899.72
			\$309.17
October 24, 2012	October 23, 2012	BC, JC	\$14,057.18
			\$342.12
			\$115.00
			\$2,127.68
			\$101.00
			\$1,881.50
			\$100.32
			\$315.00
			\$867.47
October 25, 2012	October 23, 2012	BC, JC	\$134.95
October 25, 2012	October 24, 2012	BC, JC	\$861,377.92
			\$1,051.06
			\$1,210.11
			\$1,084.74
			\$28,292.78
			\$28,656.02
			\$8,500.00
			\$5,295.15
			\$12,339.03
October 25, 2012	October 25, 2012	BC, JC	\$255.58

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October 29, 2012	October 25, 2012	BCC	\$5,090.37
			\$82,865.04
			\$61,918.47
			\$74,276.79
			\$1,662.19
October 30, 2012	October 29, 2012	BCC	\$13,904.14
			\$3,941.70
			\$2,228.27
			\$6,543.52
			\$33,167.39
			\$49,463.83
			\$734.71
October 30, 2012	October 29, 2012	BCC	\$1,461.47
			\$5,106.74
			\$2,386.05
			\$12,117.94
			\$988.77
			\$2,000.00
			\$84.22
			\$6,913.71
October 30, 2012	October 30, 2012	BCC	\$44.61
			\$2,291.24
			\$3,223.16
October 25, 2012	PHC Cardinal Health ACH		\$36,599.85
October 25, 2012	PHC Cardinal Health ACH		\$60,197.45
October 31, 2012	October 30, 2012	BC, JC	\$250.42
			\$11,891.75
			\$5,805.21
			\$4,133.80
			\$1,661.88
			\$260.25
			\$405.46
			\$168,866.57
			\$26,763.40

All Claims Lists returned to the Accounting Department.

MONDAY, OCTOBER 1, 2012

BCC met in regular session; all three present. Early morning: JC participated in Chamber Forum *Examining Workforce Needs in Missoula*, held at Missoula College Campus. Late morning: ML attended 2012 Fair Update meeting.

Planning Status Meeting – BCC/OPG Staff. *CANCELED* (no Agenda Items)

Rural Initiatives Update – 1) Public Comment; 2) Communications; 3) Director's update.

TUESDAY, OCTOBER 2, 2012

BCC met in regular session; all three present.

Indemnity Bond – BC signed. Mastercard, Tampa, FL, Principal for Sheriff Dept. Warrant #224254, issued June 20, 2012 on County 2180 Fund. Amount/\$323.16 (for Search/Rescue supplies). Warrant lost.

Plat – Owners/Emerald Lake LLC (Robert G. Beckley/Kerry G. Drew/Missoula County). Emerald Lake Estates Phase I, located in the N½ of Section 33, T 16 N, R 14 W, PMM, Missoula County (22 lots, common area, roads and boundary relocation of Tract B, Drew Addition). Total area/116.07 acres.

Subdivision Improvements Agreement/Guarantee – BCC signed. For Emerald Lake Estates Phase I ("ELE"). Relates to gravel road/shoulder/path, roadside ditch, culvert/drainage facilities, signage, etc. Completion date/no later than June 20, 2014. Estimated costs/\$292,765; guaranteed by First Interstate Bank Irrevocable Standby LOC (effective July 20, 2012). Also signed: Modification of Private Ingress, Egress and Utility Easements, Quitclaim Deed (unto Emerald Lake LLC for Lots 11-15 and parcel designated as Utility Lot of ELE), and Quitclaim Deed (unto Kerry G. Drew for Lot S5 of ELE).

ADMINISTRATIVE MEETING

Contract – BCC signed. Between County and Western MT Addiction Services for *Project Success* (provision of best practice substance abuse curriculum to Missoula's four urban and Frenchtown high schools). Amount/\$123,288.89 (of \$380,000+ allocated to projects from 2008 mill levy for substance abuse prevention efforts. Term/July 1, 2012-June 30, 2013. Originals to C&R and Peggy Seel/OPG.

Contract – BCC signed. Between County and Western MT Addiction Services for the Flagship Program (provision of after school activities in three high/two middle/three elementary schools). Amount/\$56,000 (of \$369,579 allocated to projects from 2008 mill levy for substance abuse prevention efforts. Term/July 1, 2012-June 30, 2013. Originals to C&R and Peggy Seel/OPG.

Memorandum of Understanding – BC signed. Between County and MT Department of Administration for MT Cooperative Purchasing Program. Participation is advantageous due to significant cost savings available. County Auditor Barbara Berens will represent the County in this Agreement. Original to State.

County Policy Revision – BCC approved revision to Disposal of County Surplus Property Policy #2011-02 (adopted May 31, 2011). Policy updated to include provisions re: 1) diverting from landfill disposal items that have no value to the County but are still reusable; 2) sale of surplus property with no value save for its material content; and 3) transfer of surplus property with no value to a recycling facility, if appropriate. Original to Barbara Berens/Auditor.

Contract Amendment – BCC signed, dated September 24, 2012. To contract between County and Watershed Sciences, Inc. to include mapping of additional 1737 acres of LiDAR acquisition for Rock Creek within Missoula County. Allocates \$8,762 (of \$14,000 unallocated grant funds) to cover Rock Creek, leaving \$5,238 that may be used to help fund a project with Missoula Water Quality District. Term/Fall 2012-Spring 2013.

End of Fiscal Year 2012 Budget Amendments ("BA") and Budget Transfers ("BT") – BCC signed, dated October 2, 2012. For total disclosure, expenditures included in formal FY12 Operating Budget/Revenue Estimates for County, as follows:

- 1) Resolution No. 2012-080 – BA for Rural Initiatives showing Revenue/Expenditure in amount of \$11,240, for Collins Planning Associates (Consultant hired for Subdivision Regulation Revisions). BT/Control #12-017 – Amount/\$146.50 to cover amounts exceeded from original budget.
- 2) Resolution No. 2012-078 – BA for County Parks showing Revenue/Expenditure in amount of \$15,400, from Parks Cash to Parks Personnel Budget line.
- 3) Resolution No. 2012-079 – BA for PHC (\$2+ million) showing variety of Revenue/Expenditure adjustments to clean up FY2012 budget (as set forth therein).
- 4) BT/Control #12-018 – For 9-1-1. Amount/\$87,601.79 from Personnel to Overtime line items.
- 5) BT/Control #12-019 – For Public Works (Seeley Lake Refuse District). Amount/\$4,365.21 for line item budget shortages in operations.
- 6) BT/Control #12-020 – For Public Works (RSID 8901). Amount/\$51,881.17 for line item shortages.
- 7) BT/Control #12-021 – For Public Works (RSID 8916). Amount/\$1,115.86 for line item shortages.
- 8) BT/Control #12-022 – For Public Works (Building Code Division). Amount/\$6,904.05 for line items over budget.

Request for Records Disposal/Transfer Authorization – BC signed four (4) requests, as follows:

- 1) From Judge Harkin for Court Notes (6/20/2001-4/10-2002).
- 2) From Judge Henson for Court Notes (10/2/2001-5/31-2002).
- 3) From Cerese Parker for Court Notes (12/3/2001-7/11/2002).
- 4) From Accounting for a) Bank Receipts (9/1/2009-12/31/2010); b) Claims FY04-15823-27222 (7/1/2003-6/30/2004); and c) Claims FY04-C611-C1003 (7/1/2003-6/30/2004).

All to be destroyed.

Additional discussion item(s): None.

WEDNESDAY, OCTOBER 3, 2012

BCC met in regular session; all three present. Late morning: JC read Proclamation at Domestic Violence Awareness Day Event, held in Courthouse. Afternoon: BCC, Nancy Heil, Pat O'Herren, et al met with representatives from the Tribes. Late afternoon: JC/ML/DB attended Community Conversation & Open House re: Missoula College Building Plan, held at UM Golf Course Clubhouse.

Indemnity Bond – BC signed. Community Medical Center, Missoula, Principal for Sheriff/Detention Warrant #225306, issued July 19, 2012 on County Inmate Medical Fund. Amount/\$734 (lab services for June 2012). Warrant lost.

Monthly Report - BC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending September 2012.

Monthly Report – BC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending September 2012.

CAO MEETING

Renewal SubContract – BCC signed, dated September 26, 2012. Between County and Office of the State Public Defender for Social Work Case Manager position through Region 2 Office of State Public Defender (per HB 130 grant goals to address mental health crisis situations). Amount/\$38,285. Term/July 1, 2012 – June 30, 2013.

Lease Renewal Agreement - BCC signed. Between County (OPG) and Chris and Marie-Ange Buzan, for office space at 127 W. Spruce for Missoula in Motion and Transportation Planning Staff. Amount/\$2,800 per month. Term/January 1, 2013 – December 31, 2013.

Agreement – BCC signed. Between County (PHC) and UofM School of Public/Community Health Sciences to purchase professional services of Dr. Rebecca Kinney to serve as Medical Director and physician member of PHC. Amount/\$29,811.90 for 0.45 FTE. Term/July 1, 2012-October 31, 2012. Three originals to Andrea Laine/PHC.

Agreement – BCC signed. Between County (PHC) and UofM School of Public/Community Health Sciences to purchase professional services of Dr. Nerissa Koehn to serve as Medical Director and physician member of PHC. Amount/\$54,878 for 0.27 FTE. Term/July 1, 2012-June 30, 2013. Three originals to Andrea Laine/PHC.

Budget Amendments – BCC signed, dated October 3, 2012. Detailing line item construction budget for Jackson Contracting Group for Courthouse Renovation/Remodeling project (formerly in CIP 4510 Fund). For total disclosure, expenditures included in formal FY2013 Operating Budget/Revenue Estimates for County, as follows:

- 1) Resolution No. 2012-081 – BA for CIP/Facilities Mgmt/Finance in total amount of \$7,695,713 for Bond Proceeds and Interfund Oper. Transfer for new line items (per matrix attached).
- 2) Resolution No. 2012-082 – BA for OEM in total amount of \$947,446 for new line items (per matrix attached).

Two (2) Requests for Records Disposal/Transfer Authorization – BC signed. From Justice Court 1 for 1) Month End Reports 7/1/2003-6/30/2004; 2) Receipts 6/10/2003-3/12/2004; 3) Civil 12/28/2001-6/24/2002; 4) Criminal 5/31/2001-7/5/2002; 5) Tickets 12/24/2001-6/18/2002. To be destroyed

Additional discussion item(s): Building Codes enforcement issues.

NO PUBLIC MEETING HELD THIS DATE

THURSDAY, OCTOBER 4, 2012

BCC met in regular session; all three present. Noon: JC attended NCBI Leadership Luncheon, held at DoubleTree. Afternoon: BCC, Pat O'Herren, et al traveled to Greenough to present the Land Stewardship Award.

Monthly Report - BC examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending September 2012.

ADMINISTRATIVE MEETING

Contract – BCC signed, dated October 4, 2012. Between County and Pacific Recycling to provide roll-off service to Seeley Lake Refuse District to recycle cardboard, newspaper, aluminum cans, plastics and scrap metal. Amount/\$13,460 (offset by recycling proceeds). Term/October 22, 2012 – June 30, 2013. Two originals to Jeff Seaton/PW for further signatures/handling.

Agreement – BC signed. Between County (MCCHD – Nursing Division) and Missoula County Public Schools for MCCHD Registered Dietician to provide recommendations to MCPS' Feeding Team and to family of children with nutritional concerns. (Services may be eligible for reimbursement through Targeted Case Management, or Children with Special Health Services). Term/August 28, 2012 – June 7, 2013 (School Year 2012-2013). Two originals to Julie Mohr/MCCHD for further signatures/handling.

Contract Addendum (A7) – BCC signed. To master contract between County and A&E Architects for construction administration of Phase 2/space needs project Jackson Contractor Group is currently working on at Courthouse. Contract is for typical services (i.e., meeting minutes, submittals, change orders, as-built drawings, LEED submittals, etc.) Amount/\$271,143 (in CIP budget). Term/September 2012-January 2013. Originals to C&R and A&E.

Resolution No. 2012-083 – BCC signed, dated October 4, 2012. Rescinding 2012 Stage 1 Fire Restrictions, effective at 12:01 am Friday, October 5, 2012.

Request – BCC reviewed/authorized CAO to sign documents for EPA Multi-Purpose Brownfields Grant.

Additional discussion item(s): October 10, 2012 Public Meeting – No Agenda items.

FRIDAY, OCTOBER 5, 2012

BCC did not meet in regular session; quorum present. ML ill; out of office all day.


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

MONDAY, OCTOBER 8, 2012

COURTHOUSE AND ADMIN BUILDINGS CLOSED FOR OBSERVED COLUMBUS DAY HOLIDAY

TUESDAY, OCTOBER 9, 2012

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Grant Award/Memorandum of Agreement – BCC signed, October 9, 2012. Between County, City of Missoula and City Attorney's Office for County's advocacy services through the Crime Victim Advocate Program. Amount/\$9,665 (match for VOCA grant from City Atty's Office). Grant application/\$198,442, plus local match dollars of 20% = total grant/\$248,052. Term/July 1, 2012-June 30, 2013. One original to C&R; one to Shantelle Gaynor/OPG.

Grant Award – BC signed acceptance documents. US DOJ (Office of Justice Programs) Rural Domestic Violence grant from Office of Violence Against Women to County in amount of \$500,000. Funds to be used for staff positions in OPG and the CVA/program activities and partnerships, etc. Term/October 1, 2012-September 30, 2015. Original to Shantelle Gaynor/OPG.

Contract – BCC signed, dated September 25, 2012. Between County Highway Specialties Inc. for County Road Striping Project (for locations set forth in Exhibit A). Amount/\$58,000. Term/July 1-October 31, 2012. Originals to C&R and Erik Dickson/Public Works.

Letter – BCC signed, dated October 9, 2012. To Dick Ainsworth, Chair, East Missoula Community Council, advising him that reorganization of OPG is still underway. The County will continue to keep in mind the interests of all community councils as they develop work plan priorities for the expanded Rural Initiatives office.

Additional discussion item(s): None.

WEDNESDAY, OCTOBER 10, 2012

BCC met in regular session; quorum present. BC out of office most of day. Late afternoon: JC attended Fair Thank You Party, held at Paradise Falls.

CAO MEETING

Letter – ML wrote/signed, dated October 10, 2012. To Tom Maclay, Florence, MT, expanding on statement she made to Gary Hoffman regarding Mr. Maclay's Bitterroot Resort proposal.

Additional discussion item(s)

NO PUBLIC MEETING HELD THIS DATE – No Agenda items.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated October 11, 2012:

- 1) Denying request from Mark Case, Missoula, to remove delinquent taxes from 2009 and 2010 from personal property taxpayer id #80516801.
- 2) Advising Bill Dishman, Bonner, re: request for refund of renewal done on 2004 Ford Mustang. He will need to contact State's Motor Vehicle to request the refund, since he processed renewal on-line.
- 3) Advising Jeffrey/Keylee Engblom, Missoula, re: request for refund on Vehicle #2930191. They will need to contact State's Motor Vehicle to request the refund, since they processed renewal on-line.
- 4) Advising Josh Harrison, Seeley Lake, re: his request for refund of \$150 for Seeley Lake Refuse District taxpayer id #90412010. Situation has been resolved; tax bill was abated and new bill created (which should be in the mail by now).
- 5) Denying request from Neptune Aviation Services, Missoula, to refund penalty/interest for taxpayer id #3393006. No change of address was ever requested.
- 6) Denying request from Marvin Troutwine, Missoula, to refund motor vehicle taxes paid for vehicle #AA1108904, which was destroyed in a fire. BCC has no discretion in this area.
- 7) Denying request from Joseph Wersinger, Bonner, to refund credit card processing fee of \$2.15 for Vehicle #481703.

THURSDAY, OCTOBER 11, 2012

BCC met in regular session; quorum present. BC on vacation through Monday, October 15th. Afternoon: JC attended *Reaching Home* Plan Review, held at First Interstate Bank. Afternoon: ML attended new Records Center Reception, held at 2147 Ernest Avenue. Evening: ML attended meeting of Bonner-Milltown Community Council, held at Bonner School Library.

ADMINISTRATIVE MEETING

Contract – BCC signed. Between County and Able Tree Service, Inc. to remove beetle-kill trees in Ravenwood and Mockingbird Parks. Amount/\$3,600. Term/October 15 – November 15, 2012. Original to C&R, other to Lisa Moisey/Parks.

FY2013 CBO Contracts – BCC signed. Between County and following for term July 1, 2012-June 30, 2013:

- 1) With Mountain Home Montana for program services. Amount/\$26,650;
- 2) With Parenting Place for program services. Amount/\$9,000.

One original to C&R and OPG.

Agreement – BCC approved/BC signed. Between County and MUTD for 2013 County Employee Bus Pass Program for July 1, 2012 - June 30, 2013. Amount/\$8,025 (\$235 increase over previous year). One original to C&R and Mountain Line.

Contract – BCC signed. Between County and Missoula Correctional Services to continue Jail Alternative Programs, specifically for community service, misdemeanor supervision, and pre-trial supervision programs. Amount/\$415,148. Term/FY12 and FY13. Original to C&R, other to Sue Wilkins.

Contract – BC signed. Between County and DJ&A, P.C. to provide technical advice/prepare construction plans/specifications/documents for repair work to Prospect Bridge. Amount/\$7,649. Term/September 21, 2012 – May 31, 2013. Original to C&R, other to Erik Dickson/Public Works.

Contract – BC signed. Between County and DJ&A, P.C. to provide technical advice/prepare construction plans/specifications/documents for repair work to Prospect Bridge. Amount/\$7,649. Term/September 21, 2012 – May 31, 2013. Original to C&R, other to Erik Dickson/Public Works.

Grant Award – BC signed acceptance documents from DOJ/OVW for "Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program" to Missoula County in amount of \$299,999 (no match required). Term/ September 1, 2012 – August 31, 2014. Original to Kim Campbell/OPG for further signatures/ handling.

Letter – BCC signed, dated October 10, 2012. To Big Sky Trust Fund Grant Review Committee/Big Sky Economic Development Trust Fund ("BSTF"), MT DOC, Helena, expressing support for BREDD's application for a BSTF Category II planning grant for Bonner Property Development. Funding is to prepare Transportation Plan to identify obstacles/requirements needed to ship oversized loads to Canadian markets and develop traffic control plan. Original to Kelly Yarns/BREDD.

Additional discussion item(s): Maclay Bridge update.

FRIDAY, OCTOBER 12, 2012

BCC met in regular session; quorum present. BC on vacation through Monday, October 15th. Early evening: ML attended Travelers' Rest Celebration, held at Holt Visitor Center.

Replacement Warrant - JC signed. Cynthia Morin, Missoula, Principal for Clerk & Recorder Warrant #30218253, issued March 2, 2012 on County 2180 Fund. Amount/\$30 (for Judge training). Not received in mail; no bond of indemnity required.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 20/CY2012 - Pay Date/October 5, 2012. Total Payroll/\$1,341,541.36. To County Auditor.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated October 10, 2012. Amount/\$58,560.15. To County Auditor.

Request for Records Disposal/Transfer Authorization – JC signed. From Motor Vehicle for Computer Reports (Long), dated 7/2/2007-1/31/2008. To be destroyed

Request for Records Disposal/Transfer Authorization – JC signed. From Treasurer for:

- 1) A101 dated 12/1/2003-7/30/2004;
- 2) Balance Sheets dated 1/1/2010-6/30/2010; and
- 3) Bank Statements dated 7/1/2003-6/30/2004.

All to be destroyed


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

MONDAY, OCTOBER 15, 2012

BCC met in regular session; quorum present. BC on vacation through this date. Afternoon: JC/ML attended Water Compact Briefing, provided by Nancy Heil, et al, held in Admin B14.

Indemnity Bond – JC signed. Kim Novak Mansch, Missoula, Principal for District Court Warrant #30219930, issued March 20, 2012 on County 2180 Fund. Amount/\$15.33 (Jury Duty/mileage). Warrant lost.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Building Attachment/SLR update at Dunrovin Ranch (info); 3) OPG Director's update.

Rural Initiatives Update – 1) Public Comment; 2) Communications; 3) Director's update.

TUESDAY, OCTOBER 16, 2012

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

BCC approved request/signed Resolution No. 2012-085, dated October 16, 2012, appointing an attorney assigned to the Prosecution Services Bureau of the DOJ as Special Deputy County Attorney for the County in the matter of State of Montana v. Jordan Todd Johnson.

Amendment – BC signed Amendment #5 to Reimbursable Agreement #DTFH70-10-E-00036 with FHWA for Petty Creek Road Project (MT PFH 71-1(1)). Amendment appoints Joe Baybado as new Contracting Officers Representative for this project. Original to Greg Robertson/Public Works.

Lease Agreement – BCC signed, dated August 1, 2012. Between County and MDT for purpose of material stockpiling on a portion of Lots 6 & 7/Drew Creek Addition/Phase 7 of Double Arrow Ranch in Seeley Lake. Amount/\$1 per year; linked to the campground lease MDT Aeronautics Division currently has with County. Term/August 1, 2012-July 31, 2013. Two originals to Greg Robertson/Public Works.

FY2013 CBO Contracts – BCC signed. Between County and following for term July 1, 2012-June 30, 2013:

- 1) With Child Care Resources to offer training opportunities to County caregivers. Amount/\$71,955;
- 2) With Missoula Art Museum for program purposes/staff salary/benefits. Amount/\$195,000;
- 3) With Poverello Center for HOT Team to provide entry point to Pov Center Shelter. Amount/\$7,920;
- 4) With Poverello Center for Joseph Residence for salaries for 1.5 FTE support. Amount/\$28,829;
- 5) With Watson Children's Shelter for Kitchen Manager position salary/taxes, etc. Amount/\$7,830;
- 6) With WORD (Families in Transition) for program services. Amount/\$21,375.

One original to C&R and OPG.

Budget Transfer – BCC signed, dated October 16, 2012. Control #13-001 for Risk Dept. in amount of \$7,000; from existing contracted services line item to new accounts set up for Safety Committee.

Budget Resolutions – BCC signed, dated October 16, 2012. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County, as follows:

- 1) Resolution No. 2012-086 - For Facilities Management/CFO. in amount of \$150,000; to use for Construction Expense outside the Jackson Construction Contract for Phase II Courthouse Restoration Project.
- 2) Resolution No. 2012-087 - For CFO. in amount of \$271,143; to set up budget for A&E Architects for contract administration for Phase II Courthouse Restoration Project.

Additional discussion item(s): 1) Meet new Health Promotion Supervisor Cindy Hotchkiss; 2) Fairgrounds Paving Project/Facility Assessment update; 3) BC will attend Veterans' Day Memorial event on 11/11/12.

WEDNESDAY, OCTOBER 17, 2012

BCC met in regular session; all three present in morning. Afternoon: BCC accompanied Nancy Heil, et al on Site Visit to Swan Valley re: Roth Open Space Bond Project.

CAO MEETING

Request and Budget Transfer – BCC approved County Parks and Trails Advisory Board recommendation to award up to \$4,000 in FY12 Matching Grants Funds to Lolo Peak Little League to rebuild outdated irrigation system. BCC signed Budget Transfer Control #13-002, dated October 17, 2012 for Parks Dept. in amount of \$4,000 for same. Original to Accounting.

Request – BCC approved request from RI/Parks for volunteers to paint restroom building (on South Avenue) at Fort Missoula. Amount/\$200 for supplies (from Parks Budget). City Parks/Rec will supervise project. Term/October-November 2012. Document to Lisa Moisey.

Task Order – BC signed. #13-07-5-21-014-0 between MCCHD and MT DPHHS (US Dept. of Agriculture's Special Supplemental Nutrition Program for WIC Program for Missoula and Granite Counties). Continuation funding of 7-year Master Contract for period October 1, 2012-September 30, 2013. Amount/\$438,914. Three originals to Julie Mohr/MCCHD.

Amendment and Resolution – BC signed Amendment #5 to Task Order #12-07-5-21-014-0 between MCCHD and MT DPHHS. Provides further funding (for expanded RN consulting services) in amount of \$138,000 to task order for new/final contract total of \$635,246. Term/October 1, 2012-September 30, 2013. Amount/ \$438,914. Three originals to Julie Mohr/MCCHD. Resolution No. 2012-084 – BCC signed, dated October 17, 2012. Budget Amendment for MCCHD for WIC Amendment #s 3 & 5 to DPHHS Task Order #12-07-5-21-014-0. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Task Order – BC signed. #13-07-5-21-060-0 between MCCHD and MT DPHHS (for WIC Program to expand breastfeeding support services to Missoula and Granite Counties and CSKT participants). Continuation funding of 7-year Master Contract for period October 1, 2012-September 30, 2013. Amount/\$35,500. Three originals to Julie Mohr/MCCHD.

Additional discussion item(s): None.

NO PUBLIC MEETING HELD THIS DATE

THURSDAY, OCTOBER 18, 2012

BCC met in regular session; all three present. Morning: ML attended Legislative Breakfast re: DUI, Impaired Driving & Seatbelts, held at Bedford Building, Hamilton. Afternoon: BCC met with Mary Sexton, DNRC, Pat O'Herren, et al re: Road Issues.

ADMINISTRATIVE MEETING

FY2013 CBO Contracts – BCC signed. Between County and following for term July 1, 2012-June 30, 2013:

- 1) With CASA of Missoula to conduct spring/fall CASA volunteer training. Amount/\$7,200;
- 2) With Missoula Food Bank for Volunteer Coordinator FTE position. Amount/\$38,800; and
- 3) With Youth Home, Inc. for program services. Amount/\$38,800

One original to C&R and OPG.

Bylaws – BCC approved/signed final version of Amended Bylaws for Missoula Aging Services Governing Board, dated October 18, 2012. Originals to Aging Services.

Section 5303 Contract – BCC signed. #106744 between County and MDT for receipt of FTA 5303 funds for Mountain Line and MPO staff for planning activities of transit services within urbanized area. Term: October 1, 2012-September 30, 2013. Total cost of project/\$138,908.50 (Federal Share/80%; Local Share/20%). Two originals to Ann Cundy/OPG.

Non-Supplantation Letter – BC signed, dated October 16, 2012. To Susan Carbon/OVAW/Washington, DC. Certifying any funds awarded to Missoula County Domestic Violence Program through FY2012 Consolidated Grant/Technical Assistance Program to Address Children/Youth Experiencing Domestic/Sexual violence and Engage Men and Boys as Allies grant program will be used to supplement existing funds for program activities only. Grant amount/\$350,000 for term March 1, 2013-February 28, 2016. To Shantelle Gaynor/OP for furthers signatures/handling.

Letter – BCC signed, dated October 18, 2012. To Sarah Dale/EPA Office of Sustainable Communities, supporting County's application for parking audit workshop as part of EPA Technical Assistance Grant Program (for fairgrounds expansion/development).

Additional discussion item(s): None.

FRIDAY, OCTOBER 19, 2012

BCC met in regular session; quorum present in morning. JC traveled to Superior for Mental Health/CDC meeting.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated October 17, 2012. Amount/\$18,907.87. To County Auditor.


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

MONDAY, OCTOBER 22, 2012

BCC met in regular session; quorum present. ML on vacation through Friday, October 26th.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Abbott Family Transfer (Hookset Lane, Potomac) (info); 3) Winslow Shoreline Permit.

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Rural Initiatives Update – 1) Public Comment; 2) Roth Open Space Bond Project/Oct. 24th Public Hearing; 3) Rock Creek Confluence Open Space bond Project/Qualifying info; 4) Rio Tinto meeting; 5) Census Data in Western Missoula County; 6) Communications; 7) Director's update.

Shoreline Permit – BC signed. #13-04 for Applicant Nancy Winslow Webber to replace permanent pile dock with same at 410 Access Road, Big Sky Lake Estates, Lot U5, Big Sky Lake. Original to Todd Kletz/OPG.

TUESDAY, OCTOBER 23, 2012

BCC met in regular session; quorum present. ML on vacation through Friday, October 26th. ***

ADMINISTRATIVE MEETING

Contract – BCC signed. Between County and Human Resource Council-IAP Program for FY 2013 CBO Funds. Amount/\$225,075. Term/July 1, 2012-June 30, 2013. Originals to C&R and Peggy Seel/OPG.

Contract – BCC signed. Between County and Missoula Aging Services for FY 2013 CBO Funds (for provision of 8,000 home-delivered meals to 60 homebound adults with disabilities). Amount/\$15,000. Term/July 1, 2012-June 30, 2013. Originals to C&R and Peggy Seel/OPG.

Agreement – BCC signed. Between County (PHC) and UofM School of Public/Community Health Sciences to purchase professional services of Dr. John Miller to serve as Medical Director and physician member of PHC. Amount/\$157,697 for 0.69 FTE. Term/July 1, 2012-June 30, 2013. Originals to C&R and Andrea Laine/PHC.

Resolution No. 2012-090 – BCC signed, dated October 23, 2012. Emergency Proclamation ending State of Emergency due to increased fire danger (issued August 27, 2012). Emergency no longer exists.

Additional discussion item(s): Sound System in Admin B14; staff to proceed with project.

WEDNESDAY, OCTOBER 24, 2012

BCC met in regular session; quorum present. ML on vacation through Friday, October 26th.

CAO MEETING

Resolution No. 2012-088 - BCC signed, dated October 24, 2012. Resolution of Intent to Create, and Calling for a Public Hearing on a Proposed Ordinance Establishing a Bonner Mill Tax Increment Financing Industrial District in the County of Missoula. Public Hearings to be held November 14th and 28th, 2012.

Contract – BCC signed. Between County and Boys and Girls Club for *Best Practice After School Programming*. Amount/\$9,000 (of \$369,579 allocated to projects from 2008 mill levy for substance abuse prevention efforts). Term/July 1, 2012-June 30, 2013. Originals to C&R and Peggy Seel/OPG.

Additional discussion item(s): None.

PUBLIC MEETING – October 25, 2012

1. CALL TO ORDER

Commissioners Present: Commissioner (Chair) Bill Carey, Commissioner Jean Curtiss

Commissioners Absent: Commissioner Michele Landquist

Staff Present: Jennie Dixon, OPG, Nancy Heil, Rural Initiatives

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

None

4. PUBLIC COMMENT

None

5. ROUTINE ADMINISTRATIVE ACTIONS

Monthly Claims List (\$3,615,928.93)

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners approve the Monthly Claims List in the amount of \$3,615,928.93. Commissioner Carey seconded the motion. The motion carried a vote of 2-0.

6. HEARING (Certificate of Survey)

Abbott (Edwin) Family Transfer

Jennie Dixon read the staff report and asked Mr. Abbott the standard Family Transfer questions.

Public Comment

None

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners approve the request by Edwin Abbott to create one (1) additional parcel by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Carey seconded the motion. The motion carried a vote of 2-0.

7. HEARING**Roth Swan Valley Open Space Bond Project**

Nancy Heil read the staff report. The Project proposed to use up to \$350,000 of Open Space Bond funding towards the purchase of a conservation easement, on approximately 738 acres owned by the Roth Family along Lindbergh Lake Road in the Swan Valley.

Commissioner Carey: Nancy would you say a little bit about the 5-1 match and how that works?

Nancy Heil: Sure. When we look at the total value of the project, so the cost of the easement and the transaction cost associated with the easement and the portion that is being requested for bond funding. There's not a request for the bond to pay for the entire value of the easement so the ratio between what is being donated or provided from other sources to the amount of bond funding is 5-1.

Mark Schultz, Montana Land Alliance: Overview of the project via slide show. The project is located on Lindbergh Lake Road 738 acres surrounded by forest service lands in the Swan River Valley. Thank you Commissioners for taking the time to come up and look at the property. I'd also like to thank Jane Roth and her family.

Jane Roth, Land Owner: I grew up in New Castle County, Delaware; I spent most of my life there. New Castle County is an area where almost all of the open land is gone, where the natural habitat for wildlife is going. Makes me feel all the more that when I find a place that is wonderful refuge for wildlife that has wonderful trees and streams and if I can save that for future generations, I feel very strongly that it's a good thing for me to do and that is really why I approached the Montana Land Alliance. I've been thinking about it for years, that I wanted to conserve this land for generations to come. I had put in the ability to subdivide into two parcels, at least 50 acres across the road, basically for my two children. They will have the opportunity, if they need those funds, to sell off those two restricted parcels of land in the future, for the funds if they need them, but again with the easement on the land it will be sold knowing that still the whole area will be protected. That is why I have presented it to Missoula County and requested to be part of a recipient of the bond, as a portion of what I am giving and what I think is preserving a treasure for the many generations to come.

Ann Dahl, Open Lands Committee: I'm also a resident of the Swan Valley and have a lot of appreciation for Jane Roth and the property. Open Lands Committee especially rated the wildlife habitat and the water quality extremely high. It's never easy to make these recommendations to the Commissioners, I don't know if you realize that. We have very lively and difficult conversations coming to terms with the issues and when we did make the recommendation it was contingent on the wildlife fencing. Montana Land Alliance and Jane Roth easily came to the notion that that could be corrected so 11 out of the 12 committee members voted in favor of it at the time, based on that contingency.

Dr. Bill Reynolds, born and raised in Montana: When I was 5 years old we first went to Lindbergh Lake. My father bought two lots in the late 50's on Lindbergh Lake and we have a cabin here and the last 11 years since I've been retired spent the summer's there. So this is a very dear area for our family. The area you drive through is almost identical now as to what it was in 1935. Jane's land is very close to the forest service and wilderness area to the west, very, very important that we keep the character in that area and this is a key to doing that. I think if you agreed to follow this recommendation that will almost guarantee that there will be very little development in that area towards the wilderness and to Lindbergh Lake. Lindbergh Lake is not going to be developed anymore. I think this is the Crown Jewel of Western Montana.

Mike Lake, Swan Valley Resident: I'm here in a negative role to the Roth Family Trust proposal. The Open Space Bond money as presented to the public when the vote was taken was to save family farms and promote open space, this proposal does neither. There are no family farms or agriculture areas available in that section. Open space, Montana Law allows you to travel up and down the high water mark of the river, that section plus has been off limits to the public for the 27 years that I've been back in valley and probably for the years prior to that. Tax money and bond money put up by the public and the public can't use the ground. The trust is to resave \$350,000 in cash for this proposal and up to over two million dollars in reduced property taxes over a period of years. I don't know if the family needs that kind of money. The family will be able to develop four parcels on the property for their own uses but yet I can't go on that property and hunt or do anything else. They could possibly even build a bridge across Swan River. The development of this section would be extremely difficult taking the amount of water, pot holes, slues in the existing property. You couldn't get a county road under its current standards in there and probably could not get the existing approved under new county standards for road development. The wildlife habitat and corridor ~ it is! It is a major corridor from the Beaver Head divide all the way through to the Lindbergh Guest and Gordon Ranch. Fish Wildlife & Parks would have a heart attack if you tried to develop that property. You would never get a proposal through Rural Initiatives, Office of Planning & Grants of Missoula County and Fish, Wildlife & Parks would step on it with both feet just like they did to Richard's proposal to fix their water junction.

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Marty Cooks, Swan Valley: Back in the 80's my wife and I were care takers of that property. It is a very special piece of property. I know that putting something in a conservation easement some folks feel it does take away public use. Every time I drive in and out of Lindbergh Lake Road through that property, there's always the chance of seeing wildlife on the road, I would like to see that continue as opposed to having the property developed particularly on the north side of the road. I'm in favor of the proposed easement.

John Keller, 14 year resident of the Swan Valley: I am and have been for the last several years a member of the Land Use Planning Committee and the Economic Development Committee, working with the Swan Valley Community Council. I have a few thoughts that I'd like to share with this group and for the record I'd like to stress that these are my own thoughts, they're not the thoughts of the Land Use Planning Committee or the Economic Development Committee or the Swan Valley Community Council. My thoughts in summary are one; I'm very, very much in favor of setting aside this very, very precious block of real estate for conservation and my thoughts and concerns are that I think that probably the conservation easement agreement does not go far enough.

I have a few sides I'd like to step through very quickly and leave with you my thoughts and the reasons why. The anticipated funding...the summary is about a two million dollar conservation easement value funded through two sources; one would be a cash contribution to the Roth Family and then the Roth Family in addition would have a 1.65 million charitable contribution. There are some transaction costs that the Roth Family would also pay. Some transaction costs would be paid by Fish, Wildlife & Parks and the Montana Land Alliance. To summary in a slightly different format; the same numbers but a little different thought process, it's basically who contributes what. Generally when there's a contribution there is some kind of an anticipated benefit and how that benefit manifests itself. The Roth Family is basically giving up 12 previously created subdivision development rights and they're also contributing \$27,000 in transaction costs. So who benefits on how the Roth Family gets a cash contribution, a charitable contribution; they retain a very precious, private sanctuary with four residential dwelling units. The Missoula County taxpayers pay out \$350,000 cash and the documented benefits for the Missoula County citizens and Swan Valley residents is that we can maintain rural character of the valley and the open space. However, there's really no public access other than the access that currently exists by virtue of the high water mark on the Swan River. For the Federal taxpayers, what they're giving up is loss revenue on the charitable contribution amount; however, that sorts out through the tax process. And the Federal taxpayers are documented benefits in the conservation report and this is the United States Fish & Wildlife Service considers the Swan Valley to be a strategic conservation area for the benefit of the Canada lynx, the grizzly bears, the martin and the wood duck were the ones that were documented in the report. For the State taxpayers, potentially again some loss revenue on the charitable contribution amount and Montana Fish, Wildlife & Parks is contributing \$10,000 towards the contribution of this. The Montana Land Alliance is contributing \$5,000 in transaction costs.

Finally, there is a provision for the bed & breakfast business, the operation of a B&B is okay and this brings me to probably my biggest concern of the whole conservation easement agreement provision; I'm not sure I fully understand the first sentence and the last sentence. Let's start with the last sentence; mobile homes, trailers or other movable living units used for habitation or occupancy are not permitted on the property, so just hold that thought and read it from the top quickly and then tell me if you think there's a discrepancy. The second sentence; such residential dwelling units included but are not limited to residents, apartments, suites, guest houses, employee houses, cabins, mobile homes, trailers and other movable living units. That doesn't seem to be congruent with the last sentence. Now what I also read into this is if the current owners or future owners choose to construct a 20,000 square foot, eight guest suite Bed & Breakfast, I think it would be okay or congruent with the document. Anyone disagree? Jane, I really know your motives are sincere but there could be owners down the road. I would like to see some conservation easement provisions that pinches down a little bit on the potential use of that.

I'd like to see section 7 permanently protected from basically all residential or private sanctuary activity and make that open for the wildlife and for the public.

I think that there are several areas of opportunity to improve this conservation easement agreement to the benefit of the folks that live in the Swan Valley and the people in Missoula County who like to travel to our part of the world.

Ken Donovan, Swan Valley Resident: On August 20th at a Community Council Meeting, which I'm a member of the Council, we were presented with a letter that I've been asked to make public to the folks at the hearing. It expresses a concern and first of all we'd like to congratulate Mrs. Roth and feel this is a very good decision that she's made, it's a very special piece of property and feel that it's an appropriate thing to happen. I'd like to read this letter and point out something that is of concern. Read Letter.

Juanita Vero: These are complicated issues that the Open Lands Committee did talk about as well and I'm trying to think of this from public perspective as well. I'm a tax payer who's not going to spend time on that property but at the same time I feel my tax dollars go towards helping protect a significant resource where I can't predict what's going to happen in the future with technology and how land can be developed. I feel like a conservation easement best protects this incredible rare property and by allowing fishing access and access on the river, it's beautiful and fantastic and then the water quality is a significant public value which is... I feel a supporter of the open space bond that that's what that is for and I understand that there's a difference with...you don't have public access and hunting and hiking and fishing right on the property but the public benefit of water quality, the wildlife is also incredibly important and I feel its been satisfied. And then the concerns about the conservation easement, maybe Mark would have more to add where I feel the Montana Land Alliance would make sure because there is a conservation easement on there that the compliance is there and there are

funds set aside to make sure whoever the owner is in the future complies with MLR's request and makes sure the property and the resource is protected. I'm excited about this project and it's a very special piece of property like everyone has said. I'm fortunate to be a downstream neighbor.

Pat Sweeney, lives in Nine Mile: I occasionally recreate up there, but more importantly I was a wildlife biologist with the Forest Service and the last five years was spent working on the Flathead and Lolo as well as the Bitterroot Forests. One of our biggest issues was conductivity; this area has come up quite a bit, the area in question here as far as conductivity, a way for wildlife to move from one area to another. Lynx has been mentioned, it's one of the most important places for lynx in the lower 48 States. It's also important for grizzly bears; water hyllia's, another plant that is very special. There is many ways that this place deserves what I consider open land treatment. The sad thing about open lands is once it's gone, it's really hard to reclaim and by making 4-three acre footprints in this vast area, I think its values as a conductivity corridor will be retained. All of us and all of our children, and our children's children will be able to enjoy the values that this brings to us all.

Rick Ferguson, lives in Condon: I spent most of my life as a Pilot flying below 10,000 feet across the country in a helicopter or an airplane. The only time I went above 10,000 feet was on a parachute jump but I can tell you this, this is important to save. And my last little sentence here; there's no cut throat trout on the planet of Mars - this is it, this is all we have left. Once it's gone, it's gone.

Commissioner Carey: I would like to talk a little bit about a couple points that Mr. Keller raised about mobile homes and the huge Bed & Breakfasts, do you have a response to that? It did seem contradictory to me, Mark do you want to take a...

Mark Schultz: We tried to work with private land owners to make sure that they can have residences on the property that allow them to have some uses within their residence. You'll notice we have residence based businesses allowed too, which is a commercial activity but we want to make sure that they can maintain what we think is normal use of a property. That section that Mr. Keller referred to specifically addresses residences and residences is a term that we take seriously because that determines how many folks are residing on the property. So coming up with language that is clear to limit or to identify determines how many residences are going to be allowed is something we work hard to do. The mobile home section is our attempt to determine and to allow a land owner to bring a mobile home onto the property, a recreational vehicle and keep it on the property without violating the terms of the easement. And the way we have that written is we want to make sure they can have their friends and their family come visit and come stay and recreate but not habitat. So if you notice the terms they are talking about habitation within mobile homes, trailers and so forth. We try to identify what is appropriate and what's common sense and what would be a violation, if they parked a bunch of trailer homes and started allowing people to live there and using it for income or purposes that are not intended. The Bed & Breakfast is a way for land owners that we feel is an appropriate use of the property from a residential stand point that allows some potential income. When a land owner gives up their right to subdivide we want to make sure that they have other ways to make money and so a Bed & Breakfast, I don't know how many people have had a B&B, most people don't want to have a B&B if they've had one before. The easement does not allow guest ranching, so guest ranching is not allowed. We feel that the likelihood of a 20-40 room B&B is unlikely given the fact that guest ranching is not allowed. You would have to have a guest ranching license and be practicing as a guide and that's not permitted on the property, they've given up that commercial use. We feel that guest ranching covers that.

Commissioner Curtiss: I still think it's confusing, the residential dwelling units where it says; for the purpose of this easement, the term residential unit means a structure or portion thereof a sleeping accommodations, kitchen facilities as provided, used, constructed, converted, remodeled, added on to, etc., or habitation or occupation by one or more people. Such residential dwelling units included but are not limited to ~ and you have the mobile homes and then the end of the sentence you say they can't live in a mobile home. So are you talking about that they can just park there or have a guest come in a motor home?

Mark Schultz: Yes, if someone rolled up in their RV and wanted to spend the weekend, we're not gonna go out and tell them they violated the terms of their easement, correct.

Commissioner Curtiss: I don't think that's very clear in the way it's written.

Mark Schultz: If that is a concern, we could definitely modify our language in the final draft to make sure that that's clear, if you have a concern about that.

Commissioner Curtiss: Seems if you strike in the first part of the paragraph mobile homes, trailers or other mobile units. And then after mobile homes, trailers are not allowed for habitation and guests may be there for one month of something like that. It might be clearer as to the intent.

Nancy Heil: My initial read of this is that the first part of the paragraph is attempting to define what constitutes a residential unit for the purposes of the easement so that a stick built house would be considered a residential unit. Somebody couldn't bring a mobile home on and say 'well, that's not considered a residential unit under the terms of this so I'm going be able to add another one. My read of the second part is a little bit confused but...

Commissioner Curtiss: So in other words this would mean that they couldn't move a bunch of movable units on and say well those aren't residences.

Mark Shultz: Nancy is correct; the beginning of that paragraph is our definition of a residence. It is probably the most stretched term on our easements, at least the ones we monitor so it's something we've tried to come up with. In general if you have a habitation and you have a kitchen and you have a bath, then we call that a residence. And it's a structure on the ground, it's fixed.

Commissioner Curtiss: I think the point that Mr. Keller made regarding how close this is to the proposed guest ranch north, I just wondered whether we wanted to consider something like a one foot, no build zone, which is what we do sometimes when we don't want something to happen crossing lines. So that access from the future potential lots on the north side of the road would have to be from Lindbergh Lake, not from a private road to the north.

Mark Schultz: They're not allowed to build roads to the north. Any parcels that are sold or any residences they would have to access Lindbergh Lake Road and roads are only permitted for residential development, not for recreational uses or to connect to the north half.

Commissioner Curtiss: Okay, sounds like it's covered.

Mark Schultz: All building access would be outside the 'blue' area. They would need to make proposal to Montana Land Alliance. Roads are monitored.

John Keller: I've represented on more than one occasion real property sellers who have chosen in the past to encumber their property with a conservation easement. The only ones that I can recall specifically called for a single family residence as the permitted dwelling. That's common on the US Fish, Wildlife Service Conservation Easement Agreements. With respect to the roads and tying this in with the guest ranch to the north, there's another permitted use called easements that basically says that the grantor can build a road any place they want to on the property, including to the neighboring property line. But that becomes a moot point if the neighbor ends up purchasing the two parcels north of Lindbergh Lake Road. Again, I want to stress that I'm deeply concerned about the protection of this part of the world and while I'm sure that the Roth Families motivation is very, very clear. Forever is a long time and things can change and I'd just like to see the easements and the permitted uses tighten up so that we don't get surprised 5, 10 or 50 years down the road.

Commissioner Curtiss: Just to refresh my memory, when we went out and walked on site I remember that any building that happens on the property still has to be approved by Montana Land Alliance, right? So it won't be just willy-nilly that somebody decides to come in and plop a house down, they have to talk about where they're going to put it, how they're going to access it, where the septic system will go, all that stuff.

Mark Schultz: All future residential development must take place outside of that non-development area, that big blue crossed out area that I showed you earlier today, it will be restricted just to those specific areas which we determined are of the least sensitive.

Commissioner Curtiss: But you still guide them through that?

Mark Schultz: Correct. They would have to ask us and we would confirm that their proposed building envelope is within that area and then at that point, after we determined if it's appropriate, then that would be recorded as a public and attached to the easement basically. As far as Bed & Breakfast, I did not know this, but B&B's have specific limited definitions by State Law so they wouldn't be able to escalate to the size you're talking about. As far as road construction, this easement does limit roads for specific purposes and they're not allowed to do it. That's something Montana Land Alliance would monitor as part of our relationship.

John Keller: Again, I understood everything that Mark said, but I didn't hear him say is that they would, based on what I see, is permitted uses in the conservation easement agreement and the way they've defined a residential dwelling unit. And they use the word "apartment" and "guest suites", to me this congers up something much different than a single family residence. I think the single family residence that I've seen in other conservation agreements is quite specific and I've dealt with it on more than one occasion and it basically was a result of a lost sale or no sale because of how rigid that definition was, so I'm sensitive to it and I agree with it. But I think the residential dwelling unit permitted use the way it's written is too big and too broad and while you guys are in a position of approving or disapproving, I don't think the language really would give you the control that you might ultimately want to have.

Commissioner Curtiss: Mark could you speak to this single family dwelling?

Mark Schultz: Our language specifically addresses single family dwelling units; we've come up with that definition to try to define what is appropriate for a family to live. We try to be as broad as possible, the apartment I don't recall seeing that. Part of our language is boiler plate language that we use for our definition of the residential dwelling unit, which I'm sure that's what that is referring to. For the purposes of your talk today and I could ask Jane, she's sitting right here, if she wanted to remove the word apartment from that paragraph, I can't imagine why...I don't have the ability to change a draft easement here on the spot I think Jane would like to say something about that.

Jane Roth: I don't have a problem removing the word 'apartment' but at the present time I live in Washington, DC with my daughter and her husband and her family and we have just put a small apartment on the side of the house for me. So that if for instance on the two dwelling sites on the south part which could be joined together, if that was done by having an apartment put on the side of house for me, I would like to have that flexibility. I can't see how...otherwise, how are you going to have an apartment sitting in the middle of nowhere? I think it's a matter of logic that it really doesn't meet anything unless it is the sort of situation, as I am in fact living in right now in Washington, DC.

Commissioner Curtiss: So in other words it could be the house that sits there right now, only you made an apartment on one end so you could cook separately?

Jane Roth: Yes. And that would be the second residential unit.

Mark Schultz: Yes, what Jane is saying is absolutely correct. The easement allows Jane or future land owners to combine any of those residences, they can be put together.

Commissioner Curtiss: So it could be a duplex? Mother-in-laws apartment?

Mark Schultz: Correct.

Commissioner Curtiss: But if they chose to build a house - the existing house is there and had a guest house - that too would be the two that had been met?

Mark Schultz: Correct. A guest house would qualify as a second residence.

Nancy Heil: My understanding of this, again going back to the definition that the definition of dwelling unit includes an apartment, includes a guest house...so any one of those things would go towards the total count of four that's allowed on the property. Again, my understanding is you couldn't have one with an apartment ~ each of the four allowed dwelling units couldn't have other things because that would exceed the total.

Mark Schultz: Correct.

Mike Lake: It appears that this conservation easement is an end run around Subdivision for rent or Lease. If I want to put an apartment on MY property, I've got to go through subdivision rent or lease, they just got around it.

Commissioner Curtiss: No, that is very clear in here, that if they do add a second unit on the south side of the road or if they build an apartment, they *do* have to go through whatever regulations are in place at the time, including subdivision for lease or rent as it is now.

Nancy Heil: Could I get a couple of pieces back on the record about the purposes for which - bonds can be used? There's seven purposes basically; protecting the water quality of rivers, lakes and streams, protecting wildlife habitat, conserving working farms and forests, providing access along rivers and streams, managing for growth, providing open space and scenic landscapes, providing recreational and commuter trails and wildlife corridors or paying non-personnel related transaction costs and a particular project does not have to meet every single one of those. The other piece I wanted to make is that the east bond project is reviewed based on its conservation values not on other factors of an applicant's situation.

Commissioner Curtiss: I think this is a great project and the voters in Missoula County did approve the open space bond to protect the things Nancy just mentioned. One of the things we were very clear about as we put this on the ballot for the voters was that this was different then the City's first open space bond project, which did a lot of purchasing of open space around the City of Missoula, so therefore we can look at the elk on Mount Jumbo and know there won't be development on a lot of the spaces that were purchased. It was the county's belief and the City was part of the second bond, the one that we passed in 2006. That having voluntary private conservation easements protected all these values that we thought were important but it didn't put the additional burden on the tax payers to manage that land. The City struggles regularly to manage weeds and dogs and other things on the open space land around the City and we're all glad they take on that challenge because we love having that open space. But this is a voluntary thing, it's a private decision. The Roth Family and the owners previous could have sold all those lots along Lindbergh Lake Road and it wouldn't look the same as it did in 1935, as was mentioned today. So I think that the values that are here...you still can access and walk the river between the high water marks as you've always been able to do. This is really important water quality; the Swan River of course feeds into Flathead Lake. It's going to take away the potential for those houses and there are ways to figure out how to develop a piece of property that you have especially when it's 20 acres. I'm sure that those were all done before a 20 acre parcel by Montana Law needed to have any review, you just drew lines on a map, you had a surveyor come and mark them out and there you were. For whatever reason, they didn't sell over the years and that left us with this opportunity. This doesn't reduce necessarily the property tax by a lot because it's the tax liability that the family will be working with their own tax lawyer because we don't do that piece of it but it doesn't mean it has less taxable value on the county's tax rules but rather, it now has a conservation easement and they've given up those development rights. And in this case I would think the assessment of those approved lots would be fairly easy, they have a public road that goes right to them, there's a value of property in the Swan Valley so I think it's not a hypothetical thing, it's real. Our decision to spend the open space money is based on protecting the values and resources that were identified in the bond, it's not dependent on who the family is that's doing it and what their financial situation is, we don't ask for them to submit financials. We aren't prejudice against anybody, we don't care how much money you have or don't have. So I think this is a great project and we are preserving a treasure along the road, it will be there for many years to come.

Commissioner Carey: I agree with you, I think you wrapped it up nicely Commissioner. This area will as time goes by; I think come under more pressure year after year to develop. So I think whatever steps we can take now to ensure that there will be some truly open space and the natural beauty of things, we need to act favorably with this. Appreciate you all coming out and making your points.

Commissioner Curtiss: I'd like to read into the record for those of you that haven't seen the addition of the pet's portion that would say fences to construct, maintain, repair, modify and replace fences on the property. All fences on the property must permit the reasonable passage of wildlife, including but not limited to small game, deer, elk and bear. The grantor reserves the right to construct fences impassable to wildlife around hay stacks, crop fields, harvested crops, residences, residential gardens and kennels or enclosures for domestic animals other than pastured livestock and for habitat enhancement purposes. That would be added to #7, so I can say it will be added to the easement.

Motion:

Commissioner Curtiss made motion that the Board of County Commissioners approve the Roth Family conservation easement, the open space bonds for that project with the amendment that was submitted regarding fences. Commissioner Carey seconded the motion. The motion carried a vote of 2-0.

8. OTHER BUSINESS

None

9. RECESS

Being no further business to come before the Board, the Commissioners were in recess at 3:00.

Following Public Meeting, BCC signed Resolution No. 2012-191, dated October 24, 2012. Expending up to \$350,000 2006 Open Space Bond Proceeds for the Purchase of a Conservation Easement for the Roth Open Space Project. Public Hearing held October 24, 2012. Note: Resolution No. 2012-091 through Resolution No. 2012-190 were inadvertently skipped.

THURSDAY, OCTOBER 25, 2012

BCC met in regular session; quorum present. ML on vacation through Friday, October 26th. Afternoon: JC, ML, Dale Bickell, DEQ, et al attended meeting re: Superfund/clean-up discussion of former Smurfit Site.

Indemnity Bond – BC signed. Kohler's Backflow Services, Milltown, MT, Principal for Facilities Warrant #30212357, issued October 27, 2011 on County 1000 Fund. Amount/\$250 (for PHC backflow). Warrant lost.

Indemnity Bond – BC signed. Patrick Andrus, Missoula, Principal for Finance Warrant #30218793, issued March 2, 2012 on County Claims Fund. Amount/\$25 (for Election Judge training). Warrant lost.

Indemnity Bond – BC signed. Missoula Correctional Services, Missoula, Principal for Court Warrant (Brenda Desmond/Requestor) #30217287, issued February 9, 2012 on County Claims Fund. Amount/ \$680 (for Scram usage).

Indemnity Bond – BC signed. Maria Ibarbia, Missoula, Principal for Clerk/Recorder Warrant #30218759, issued March 7, 2012 on County 1000 Fund. Amount/\$41 (for Election Judge training).

ADMINISTRATIVE MEETING

Resolution No. 2012-089 – BC signed, dated October 25, 2012. Qualifying purchase of 201 acres of land near confluence of Rock Creek and Clark Fork River as a "Qualified Open Space Project" for expenditure of up to \$400,000 in 2006 Open Space bond funds.

FY2013 CBO Contracts – BCC signed. Between County and following for term July 1, 2012-June 30, 2013:

- 1) With YWCA of Missoula (Ada's Place) for family program services. Amount/\$31,920;
- 2) With YWCA of Missoula (Pathways) for victims of domestic/sexual violence program services. Amount/\$31,500; and
- 3) With Opportunity Resources, Inc. for transportation services on Sundays. Amount/\$9,766.

One original to C&R and OPG.

Request – BCC approved additional sick leave donation for PHC employee. Original to Kim Mansch/PHC.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated October 24, 2012. Amount/\$962. To County Auditor.

Letter – BCC signed, dated October 25, 2012. To Carol Fox/Natural Resource Damage Program, Helena, MT, in support of the *Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plan*. BCC supports allocation of funds to restoration of damaged natural resources and scientific approach to use of funds.

Additional discussion item(s): None.

FRIDAY, OCTOBER 26, 2012

BCC met in regular session; all three present. Afternoon: JC attended MonTec ribbon cutting ceremony.


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

MONDAY, OCTOBER 29, 2012

BCC met in regular session; all three present.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Frandsen Shoreline Permit (action); 3) OPG Director's update.

Rural Initiatives Update – 1) Public Comment; 2) Discussion on proposed Park Rule Changes; 3) Communications.

Shoreline Permit – BC signed. #13-05 for Applicant Craig Menteer (for Owner Deborah Frandsen) to replace raise/straighten/brace boathouse (so it doesn't fall into lake) at Beavertail Villa Sites, Lot G, Placid Lake. Original to Todd Klietz/OPG.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 21/CY2012 - Pay Date/October 19, 2012. Total Payroll/\$1,346,656.85. To County Auditor.

Letter – BCC signed, dated October 26, 2012. To K. Miyagishima, Nat'l Park Service, Denver, in support of Historical Museum at Fort Missoula's application for FY2013 Japanese American Confinement Sites grant. These funds will preserve/interpret the unique history of the DOJ Alien Detention Camp at Fort Missoula.

Letter – BCC signed, dated October 25, 2012. To Carol Fox, Natural Resource Damage Program, Helena, MT, in support of the *Upper Clark Fork River Basin Aquatic and Terrestrial Resources Restoration Plan*. BCC supports allocation of funds to restoration of damaged natural resources throughout the Basin and the scientific approach to using those funds.

TUESDAY, OCTOBER 30, 2012

BCC met in regular session; all three present.

Indemnity Bond – BC signed. First Interstate Bank Credit Cards, Billings, Principal for Sheriff Warrant #30225427, issued July 20, 2012 on County 2383 Fund. Amount/\$186.25 (for S&R supplies). Warrant lost.

Indemnity Bond – BC signed. First Interstate Bank Credit Cards, Billings, Principal for Sheriff Warrant #30228911, issued October 2, 2012 on County S&R Fund. Amount/\$323.16 (for S&R supplies). Warrant lost.

Replacement Warrant - BC signed. Adam Liljeblad, Missoula, Principal for District Court Warrant #30208533, issued August 17, 2011 on County 2180 Fund. Amount/\$13.67 (for jury duty/mileage). No bond of indemnity required.

ADMINISTRATIVE MEETING

Contract – BCC signed, dated September 1, 2012. Between County 9-1-1 Center ("9-1-1") and Missoula Emergency Services Inc. ("MES") to allow 9-1-1 to dispatch MES ambulances to calls inside dispatch boundaries and surrounding areas when requested. No compensation. Term/August 1, 2012 – August 1, 2017. Original to C&R, other to Chris Lounsbury/OEM.

Employment Contracts – BCC signed. Between County (PHC) and following:

- 1) With Elizabeth Paddock for .75 FTE physician clinical care services. Amount/\$112,500 per yr. Term/November 1, 2012 – June 30, 2014;
- 2) With Jill Marquis for on-call pharmacist services. Amount/\$43.50 per hr. Term/October 24, 2012 – June 30, 2013;
- 3) With Danielle Chapin for 1.0 FTE physician assistant services. Amount/\$80,000 per yr. Term/November 1, 2012 – June 30, 2014;
- 4) With Amber Burdeau for 1.0 FTE Pharmacist services. Amount/\$93,000 per yr. Term/October 15, 2012 – June 30, 2014;

One original to C&R; two to PHC.

Contract – BC signed. Between County (MCCHD) and MT DEQ for funds to conduct Title V air quality inspections. Amount/\$2,000 (from State permit fees). Term/July 1, 2012 – June 30, 2013. Two originals to Julie Mohr/MCCHD for further signatures/handling.

Contract – BC signed. Between County (MCCHD) and MT DEQ for City-County Air Pollution Control Program (ongoing since approx. 1969). Amount/\$98,332 (from State funds and pass-through Federal funds). Term/July 1, 2012 – June 30, 2013. Two originals to Julie Mohr/MCCHD for further signatures/handling.

Agreement – BC signed. Between County and Blackfoot Telephone Company for telephone easement at the Fairgrounds (W½ of NW¼ of Section 33, T 13 N, R 19 W) for the benefit of Blackfoot. Amount/\$3,000. Beginning date/October 31, 2012. Two originals to Julie Mohr/MCCHD for further signatures/handling.

Additional discussion item(s): None.

WEDNESDAY, OCTOBER 31, 2012

BCC met in regular session; quorum present. ML out of office all day. Morning: JC/BC, et al attended MEP Annual Meeting, held at UC South Ballroom.

Indemnity Bond – BC signed. Golden Goose/Michael Flores, New York, NY, Principal for Treasurer Warrant #30228023, issued September 14, 2012 on County 7150-000-362000 Fund. Amount/\$3,714.79 (for Golden Goose LLC Employee Profit Sharing Plan 401K – Tax Redemption). Warrant lost.

Replacement Warrant - BC signed. Eric Matthew Monson, Missoula, Principal for District Court Warrant #30216303, issued July[23?-numbers illegible], 2012 on County 2180 Fund. Amount/\$15.33 (for Jury Duty). No bond of indemnity required.

CAO MEETING - CANCELED

NO PUBLIC MEETING HELD THIS DATE

MISSOULA COUNTY COMMISSIONERS' JOURNAL: NOVEMBER, 2012

BCC = BOARD OF COUNTY COMMISSIONERS

BC = Commissioner Bill Carey, Chair

ML = Commissioner Michele Landquist

JC = Commissioner Jean Curtiss

The following Claims Lists were signed during the month of NOVEMBER 2012:

Date Signed	Claims List Date	Who signed	Amount
November 2, 2012	October 31, 2012	BC, JC	\$734.27
November 2, 2012	November 1, 2012	BC, JC	\$540.00
			\$2,331.39
			\$28,623.53
			\$6,427.30
			\$1,113.00
			\$489.46
			\$83,236.44
			\$7,263.23
			\$118,302.28
			\$12,991.03
November 5, 2012	November 1, 2012	BC, JC	\$1,866.49
November 5, 2012	November 5, 2012	BC, JC	\$1,616.59
			\$18,311.74
			\$4,071.87
			\$779.66
November 7, 2012	November 5, 2012	BCC	\$394.76
			\$120.00
			\$360.00
			\$69.08
			\$811.48
			\$1,962.85
			\$1,397.06
			\$1,490.87
			\$184.75
			\$1,339.32
			\$622.61
			\$14,687.56
			\$16,166.27
			\$9,990.37
November 7, 2012	November 5, 2012	BC, ML	\$15,412.49
			\$3,746.00
			\$110.00
November 8, 2012	November 7, 2012	BC, JC	\$32,612.99
			\$428.00
			\$4,376.00
			\$2,294.30
November 8, 2012	November 8, 2012	BCC	\$1,151.42
			\$427.26
			\$1,200.27
November 9, 2012	October 24, 2012	BCC	\$3,225.87
November 9, 2012	October 25, 2012	BCC	\$1,886.01
November 9, 2012	November 8, 2012	BCC	\$10,524.49
			\$10,304.48
			\$8,888.61
			\$8,933.89
			\$94.91
			\$51,663.70
			\$16,390.05
November 13, 2012	November 8, 2012	BCC	\$4,678.24

November 13, 2012	November 13, 2012	BCC	\$857.82
			\$163,722.60
			\$4,697.64
			\$19,313.32
			\$5,807.93
November 13, 2012	November 13, 2012	BCC	\$1,141,621.58
			\$164,752.14
			\$10,983.17
November 14, 2012	November 14, 2012	BCC	\$16,802.44
			\$338,559.67
			\$69.08
			\$3,346.82
			\$9,895.73
			\$649.96
			\$4,394.42
			\$2,582.00
			\$617.86
November 15, 2012	November 14, 2012	JC, ML	\$1,075.57
			\$511.07
			\$2,255.86
			\$1,090.18
			\$237,779.88
			\$50.00
			\$851.00
			\$5,992.37
November 15, 2012	November 15, 2012	JC, ML	\$3,323.00
			\$7,004.11
			\$300.00
			\$3,600.00
			\$762.00
			\$109,189.42
			\$36,239.52
			\$12,475.12
			\$1,030.35
			\$89,271.31
			\$65.00
			\$132.72
			\$20,927.02
November 16, 2012	November 15, 2012	JC, BC	\$3,900.82
			\$7,796.35
November 19, 2012	November 16, 2012	JC, ML	\$23,427.65
November 19, 2012	November 19, 2012	JC, ML	\$1,975.51
			\$286,440.35
November 20, 2012	November 19, 2012	JC, ML	\$111,871.61
			\$8,744.35
November 21, 2012	November 19, 2012	JC, ML	\$40,872.08
			\$64,072.20
			\$14,883.00
November 21, 2012	November 20, 2012	JC, ML	\$41,010.33
			\$7,989.05
November 21, 2012	November 21, 2012	JC, ML	\$97,183.99
			\$12,369.10
November 10, 2012	PHC Cardinal Health ACH		\$26,424.43
November 10, 2012	PHC Cardinal Health ACH		\$51,900.19
November 26, 2012	November 21, 2012	JC, ML	\$1,250.00
			\$47,278.79
November 26, 2012	November 26, 2012	JC, ML	\$54,126.59
November 27, 2012	November 26, 2012	JC, ML	\$42,416.01
			\$253,629.36

November 27, 2012	November 27, 2012	JC, ML	\$170.24
			\$1,166.44
			\$915.87
			\$26,626.16
			\$11,448.42
			\$3,250.00
			\$36,236.98
			\$23,180.18
November 24, 2012	PHC Cardinal Health ACH		\$46,549.63
November 24, 2012	PHC Cardinal Health ACH		\$77,551.02
November 28, 2012	November 27, 2012	BCC	\$821.82
			\$28.88
			\$29,825.45
			\$1,896.57
			\$2,425.09
			\$8,021.11
			\$737.23
			\$2,884.82
			\$378.38
			\$10,268.36
			\$26,667.89
			\$69,480.29
November 28, 2012	November 27, 2012	BCC	\$69.08
November 28, 2012	November 28, 2012	BCC	\$24,138.59
			\$42,352.68
			\$50,098.00
			\$329,310.79
			\$102.54
			\$1,252.95
November 29, 2012	November 28, 2012	JC, ML	\$8,425.46
			\$161.95
			\$4,975.41
			\$6,658.59
November 29, 2012	November 29, 2012	JC, ML	\$1,626.24
			\$4,321.21

All Claims Lists were returned to the Accounting Department.

THURSDAY, NOVEMBER 1, 2012

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Contract – BCC signed. Between County and Frenchtown School District #40 for a number of projects offered through 2008 Substance Abuse Prevention Levy funding. Amount/\$26,000. Term/July 1, 2012-June 30, 2013. Originals to C&R and Peggy Seel/OPG.

FY2013 CBO Contracts – BCC signed. Between County and following for term July 1, 2012-June 30, 2013:

- 1) With Missoula Urban Transportation District to provide curb Paratransit service and Senior Van service to 1800 unduplicated clients. Amount/\$20,000;
- 2) With Child Development Center for short-term respite care and crisis placement for individuals with developmental disabilities. Amount/\$7,200.

One original to C&R and OPG.

Request – BCC reviewed letter from Kathy Mangan, Executive Director, and approved eligibility of Red Willow Learning Center to be a participating agency in the County Employee's Charitable Giving Campaign. To Cindy Wulfekuhle/OPG.

Contract – BCC signed. Between County and PHC to provide increased access to primary care/case management services for underserved populations. Amount/\$237,000. Term/July 1, 2012-June 30, 2013. Originals to C&R and Andrea Laine/PHC.

Certification – BC signed. Certification of Agreement Closeout for Federal Highway Administration Reimbursable Agreement for Petty Creek Road Project (MT PFH 71-1(1)), for a total of \$621,006.45. Original to Greg Robertson/Public Works.

Amendment #8 – BCC signed. To contract between County (Detention Facility) and MT DOC for per diem reimbursement for general population offenders. Amendment changes: 1) retroactive date to July 1, 2008 (vs. 2007); and 2) Per Diem rate is now \$64.05 (vs. \$62.75). One original each to C&R and Sheriff.

Agreement – BC signed. Between County and MDOT for annual STEP (Select Traffic Enforcement Program) contract awarded by the State Highway Traffic Safety Office (contingent upon NHTSA funding availability). Amount/\$18,000. Term/October 1, 2012-September 30, 2013. Two originals to Sheriff for further signatures/handling.

Resolution No. 2012-192 – BCC signed, dated October 31, 2012. Approving an "organized market" (per MCA 50-50-102 "Farmers Markets") operated by the Heirloom Winter Market at 1101 South Avenue West, Missoula.

Agreement – BCC signed. Between MCCHD and Yellowstone City-County Health Dept. d/b/a Riverstone Health for provision of Nurse Family Partnership Home Visiting Services by MCCHD. Amount/\$137,417. Term/July 1, 2012-June 30, 2013. Three originals to Julie Mohr/MCCHD for further signatures/handling.

Agreement – BCC signed. Between MCCHD and the Missoula Child and Family Services ("CFSD") division to clarify roles/responsibilities of CFSD and County for Missoula Foster Child Health Program for FY2013. Three originals to Julie Mohr/MCCHD for further signatures/handling.


Task Order – BC signed. #13-07-5-31-035-0 between MCCHD and MT DPHHS (for Maternal, Infant, and Early Childhood Home Visiting Infrastructure Development Project). Continuation funding for period November 1, 2012-September 30, 2013. Amount/\$100,000. Three originals to Julie Mohr/MCCHD for further signatures/handling.

Additional discussion item(s): CDBG Loan for Missoula Children's Theater.

FRIDAY, NOVEMBER 2, 2012

BCC met in regular session; quorum present. Morning: JC participated in MCCC conference call, held at Aging Service's office. ML out of office all day.


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

MONDAY, NOVEMBER 5, 2012

BCC met in regular session; all three present.

Monthly Report - BC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending October 2012.

Monthly Report – BC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending October 2012.

Request for Records Disposal/Transfer Authorization – BC signed. From Sheriff for Day Book Sheets dated 7/1/2003-1/31/2004. To be destroyed.

TUESDAY, NOVEMBER 6, 2012

COURTHOUSE AND ADMIN BUILDINGS CLOSED FOR GENERAL ELECTION DAY

WEDNESDAY, NOVEMBER 7, 2012

BCC met in regular session; quorum present. JC out of office all day.

Indemnity Bond – BC signed. Sandi Noyes, Milltown, Principal for Treasurer Warrant #30216680, issued January 26, 2012 on County 1000. Amount/\$91.04 (mobile home auction).

Monthly Report - BC examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending October 2012.

CAO MEETING

Contract – BCC signed, dated October 31, 2012. Between County and Lasting Expressions to paint Drummond Depot at Historical Museum. Amount/\$9,875. Term/November 8-30, 2012. One original to C&R; one to Bob Brown/Hist. Museum.

Contract – BCC signed, dated October 8, 2012. Between County (PHC) and Open Aid Alliance for services to 32 individuals in Client Emergency Needs Program. Amount/\$3,825. Term/July 1, 2012 – June 30, 2013. One original to C&R; one to Denise Small/OPG.

BOOK 013 PAGE 0080

Bid Award – BCC approved/awarded bid for liquid deicer to WE Dust Control & De-Icing, Inc. Amount/\$68,850. Original to Greg Robertson/Public Works.

Additional discussion item(s): Light the Bridge.

NO PUBLIC MEETING HELD THIS DATE

THURSDAY, NOVEMBER 8, 2012

BCC met in regular session; quorum present. JC out of office all day. Evening: BCC attended meeting of West Valley Community Council re: Former Smurfit Mill Site Cleanup.

Indemnity Bond – BC signed. Yogesh Simpson, Bozeman, Principal for Clerk & Recording Warrant #30215074, issued December 22, 2011 on County 1000 Fund. Amount/\$65 (Election Judge recruitment posters).

ADMINISTRATIVE MEETING

Contract – BCC signed, dated November 8, 2012. Between County and Western MT Addiction Services to coordinate with Missoula Forum for Children and Youth to prevent underage substance abuse. Amount/\$30,000 (from MT DPHHS for Prevention Block Grant). Term/July 1, 2012-June 30, 2013. Originals to C&R and Peggy Seel/OPG.

Contract – BCC signed. Between County and Western MT Mental Health Center Addiction Services for Flagship Program to provide prevention/intervention/treatment to indigent youth/adults at Turning Point and through the Adolescent Treatment program). Amount/\$130,000 (from alcohol tax dollars). Term/July 1, 2012-June 30, 2013. Originals to C&R and Peggy Seel/OPG.

Agreement – BCC approved/BC signed a MT Disaster and Emergency Services Grants Policy/Procedure Manual for FY13. Manual assists counties in insuring compliance with federal regulations for the EMPG Grant. BCC also authorized COO to sign quarterly claims for Missoula. Original to Chris Lounsbury/OEM.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated November 2, 2012. Amount/\$17,400.55. To County Auditor.

Letters – BCC signed, dated November 8, 2012. Two (2) letters to Big Sky Trust Fund Selection Committee/Big Sky Economic Development Trust Fund ("BSEDT"), MT DOC, Helena, in support for BitterRoot Economic Development District's ("BREDD") application for a BSEDT Category II planning grant for the following to complete:

- 1) a Feasibility Study for MT Mobile Processing Company to own/operate Montana's first USDA inspecting, large-animal mobile slaughter facility; and
- 2) a Digital Marketing Plan for Mamolode Magazine to help transition from a popular local lifestyle company to a national high impact business.

Originals to Kelly Yarns/BREDD.

Letter - BCC signed, dated November 13, 2012. To Glacier Recycling, Inc., Missoula, MT DEQ/ Motor Vehicle Recycling & Disposal Program, Helena, in support of Glacier Recycling's application for motor vehicle wrecking facility license. Public hearing will be held November 28, 2012.

Additional discussion item(s): None.

FRIDAY, NOVEMBER 9, 2012

BCC met in regular session; all three present. Morning: BCC met with Ginny Merriam and Susan Hay Patrick re: 10-Year Plan. Afternoon: BCC attended retirement party for Jerry Smith.

Indemnity Bond – BC signed. First Interstate Bank Credit Cards, Billings, Principal for Fairgrounds Warrant #229609, issued October 19, 2012 on County Fair (2160) Fund. Amount/\$2,302.67 (for Mastercard bill). Warrant lost.


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

SUNDAY, NOVEMBER 11, 2012

BC attended Veterans' Day Memorial Service, held on Courthouse Lawn

MONDAY, NOVEMBER 12, 2012

COURTHOUSE AND ADMIN BUILDINGS CLOSED FOR VETERANS DAY OBSERVED HOLIDAY

TUESDAY, NOVEMBER 13, 2012

BCC met in regular session; all three present. Noon: JC attended YWCA Women's Justice Benefit Luncheon, held at Holiday Inn.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Bell Family Transfer; 3) Trout Meadows River Ranch Subdivision/Phasing Plan Amendment; 4) OPG Director's update.

Rural Initiatives Update – 1) Public Comment; 2) MOU Meeting update; 3) Planning Board's Agricultural Policy Package recommendations; 4) Rock Creek Confluence Bond Project/Public Hearing info; 5) Bonner Mill TIF update: Planning Board recommendations; 6) Director's update.

Letter – BCC signed, dated December 5, 2012. Jim Edwards, Missoula, conditionally approving phasing plan amendment for Trout Meadows River Ranch. Final plat submittal deadline for Phase 1 is extended to December 15, 2015 (subject to approval of Weed Management Plan by March 15, 2013 and per Attachment B). Other deadlines are: Phase 2/December 31, 2016; Phase 3/December 31, 2018; and Phase 4/December 31, 2020.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 22/CY2012 - Pay Date/November 2, 2012. Total Payroll/\$1,329,698.30. To County Auditor.

Contract – BCC signed, dated October 3, 2012. Between County and Providence Health & Services MT dba St. Patrick Hospital (Sub-Acute Clinic) for continued services under current (FY13) Strategic Crisis Intervention Plan Initiatives for HB 130. Amount/\$57,200 (DPHHS funding for crisis mental health services). Term/July 1, 2012 – June 30, 2013. One original to C&R; one to Kim/OPG.

Contract – BCC signed, dated October 3, 2012. Between County and Western MT Mental Health Center for continued services under current (FY13) Strategic Crisis Intervention Plan Initiatives for HB 130. Amount/\$36,532 (DPHHS funding for crisis mental health services). Term/July 1, 2012 – June 30, 2013. One original to C&R; one to Kim/OPG.

Request – BCC reviewed/approved new *Missoula County Waste Reduction and Recycling Policy* (No. 2012-xx). To Auditor for further handling.

Request – BCC reviewed/approved Request from CAO for Larry Farnes, Facilities Services Director, to pre-authorize bulletins and construction change directives cumulatively less than \$25,000 for Courthouse Renovation Project. All authorizations will be packaged into Change Orders for ultimate approval by BCC. Original to Larry Farnes.

Contract Addendum (A7) – BCC signed. To master contract between County and A&E Architects for construction documents of Phase 3/Courthouse Renovation Project. Contract is to have CD's ready for bid in July 2013. Amount/\$308,430 included in CIP budget). Term/November 2012-August 2013. Originals to C&R and A&E.

Letter – BCC signed, dated November 13, 2012. To Kent Atwood, MT DES, Fort Harrison, MT, confirming Missoula County is applying for a DR-1996 Hazard-Disaster Mitigation Grant for acquisition and demolition of a home at 3417 Kehrwald Avenue in Missoula. BCC also set forth project funding.

Additional discussion item(s): 1) American Legion Lease at Big Sky Park; 2) Update on Fort Missoula Regional Park/Refined Master Plan.

WEDNESDAY, NOVEMBER 14, 2012

BCC met in regular session; all three present. Noon: JC gave welcome at *2012 Leadership MT Class Luncheon*, held at Hilton Garden Inn. Afternoon: JC attended *Missoula Vaccine Partnership Assessment Report* meeting, held at Stranahan Building. Evening: JC attended *Reaching Home Rollout* Public Meeting, held at Holiday Inn. ML/DB attended tour and reception for *Missoula College Celebration & New Name Launch*.

CAO MEETING – No Agenda items; discussion only.

Additional discussion item(s): County Planning update.

PUBLIC MEETING – November 14, 2012

1. CALL TO ORDER

Commissioners Present: Commissioner Bill Carey (Chair), Commissioner Jean Curtiss, Commissioner Michele Landquist

Staff Present: Dori Brownlow, County Attorney, Pat O'Herren, Rural Initiatives, Nancy Heil, Rural Initiatives, Jennie Dixon, OPG

2. PLEDGE OF ALLEGIANCE

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3. PUBLIC ANNOUNCEMENTS

Pete Ridgeway, Chairman Larchmont Golf Course: Here today to present to the County Commissioners an award from Golf West Readers Choice 2012. This is a survey of readers from Western Canada, Montana and the State of Washington. The Larchmont Golf Course received the favorite US Course in the NW Award for the 2012 Readers Choice Award, it's a bronze award.

4. PUBLIC COMMENT

Paul Bohan: TIF Districts, not specifically your proposal. My experience with Tax Increment Finance (TIF) Districts in the City is that you need to have a watchdog. We went through the TIF with our City Civic Stadium which belongs to the Osprey for 15 years and it started out as an urban renewal district. That urban renewal district lasted 15 years and expired and it wasn't existent. To get it back into an urban renewal district our City had to call it a brand new stadium, the Osprey Stadium, in 2004 which was just completed, they had to call it blighted to put it back into an urban renewal district, which is TIF, which was used to make the purchase of this stadium and then give it to the Osprey. It's not that the money's not spent for good purpose but it's that the money is taken out of the control of the tax payers and the residence and put into control of people who have other interests.

5. ROUTINE ADMINISTRATIVE ACTIONS

Weekly Claims List (\$2,368,707.70)

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the Weekly Claims List in the amount of \$2,368,707.70. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.

6. HEARING (Certificate of Survey)**Bell (Jim and Janie) Family Transfer**

Jennie Dixon asked the standard family transfer questions.

Commissioner Landquist: I know when we're doing Family Transfers and the children are minors, one of the questions we ask is; are you going to setup a trust for the kids. Being the fact that these are adult kids, these properties will go right into their name; you don't have to do the trust thing, is that why we didn't ask that question?

Jennie Dixon: Correct.

Commissioner Landquist: Are there any water rights involved with this?

No

Public Comment

None

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners approve the request to create two additional parcels by use of the Family Transfer Exemption based on the fact that there does not appear to be an attempt to invade subdivision review. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

7. HEARINGS**a. Rock Creek Confluence Open Space Bond Project**

Nancy Heil: This is a proposal to use up to \$400,000 of Open Space Bond Funding towards the purchase of about 201 acres near the confluence of Rock Creek and the Clark Fork River. Staff has found that this project meets the following purposes: protecting the water quality of rivers, lakes and streams. Protecting wildlife habitat, Managing for growth and providing open space and scenic landscapes. The purchase price of the property is \$1.6 million dollars; Five Valleys is working with numerous other funding sources for the property. The bond funds would be applied towards the purchase price so the estimated funding match would be about 3 to 1. Staff's recommending approval of the project with the condition that prior to or concurrent with the release of funds that a management agreement with Missoula County is recorded, requiring that the parcel will be managed for uses consistent with the bond program.

Public Comment

Louis Cogan, Project Manager at Five Valleys Land Trust: Read article by Greg Tollefson regarding the Clark Fork PPT Presentation.

Commissioner Landquist: In the end your goal is to have this be available for the public and to find a public entity to share this or operate this, right?

Louis Cogan: We're not sure what the end result will be for the entire property, we're going to make sure that that is the result for at least for the portion of the property, which is the part that it makes the most sense to provide public access to. And if there seems to be good opportunities that are consistent with protection of the wildlife habitat on the rest of the property, we're certainly gonna walk down that road.

John Rimel: Here with Andy Hayes, we're both members of the Open Lands Committee. I don't think there's really much I can add to this proposal other than to offer our endorsement of it. It is a little different than a lot of the proposals that have come forward from OLC, in that it's for purchase of property but once again Five Valleys has put themselves into the position of sort of being a holding company, if you will, for a piece of property until something down the road comes into place. This is a little longer term project and I reckon probably one of the bigger projects they have undertaken. Rock Creek is no stranger to controversy and sort of bad ideas for those of us who have been in Missoula along time, right off the interstate use to be the home of the snake pit. That fortunately moved to Idaho....maybe to Washington. Then came along the Testicle Festival, right at the mouth of Rock Creek so if it wasn't a blue ribbon trout stream and had amazing recreational opportunities, it would really be just be another roadside attraction. This acquisition really presents the opportunity down the road for the county to be a participant in the creation of, I think, something that's going to be very special for generations to come.

Jerry O'Connell: I just have a question really, not a comment. Does this mark the death now of the Testicle Festival?

Commissioner Curtiss: No, unfortunately it's between the freeway and the railroad track.

Chris Brick, Clark Fork Coalition: We support this project. We're one of the partners that Five Valleys approached to help them with the restorations specifically of the pond area and the berm. The details have been covered here but I would like to emphasize how good a job Five Valleys has done in bringing in partners in the conservation community but also in bringing in funding from both private and public sources to match. Cost effectively I think this is a very good project and I hope you will support it.

Janie Bell: I live in the Blackfoot Valley. How many acres in the end will still be public access?

Answer: At least 40.

Commissioner Landquist: I would like to thank staff who worked so hard on this and everybody on the open lands committee for the due diligence that you guys do, not only on this project but on every project. I'm so honored as a Commissioner; I've been able to view each and every one of these projects before we take action on them, each and every one of them so different from one another. In Missoula County we are so rich in these wonderful land assets and for those people that can't appreciate it now, future generations will certainly appreciate it when things don't look anything near in Missoula County like they do now. We know that these open spaces will remain the treasurers that they are and every taxpayer has the benefit of being able to pat themselves on the back because we're all a part of this, we're all in this together, we're all paying the fees to make these treasurers remain treasurers for Missoula County. So I want to thank everybody that worked so hard on the project and all the taxpayers of Missoula County, now and future for making this possible.

Commissioner Curtiss: This is a great solution to a big problem when you say that we remember that subdivision...yes we do, even though it never quite got to us. We had letters and emails from around the world, not just the United States.

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners approve the expenditure of \$400,000 in Open Space Bond Funds via the attached Resolution for the purchase of 201 acres, the Rock Creek Confluence Project based on Findings of Fact that project qualifies for funding. Recommendations of the Open Lands Citizens Advisory, Public Hearing comments, Staff analysis. And, with the condition that prior to or concurrent with the release of funds a Management Agreement, Missoula County is recorded requiring the parcel be managed for uses consistent with the Missoula County Open Space Bond Program. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

b. Petition to Alter (Relocate) Utility Easement – West end of Industrial Parks I & II

Kim Cox verified the signatures.

Steve Smith, Public Works: A petition has been presented for an alternation or relocation of an existing utility easement that coincides with Lots 4 & 5 in the West End Industrial Development Subdivision, Phase II. Petitioner: Mark Quinn of Western Interstate.

Dori Brownlow, County Attorney: One of the concerns was that the only consent was submitted by Northwestern Energy and no other utilities and it's my understanding that the practice is to have them get consent from other utilities and that's not attached.

Commissioner Curtiss: So we could continue the hearing then?

Dori Brownlow: Exactly.

Public Comment

None

Commissioner Landquist: When we abandon roads it requires a Commissioner visit but for something to alter ~ a utility easement, does that require a visit?

Dori Brownlow: It does not require a site visit by the Commissioners **BOOK 013 PAGE 0084**

Commissioner Curtiss: We meet again in two weeks and we need to assign someone to notify them that they need the rest of the utilities to give approval. Can we assign that to you Steve?

Steve Smith: Would it be best to have the Clerk & Recorder's Office perform that task? Since the petition was presented to them.

Kim Cox: With one consent form that I did have, I thought that was the only one that was involved, I didn't realize there were others to be involved. Maybe I should have a list of whom I should contact?

Commissioner Curtiss: Probably a good idea. I think it's because a utility easement isn't necessarily just for one company, any utility can use it so therefore it could be telephone, sewer, water, gas.

Kim Cox: So could I have a list of what you guys feel is important that I contact?

Commissioner Landquist: What I would suggest since Dori (and/or other Attorneys or legals) determined that other utility companies needed to weigh in on this that maybe a memo from you to Kim. But the owner that's trying to do this, I think the problem lies within, doesn't it? It's there application so the Mark Quinn, I would think contacting them and giving them a copy of the memo from Dori.

Kim Cox: I would like that. That would give it more specific language on what they need to accomplish.

Commissioner Landquist: Does that make sense?

Dori Brownlow: That makes sense. I'll provide Kim with the memo and then you would send it to the applicant?

Kim Cox: Yes, I will.

Dori Brownlow: It's their responsibility then to obtain those additional consents.

Kim Cox: Did you see anything else that you have a question on?

Dori Brownlow: Not from a legal standpoint, no.

Commissioner Carey: Okay so we'll continue this hearing until November 28th.

Kim Cox: I won't be here November 28th.

Commissioner Curtiss: Okay in the memo we'll suggest that they are here. You've already verified the petition, that's what your job was.

c. Amendments to Missoula County Growth Policy (Chapters 2, 3 and 4 – Bonner area)

Pat O'Herren, Rural Initiatives: This item comes to you as a result of the County Commissioners interest and studying the feasibility and possible implementation of a Tax Increment Financing Industrial District at the Old Bonner Mill Site east of town. Missoula County staff has worked with two consultants on this issue who are going to be providing you with a report on it. Those two individuals; Janet Cornish & Lynette Windemaker from Community Development Services of Montana are here today and at the table to give you a bit of a back ground. Staff and the consultants reviewed the existing growth policy. The growth policy was found efficient in three areas relative to Tax Increment Financing Districts (TIF). 1) it was not adequately supportive of the establishment of TIFs, 2) it did not have sufficient information regarding economic development needs and, 3) the current definition of TIFs was incomplete at best in the existing growth policy. Recognizing those short comings staff worked with the consultants to come up with a list of special amendments to the growth policy. Those were presented to the Missoula County Consolidated Planning Board on October 23, 2012. Planning Board conducted their public hearing, took testimony, discussed the issue and suggested additional recommended amendments to the growth policy. Staff concurs with those recommended additions and recommends to you that the TIF amendments to the Missoula County Growth Policy be adopted as proposed by staff and amended by the Missoula Consolidated Planning Board based on the findings of fact and conclusions of law that are in the staff report that you have in front of you. In addition to that report, you have the Planning Boards minutes, the planning board's recommendations on the TIFs growth policy amendments. The public comment received to date, I should note that there was an additional comment received early this morning to the Commissioners on this topic from Alison Meinsberg on Rustic Road, I believe you have copies of that, if you don't, I'll make sure they're entered into the record. You also have at the back of your packet, the draft Resolution of Intent. Staff strongly supports the adoption of this TIF. You have maps in front of you outlining where that TIF district would be. The Missoula Consolidated Planning Board also at the request of the consultants adopted a motion that says that the zoning in the area of the proposed TIF is in accordance with the growth policy, as amended. That's one of the requirements establishing a TIF district.

Commissioner Curtiss: I don't think we do have a copy of that comment that came in this morning, so if you have an extra copy that we could have.

Janet Cornish, Community Development Services of Montana: As Pat mentioned Lynette and I are under contract with the Missoula County to provide assistance in creating the TIF District. PPT Presentation.

Lynnette Windemaker, Planning Consultant: Getting back to the two items on your agenda; Pat gave us a really good background on it. The first one is a growth policy amendment and when we reviewed your growth policy we basically identified three areas where it needed a little more support for Tax Increment Financing and those included an addition to Chapter 12; which was a description of industrial land use and associated economic trends promoting secondary value adding industry in Missoula County. The second section was chapter 3 which added additional goals and objectives that address economic development needs. And the third one was Chapter 4, where we expanded the description of Tax Increment Financing and implementation strategies. As Tim said, it went to Planning Board back in October and they made a recommendation to you for approval of it with some minor amendments, you have that in your packet. Staff was in total agreement with what they were suggesting and that's what we have provided to you. So what we're asking you to do today is to adopt a resolution of intent to adopt the growth policy amendments. So we're basically asking you to make Findings of Fact and Conclusions of Law that the TIF growth policy amendments meet the review criteria and that you adopt the Resolution of Intentions to adopt the TIF growth policy amendments to the Missoula County Growth Policy 2005 update. Then in two weeks it will come back to you for actual adoption of the final resolution.

Public Comment

Paul Bohan: Can we go back to the color charts? The green part, that incremental taxable value, that's extra money that would go to the county anyway. The base is just what would happen if nothing happened. There's this [fallacy] that keeps getting said that this incremental taxable value isn't taking something away from the taxpayers. It is taking something away...if you didn't have a tax increment value and someone went to a bank and got some money or a developer decided, I could take this risk and put this development in, the same thing would happen, whether you had a tax increment district or not. The only thing with a tax increment district is it makes it permanent. It makes it in concrete. This money is going to this development and it takes the priorities. If you have a development there, some developer comes in, he put his thing in, his property value then goes up and that money goes to him regardless of what the county needs or not. There's nothing in the way the taxation policy goes now that prevents the County Commissioners from putting that money in that development. This just forces the issue and it takes the possibility of getting that money out of the rest of the residence of the area of the county. So I look at this and I've seen this argument before and I do understand it. You're putting money into this area and then the money increases the value, that money is increased and goes back into that district but it won't go to the schools, so even if the value increases for that 15 year time period, the schools won't get any of this increase. The tax payers that are outside of that district won't get any increase. The only people that will get that increase is the developer, which lowers their cost, which makes their development more. Basically the County is taking on the risk of the development, rather than the developer. So we're subsidizing the developer and they're making us feel like we're giving them something...or that they're giving us something in return. If a development comes in and makes...the county stadium's an example; the county stadium could make millions and millions dollars right now. Right now the City supposedly owns it but all the money that comes from the county stadium goes to the Missoula Osprey. They could make millions and millions of dollars, the City will get nothing. We put all that urban renewal tax increment money into it and so 15 years the City saddled with the debt of the city. The Osprey paid \$120,000 a year which makes up for the debt that the City has incurred, so we're giving stuff away. Tax increment dollars is giving stuff away! To say it's not taking something away from the tax payers and the citizens and the residences of the county is a lie. It's done all over the country yes and it's another one of those things, if enough people do it everybody can say, 'everybody does it' and they don't look at the discrimination.

Jim Carlson, Director of Environmental Health: I want to speak in favor of the district but also urge the Commissioners to do what is within their power to ensure that at least a portion of the monies that are generated by the district go towards the protection of resources such that they're sustainable. Since the Mill has shut down we've seen the closure of the Wastewater Treatment Plant at the Mill due to inadequate flows but proliferation of septic system for the painting business that's going in there and they're doing an excellent job. Today I was working with the City Engineer and one of the consultants talking about the installation of a number of septic systems on the property for the homes that will be on the west side or the Mill side of the property. This area is in the Missoula wastewater treatment plant service area, not that it necessarily has to be served by city sewer but the City, the County and the Health Board have all agreed that those areas of land should be on public sewer. And with the eye towards the aquifer so that we can continue to use our aquifer as our sole source drinking water. And with the eye towards making sure we get very good treatment and discharge of nutrient barring and pollutant barring waters that are adequate in terms of the river. The other thing that we've seen proposed on the actual east side of the highway, the owner of those homes on that side has at least asked about disconnecting those homes from public water and putting them on individual wells and that public water that serves those homes is located or stopped of the mill property and again having homes and businesses on public water ensures the safety and the sustainability of water supplies to a significant degree better than individual wells. We'd encourage the Commissioners to look at this.

Actually I just found out about this, this morning, to also consider the fact that there are off-site properties ~ properties outside of the proposed district, meaning on the east side that are served by the utility that's on the property but to emphasize the need for coordinated, well planned provision of public water and public sewer on this property and the properties systems that come through this property are originate on this property may serve.

Commissioner Curtiss: I think we're ahead of you Jim; we've been looking at the big picture all along. Just so you know, the houses on the other side that Mr. Coney owned are now under the same ownership as the Mill, so I think that concern has probably gone away.

Jerry O'Connell: I currently Chair the Planning Board but I'm not here in that role, I'm here as a citizen and as the Director of the Big Blackfoot River Keeper Program. This particular TIF issue may not be exactly where my comments should fit but I know you're addressing a number of issues today so if it isn't the exact fit, please just take my words and move them to the appropriate portion. My concerns and my comments relate to the protection of the Blackfoot River as it passes through this entire property and not simply the footprint that the mill is on, now that this TIF has applied for. The subdivision request that's coming up, the industrial condominium request that's coming up applied to but on the entire property being questioned here which we'll be having obvious development applying on it and going forward. This is the lower part of our beloved Blackfoot river, it is currently zoned industrial, has been forever. It is directly downstream from our new ex-reservoir, soon to be park lands area and is directly upstream from here is land owned by the State specifically, Fish Wildlife and Parks, up through the weigh station. And it makes it a perfect situation to put some sort of plan, rules, enforcement; however you classify it in place to ensure that the quality of that river is maintained and hopefully improved without impinging on the owner's plans to complete their development. There's a number of different ways that can be approached. I know the City and the County would love to extend river trail systems to connect this to downstream park lands area and I envision this being able to extend all the way on up to the weigh station which is going to become the major put-in spot for recreational floating activity through this whole region into downtown Missoula. What I would suggest is and I think the owners are here, they're listening as well, I know that there's a way that this can be implemented that will be successful to everybody. I would use the Blackfoot River recreation carter, which is currently in place up river, as an example of something that could be the model for what we do here. In the recreation carter, who I happen to be one of fifteen private landowners who are cooperators on that, in conjunction with State and Federal Agencies who also own land in that area. We have where, the state law allows, the public access within the ordinary high water marks of the river. Up in the river recreation carter which is 32 miles of river we allow 50 feet up from the ordinary high water mark for the public to use for recreation. Limited no camping, no fires that sort of thing but if you want to stop to have a picnic, you want to transit through the area to walk through it. It's been nothing short of a booming success, it has improved the quality of the riparian areas, it has been amazing cooperation that the public has provided, they take care of the land and it works well. 100% of the cooperators feel the way I do on it and it's been a big success and it's free, it doesn't cost anything. It's just an agreement that we renew every three to five years and in our case it's with Fish, Wildlife & Parks, BLM, Lubrecht Forest and Missoula County and it's great. I would love to see something of that same nature implemented here. It doesn't prevent...with the exception of not building structures within that in our case the 50 foot barrier, that typically is not much of a restriction anyway because most people wouldn't do that anyway, for a lot of different reasons. I would love to see something like that be implemented and I would certainly offer to help participate in either getting the right players together to look at that in more detail of the ones that have already put the Blackfoot River recreation carter together just to help maybe spawn something like that. I think it would be great for everybody including the land owners. So if this doesn't apply to this TIF, please just cut it out and put it where it does apply.

Steve Nelson, one of the owners of the Bonner Property: This support this TIF, it's a vital part of the economic development of this site and for that community. It's not going to be the end all but there are some things that it can do that I think are going to be very beneficial to the community on that site. We will be sensitive to the river and we're sensitive to a lot of those kinds of things that are going on out there environmentally. One thing that I'll mention; we've got all these houses, the 16 houses that are on the north side of Hwy 200, on the Mill side, they're not part of this TIF. Those houses, we're going to remodel them, we're going to get them back on the rolls as rentable units. We're going to spend at least a million dollars doing that. That's going to be a tax...it's gonna go into the tax rolls and that will grow, the school will be able to use that. I think that's just a part, there's going to be other parts of the community outside of the TIF that will feel the effect if we can make that development work and get some jobs created out there and some activity created. One of the things we talked about, things that we can use for the TIF, there's lots of infrastructure, maybe roads, railroads, water, sewer, power, utilities, that sort of thing. One of the issues that we see as a major issue is we have a 2.3 acre parcel that's filled with contaminated soils, they're low level PCB but it's 18 feet high, if you've been by there, you've seen it. It's not very pretty and it's right in the way of almost anything we want to do, if you want to run a rail back there, even if the developer, us and the tenant that might be moving in there are willing to pay the railroad. You have this big mound of dirt that has to be moved and I can see that as a real opportunity for this TIF and maybe that would help in economic development for this site but would also help the public health for the community and that sort of thing.

Chris Brick, Clark Fork Coalition: I'm glad that Steve commented because I really have the same concerns that he does and rather than comment directly on the TIF, I guess what I really wanted to do was to ask the question. Being fairly ignorant about what tools are out there for

protecting the river there; both protecting the river from potential industry and truthful protecting potential industry from the river. We'd like to see some sort of buffer zone through there and I don't know if that's possible with current administrative tools or if that would be more of just a private voluntary agreement with the owners. That's my question to you I guess, are there things we can do there?

Janet Cornish, Consultant to Missoula County: I would like to mention that in answering Chris in two ways; one is in the growth policy amendments themselves. We talk about the importance of the river corridor and the enabling legislation and certainly they are in the suggestive amendments and I know in other existing places in the growth policy. Administratively TIF funds can be used if you so choose to create a buffer to help enforce a creative buffer zone or to even add other amenities, trails or pedestrian ways. I know the property owners are interested in this in association with the river that would serve both to provide access and to protect the corridors and the river itself. So that the tool certainly you have other mechanisms I'm sure available to you but I wanted to mention that TIF funds can be used to make those types of improvements as well and you know that from the way it's been used in Missoula and the City to make some river related improvement that would not be characterized as industrial infrastructure per say but can go both to make the area more attractive for development on hand but also to protect that resource for the community as well.

Commissioner Curtiss: Our biggest tool and our biggest resource is the fact that we have two local owners that care about the river as much as we do. I visited with Steve and Mike for the last year or so about this and that is as important to them as it is to us. I think that's our biggest asset and tool.

Steve Nelson, Owner: Just to answer that question; we would be very interested in creating a river corridor and either trade for some land or do some kind of...I don't know what it would be but we would be very sensitive to that, we would look forward to that. So just want you to know that we'd be open to some kind of discussions about that.

Commissioner Curtiss: I think we all want to protect the river but the banks there may not be conducive to "get in and get out" points. So all of that needs to be considered, we sure don't want to create people made trails going to the river.

Commissioner Landquist: I think it might be important to note, based on some of the concerns that have been brought up. On Page 7 of the exhibit C, of the goals and plan for the Bonner Mill TIF District, some of the bullet points are to foster revitalization and the relationship between the Mill site and adjacent historic workers homes, as well as the surrounding community. The next one is real important; to help assure that industrial development activities reflect Missoula County's commitment to the stewardship of our natural resources heritage and in particular the Blackfoot River corridor and associated restoration interruptive recreation and conservation programs under way. That's already in the plan, as was mentioned here and there are a lot of other bullet points that I didn't read. This document is available to the public.

Brent Christopherson, Asst Fire Chief MRF: Last night our board of trustees met and they are supporting the project as does the staff of the fire district and its administration. We appreciate all the input that the staff of Missoula County has offered us in this project and working with the developers in the expansion of that area. We embrace the project.

Pat O'Herren, R.I.: One other comment I received just a little bit ago was from the Bonner Milltown Community Council, they were unable to have a quorum for their meeting so their comments will be delayed a week or two. They'll be able to comment at the second hearing.

Commissioner Curtiss: And the comment that you gave us today from Rustic Road. Unfortunately, some of the language in the law is confusing and so she was confused about the 'condo' with the one building being condo-ized. That basically means it's being divided, but it's not a residential condo, the proposal is to divide into industrial use but it's all under one roof, just to clarify that on the record. And then her second one, she has a lot of questions that we could research more I guess about tax questions and what happens when the truck stop came in and different things. So we can look for those answers another time for her.

Doug Ardiana, Bonner School Superintendent: The school did not make a recommendation for or against. The Bonner School District has been very supportive of industrial growth and getting our community back to work. I mainly came today to see if you folks had any questions for me or the school district in terms of our level of support for this project.

Commissioner Curtiss & Commissioner Landquist: Thank you for being here.

Doug Ardiana: I feel very pleased to be out at Bonner it is a very great community and again we're looking for community growth. The opportunity for jobs for our community is huge. We're the highest dense population of all of Missoula County and we need some good jobs in our community. Thank you for working with us.

Commissioner Curtiss: I think the discussion today is one of those ~ sometimes it's a chicken and an egg thing. How do we get good jobs and have the infrastructure in place so that businesses can move in and want to move in? This to me is just an investment; we have used this tool in the counties development park with the county owned land that has become private

ownership now between the airport and the freeway. I think that we have a good example of how that investment pays off, how planning pays off, we have great trails and parks within that development park, it is not what you see in most Montana towns as you drive through an industrial area. It is a nice space that has allowed mostly local businesses to expand, I think originally we thought that we would attract some magic company from somewhere else but it's been local companies that have chosen to relocate there and part of why they've chosen to go there and expand their business is because the infrastructure was in place and because it was a nice place to work. I think that this is a perfect opportunity to make that same investment in the Bonner Community that will allow them to put in a Wastewater Treatment System for that area that doesn't rely on individual septs that will allow them to improve the system that they already share with the community. They do provide water for the Post Office, for the museum, that kind of thing. We can't generate without investing some way, the money doesn't go back to the owners or the businesses, it gets invested in the area. I also think that we have...we really have been looking at this big picture about what's needed in the area and having local owners is great because we aren't making decisions with somebody from North Carolina or somewhere. We've learned lessons from our past, we know what our air quality was like in the 70's and 80's. We know what the water quality was like and what we just spent tons of time and money cleaning up, those things are important to all of us, they are reflected in our growth policy. I think this is a great opportunity for us to invest in that community but it will also allow us to get some jobs back. This Mill site had jobs in our neighborhood for over 100 years; it started out with the Anaconda Company owning it. So the jobs will be different, they probably won't be as big, but we already have jobs out there and this will allow us to do more; the things like the rail spur, the access to the freeway, the power source that's there and having water on site are huge assets and this will help us to develop all that.

Commissioner Landquist: I also want to point out to maybe ease the gentleman's concern who spoke about this because the City's done some things differently with some of their districts. The County doesn't operate that same way that proper board will be set in place. We do have a project manager sitting over here, who oversees our other TIF district; she is also going to be very hands-on and overseeing this one. And then the final word, decisions are with the Commissioners as far as expenditures for those monies in the TIF district. I think we've made since I've been here and prior to me being here, some very good and wise decisions and investments with that TIF district money and we'll continue to do so. Don't believe in that sort of 'free ride' that I know I think is giving you some angst with what the City's done with some of their monies. The County has very little, very few tools available to them to help spur economic development and this is one of those tools that we have available to us to use and we will be using that tool very wisely.

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners adopt the Tax Increment Finance amendments to the Missoula County Growth Policy as proposed by staff and amended by the Missoula Consolidated Planning Board based on Findings of Fact and Conclusions of Law and the comments made at the Public Hearing. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

Commissioner Curtiss made motion that the Board of County Commissioners approve the provisional adoption of the Resolution to create the Bonner Mill Tax Increment Financing Industrial District Bonner Mill. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

This hearing will be continued on November 28th.

8. OTHER BUSINESS

Missoula County is also looking for applicants for various boards that are expiring at the end of the year and that some of those boards include Community Councils in the Bonner area ~ they need one person. Evaro, Finley, O'Keefe needs one individual. The Lolo Community Council needs one individual through the May election and then one needed to full a three year term after that. The West Valley Community Council has one vacancy. So those folks that have ever been interested in serving on a community council, I urge you to go to one of the council meetings and consider applying. You can call our office, go online to get an application and also if you go online there's a list of other vacancies that have been put out there to various other County Boards; the Lolo Mosquito Board, the Consolidate Planning Board, the Transportation Board, just to name a few. I would urge our wonderful constituents out there in the county to get involved because we've been so fortunate to have so many people that have served us so well. We value your service and there's always room for more.

9. RECESS

Being no further business to come before the Board, the Commissioners were in recess at 3:19 pm.

Following Public Meeting, BCC signed:

- 1) Resolution No. 2012-195, dated November 14, 2012. Expending up to \$400,000 2006 Open Space Bond Proceeds for the purchase of approximately 201 acres for the Rock Creek Confluence Open Space Project. Public Hearing held November 14, 2012; and
- 2) Resolution No. 2012-196, dated November 14, 2012. Resolution of Intent to adopt amendments to Missoula County Growth Policy 2005 Update to Support Tax Increment Financing for Bonner Mill Site. Public Hearing held November 14, 2012.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated November 16, 2012:

- 1) Denying request from Lavone Connell, Seeley Lake Fire District, to waive penalty/interest for 2009 tax bill. BCC has no legal authority to do so; tax bill was sent to Plum Creek (owner of record).
- 2) Approving request from George Chritton, Seeley Lake, to correct/abate 2012 tax bill.
- 3) Approving request from Marran Poole/EAN Holdings, Helena, to refund motor vehicle taxes paid for vehicle #3004868 (vehicle sold; renewed in error).
- 4) Approving request from Marran Poole/EAN Holdings, Helena, to refund motor vehicle taxes paid for vehicle #2834462 (vehicle sold; renewed in error).
- 5) Approving request from Marran Poole/EAN Holdings, Helena, to refund motor vehicle taxes paid for vehicle #3004856 (vehicle sold; renewed in error).
- 6) Approving request from Marran Poole/EAN Holdings, Helena, to refund motor vehicle taxes paid for vehicle #2834481 (vehicle sold; renewed in error).
- 7) Approving request from Daniel Bennett, Missoula, to refund motor vehicle taxes paid for vehicle #2239761 (vehicle sold; renewed in error).
- 8) Approving request from Daniel Bennett, Missoula, to refund motor vehicle taxes paid for vehicle #2807287 (vehicle sold; renewed in error).
- 9) Approving request from Daniel Bennett, Missoula, to refund motor vehicle taxes paid for vehicle #1869165 (vehicle sold; renewed in error).
- 10) Denying request from Larry Weatherman, Seeley Lake, to refund fees paid for off-road decal for vehicle #3128305. There is no legal basis to do so.
- 11) Approving request from Richard Lewis, Seeley Lake, to refund Seeley Lake Refuse fees for Taxpayer ID #5846417 for 2011 and 2012.
- 12) Letter to Ray Flaherty/Dave Smith Motors, Kellogg, ID, re: his letter dated October 26, 2012. Title & Registration Bureau issued title for vehicle on October 26, 2012; BCC has no legal authority to reverse this process. Mr. Flaherty should contact the T&R Bureau in Deer Lodge.
- 13) Approving request from Don Mercer, Missoula, to have 2008, 2009, 2010, 2011 & 2012 taxes abated due to an incorrect assessment.
- 14) Denying request from Betty Potter, Greenough, to refund \$10 late fee for tax bill. BCC has no legal basis to do so.
- 15) Denying request from Shane McMahon/S.A.F.E., Missoula, to remove 2007, 2008, and 2009 personal property taxes. BCC has no legal authority to do so, as the taxes were billed.

THURSDAY, NOVEMBER 15, 2012

BCC met in regular session; all three present. Morning: BCC met with Todd Klietz, Pat O'Herren, FEMA, DNRC, et al re: Floodplain Mapping. Afternoon: JC attended ribbon-cutting ceremony at new Downtown Bus Transfer Station Bike Den.

Indemnity Bond – JC signed. Assoc. of MT Troopers, Billings, MT, Principal for County Attorney Warrant #30208408, issued August 15, 2011 on County 1000 Fund. Amount/\$375.00 (15 Legislative Guidebooks). Warrant lost.

ADMINISTRATIVE MEETING

Grant Award Agreement – BCC authorized/JC signed Award Letter for FFY12 Emergency Management Performance Grant from State of MT DES Office in amount of \$114,533. Final Reimbursement Forms for costs incurred must be submitted by August 15, 2013. Original to Chris Lounsbury/OEM for further signatures/handling.

Amendment – BC signed #1 between County (RI), Trout Unlimited, and MT DNRC for Josephine Creek Mine Reclamation Grant Project. Amendment extends contract to July 31, 2013 (from December 31, 2012). Two originals to Nancy Heil/RI.

Funding Agreements – BCC signed seven (7) financial agreements between County and the following Community Councils to distribute \$1,000 per Council for FY 2013 funding: 1) Seeley Lake; 2) Swan Valley; 3) West Valley; 4) Bonner-Milltown; 5) East Missoula; 6) Lolo; and 7) Evaro-Finley-O'Keefe. Two originals to Laurie Hire/RI for further signatures/handling.

Request – BCC reviewed/approved Larchmont Golf Course and Caddy Shack 2013 Budget (contingent on Auditor Barbara Berens approving bank card signatures). BCC also signed authorization cards for Larchmont's account with First Interstate Bank. To Larchmont for further signatures/handling.

Resolution No. 2012-193 – BCC signed, dated November 15, 2012. Rezoning 8045 Starr Drive (located in SW¼ of Section 16, T 13 N, R 18 W) from C-11 (Light Industry) to C-RR2 (Residential/2 dwelling units per acre). Public Hearing held September 18, 2012.

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Contract – BCC signed. #MT-CDBG-12PF-03 between County and MT DOC. Provides funding from MT Community Development Block Grant to replace existing Missoula Youth Homes facility (Tom Roy Youth Home). Amount/\$450,000. Term/July 1, 2012-June 30, 2014. Two originals to Jean Harte/OPG for further signatures/handling.

Reimbursement Resolution No. 2012-194 – JC signed, dated November 15, 2012. For Courthouse Renovation Phase II construction costs. Amount/approx. \$5,072,484. Allows County to recover costs in a future long-term bond issuance.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated November 15, 2012. Amount/\$12,719.17. To County Auditor.

Request for Records Disposal/Transfer Authorization – JC signed. From Justice Court 2 for Tickets dated 11/09/2001-6/21/2002. To be destroyed.


Request for Records Disposal/Transfer Authorization – JC signed. From Elections for many misc. items (stubs/envelopes/pollbooks/registers, etc. dated 5/8/2007-11/2/2010. To be destroyed

Additional discussion item(s): Dates for Public Meetings in December will be on the 12th and 19th.

FRIDAY, NOVEMBER 16, 2012

BCC did not meet in regular session; quorum unavailable. Early morning: JC attended Local Civic & Business Leaders Breakfast, held at UofM UCenter. Most of day: JC attended Mental Health/CDC Meeting, held in Missoula. ML out of office all day.


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

MONDAY, NOVEMBER 19, 2012

BCC met in regular session; quorum present. Afternoon: BCC participated in Rural Land Managers MOU Quarterly Meeting. BC on vacation through November 26th.

Planning Status Meeting – CANCELED (no agenda items)

Rural Initiatives Update – CANCELED

TUESDAY, NOVEMBER 20, 2012

BCC did not meet in regular session; quorum unavailable. Morning: ML, Erin Lipkind, Barb Berens canvassed General Election. BC on vacation through November 26th.

ADMINISTRATIVE MEETING - CANCELED

WEDNESDAY, NOVEMBER 21, 2012

BCC met in regular session; quorum present. BC on vacation through November 26th.

CAO MEETING

County Payroll Transmittal Sheet – BCC signed. PP23/FY2013. Pay date 11/16/12. Payroll Amount \$1,351,068.64.

Request and Notice – BCC approved/JC signed Notice of Public Comment Period for Title III Fuel Mitigation Requests, as follows: 1) \$25,000 to Missoula RFD; 2) \$25,000 to Frenchtown RFD; 3) \$30,000 to Seeley Lake RFD and Clearwater Resource Council; 4) \$19,000 to Swan Ecosystems; and 5) \$20,000 to Missoula City Fire Dept. Funds originate from federal government as part of Secure Rural Schools and Community Self-Determination Act of 2000. BCC will adopt Resolution on proposals at their Public Meeting on January 23, 2013.

Grants & Budget Transfer – BCC approved County Parks and Trails Advisory Board Matching Grant recommendation to award up to \$6,355.22 in Matching Capital Grants for Fall 2012 (FY13) to the following:

- 1) Lolo Community Park/Little League (new backstop/picnic area). Amount/up to \$5,155.22; and
- 2) Garden City Softball Little League (resurface 4 softball infields). Amount/up to \$1,200.

Grants expire Fall of 2014.

Budget Transfer Control #13-005 – For Parks/RI in amount of \$6,355.22 to provide unique project codes for two projects set forth above.

Contracts – BCC signed. Between County and following for FY13 (July 1, 2012-June 30, 2013):

- 1) With Salvation Army for emergency transportation assistance to reach destination outside of County. Amount/\$10,962;
- 2) With Salvation Army for Winter shelter assistance from November 2012 through April 2013. Amount/\$25,000.

One original to C&R and OPG.

FY2013 CBO Contract – BCC signed. Between County and MCCHD for FY13 (July 1, 2012-June 30, 2013) to assist Missoula Foster Child Health Program with coordination of health care services to 95 high-risk foster children. Amount/\$41,519. One original to C&R and OPG.

Contract – BC signed. Between County and Strata, Inc. to help MCCHD ensure compliance Missoula City-County Air Pollution Control Program Regs by collecting gasoline samples/verifying registered facilities' record keeping and public notifications. Amount/\$4,999. Term/November 1, 2012 – March 31, 2013. Two originals to Julie Mohr/Health Dept.

Amendments – BCC signed. To agreements between County (OPG) and following for JUST Response *Encourage Arrest Grant* funds for term September 1, 2012-August 31, 2014:

- 1) With Missoula Correctional Services, Inc. for misdemeanor probation monitoring of high risk domestic violence offenders. Amount/\$24,047;
- 2) With National Coalition Building Institute for training/facilitation services for partners of JUST Response to Intimate Partner Violence. Amount/\$4,500; and
- 3) With YWCA Missoula to act as liaison between Pathways Shelter clients and advocates from County Crime Victim Advocate program. Amount/\$12,351.

Amendment – BCC signed. Between County and Missoula Economic Partnership. Extends contract for one additional year under same terms as original contract. Amount/up to \$60,000. One original each to C&R and MEP.

Resolution No. 2012-197 and Hearing Notices – JC signed, dated November 21, 2012. Relating to Limited Tax General Obligation/Refunding Bonds, Series 2012A and Limited Tax General Obligation Bonds Series 2012B. Reimbursement of certain costs related to construction/renovation of County Records Center, Secure Storage Warehouse, PHC, and Admin Building, as well as refunding of certain bonds for cost savings. Amounts set forth therein. Notice of Public Hearing: To be held December 19, 2012; on issuing Bonds related to PHC and Ice Rink Improvements. Originals to C&R and Dorsey Whitney.

Reimbursement Resolution No. 2012-198 – JC signed, dated November 21, 2012. Relating to Architectural/Engineering costs involved in preparing Courthouse Renovation Phase III Construction documents (A&E Architects). Amount/approx. \$308,430. Allows County to recover costs in a future long-term bond issuance.

Letter – BCC signed, dated November 21, 2012. To Missoula Consolidated Planning Board, thanking them for their work on creation of Agricultural Policy for Missoula County BCC supports recommendation for package of options to consider for said policy, with certain revisions (set forth therein),

Letter – BCC signed, dated November 20, 2012. To Mayor John Engen, Missoula, relating to Miller Creek Traffic Mitigation Trust Account. Several preliminary subdivisions have a condition to contribute to this fund as new lots are platted; County will transfer these funds to the City as reimbursement for certain drainage improvements associated with Lower Miller Creek Road reconstruction project. Obligation to transfer these funds will terminate when City is fully reimbursed for these expenses, or when all mitigation fees are received.

Additional discussion item(s): Historical Museum Board Applicant – BCC does not need to interview.

NO PUBLIC MEETING HELD THIS DATE

THURSDAY, NOVEMBER 22, 2012

COURTHOUSE AND ADMIN BUILDINGS CLOSED FOR THANKSGIVING DAY HOLIDAY

FRIDAY, NOVEMBER 23, 2012

BCC did not meet in regular session. BCC out of office all day.


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

MONDAY, NOVEMBER 26, 2012

BCC met in regular session; quorum present. BC on vacation through Tuesday, November 27th.

Indemnity Bond – JC signed. Mary Ann Smith, Missoula, Principal for MCPS A/P Warrant #27-254605, issued October 24, 2012 on HS Misc. Federal Fund. Amount/\$122.10 (staff development). Written to wrong payer.

Replacement Warrant – JC signed. Darla Keck, Missoula, Principal for Justice Court Warrant #30221983, issued May 15, 2012 on County 1000 Fund. Amount/\$247.30 (for Substitute Judge). No bond of indemnity required.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Stillwaters on the Clark Fork #s 2 & 3 Subdivisions/Phasing Plan Amendment; 3) Wornath Orchard Tracts #2, Lot 11A & 11B Subdivision (*info*); 4) Dimke Shoreline Permit; 5) OPG Director's update.

Rural Initiatives Update – 1) Public Comment; 2) Project update: Revised Master Site Plan for County-owned portion of Fort Missoula Regional Park; 3) Flathead Forest Plan (proposed letter); 4) Infrastructure issues; 5) Communications; 6) Director's update.

Letter – BCC signed, dated November 29, 2012. Steven Madey, Portland, OR, conditionally approving phasing plan amendment for Stillwaters on the Clark Fork No. 2 Subdivision. Final plat submittal deadline for Phase 2 is extended to December 15, 2013 (subject to submittal of Weed Management Plan by March 15, 2013 and per Attachment B).

Shoreline Permit – JC signed. #13-06 for Applicant Tamara Dimke to remove posts from shoreline and put in dock in conformance with regulations at 266 Perimeter Road, Big Sky Lake Estates, Lots 2A & 84A-Lot 2A, Big Sky Lake. Original to Todd Klietz/OPG.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated November 26-27, 2012. Amount/\$9,168.36. To County Auditor.

TUESDAY, NOVEMBER 27, 2012

BCC met in regular session; quorum present. Afternoon: Dale Bickell, John Engen, Bruce Bender, Pat O'Herren, et al participated in Planning Interlocal Meeting. BC on vacation through this date.

ADMINISTRATIVE MEETING

Tri-Party Agreement – BCC signed. With County, MT Rail Link, and MT DOT to upgrade Petty Creek railroad crossing with new electronics and equipment shelter. No cost to County; State to pay 80%, Railroad to pay 20% (although County responsible for any damage). Three originals to Greg Robertson/PW for further signatures/handling.

Agreement – JC signed. Between County and MT DOT (Federal Aid Project #HSIP 32(80)) for illuminated warning signage for Maclay Bridge. Amount/\$946.00 (paid by MDT). Three originals to Greg Robertson/PW for further signatures/handling.

Additional discussion item(s): 1) County Planning update; 2) 9-1-1 Advisory Board/Animal Control Board applicants; 3) Bonner Community Council request; 4) Michael Painter appointed to 9-1-1 Advisory Board; 5) Caryn Kiske appointed to Animal Control Board.

WEDNESDAY, NOVEMBER 28, 2012

BCC met in regular session; all three present. Early morning: JC attended 2012 Alliance for a Healthy MT Legislative Community Forum, held at Gallagher Board Room, CMC Campus.

CAO MEETING

Resolution No. 2012-199 – BCC signed, dated November 28, 2012. Budget Amendment for Extension/Weed District and A&E in amount of \$29,560 (from Trust Account) to pay A&E for preliminary design for Extension/Weed District Office. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Resolution No. 2012-200 – BCC signed, dated November 28, 2012. Adopting Amendments to County Growth Policy 2005 Update (Chapters 2, 3 & 4/Bonner area) to support Tax Increment financing. Original to C&R.

Amendment – BC signed Amendment #1 to Contract #13-07-3-01-010-0 between PHC and MT DPHHS. Changes include: 1) Term (from June 30, 2013 to September 30, 2013); 2) Changes in services (set forth therein); 3) Total reimbursement amount/\$217,510 (vs. \$207,510); and 4) Liaison on contract changed from Mary J. Nealon to Bernadette Roy. One original to C&R; two to Andrea Laine/PHC.

Agreement – BCC signed, dated October 31, 2012. Between County and Flathead City-County Health Dept. to obtain local case management assistance for PHC in serving Ryan White Part C Early Intervention Service clients in Flathead area. Amount/\$4,000. Term/April 1, 2012-March 31, 2013. One original to C&R; two to Andrea Laine/PHC.

County Transportation Ballot – Dated November 19, 2012. BC voted FOR approval of Frenchtown School District transportation isolation status for Andrea Sivak, who lives up Mill Creek. Original to Superintendent of Schools.

Additional discussion item(s): 1) Space needs update; 2) Vacancy in HD98.

PUBLIC MEETING – November 28, 2012

1. CALL TO ORDER

Commissioners Present: Commissioner (Chair) Bill Carey, Commissioner Jean Curtiss, Commissioner Michele Landquist

Staff Present: County Deputy Attorney, James McCubbin, Aaron Wilson, OPG, Barb Martens, Special Projects, Kim Cox, Clerk & Recorder, Lisa Moisey, Parks & Rec, Jason White, Health Department

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

Commissioner Landquist: We have some vacancies on Community Councils, in particular the Evaro/Finley/O'Keefe Community Council needs one person, the Lolo Community Council needs two people, and the West Valley Community Council needs one person. The Councils act as a liaison between the citizens of their areas and the Board of County Commissioners, and can provide information which is deemed useful, beneficial and helpful to us when we're making various decisions that will affect their communities. So if you ever wanted a way of getting involved with your local community and have some say, a voice, to represent the people in your community, this is a really good way to do it. We certainly appreciate everybody that's already serving in those capacities and welcome new comers.

Commissioner Curtiss: Don't forget to pay your taxes this week.

4. PUBLIC COMMENT

None

5. ROUTINE ADMINISTRATIVE ACTIONS

Bi-Weekly Claims List (\$3,808,292.96)

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount of \$3,808,292.96. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.

6. CONSIDERATION

Wornath Orchard Tracts, 2 Lots, 11A & 11B – Off Blue Mountain Road

Aaron gave staff report and power point presentation. Comprehensive plan recommends residential two dwelling units per acre for this area. The proposal is to create two lots, one of 1.7 acres and one 1.05 acres. It meets the recommended land use designation and generally fits in with the surrounding neighborhood. Forest Hill Lane is a county maintained road. Wornath is a county maintained roadway up until just before Lot 11A and then there's a private access easement that would allow legal and physical access to Lot 11A. Water and sanitation on these two parcels are proposing individual wells and septic systems. Staff recommends a final plat requirement, not a condition, on the preliminary plat there was a statement for an RSID waiver for any future need to replace or repair that aerobic treatment; that I believe is a requirement from DEQ to utilize that system and allow for individual septic systems on the property. There's limited wildlife habitat on the property, it's fairly small acreage. Weeds; staff noted that there was a high disturbance from the horse pasture and given the anticipated additional residential development recommends a condition to require a re-vegetation plan to control and mitigate impacts of noxious weeds. Staff recommends approval of the subdivision subject to the conditions in the staff report.

Ken Jenkins: I really don't have anything to add, Aaron's presentation was thorough and complete and I'd like to thank Aaron on the review process. Mr. Haagland is here, the property owner. I think the conditions are mostly housekeeping in nature so I appreciate the recommendation.

Commissioner Landquist: I have a question about the unusual nature of the RSID that was required for the additional lot. Was that something that came down from DEQ because of the water quality problems in the area or what? It's kind of unusual for one home or one lot to be paying into something like that.

Aaron Wilson: Yes, that was a DEQ recommendation. I would insure that that system remain in active use and not be replaced by a lesser quality system.

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the Wornath Orchard Tracts No 2, Lots 11A & 11B Subdivision based on the finding of fact in the staff report and subject to the recommended conditions of approval in the staff report. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.

7. HEARINGS

a. **Establish a Tax Increment Financing (TIF) Industrial District in Bonner** (second of two Hearings)

Barbara Martens, Special Projects: The Commissioners had asked staff to investigate the opportunities and to conduct a public process about the potential of a Bonner Mill Tax Increment Financing Industrial District at the former site of the Stimson Mill in Bonner. As part of our process the County has hired Janet Cornish from Community Development Services of Montana to assist us in this process. So today I'm going to turn this over to Janet who will give us the presentation on this second hearing.

Janet Cornish, Community Development Services: As Barbara has said, the county has been considering and looking at the potential for creating a TIF District at this site to promote secondary value, adding industry and to create jobs within that site. The creation of a TIF District sets aside the taxes that accrue from new development after a new point and time for the purposes of reinvestment in the area in which those taxes were derived. It's a tool that's provided through Montana Statue to enable communities to self-direct in economic development. TIF is very closely related to planning and in that creating TIF District has to be undertaken with respect to the areas comprehensive plan or growth policy with respect to zoning and other issues of critical importance to the community. We began the process of creating a district on the site of the former Stimson Mill through the creation of a TIF plan for that area. That plan was reviewed by the Missoula County Planning Board to determine its conformance with the growth policy. In preparation for that review we determined that there was a need to update the growth policy to more specifically address TIF districts and the need for secondary value adding industry. We also knew that we have a very important resource in that Blackfoot River and we wanted to make sure that we were sensitive to that resource so we worked with the Planning Board and staff to make those amendments. The other step that has to be taken is that the area has to be zoned industrial under Montana statue in order to qualify for this particular program and it was indeed zoned industrial accordingly. The next step in the process is to actually create the district by ordinance; you had a first reading of that on November 14th at a public hearing. Today brings us to the second reading of that ordinance which is required under Montana law there has to be two readings. If you choose to pass it today it will become effective in 30 days which will allow us to establish 2012 as the base year for calculating the increment.

Public Comment

Carl Uhlig: Bonner Milltown Community Council, we have met and talked about this on several occasions. I would like to read and submit a letter for comment.
The Community Council strongly supports the TIF District proposed for the Bonner Milltown Industrial Site.

Steve Nelson, Owner of the Bonner Mill Site: I wanted to express our appreciation for the possibility that this TIF might come about. We think it will be a piece of the puzzle that would help us develop this property and make it better for the community and maybe create some jobs.

Janet Cornish: I forgot to mention that in the course of developing this project we talked to the neighborhood council and we talked to the Bonner School District. The County staff also talked to the School District and Fire District and we all met with the Montana Department of Revenue, to the end that we wanted to make sure that all of the effective tax jurisdictions were aware of this effort and we're not simply finding out on the day of the public hearing.

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners adopt a Missoula County Ordinance establishing the Bonner Mill Tax Increment Financing (TIF) Industrial District based on the findings of fact and conclusions of law that the Bonner Mill meets the requirements of Title 7, Chapter 15, parts 42 and 43 of Montana Code Annotated. And I make motion for the final adoption of the said Ordinance, with this Ordinance being in full force and in effect 30 days from today, which will be December 28, 2012. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

b. **Petition to Alter (Relocate) Utility Easement – West End of Industrial Parks I & II**
(Postponed from November 14, 2012)
Rescheduled for January 9, 2013

Commissioner Curtiss: This was delayed last time because the petitioner did not provide an agreement from all of the utility companies that could possibly use that easement and so that's why we delayed. Kim can address whether or not we received any response with additional utility company agreement.

Kim Cox: I did mail a letter out but then immediately went on vacation. I came back for the hearing today and then have the rest of the week off. I have not had a reply from my letter. In normal circumstances, if I would have been here, I would have been calling and reminding the person that this is still out there and needing to be finished. There is a \$300 check that they did submit to me. I guess I'm requesting that we postpone it one more time and I try harder to get some action.

Commissioner Curtiss: I appreciate that Kim but I think it would probably be good for us to postpone this for our first public meeting in January, because of Holidays and schedules. It will give people more time.

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Kim Cox: So that will be the 9th?

Commissioner Curtiss: Yes, that's what I'm guessing.

Chair Carey: Will that work for everyone?

Commissioner Landquist: Yes.

Chair Carey: That's what we'll do then.

c. Glacier Recycling Motor Vehicle Wrecking Facility License Application

Jason White, Junk Vehicle Program Coordinator gave report. This is in regards to an application sent into the Department of Environmental Quality (DEQ) for a wrecking yard license. It was submitted by Glacier Recycling, Inc. The proposed site for the facility is 9405 Futurity Drive, 2.8 acres in size, Lot 6, Blk 5 of the Industrial Park area.

Commissioner Landquist: Is this a new wrecking facility or does it already exist and they are just renewing their application?

Jason White: Yes, it's a brand new facility.

Commissioner Landquist: So is this different? I know Axmen Recycling is out there and we already approved Pacific to move out there, so this is yet a third one?

Jason White: This is a different company, so yes. This will be the third or fourth in that general facility, there's a lot of competition.

Public Comment

Jay Raser: I represent Glacier Recycling, if you have any questions I'd be glad to answer them.

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve Glacier Recycling Inc. (Jay Raser) Motor Vehicle Wrecking Facility based on the application information, public comments and the Commissioners decision. The proposed location is 9405 Futurity Drive near the Wye in Missoula. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.

Commissioner Curtiss: Mr. Raser, if you could please communicate to the folks that you are representing, that one of the facilities out in that area has had problems more than once with not keeping their vehicles inside of their fence. They've been doing a lot of repair work in the right-of-way, I'm sure that's not in their plan but if you could just let them know it has been an issue in the past.

d. Fort Missoula Regional Park Refined Master Site Plan

Lisa Moisey gave report. I have a few project history introductory comments and then I'm going to turn it over to Bill Newman and Matthew Whipple of DHM Design, who is our consulting team working with us on the project and they will go through a Power Point Presentation for you. The request before you today is to follow the County Parks & Trails Advisory Boards recommendation to sign a Resolution approving and adopting the revised master site plan for the 63 acre County owned portion of the Fort Missoula Regional Park.

Bill Newman, DHM Design: I'm pleased to present the final design development plan for the County owned portion of the Fort Missoula Regional Park. The vision of Missoula County is very much in line with the way the park was planned; the vision and program to promote personal health, social well-being and economic benefits to improve the quality of life in Missoula County. That was again, part of the vision that was untaken as we prepared the plan here. We developed specific goals for the park, we wanted to strive to balance many interests and needs there are a lot of different activities and users out at the park. We wanted to provide a mix of developed and undeveloped park areas. The park would be developed in phases. We wanted to be sensitive to the surrounding neighborhood and land users. The context of the site being within the historic district played a significant role in a lot of the decision making that was done.

Power Point Presentation

Public Comment

Commissioner Landquist: I have a question about the dog park and pond. Has our Risk & Benefits Department (Hal) weighted in on this? I'm concerned about the liabilities with the pond.

Commissioner Curtiss: I never hear of any concerns with the existing dog park that's by the University.

Commissioner Landquist: I like so many of the concepts, I love the concept of being able to walk around and have a kid area and a work-out area to get people moving. I like the whole thing, even the dog park; it just gives me liability concerns when you say it's not for swimming.

James McCubbin: In terms of the dog pond, would that meet standard slope requirements? DEQ requires a slope that is not going to drop off so people don't have a big drowning risk.

Bill Newman: Yes, correct. We developed the same concept and in our design and development packet we do show that. If someone was to fall into the water, the water is very shallow on the edges before it drops. So if someone was to fall into the pond or go into the pond, you could stand up. It does deepen as you go in further.

Commissioner Landquist: Is it groundwater?

Bill Newman: That would have to be well water and we would have to provide aeration to keep it moving, to keep it a healthy water environment.

Commissioner Landquist: So appropriate permits would have to be acquired as well as water rights. I also know that Larchmont Golf Course has several ponds and water features on their golf course and they have critter problems living in the ponds periodically. Again, this is the only part of the plan that gives me heartburn, the associated risks and liabilities associated with said pond, but seeing the price tags on the various parts of the plan, I imagine we'll cross that bridge when we get to it.

Rod Harsell, President of the Missoula Softball Association: I know the softball community which makes up with just my leagues; we have 153 teams over almost 1,600 players. We are excited about this opportunity and ready to go to bat to help promote this to the community and try to make this reality. I appreciate the County and City employees that have helped get information from us, this plan does reflect everything that we asked for almost. We're very happy with this plan and 100% support it.

Randy Beemer, Missoula Christian Softball League: We have 30-35 teams yearly and we're all in support of this and we're really hoping that you will take the next step to insure that we have something for the next 50 years.

Robert Brown, Historical Museum Director: I would like commend Donna Gaukler and her staff at the Parks & Rec and DHM for their recognition and preservation of the historical significance of this entire region and strongly recommend that this be approved.

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners adopt this revised master site plan for the county owned portion of Fort Missoula Regional Park. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

8. OTHER BUSINESS

None

9. RECESS

Being no further business to come before the Board, the Commissioners were in recess at 2:34 pm.

Following Public Meeting, BCC signed:

- 1) Resolution No. 2012-203, dated November 28, 2012. Adopting Revised Master Site Plan for County-owned portion of Fort Missoula Regional Park (as shown on Exhibit "A"). Public Hearing held November 28, 2012; and
- 2) Letter and Resolution No. 2012-201, dated November 28, 2012. Supporting Motor Vehicle Recycling & Disposal Wrecking Facility License Application for Glacier Recycling at 9405 Futurity Drive, Missoula. Public Hearing held November 28, 2012. Letter - BCC signed, dated December 3, 2012. To MT DEQ/ Motor Vehicle Recycling & Disposal Program, Helena. As a result of Public Meeting held November 28, 2012, BCC support Glacier Recycling's application for motor vehicle wrecking facility license, providing facility is in accordance with local government zoning/ordinances, and that all junk vehicles be kept within their shielding (fence).

THURSDAY, NOVEMBER 29, 2012

BCC met in regular session; quorum present. BC ill; out of office.

Indemnity Bond – JC signed. NW Evaluation Assoc., Portland, OR, Principal for MCPS Warrant #253033, issued September 11, 2012 on County 101/115/215 funds. Amount/\$71,675 (Map Services). Warrant lost.

ADMINISTRATIVE MEETING

Request – BCC reviewed/approved request from OPG to approve expenditure of up to \$1,600 from County's Poor Fund Contingency Account for the 2013 Project Homeless Connect event (\$200 cleaning fees at First United Methodist Church, and up to \$1,400 to subsidize cost of obtaining IDs/ driver's licenses/birth certificates for eligible attendees. Original to Melissa Gordon/OPG.

Memorandum of Agreement – BCC signed, dated November 30, 2012. Between County Park Board and Seeley Lake Lions for up to \$3,000 in Fall FY11 Matching Grants Funds to purchase picnic tables for Lions Club/Clearwater Park. [Project came in under budget/County's match will be \$1,081.25]. Grant expires November 30, 2012. Original to C&R, Christine Dascenzo, Parks.

Funding Agreement – JC signed. Between County Weed District and MT DNRC for Yellowflag Iris treatment on Clearwater River. Amount/\$3,550. Term/October 31, 2012 – October 31, 2013. Other parties involved: FWP and Noxious Weed Trust Fund. Two originals to Bryce Christiaens/Weed Dist. for further signatures/handling.

Interim Appointment – Due to Sue Malek's resignation, BCC appointed Chuck Erickson to fill Ms. Malek's vacated position as Representative from House District 98. CAO also sent letter, dated December 3, 2012, to Linda McCulloch, MT Secretary of State, Helena, submitting completed form confirming Mr. Erickson's appointment.

Letter – BCC signed, dated November 29, 2012. To Missoula At-Risk Housing Coalition ("MARHC"), c/o Melissa Wangler Gordon/OPG/Missoula, in support of MARHC's 2013 Project Homeless Connect event to be held on January 24, 2013.

Letter – BCC signed, dated November 29, 2012. To Governor Brian Schweitzer and Richard Opper, Director, MT DEQ, Helena, thanking them for requesting the EPA's recent site investigation at the former Smurfit-Stone Mill in Missoula County. This investigation documented significant contamination at specific locations on the site. BCC also asks for support to list site on National Priorities List so cleanup process can begin.

Memorandum – Due to restructuring of administration services by the city and county, BCC signed Notice of Layoff and Severance Payment to County Employee, dated November 29, 2012. Said employee also received a Memorandum from CAO Dale Bickell, dated same.

Additional discussion item(s): None.

FRIDAY, NOVEMBER 30, 2012

BCC did not meet in regular session. BCC out of office most of day.

Replacement Warrant - BC signed. Clint Robinson, Missoula, Principal for Fair Warrant #30226528, issued August 11, 2012 on County 1000 Fund. Amount/\$1,550.40 (for calf roping). No bond of indemnity required.


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

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MISSOULA COUNTY COMMISSIONERS' JOURNAL: DECEMBER, 2012

BCC = BOARD OF COUNTY COMMISSIONERS

BC = Commissioner Bill Carey, Chair

ML = Commissioner Michele Landquist

JC = Commissioner Jean Curtiss

The following Claims Lists were signed during the month of DECEMBER 2012:

Date Signed	Claims List Date	Who signed	Amount
December 3, 2012	November 27, 2012	BCC	\$890.00
December 3, 2012	November 28, 2012	BCC	\$607.00
December 3, 2012	November 28, 2012	JC, ML	\$968.47
December 3, 2012	November 29, 2012	JC, ML	\$1,789.46
December 3, 2012	November 29, 2012	BCC	\$4,455.72
			\$4,727.60
			\$4,269.23
December 3, 2012	November 30, 2012	JC, ML	\$32,113.80
			\$4,282.40
			\$689.84
			\$836.01
			\$765.08
			\$176.80
December 4, 2012	December 3, 2012	JC, ML	\$5,479.94
			\$901.09
			\$8,222.02
			\$1,456.84
			\$1,652.00
			\$1,549.98
			\$2,452.25
December 5, 2012	December 4, 2012	JC, ML	\$427.66
			\$2,927.05
			\$911.59
			\$5,901.15
			\$870.20
			\$175.00
			\$18,528.58
			\$72.92
			\$10.00
December 6, 2012	December 4, 2012	JC, ML	\$98.00
			\$410.00
			\$197.23
			\$9,822.19
			\$4,577.76
			\$203.50
December 6, 2012	December 5, 2012	JC, ML	\$883.79
			\$7,581.03
			\$10,170.21
			\$17,004.72
			\$182.31
			\$54,582.74
			\$44,243.83
			\$11,824.35
			\$1,964.51
			\$1,421.50

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December 10, 2012	December 6, 2012	JC, ML	\$90.37
			\$699.87
			\$2,097.62
			\$11,821.95
			\$837.16
			\$2,924.31
			\$536.00
			\$3,794.06
			\$32.72
			\$55.50
			\$111.95
			\$6,930.55
			\$11.78
December 11, 2012	December 6, 2012	JC, ML	\$20,241.16
December 11, 2012	December 10, 2012	JC, ML	\$37,865.38
			\$278.44
			\$8,011.17
			\$2,168.47
			\$2,461.08
			\$136.36
			\$836.24
			\$1,818.19
			\$1,438.46
			\$750,505.50
			\$2,370.00
			\$4,000.00
			\$226.80
December 11, 2012	December 11, 2012	JC, ML	\$13,816.60
			\$2,368.96
			\$4,397.93
			\$12,140.35
			\$385,956.90
December 13, 2012	December 10, 2012	JC, ML	\$1,375.36
December 13, 2012	December 12, 2012	JC, ML	\$917,754.19
			\$790.85
			\$1,589.96
			\$36,211.93
			\$38,658.38
			\$842.48
			\$51.15
			\$387.24
			\$272.67
			\$156.00
			\$6,862.37
			\$15,436.02
			\$19,478.21
December 17, 2012	December 13, 2012	JC, ML	\$207.24
			\$1,179.97
			\$48,641.53
			\$19.20
			\$3,714.78
			\$168.80
			\$28,901.43
			\$2,199.32

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			\$1,147.30
December 17, 2012	December 14, 2012	JC, ML	\$392.63
December 18, 2012	December 17, 2012	JC, ML	\$8,705.43
			\$414.32
			\$7,336.84
			\$5,604.86
			\$83,506.65
			\$10,135.60
			\$13,721.53
			\$1,750.00
			\$70,179.43
			\$768.00
			\$337.61
December 19, 2012	December 17, 2012	JC, ML	\$38,097.95
December 19, 2012	December 18, 2012	JC, ML	\$7,000.00
			\$60.25
			\$1,732.19
			\$2,028.44
			\$1,924.25
			\$820.11
			\$450.00
			\$2,685.90
			\$52,166.04
			\$6,721.26
			\$136,750.46
			\$8,023.61
			\$629.99
			\$843.41
			\$1,443.92
			\$1,360.82
			\$2,482.22
			\$155.43
December 19, 2012	December 19, 2012	JC, ML	\$1,956.74
			\$658.21
			\$2,426.40
			\$1,700.49
December 20, 2012	December 19, 2012	JC, ML	\$407.38
			\$160.00
			\$10,344.19
			\$10,865.14
			\$1,572.89
			\$260.27
			\$15,123.64
			\$2,473.81
			\$9,189.54
			\$3,183.52
December 20, 2012	December 20, 2012	JC, ML	\$26,256.77
			\$19,484.59
			\$1,733.60
			\$4,747.25
			\$82.41
December 26, 2012	December 20, 2012	JC, ML	\$6,042.35
			\$243.75
			\$90,098.19

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December 26, 2012	December 24, 2012	JC, ML	\$6,882.93
			\$5,169.80
			\$5,994.10
			\$1,026.65
			\$29,560.77
			\$763.43
			\$37,266.86
			\$966.00
			\$212.15
			\$399.95
			\$80,023.31
			\$18,050.95
			\$10,062.26

December 26, 2012	December 26, 2012	JC, ML	\$1,733.93
December 26, 2012	PHC Cardinal Health ACH		\$40,749.96
December 26, 2012	PHC Cardinal Health ACH		\$48,326.64

All Claims Lists were returned to the Accounting Department.

MONDAY, DECEMBER 3, 2012

BCC met in regular session; quorum present in early morning. Late morning: ML attended Ribbon Cutting Ceremony for new parking lot at Fairgrounds. Afternoon: JC attended MACo Board of Directors meeting, held in Helena. BC ill/out of office through end of the year.

Planning Status Meeting – CANCELED (Quorum unavailable)

Rural Initiatives Update – (held later in afternoon): 1) Public comment; 2) Flathead Basin Commission: Aquatic Invasives Legislation; 3) Communications; 4) Director's update.

TUESDAY, DECEMBER 4, 2012

BCC met in regular session; quorum present.

Monthly Report - JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending November 2012.

Monthly Report – JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending November 2012.

Monthly Report - JC examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending November 2012.

Indemnity Bond – JC signed. Ryan D. Johnson, Deer Lodge, Principal for Sheriff/Detention Warrant #60034317, issued September 14, 2012 on County Inmate Commissary Fund. Amount/\$81.30 (for Inmate Trust Fund balance). Warrant lost.

Indemnity Bond – JC signed. Pyramid Educational Products, Newark, DE, Principal for MCPS Warrant #253516, issued October 3, 2012 on County Misc. Federal Fund. Amount/\$8,142.76 (for Workshop presentation). Warrant lost.

ADMINISTRATIVE MEETING

Amendment #1 – JC signed. To contract between County and Rave Wireless, Inc. d/b/a Rave Mobile Safety (November 30, 2011) for Smart911 services. Amendment includes additional services, specifically SmartPrepare. Amount/\$50,000 for five (5) years (\$10,000 per year) – funded by Emergency Management Performance Grant. One original each to C&R and Chris Lounsbury/OEM..

Board Appointments – BCC appointed following:

- 1) 9-1-1 Advisory Board: Mike Painter to new 3-yr term to 12/31/15.
- 2) Airport Authority: a) Paul Stafford to new 5-yr term to 12/31/17; b) Larry Anderson Regular Member to term to 12/31/14; c) Jeffrey Roth 1st Alternate to 12/31/15; d) Jack Meyer 2nd Alternate to 12/31/15.

- 3) Animal Control: a) Lynn Gontarek-Garberson to new 2-yr term to 2014; b) Caryn Miske to fill unexpired term to 2013.
- 4) Consolidated Planning Board: a) Dick Ainsworth and Tim Ibey to new 3-yr terms to 12/31/15; b) Carol Evans Alternate County Member to 12/31/15.
- 5) Florence-Carlton Cemetery: Elizabeth Maclay to new 3-year term to 12/31/15.
- 6) Historical Museum Board: a) Addrien Marx to new 3-year term to 12/31/15; b) John Rimel Regular Member to fill term to 12/31/13; c) Don Spritzer 1st Alternate to 2015; d) Coby Johnson 2nd Alternate to 2015.
- 7) Larchmont: Jim Conkle and Pete Ridgeway to new 3-yr terms to 12/31/15.
- 8) Local Emergency Planning Committee: Philip Russ to new 2-yr term to 12/31/14.
- 9) Lolo Mosquito Control Board: Fred Bremer and JoAnne Stewart to new 3-yr terms to 12/31/15.
- 10) Planning/Zoning Commission: Dick Ainsworth to new 2-yr term to 12/31/14.
- 11) Tax Appeal Board: Jim Fairbanks to new 3-year term to 12/31/15.
- 12) Weed Board: John Rimel, Doug Kopp, and George Hirschenberger to new 3-yr terms to 12/31/15.
- 13) Zoning Board of Adjustment: a) Nate McConnell, Robert Braach, Mark Kobos to new 2-yr terms to 12/31/15; b) Paul Forsting 1st Alternate to 12/31/14; d) Chad Powell 2nd Alternate to 12/31/14.

Contract – BCC signed. Between County and Western Interstate for construction of PHC's Clinic at Lowell School. Amount/\$574,929. Term/December 4, 2012 - approx. September 4, 2013. Originals to C&R and Andrea Laine/PHC.

Contract – BCC signed. Between County and Capitol Consulting, LLC for continued advocacy for Public Works projects. Amount/\$45,000. Term/January 1, 2013 – June 30, 2013 (with automatic six-month renewal unless terminated in writing). Two originals to Greg Robertson/PW for further signatures/handling.

Agreement – JC signed MT DNRC Renewable Resources Grant Termination Agreement (#RRG-10-13589) for RSID 8496/Lewis and Clark Water System Rehabilitation Project. Project construction/water right procurement are complete. Total grant amount/\$100,000; amount drawn to date/\$40,354.89 (releasing remaining funds of \$59,645.11). Project term/July 2009 – November 2012. Two originals to Greg Robertson/PW for further signatures/handling.

Contract – BCC signed. Between County and WE Dust Control & De-Icing. BCC awarded bid for up to 450 tons of liquid deicer to WE on November 7, 2012; this contract formalizes delivery of that product. Amount/\$68,850. Term/November 2012 – April 2013 Two originals to Greg Robertson/PW for further signatures/ handling.

Agreement – JC signed. Mutual Release and Settlement Agreement among and between County and City of Missoula, Sommer Construction, Inc., Great American Insurance, WGM Group, and SK Geotechnical Corp. for the Wye Area Sewer Project. [Sommer Construction's line of credit was revoked just prior to project completion. Total settlement/\$300,000 (County receives \$65,000; City receives \$235,000)]. Original to Greg Robertson/PW for further signatures/handling.

Additional discussion item(s): 1) Prospect Bridge; 2) Transient Camp Meeting (ML will attend).

WEDNESDAY, DECEMBER 5, 2012

BCC met in regular session; quorum present. Afternoon: ML participated in meeting held at MDT Office with Sheriff, Mayor, Health Dept., et al re: Transient Camp.

Rural Initiatives Update: 1) Public comment; 2) Communications; 3) Director's update.

CAO MEETING

Contracts – BCC signed. Between County and following to ensure that Rural Domestic Violence grant goals are successfully met. Grant funds staff positions in OPG and CVA office, and supports program activities/partnerships with IPV service providers in Missoula/Mineral Counties. Total grant funds/\$500,000. Term/October 1, 2012-September 30, 2015:

- 1) With YWCA Missoula for Pathways Program. Amount/\$34,519;
- 2) With NCBI (National Coalition Building Institute) for trainer/facilitator for County Sheriff's Dept. – cultural competency. Amount/\$21,000;
- 3) With WORD, Inc. to provide in-depth training/facilitation in rural middle/high schools. Amount/\$10,445.

One original to C&R and two to Shantelle Gaynor/OPG.

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Amendment – BCC signed, dated December 5, 2012. To contract between County and LSA Associates, Inc. (January 24, 2012) for assistance with 2012 update of Long Range Transportation Plan. Amendment reflects new project conclusion date of March 31, 2013. Compensation remains unchanged. One original each to C&R and Ann Cundy/OPG.

Management Agreement – JC signed. Between County and Five Valleys Land Trust for Rock Creek Confluence Bond Project. Project approved with condition that prior to or concurrent with release of funds, this Agreement be recorded requiring parcel be managed for uses consistent with Missoula County Open Space Bond Program. Original to C&R.

Board Appointments – BCC appointed following:

- 1) Open Lands Citizen Advisory Committee: Reappointed Becky Anderson, Alicia Vanderheiden, and Jim Cusker to new 3-yr terms (11/30/12-12/1/15). [3 additional appointments need to be made; RI would like to recruit candidates from Clinton and Lolo for representation].
- 2) Bonner-Milltown Community Council: Appointed Chuck Erickson to fill unfulfilled term to May 2013 Special District Election.

Addendum #1 and Budget Amendment – BCC signed, dated November 27, 2012. To agreement between County and Community Development Services (CDS) of Montana (dated September 6, 2012) for consulting services for Bonner Mill Tax Increment Financing Industrial District. Addendum adds \$4,000 to contract amount for total not to exceed \$14,000. Term/June 2012-June 2013. One original each to C&R and B. Martens/Special Projects. Resolution No. 2012-204 – BCC signed, dated December 5, 2012. Budget Amendment for Missoula Development Park/Non-Increment Reserve, in amount of \$4,000 for Bonner TIFID Consultant Fee. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Additional discussion item(s): None.

NO PUBLIC MEETING HELD THIS DATE

THURSDAY, DECEMBER 6, 2012

BCC met in regular session; quorum present.

Indemnity Bond – JC signed. Elizabeth Kaparich, Missoula, Principal for Clerk & Recorder/Elections Warrant #30218273, issued February 24, 2012 on County 1000 Fund. Amount/\$30 (Election Judge training).

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 24/CY2012 - Pay Date/November 30, 2012. Total Payroll/\$1,331,379.62. To County Auditor.

Contract – BCC signed, dated November 26, 2012. Between County and American Red Cross of MT for financial and direct disaster assistance relief to 6-8 families. Amount/\$3,719. Term/July 1, 2012 – June 30, 2013. One original to C&R; one to OPG.

Contract – BCC signed, dated December 6, 2012. Between County (PHC) and Kerry Haney, for provision of On-Call Pharmacist services at PHC. Amount/\$50 per hour on on-call basis. Term/November 16, 2012 – June 30, 2014. One original to C&R; two to PHC.

Resolution No. 2012-205 – BCC signed, dated December 6, 2012. Budget Amendment for Open Space 2006 Bond in amount of \$330,000 from Cash Reserves for purchase of conservation easement on approx. 738 acres owned by the Roth family in the Swan Valley. (\$20,000 already budgeted). For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Board Appointment – BCC appointed Don MacArthur as County-appointed member of the Missoula Urban Transportation District for a new four-year term (January 1, 2013 – December 31, 2016).

Memorandum – BCC signed Memo to County Employee denying his/her grievance of November 8, 2012. Original letter of employment from Human Resources is clear that this was a probationary appointment.

Additional discussion item(s): Update on status of recount.

FRIDAY, DECEMBER 7, 2012

BCC did not meet in regular session. ML out of office all day.

Request for Records Disposal/Transfer Authorization – JC signed. From Finance – for Time Sheets dated CY 2007. To be destroyed

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Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

MONDAY, DECEMBER 10, 2012

BCC met in regular session; quorum present. BC ill/out of office through end of year.

Planning Status Meeting – BCC/OPG Staff. Agenda: 1) Public Comment; 2) Bonner Mill Industries Park Subdivision (info); 3) Phasing Plan Extension Policy; 4) OPG Director's update.

Rural Initiatives Update – 1) Public Comment; 2) Communications; 3) Director's update; 4) Flathead Basin Commission: Aquatic Invasives Legislation.

Resolution No. 2012-206 – BCC signed, dated December 10, 2012. Limiting the timeframe for extensions of Subdivision Preliminary Plat Approvals and Extensions of Phasing Plans to ten (10) years from the date of the original Preliminary Plat Approval.

TUESDAY, DECEMBER 11, 2012

BCC met in regular session; quorum present. Evening: ML attended meeting of Lolo Community Council.

ADMINISTRATIVE MEETING

FY2013 CBO Contract – BCC signed. Between County and Western MT Mental Health Center for FY13 (July 1, 2012-June 30, 2013) to provide mobile crisis response team, provide 2,000 days of care to adults in crisis, and maintain rate of involuntary commitments to MT State Hospital. Amount/\$195,706. One original to C&R and OPG.

Claim Form – JC signed. MT DEQ form for Junk Vehicle Program's FY 2013 State allocation of funds. Allows County to obtain entitlement of \$136,168 using \$65,175 in carryover plus \$70,993 in new funding. Original to Jim Carlson/Health Dept.

Contract – BCC signed, dated December 11, 2012. Between MCCHD and Starlos Acesco for individual communication coaching. Amount/\$4,000. Term/November 1, 2012 – September 30, 2013. Originals to C&R and Julie Mohr/Health Dept.

Agreement/MOU – BCC signed, dated December 11, 2012. Agreement to Modify Lease Payments and Memorandum of Understanding between County and Missoula Area Youth Hockey Association regarding operating charges to the Association. Amount/\$42,000 (monthly fee of \$3,500 for period August 1, 2012 – July 2013). Facility may also be used for non-skating activities as approved by Fair management. Originals to C&R and Fair.

Budget Transfer – BCC signed. Control #13-006 – For Fair in amount of \$9,000 to close out Fair Racing Trust Fund and transfer to Fair Fund.

Amendment #5 – BCC signed. Between County (OEM) and Plum Creek Timberlands, L.P., for Lease No. 825-5.97-0060 for Blanchard Ridge Radio Transmission Site. Extends Lease for one additional year (to 12/31/13) under same terms as original contract. Amount \$1,100. Two originals to Chris Lounsbury/OEM.

Ground Lease Agreement – BCC signed. Between PHC and Missoula County Public Schools in order for PHC to build a school-based clinic on site at Lowell School. Amount/\$1 per year. Term/December 3, 2012 – December 3, 2032. Originals to C&R and PHC.

Board Appointment Clarification – BCC appointed Chuck Erickson to the Bonner-Milltown Community Council to fill an unfulfilled term until May 2013 Special District Election. Mr. Erickson's term will begin January 2, 2013 (and not in December).

BCC Appointment – Due to the absence of Chair Bill Carey because of health issues, Commissioner Jean Curtiss was appointed Acting Chair through the end of Calendar Year 2012.

Letter – BCC signed, dated December 11, 2012. To Governor Elect Steve Bullock, supporting the appointment of candidate Mack Long for Director of Montana's Dept. of Fish, Wildlife and Parks.

Additional discussion item(s): None.

WEDNESDAY, DECEMBER 12, 2012

BCC met in regular session; quorum present. Early morning: JC attended MEP Board meeting. Late afternoon: ML attended MRTMA Holiday Party, held at Jakers.

CAO MEETING – Canceled (No Agenda items)

PUBLIC MEETING – December 12, 2012**1. CALL TO ORDER**

Commissioners Present: Commissioner Jean Curtiss, Commissioner Michele Landquist
Commissioner Absent: Commissioner Bill Carey

Staff Present: James McCubbin, Deputy County Attorney, Deb Evison, OPG

2. PLEDGE OF ALLEGIANCE**3. PUBLIC ANNOUNCEMENTS**

Board Members needed for Community Councils

4. PUBLIC COMMENT

None

5. ROUTINE ADMINISTRATIVE ACTIONS

Bi-Weekly Claims List (\$2,027,752.67)

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount of \$2,027,752.67. Commissioner Curtiss seconded the motion. The motion carried a vote of 2-0.

HEARING

**Bonner Mill Industrial Park – Phase I (13 Condominiums on 20.02 acres)
Former Stimson Lumber Site**

Tim Worley gave report and PPT Presentation. In summary both staff and planning board recommend approval of this condominium subdivision and planning board's recommendation was unanimous.

James McCubbin: I have a couple issues I think we need to be clear on. One is I think we are okay with what Tim was talking about in terms of the layout of the condominiums' potentially changing. I think we have a lot more leeway on doing that then we would in a typical subdivision drawing subdivision lots, but I also note that if it goes too far and there's no way to really define that....completely unrecognizable vs. what we've got here, we might not be able to do that the way we're doing it here. Maybe in your presentation you [address] anticipate really is it going to be close to this? The note on the layout does say '13 units or less', so that gets us a long way. I just wanted to say, I think we're okay doing that legally, specifically with the condo exemption that says, as long as it's been contemplated for condominium but that doesn't mean that we can do something totally and completely different then what we have for review.

The other thing I wanted to ask about and maybe get some clarification on, and I apologize for missing the Monday meeting, but with planning board recommending that you have 60' easements, I also note just looking at the layout plan that the easements that are depicted, at least some of them seemed to indicate, if you look at the SW corner near that entrance that there's an easement indicated as 42' plus wide, that appears to include both road and rail easements. I think we need to define where or how we're measuring what the required easement is; are we talking about just the road easement needs to be 40' or 60' feet or whatever number you come up with, or can that include rail and motorized vehicles?

So I think those are just two things I wanted to note for clarification.

Nathan Lucky, Territorial Landworks: This is an exciting project that's been in the making for over a year now, at this point. I'll have the developers come up and talk a little bit about what's going on because I don't think there's anybody better to talk about their project but themselves.

Steve Nelson, Partner of the Bonner Development: Exciting project. We look to the future and see some exciting things happening, we think it's a public/private collaboration, we see it that way. We obviously need your support. The condominium subdivision proposal that we have before you; it's a big deal for us, it's part of one of the steps in allowing us to maybe get that site developed. It isn't just the condominium units you typically think, well now we have condominium units; we're gonna go sell each one of those. We could in fact, one of the things we've done is we've sold five of the units to Northwest Paint and that allows them to have a fixed...they know now what their costs are. They've already added about 30,000 square feet, when they are purchasing that from us the subdivision will allow that to all happen. I don't think they will be building walls on those five units

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inside there but it does give them some flexibility. The other eight units that we will end up with...to add to that, there's one other unit that we're going to sell to Willis Enterprises and I think that's number nine. That is something that's important to Willis Enterprises and their endeavors' to solidify their future and what their costs are. The other units, we may need some flexibility there, we would love to know today that we're going to divide that thing just exactly as it is today but it probably won't and James I'm not sure what's drastic and what's not drastic. Just as an example, today we have a company called Alcom coming to our site, they're gonna probably be up and running the 1st of February, is what our hope is. We didn't anticipate this but in fact, we take that NE section of the building there, that's all divided what I call horizontally, really what's going to happen is that they're going to take half of that barrel building. So really it doesn't make a lot of sense to have those lines the way they are but we certainly would add to the number of condominium units, in fact it may even be less that would be a possibility. We would only do what makes sense and I guess that's what we're looking for is some flexibility from you folks. Nathan said it and we've said it several times ~ it is exciting, we're not doing this just in order to go out and sell these units. That isn't our vision at all. Part of the reason to do it is that you end up with some entities that you can go to the bank and get financing for, the tentative improvements, because the banks aren't interested in taking a position against the entire project because there are environmental conditions that they don't want to be part of. Once you do the subdivision, now you have some units or two or three units that the bank can take a legal position against, that particular unit or two or three units and then they can loan you money on that so that we can afford to spend the money that we're going to spend on tentative improvements. As an example, Alcom will probably spend \$400,000 fixing up that part of the building and to not be able to adjust if at some point they wanted to buy that from us and there's no indication that they would, but frankly we would just assume not, but we would like to have some of that flexibility. That's mostly what I have to say. I appreciate Tim and all the process that we've gone through, as you guys do it all the time, this is the first for us and it's a major deal. Everybody is very cooperative and the one thing that I've always said and a lot of discussions that we've had, the thing that's gonna make this site get developed is partly it's going to be Mike, my partner and myself and all the people working on it but it's the Community of Missoula, that's what makes it exciting. Alcom didn't come just for this particular building; they came because of the ski hills, the community, the County Commissioners, the Mayor, all the people in this community, the University. The young fellow that was out here last weekend, they built trailers, but he's already talking about building a really neat tailgate trailer so he can be part...they already have their Griz gear so they are excited and ready to go. The key is, we urge you to support this the way the staff has recommended and I hope that we can have some flexibility when the time comes.

Mike Bain, co-owner: Let me speak a little bit not specifically to the condominium project that we're involved in right now, but more to the property as a whole. People have asked us; what's your master plan? Well the reality of that is that the master plan will create itself as we get tenants into the property. We've got over 600,000 square feet under roof, that's a very attractive component for businesses to move into the valley. One reoccurring theme that we feel is very important is that this is going to create jobs for the community and we need that desperately, so anything we can do to help that along that's our goal. I might also add and I think most everyone in here probably knows that we also own the 42 homes that surround the site. We want to make this site complimentary to Bonner, to the community, to the County and if any of you have driven up Hwy 200 lately, you can see that those 16 homes that were abandoned in 2007 are in the process of being renovated and those are going to be back into the rental market. But it's also going to be a benefit to the units on the site; you'll have workers that will want to live in those homes. It's almost a recreation of what the Anaconda Company did back when the Mill was established, not the negative part, the positive part and that being that they provided housing for the employees. We would love to do that, people could walk to work, they could bike to work, and that's what our goal is. I'll get in trouble from my partner but that ridge that goes along the river, we have plans for that and we think it's going to be a real compliment to the community.

Nathan Lucky: I'm gonna run through the staff report a little bit and then some of the amendments that the planning board talked about and then as well as what Tim drafted after Mondays Planning Status. These are in no particular order; they're just whatever I wrote down:

- a) We've been meeting with the fire department and Chris Newman is here today, which we appreciate his attendance. There were a fair amount of conditions associated with the fire department; we are in agreement with all of those. The one that we want to amend today is there's a discussion related to alarm systems and within that condition it references, I think it's NFP 72. As well as Missoula Rural Fire Department approval we can either strike the NFP 72 reference or there could be incompliance with NFP 72 or Missoula Rural Fire Department approval.

Commissioner Curtiss: Are you saying they may be different?

Nathan Lucky: Missoula Rural given the history of the site and the age of the equipment are trying to retrofit things in. The system that goes in that is the alarm system, may not 100% comply within NFP 72 and as I understand it, Chris Newman is okay with that. You heard a lot about flexibility; again we're looking for some flexibility.

- b) The Administrative Review and James touched on this a little bit. As most of the people in the room know, there was a lot of discussion about a year ago about how we were gonna tackle getting these condo's approved and a look at a few exceptions whether they could be applied to

or not to the project. We have this condition with the three departments reviewing it; Fire, Missoula County Public Works and County Attorney's Office. I think we agree with what Tim wrote, I think that is a good solution, if we can get there we would advocate for just the fire department review. The reason why we say that is because, ultimately Steve and Mike have to sell these units to somebody and you're not going to sell a unit if it doesn't have legal and physical access. The need for that administrative review in our mind is questionable and so that's what our preference would be. We certainly don't want to be presumptuous for about what the fire department might need or want and so we can see the fire department review it in.

- c) 40' easement, planning board recommended it going to 60'. The width of the easement of course as you well know is very different than the width of road. Right now they want a 24' wide stripped road, that makes sense, most roads that we drive on are 20-24' wide if they have parking along side of them then they are wider. We may even end up with stripping a little bit wider than that in certain circumstances because there are a few tight radius' on the site and with the tractor trailers that we would expect on the property, it may make sense to go a little bit wider at times but right now our guide would be 24'. I don't really see a need beyond where you're physically going to drive to have additional width; the regulations require 40' that's where we landed with 40'. Again, we talked about this a little bit on Monday, flexibility, 60' may someday make sense but as we look at the track that surrounds the condos, we don't know where we're gonna want to add any easement width. Maybe we want to add and go from 40' to 80', maybe we want to go to 40' to 60', 40' to 50', we don't know where that's gonna need to be, so we'd advocate for sticking with 40' so we do have the flexibility in the future to do something different if we need to.
- d) We'd advocate for approval of the variance as staff recommends. A few thoughts related to that; I guess first and foremost, this is an industrial site and it's heavy industrial, it's a gated site. There's been some discussion over the last year about getting the public onto this site, I don't think that's what the folks that are gonna be running their businesses there want ~ because it is heavy industrial you're actually trying to keep the public out. This is not a situation where you want to encourage people coming in and quite frankly putting themselves in danger by getting themselves into a heavy industrial situation where there's a lot of large vehicles, large tractor trailers. Willis has this big grapple thing for picking up the logs and the tires are literally probably eight feet tall. Encouraging pedestrian activity on the site is not something especially from the public that we think would be a good idea for the site. Right now with the condo units when we just talk about this specific project, folks are going to come in, both Alcom and Northwest Paint are good examples of this, what we're seeing already and these folks are gonna take up about ¾ of the site as is right now. They're parking right up next to the building, getting out of their cars and walking into the buildings. I think the planning board wanted to see a pedestrian pathway on the perimeter road, that's not really where we want to see the folks walking; we want to be able to have them get out of their cars and go in the site. What I think as we look at each one of these condo's units is that specific site development stuff, that the folks that want to run their business will be deciding on the ground what best fits their employees walking between their cars and the building. Keep in mind, Michele I think you said it best Monday, folks are going to work here, they're not coming to walk around the site. There is a provision in our covenants for special assessments and that's actually on the whole entire site. As you may recall, there's actually two association documents as part of this, it's the whole entire Bonner site, which is about 170 acres. Then there's also going to be a condominium association document specific to these 20 acres. The masters association for the whole 170 acres includes a provision for special improvements and in there it specifically talks about how sidewalks could be included in those special assessments for putting in those facilities.

I think that's it ~ again striking NFP 72. The scope; our preference would be just fire review but if we have to, going to Tim's recommendation is acceptable approval of the variance and then sticking with the 40' easement.

James McCubbin: Nathan ~ the rail vs road.

Nathan Lucky: What would you like me to address in there?

James McCubbin: I guess legally if it's designated as a 40' wide road and utility easement somebody could come in and pave a road over the top of the railroad tracks. So you have potentially conflicting easements. What I would recommend is that we have a condition that that road and utility easement be exclusive or outside the area that's currently encroached upon by any active or potentially active rail lines because we could end up with a conflict there.

Commissioner Curtiss: Could they designate on the plat that there must be an easement for that rail line?

Nathan Lucky: There is and this gets into the attorney world that James is better suited to address than I am obviously. When I looked at the condo declaration this morning there's a definition of roadways and there are few things done a little bit unique on the site and that's just because it is a unique situation. I believe when I look at the definition of open space in the declaration and those roadways are all contained within the easement that we have currently drawn, it's contiguous with

open space as well, what's termed as open space and here's the definition of open space; Any portion of the property which contains roads, railroad lines or utility facilities or if for some other reason not suitable available for development. So I guess ultimately I think the answer to your question as I understand it is yes, we can have railways as well as roads, as well as utilities within that 40' easement.

James McCubbin: I don't think that satisfies our 40' easement requirement because we need 40' that's available for road construction and if part of that is already encumbered by another easement for rail, it means your effective road easement is however much less. Particularly looking at two sections where we have rail and road, it would be the SW entry...the two entries at the SW, I guess they are both rail lines and then coming up along the SE side of the building area or condo development area. I think we do need to designate the edge of whatever the easement is, again whether it's 40' by the regs or 60' by condition, I think that needs to be from the edge of the rail easement away from the rail easement or it's not going to meet our regulations.

Nathan Lucky: Do you think your regulations are written such that a rail line is not allowed within that 40' easement?

James McCubbin: Well I think the entire 40' easement has to be available for road construction and if you have a conflict with a different kind of easement that wouldn't allow you to build a road there then yes, that's correct, I don't think that satisfies our regulations.

Commissioner Curtiss: James look at their covenants article 7, page 16 of 34 ~ in there they've defined roadway easement as use of vehicles and railcars.

James McCubbin: Right and what I'm saying is I don't think that satisfies our subdivision regulations for a road easement. You have to be able to use the whole road easement for road purposes or you're really not getting the full width of the road.

Nathan Lucky: This is the way I look at it; we have a road right now that's 24' wide or wider, satisfies our needs and a rail line and that functions, if that's all within 40' that's fine but it functions on the ground for what we need it to be. The other thing that I think over the years that I've picked up on is, when we say 60' wide, because that's what we typically see for subdivisions, when we say 60' wide I think that people may be thinking that the road is 60' wide and obviously that's very much not even close to being the situation. If we need a 24' wide road and we need a 40' easement, we've got it and just because there's a railroad there, I don't think that matters. James' legal situation, that's his deal but I get to deal with on the ground what works.

James McCubbin: If it were clear that the road easement takes precedence over the rail easement, I haven't reviewed the documents to know that, then I think we'd be okay. The property owner can put other things in a road easement as long as...the way easements work it's a right to do something, so as long as the property owner can still use that property for anything else, as long as it doesn't interfere with the purpose of the easement. So if the easements being used, let's say you're using just one edge of a road easement and you're using 20' out of a 40' easement, the property owner can put up buildings or whatever, as long as it's not interfering with the road, but if and when the road is expanded the property owner has to clear that stuff out. So if it's clear that the road easement has precedence over the rail easement that would be okay but....

Nathan Lucky: The reason why I think we can accommodate that, unless Tim has a better solution...this again goes back to the flexibility, we can write up an easement that says the road trumps the rail line. No big deal because I don't think that it's ever going to make a difference, but then we've got the legal avenue. And then if it ever does become an issue, then we'll either move the railroad, which I highly doubt, or they would have the ability to come in and add an additional easement and still maintain our 40'.

James McCubbin: I think there's a very easy solution to this and it's just to draw the lines a little bit differently and I'm not talking about moving the physical roads. If you just draw the easement lines so that they exclude where the railroad is and just draw it to the other side of the road, you have plenty of space to do this, shift where the easement is...not where the actual road is and I think we've got...that's all we're talking about from my point of view.

Nathan Lucky: And I think knowing Mike and Steve speak up if you feel differently...I think from knowing my clients and knowing where they've gone over this for the last year, I would actually rather just keep it where it's at and say that the road trumps the rail. Then you've got your avenue where the road trumps the rail and yet we get to keep it on the ground the way it's drawn and actually recorded since its recorded within a master association agreement right now.

Commissioner Landquist: Well where the rail is now, who owns that? Is it still owned by the owners or does the railroad own it or have claim to that easement where that spur is?

Nathan Lucky: It's a privately owned rail spur and because we are now dealing with three tracks of land on this larger 170 acres, there are easements so that everybody...because Willis uses them and Northwest Paint so they all have to have legal access to use them.

Tim Worley: I'm wondering if the way the condition is worded you could have that road trumping rail assumption built into the use and scope of the easement, is that possible James? Because the way condition #5 is worded now, it says the easement shall address use and scope of the condominium subdivision. Typically that phrase doesn't necessarily refer to road vs rail or road trumping rail but I think you could have language that plugs that reality into the easement?

James McCubbin: Yes, I think we can do what Nathans talking about. I think we can do it so that if the road easement and 'trump' is the word we're using, it's kind of an easy to use but as long as that is primary over the rail easement, I think that would satisfy the subdivision regs. I do want to note; I don't think that's a great idea, frankly because if you end up selling units or parts of the other property to people that are expecting to have rail access but then you get another one of your tenants who says; you know what, I feel like I want a wider road and they go in and just start paving over your rail line, you're going to lead to legal issues between the tenants and between the owners. So for where we foresee that, we don't want that, yeah we might be able to satisfy the County's regulations but I think we also try and look at avoiding problems in the future and we certainly don't want to get somebody expecting to have a rail there and then somebody else paving over it. So yes, I think we can get there for this review but I think the Commissioners could also condition it otherwise to avoid conflicts for transportation in the future.

Commissioner Curtiss: If it's a private easement on privately owned land, it's not a public easement, it's not something that we are going to try to put a county road in and easement language allows them to have any other structure they want in there including a rail line.

James McCubbin: Right but any of the beneficiaries of the road easement can build a road to the full extent of the road easement.

Commissioner Curtiss: That's why I don't like your solution of saying one trumps the other, I think they should decide what they want in their easement.

James McCubbin: Well if one doesn't trump the other then we don't have a full road easement if we know there's a railroad in it also.

Commissioner Landquist: But they still have to work through the confines of the condo association by-laws and stuff like that for making those kinds of collective changes.

James McCubbin: Right, but what I'm saying is under our regs we have to have a 40' road easement.

Commissioner Curtiss: But we haven't said 40' yet. We could say something different.

James McCubbin: You could definitely go wider but to go less than the width that's required by the subdivision regulation standards we'd have to have a variance. I'm not looking at the section of the regs, but my understand is that it's 40' is what the default requirement would be ~ what I'm saying is unless that does trump the rail easement I don't think we legally are satisfying that road easement where we know there's a rail already there. So I think we can put in the 'trump language', I'm just noting that it may not be a great idea because you could be setting yourself up for potential problem. Worst case scenario is pretty far-fetched, but if you get somebody in one of these units that's a beneficiary of the road who ends up hating the owner of the business across the way and just wants to be a pain in ass, these kinds of weird things happen and that's what keeps lawyers in business.

Nathan Lucky: Yep and your advice I think is well heard by Mike and Steve related to that.

Commissioner Curtiss: Is there a way Nathan since you've drawn all these pictures to have a 40' road easement and the rail easement would be outside of that?

Nathan Lucky: Yes there is, can we accomplish it? Yes. Is there a need to? We don't think so we'd have to shift it over and redraw it and a bunch of attorneys would get a lot of fees for redoing what's been done when on the ground its working and I think Mike said it best; this sites gonna master plan itself as we find new tenants that want it and new businesses that want to come in. So yes, the next new tenant that hopefully walks in the door soon and says this is where I want to be and we know we have this rail and the 40' easement, those types of conversations will take place at that point and time to make sure that we address the exact type issues that James is bringing up. Moving the easement over right now, in our mind, is not necessary.

Commissioner Landquist: I was curious, I think Deb Evison from Public Works has been taking all this in and has some things to share with us.

Deb Evison: These are all private easements which doesn't give us a whole lot of leeway; this is a single lot so our regulations are restricting on it. It is problematic when you have road and rail interfering with one another; it's easier generally to move a road then it is to move a rail line. I think the wider the easement would probably be better to encompass both if you're including the rail and road together, that way you have enough room in case there is a conflict to move one or the other. Because it's private we really can't weigh in a whole lot which one would take precedence over the

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other one because it's not public for us to manage. In this instance, I think the wider easement would probably be best if you wanted to keep both the rail and the road together, that way it would allow them to move the road if they need to and keep the rail line where it needs to be.

Commissioner Curtiss: So we'd have to do the variance to 40' for areas that just have a road and keep it at 60' where there's road and rail sharing?

Deb Evison: Correct.

Commissioner Curtiss: Which is kind of how it's drawn.

Deb Evison: Yes, there's just one narrowing there where it's 42' something, together with road and rail.

James McCubbin: Without knowing exact measurements I think that would satisfy us legally. I did also want to comment on the flexibility. It sounds like you're talking about sliding the boundaries within the building. If it's not going to affect legal and physical access and fire access or those things...it might affect them if they're being addressed, I don't foresee a problem. I think it does need to be reviewed by all three because the county's required for review for legal and physical access. The only thing...I'm just trying to imagine a scenario where I would say; nope this goes too far, I think that would be if you made an island unit in the middle of the building, that doesn't go all the way to the walls, something like that would probably go too far. But if we're talking about you've got frontage on a wall that's got limited common area outside and goes to the road, I don't see any problem with that.

Nathan Lucky: What about going to three condo units?

James McCubbin: Reducing the number of condo units?

Nathan Lucky: Yes.

James McCubbin: I think that would be fine.

Commissioner Landquist: As if someone came in and bought multiple units?

Nathan Lucky: I don't know how the tax structure is going work ~ property tax structure but like Britt and the Attorneys get to weigh in on what makes sense for their fees and doing this but potentially Britt just goes to one unit right now even though it's drawn as five. If he's going to get taxed on five, may be worthwhile to draw it at one and then you could make an amendment in a few years when all of a sudden for, hopefully not, he has to downsize and wants to sell off a portion of it.

Commissioner Curtiss: I don't think he can do that though. For tax purposes you're gonna have to...if he wants one unit because that's gonna be better for tax purchases that means he has to erase lines and you can't put them back in later, I don't believe.

Nathan Lucky: And as a reminder, where we looked at the various laws that applied, land use laws to this and landed where we landed, that's why that note is on there so clearly. Because I, after several months of conversations, went with the flow and said okay, we will do this subdivision for condominium process but we want the ability to tomorrow file a condo plan that shows two units. Five years from now, file an amendment that goes to ten, twenty years from now file an amendment that goes to seven. This may change as the years go by and we want the ability to never go more than thirteen but go all the way down to two as the needs of the owners change throughout the years.

James McCubbin: I think we can do that with the review that Tim's written up.

Commissioner Curtiss: So know that the Department of Revenue is a whole other animal.

James McCubbin: And I did think of another scenario ~ the other scenario would be if you tried to make a unit that doesn't have any part of the building, I don't think we can do that either legally.

Nathan Lucky: That has been done in the past but I've heard several land use attorneys say that that's probably not...

James McCubbin: I think you have to have at least a part of the condo building to make a condo unit so those are the only two and that doesn't sound like any kind of thing that you guys would be contemplating. I don't have a problem with changing the number of units for this, I would if it were a subdivision with lines on the ground okay, but because the Montana Legislature has given us an exemption for subdivision review for something that has gone through subdivision review, they've expressly contemplated condominium units and we are continuing to ensure that public safety, physical access, legal access and fire standards are met, I think we will be within the law to allow that flexibility. Again, there's a limit.

Nathan Lucky: I think I'm in territory that's fine so I'm gonna put it on the record just so you guys aren't surprised, especially James since he'll see it and Deb you'll see. I'm gonna walk up there (to the map) and show it, I will not be surprised if this is the way the condo plan is filed hopefully in about March. Unit 1 will be these five here, it's all Northwest Paint right now. Unit 2 will be the shop for

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Willis. Unit 3 will be here for Alcom and it will be building plus out to the property line so you'll get your legal access as well as physical. Showing unit 4 with legal access (on map) and then five or six left over. So the condo plan might be as few as six units come March. You guys disagree with that at all?

Commissioner Curtiss: So Tim we'll count on you to keep us in line as to making sure we haven't missed something. I don't see anything here that asks for a variance to the road width, is there?

Tim Worley: Correct. Originally we weren't sure it was even a required variance but after some deliberation between my supervisor and myself we do definitely think both because it's an industrial subdivision and because it's a major subdivision, that it does require a variance to the ped requirement.

Commissioner Curtiss: If we agreed with the concept and we haven't talked about this but, if we agreed that in areas that had road only 40' was enough or whether road and rail 60'.

Tim Worley: I don't think you need a variance actually for the road related because you're meeting that 40' minimum. The only variance that we detected that was needed was the ped related one but the easement widths are okay.

Commissioner Curtiss: There's about three spots that I circled that are less than 60' where the road and rail are next to each other, they're all off site, does that matter? Do we still have that authority? Because if you look at where the subdivision lines are, these are all off-site.

Commissioner Landquist: I don't think we can do anything about the off-site stuff.

Commissioner Curtiss: I don't either.

Nathan Lucky: Potentially there's a slight confusion on the variances; one variance ped requirement, 40' no variance, we meet the sub regs. James is saying perhaps because there's a railway line within that easement that it doesn't meet the sub regs. Is it specific because of the railway lines James? Because you could have fences in there and you could have utilities and other things that we wouldn't be elevating to this level.

James McCubbin: Right. Well you could have the same thing, if you had two easements for the same place and somebody said there's a fence easement to go down the middle of your proposed road easement and the fence easement takes precedence, I would say that doesn't comply with our road easement either. It's pretty unusual, usually the road easement very clearly is the primary easement and utilities come along with that, you bury the utilities or you put them up on bolts so they aren't interfering with the easement of the road. It's a lot more obvious that there's a huge potential for conflicts when you have railway and road potentially fighting for the same space.

Nathan Lucky: Therefore, we've got the legal thing going on and then we've got County Public Works that of course, when its public roadway, we've got to for sure watch out for them. We are dealing with a private easement and again knowing Mike and Steve and how they want to allow for the flexibility moving forward, our preference, Developers preference today, is to let the 40' stand, it meets the sub regs. We will amend whatever we have to do to meet the legal end of it for James and say that the road 'trumps' the rail. That's our preference and what we'd like to go forward with today.

Commissioner Curtiss: So my question is still because these are off-site and it is unique, this isn't like saying this is how they get to their property driving through somebody else's, they own them. Can we require that off-site?

James McCubbin: We have to review and require adequate legal and physical access.

Commissioner Curtiss: This end isn't what their considering their access points, this is circulation. Their access points they said were here and here (looking at the map).

Tim Worley: I just had a thought about amending condition #5 (page 16 of the planning board's recommendation) in a way that would take care of, I believe it would take care of James' concern, and it would provide that 60/40 duality, so to speak. I'm reading off of the planning board recommendation so it has that 60' clause in there so it says; a minimum 60' wide grant of easement shall be filed for combined road and rail facilities and a minimum 40' wide easement shall be filed for road only facilities, providing primary and secondary access to the Bonner Mill Industrial Park. That way you're not having to deal with off-site rail because the assumption built into condition #5 is the primary and secondary legal access. So only the areas that have the combined road and rail, that are within the subdivision, would be affected by the condition.

James McCubbin: *That are within* the subdivision.

Tim Worley: Right.

Commissioner Curtiss: So that does again address just those two primary accesses?

James McCubbin: Well he said primary and secondary.

Tim Worley: So that would get you out both ends. So just as a for instance, I'm looking at one area (I'll point it out on the slide), this distance is 47.33', that's combined road and rail, you'd have to expand the easement by 13' in that location.

Commissioner Curtiss: And a little further SW there's 45.23' right at the corner.

Tim Worley: right, so that would be about a 15' expansion there. But you wouldn't have to address these little spurs down here where I assume Willis will be.

Nathan Lucky: I'm sorry to push this, I just asked you to take a look at this and why are we doing this? If we're going to expand it, what are we trying to accomplish? And if you are wanting to head that route and if you could explain to me what you are trying to accomplish, then I can perhaps try and come up with some ways to address or mitigate those concerns.

Commissioner Curtiss: If you look at the one that's 42', so that's the one that's closest down to the left hand corner, that one would allow you to get the road further away from the railroad. But if you look at the other two that were pointed out, right next to the building, the only way that you'd make a difference is if you move the railroad.

Commissioner Landquist: I think what some of this boils down to is because we are trying to give the owners flexibility, but we're also trying to help them cover themselves; prior planning prevents poor performance, I grew up with those five p's and because you don't know how busy the traffic's going to be with the industrial comings and goings. Maybe they get a tenant coming and you have too many large trucks entering and exiting at the same time, so to allow for that traffic flow to be worked out and have that flexibility and the fact that, as it has been said here, it's a lot cheaper and easier to move the road and expand the road, rather than moving the rail. So having that extra footage there allows for the rail to stay there and widen the road, without somebody in the condo association claiming ownership to that portion of it. So I think that's what we're trying to do, unless I'm off base.

Commissioner Curtiss: I'm just showing you that on these two instance the rails the only thing that can move.

Commissioner Landquist: But that's off-site isn't it?

Commissioner Curtiss: Yes, but it's still part of what we're talking about.

Nathan Lucky: I think we have the ability to move either. I like your five p's, I wish I could repeat it right now but I won't be able to. That's the uniqueness about this site, therefore if we go down the road of, we think it's cheaper to move the road and therefore let's widen the road easement vs. even contemplating the railway being moved. Somebody may come on site and it may actually make sense to move the railway and so this is the continued flexibility theme with this particular site and redevelopment of. We really appreciate the five p's and thinking about that but that's on these guys and me and our Attorneys to figure out as we move forward with this site and continued development of it.

Commissioner Curtiss: I have a question for you Nathan. If you have a 60' easement in these spots that we've identified that you may or may not use in the future, what's the downside on your part if it's there and you don't use it?

Nathan Lucky: Because of how much this site has pavement on it already, the downside would be essentially you're just taking up 10-20 more feet of area that could be available for parking, any other type of use other than paved is preserved for road easement. Nobody's going to take the risk of getting in there and developing something.

James McCubbin: In terms of parking and things like that, that's fine. Like I said, the property owner can use the areas of the road easement for any other purpose as long as it's not interfering with the use being made for the road. Now again, you could have...let's say somebody puts in parking bumpers and a neighbor doesn't like them and they decide to widen the road, I guess you can get into that kind of dispute. That's a lot less likely when you're talking about an accessory to the road type of use, parking, even storage of materials or trailers or anything like that would be just fine as long as it's out of the physical road. Those uses will not be included by the easement.

Nathan Lucky: So then the additional easement, why is it there?

James McCubbin: It makes it available for the road, if and when it's needed.

Commissioner Curtiss: It will actually reduce your need in the future to amend a plat.

Nathan Lucky: Absolutely.

James McCubbin: The only thing you couldn't do or would be very ill advised to do is build a building within that road easement.

Commissioner Curtiss: It's a little different because it's your private property than it would be if it was county right-of-way, because then you would need to have approach permit and all that.

Nathan Lucky: Sometimes when we get in these conversations I'm gonna turn to Mike and Steve and they can probably give you a list. Do you have a list of things that you can approach upon? I just don't think that if we don't need and the two gentlemen that own the rest of the acreage on the property are in the room right now hearing the entire discussion, if as we move forward with more development once we know what that's even gonna look at, if we need some more easement, they can grant it to themselves, well grant it to the people that benefit.

Commissioner Curtiss: One of the things with our regulations when we do a variance, you know what criteria are from looking at a variance, whether it's a hardship and since it's just a line on a map on property that already exists it would be hard to do that...

Nathan Lucky: There's no variance.

Commissioner Curtiss: But if we...with the railroad track in there it seems like James is advising us that maybe it would need a variance.

James McCubbin: You could present language that would establish the relative priorities of the rail easement and the road easement potentially. Frankly, I think it would take a lot less paperwork time effort and money to just shift where the easement line is on your layout map then to try and do a bunch of easement work.

Nathan Lucky: And that may be where we land, I just don't want to make that decision today. I think I want the flexibility of; we can either do this trump situation or maybe we will go back and talk to Steve Brown and Peter Dayton and David Bjornson and they say; you know what, it's just going to be easier to widen the easement. I don't know what they're going to say right now, so I don't know why we lock ourselves in.

Steve Nelson, Bonner Property Development: I just don't understand what the big deal is ~ I'm just a guy, I'm not an engineer and I'm not a lawyer but we own that property that's outside of the subdivision. They had 1,000 people working out on that mill site, they had 200 logging trucks a day coming in and out of there, it worked just fine for them. I'm not going to build a road over the top of the railroad, I wouldn't do that. And I'm not going to put the railroad on top of the road, unless it made sense. So just from a laid perspective, I don't know what the big deal is 60' but, yea can we probably draw a line that makes you guys feel better, I guess we probably can, but I don't even know why we need to do that. 40' is legal and if we need to say that the road trumps the railroad or whatever has priority over it, I guess I don't have any problem with that that seems like a pretty easy solution. I don't see where...it's outside of the subdivision, there's plenty of room, you're driving back and forth there all the time but that's just me.

Commissioner Curtiss: So now that you said that Steve it makes me realize that yes you do own this but in the end you're not going to own where Britt Fred owns, so he's the one who's this easement would go upon.

James McCubbin: The beneficiary of the easement is the one that can build the road.

Commissioner Curtiss: In the end the condo association could be the one that says, tough Steve you can't move the road or the rail our way; you'll have to go your way.

James McCubbin: And if you've sold the other building at that point, or condo or whatever to somebody relying upon rail access and these condo's folks build a road over your rail, there's going to be a lot of problems and probably litigation among everybody where you're going to have the expense of moving the rail line at that point.

Steve Nelson: How can Mr. Fred build over the railroad? The railroad isn't on his property.

James McCubbin: Because if he's a beneficiary of an easement, of a road easement and particularly if we've spelled out that the road easement has precedence over the rail easement ~ any beneficiary of that road easement can improve the road within the easement. Any of them can come through. So if they just decide that they don't like these guys next door because they're making too much noise or driving an ugly pink truck or something like that and they want to spend the money to do it or maybe they even just want to do it with gravel, they could fill in the railroad tracks with gravel.

Nathan Lucky: Steve's heading down the right road thinking on that and I don't know this stuff that we'd have to pour over this and we can have James tell us exactly what it says and get another Attorney to tell us exactly what it says and whatever. I believe you're going to find that and I'm not saying you're wrong because you know this stuff a lot better than I do, but I think that a master association as well as a condo association would be the ones that would have to go and do things. I don't think an individual unit, the way the agreements are written would have the power to just but maybe you know law and precedence....

James McCubbin: I haven't read those agreements in detail....

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Nathan Lucky: Ultimately we are trying to protect these developers from doing something dumb and I think they've heard that loud and clear that they might be doing something that they want to take another look at in the future. We've met the rules with the width of the easement and we can provide some language that makes James happy and we can visit this once we have a better idea of what this site needs.

James McCubbin: That's fine. I think the three options you have to satisfy the regulatory requirement for an easement is; slide the 40' easement over so it's not including the railroad, make it 60' where we've got the railroad because then there's enough wiggle room that I'm willing to say; we don't need to measure exactly where the railroad is there's enough space. Or give us language showing that the road easement takes precedence over any rail easement, that's the one I recommend against but take it or leave. I think that would make it legal from our regulatory point of view.

Commissioner Curtiss: So I think probably sometimes we sound kind of jaded, it's because we have people come to us to try to solve their problems that were something nobody contemplated in the past. The more I look at that one now especially remembering that that piece of the building isn't there, it seems like it does make sense to put some of this road easement on the condo's property. They really are butting right against the road pretty close there and maybe someday the way you want to load the rail cars on the other side or something and you might want that 15'. In some ways even though it seems like we're considering making you less flexible, I think in some ways we're making it more flexible for future use.

Nathan Lucky: Yep and I understand that point of view, absolutely. I think I'm here to say what I think we want and what this project should be and I think this project should be as we have it proposed.

Commissioner Landquist: I was going to say something similar. I whole heartedly understand the need for flexibility in this project but all too often, even since I've been here as a Commissioner, people come to us to solve problems that were created many, many years ago. So with any luck at all Mike and Steve are the developers of this project but hopefully this gets done and these condos get sold and they're done. It's the condo association to work things out and I've seen some condo association's work very well together, I've seen others not work very well together and then what do they do? They contact Public Works, County Attorney's, Health Department, County Commissioners all the different governing entities and ask how can we solve and how did you let this happen? That's what I meant by those five p's, we're just trying to give you a broad enough base here to cover those basis in that crystal ball that we can't foresee, whether you use them or not, that's up to you. It does sort of make sense in some of that area to have that 60' rather than that 40', you don't have to necessarily use it but it might be there for you in the future, for the owners in the future and give you that flexibility because Mike and Steve are meeting with various entities that look at the site and then their wheels start turning in their head and visioning, could I do this and could I do that, what about having the road here or here. Mike and Steve can't...they don't have a crystal ball any more than we do and we want that flexibility so we're trying to take in that big picture and still offer you guys that flexibility that this site needs.

Nathan Lucky: I'm going to point out one more thing and then I'm not promising I'll keep my mouth shut but I'll try. Article 7 of the declaration, 7.02 Roadway Easement; The declarant, which is Mike and Steve and this is for all three tracts of land that we're talking about so the whole site, not just 20 acres, the client reserves the right to relocate, reconstruct, maintain, repair and grant additional easements over the roadways. I think what that means is that if they want to put on additional easement, even where Britt Fred currently is at, that they have the ability to grant that easement.

James McCubbin: They can always grant more easements, the owner.

Nathan Lucky: This is important on why it says declarant because we're talking about Mike and Steve and what may affect off-site, off of the 20 acres. They could actually come into Britt's property that he's going to purchase and say, sorry Britt we need some more easement here.

Commissioner Landquist: But for how long are they still the declarants?

Commissioner Curtiss: This is the whole property not the condo property?

Nathan Lucky: Yes.

James McCubbin: That doesn't affect the issue of beneficiaries to the easement ~ they can still use the easement, I mean just because the declarant can improve the road, which makes sense.

Nathan Lucky: My point here is that additional easement can be granted. Because there is, I think Jean mentioned, well you're going to be going into Britt's property to grant more easement; potentially you could as one option and what if Britt doesn't agree to it? Then I believe Mike and Steve have the ability to say, sorry Britt we needed more easement.

Commissioner Curtiss: No that wasn't...my point was...looking at this picture, if I was going to add 15' of easement, I would do it towards the condo not the other way.

Nathan Lucky: Which would be into Britt's area. Again, I think everybody recognizes this is all doable.

James McCubbin: We have to satisfy the 40' standard for an easement. My opinion is that as this is drawn and presented it does not satisfy that standard. I've thought of three ways, you might think of other ways but I've thought of three way you can satisfy that standards; one is to slide the 40' of the easement away from railroad, so that the beginning of the 40' would be at the edge of the rail easement and if you don't have a defined rail easement then physically far enough away from the rail that it wouldn't be an interference. I would accept legally as satisfying if it were 60' which is the recommended planning board condition or if you make it the primary easement is the road easement but I still don't think the language in 7.02 here solves the problem that I pointed out but again, that's not our problem, when I see a potential problem of spiteful owners in the future, I point it, you can take it or leave it. I think we can legally satisfy that standard if you make the road access the primary easement and expressly make it primary over the railroad, in order to meet our regulations.

Nathan Lucky: And I apologize if I haven't made it clear, I am fine with those three options, I just want all three of those options available to us as part of this approval today.

James McCubbin: I think we can write that out in a condition or if the Commissioners want to follow the planning board's recommendation, you just do the 60' and I think that will satisfy the regs as well.

Commissioner Landquist: So did I just hear they are fine with either one of those choices, they just want the ability to use either one of the three?

Nathan Lucky: That's exactly it.

Commissioner Landquist: You want all three of them written in there?

Nathan Lucky: Yes, that's right.

James McCubbin: But you'll do either a, b or c. And you can do that if that's the way you want to write it up.

Nathan Lucky: I should have said that 15 minutes ago, I'm sorry.

Commissioner Curtiss: So it could say either with the way Tim wrote it or taken the railroad out.

James McCubbin: I think the first thing that I'd recommend you address is whether or not you're going to follow the planning board's recommendation. Planning Board's recommendation is a minimum of a 60' wide easement, if you do that it's satisfied. If you're not going to follow the planning board's recommendation to require that then we can come up with a language to require a, b and c, that's appropriate.

Commissioner Curtiss: Well I don't think that it needs to have 60' everywhere.

Commissioner Landquist: No, I like the a, b, c choice, I think that gives them more flexibility and that's what they need, that's what this project needs.

Commissioner Curtiss: Okay so Tim stated the 'a' choice.

James McCubbin: So 'a' is a minimum of 60'...

Commissioner Curtiss: 60' with combined or 40' for road only.

James McCubbin: So 'b' is basically the 40' for road only outside of any rails and physical existing rails or rail easements. And 'c' would be if there's coexistence of rail and the road easement that there be added by documentation to be approved by County Attorney's office establishing the road easement is primary over any rail easements.

Commissioner Landquist: Tim, you have that?

Tim Worley: No but the tape does.

Public Comment

Chris Newman, Missoula Rural Fire District: NFPA 72 is the National fire alarm code and it also grants the authority having jurisdiction to make decisions that are common sense and makes sense for a project like this. Yes, with the change in language I'm good with that.

Commissioner Curtiss: but the regulation 72 allows you to do that anyway?

Chris Newman: Correct.

James McCubbin: Was the change of language NFPA 72 or have approval by the Missoula Rural Fire?

Chris Newman: Right.

James McCubbin: Well if it's not by MRF then who would make the determination that it meets NFPA 72?

Tim Worley: It would be my recommendation that we leave, however we word the language I don't think we should put an either/or of NFPA 72 in there. It sounds like what Chris is saying is that NFPA 72 allows for that flexibility according to the authority having jurisdiction. If we were to take it out completely, we're basically taking out the fire alarm section of fire code and that would make me nervous. I think we should keep it in there.

James McCubbin: I understand Nathan's concern on this, how about instead of in accordance with NFPA 72, we say in accordance with applicable regulations to be reviewed and approved by MRFD? The point is you get a sign-off with MRFD, not that you're necessarily meeting the specifics of 72.

Commissioner Curtiss: But it sounds like it's okay the way it's written because it says NFPA 72 gives them that flexibility, if they can't meet it exactly. You feel comfortable with that Chris, if there was a problem?

Chris Newman: Yes I do.

Commissioner Curtiss: So we have it on the record that we understand that there can be some modifications.

Executive Session

- a) Tim had some proposed language today that clarified the scope of the review;
#1 adding that County Attorney's Office review for legal access and Rural Fire for water supply and emergency and County Public Works for physical access. And I think we have it on the record here today that nobody's looking to say in the future; we don't want you to change that so we'll hold all of our staff to that point.

Commissioner Landquist made motion to approve the alternate language that Tim provided. Commissioner Curtiss seconded the motion. The motion carried a vote of 2-0.

- b) #5 – Road Width. We'd now change to a, b or c regarding road width and what takes primary over rail, etc. It would say a minimum of 60' wide grant of easement and the things we talked about or a 40' road only, not including rail easement or the last one would be or 60' road/rail with a minimum of 40' if the road was primary. They could use a, b or c in different places, or they could use all three. We'll use the more exact language that was stated by Tim and James in the final condition.

Commissioner Landquist made motion to approve the language. Commissioner Curtiss seconded the motion. The motion carried a vote of 2-0.

- c) #17 - Planning Board's amendment was plans for an insulation of a 6' wide protected pedestrian walkway within the road access easement providing ___ access to every condo unit to be reviewed and approved. I don't know whether we need to add something to say in the end they need to have a plan to show where people walk, I just don't think anybody knows where the best place for people to walk are right now.

Commissioner Landquist: And I think people are going to work and that the different condo owners will be able to delineate that. They're not going to purchase a section of that area unless they know their people can get and out safely to work and I think what's gone on there so far is everybody's managed to park right up by the buildings. So I'm prepared to make a motion that a variance be granted regarding that pedestrian thing and let them have the fluidity they need.

Commissioner Curtiss: I think we're working off planning board's minutes. We would just take out conditionally and the other unlined portion and go back to the original staff recommendation.

Commissioner Landquist made motion that the variance to the Missoula County Subdivision Regulations, section 3.2.3 and 3.2.4 requiring 6' wide sidewalks and 10' wide landscape boulevards be approved based on the findings of fact in the staff report. Commissioner Curtiss seconded the motion. The motion carried a vote of 2-0.

James McCubbin: Just to be clear; in connection with granting that variance obviously we would remove planning board's condition #17, right? I don't think you need a separate motion on that but so it's on the record.

Commissioner Landquist: On page 16, the recommended conditions of subdivision approval, at what point does the applicant have to file with the Clerk & Records Office the development plan showing the layouts of the units in gross area and all that stuff?

Commissioner Curtiss: By March. The law now allows him to change it over the years.

James McCubbin: They'll file the plan with the condo declaration, if it's a required attachment to the condo declaration to show where the units are and then assuming they leave themselves room in the condo declaration to make amendments; subdivision law as has been discussed today would allow them to do that without further subdivision review.

Commissioner Landquist made motion that the Board of County Commissioners approve the Bonner Mill Industrial Park Subdivision based on the findings of fact in the staff report and subject to the recommended conditions of approval in the staff report as amended. Commissioner Curtiss seconded the motion. The motion carried a vote of 2-0.

Commissioner Landquist: I'd just like to thank everybody that worked so hard on this, I know the planning board worked hard on it, staff worked hard on it, Mike and Steve and their Consultant. I'm very excited to get people to work out there as I know the owners are and I think that this is going to be very complimentary to Missoula County and the Community of Bonner.

6. OTHER BUSINESS – None.

7. RECESS

Being no further business to come before the board the County Commissioners are in recess at 3:05.

Letters – CFO Andrew Czorny signed two (2) letters, dated December 13, 2012. To US Bank National Association, Seattle re: 1) County General Obligation Bonds Series 2005, and 2) County Limited Obligation Notes Series 1998/Limited GOB Series 2004; directing bank to subscribe for US Treasury State/Local Government Series ("SLGS") securities pursuant to instructions dated December 13, 2012 from D.A. Davidson & Co. The SLGS are to be issued on December 27, 2012 in the name of Missoula County. Tax ID # provided.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated November 16, 2012:

- 1) Approving request from Shane McMahon/S.A.F.E., Missoula, to reconsider abating 2007, 2008 & 2009 bills to reflect Property Reporting Forms sent to DOR. Bills to be abated.
- 2) Approving request from Michael Ramos, Missoula, to refund \$10 for Title #AA1338126.
- 3) Denying request from Laura Wolfe, Clinton, to refund fees paid for vehicle VIN#JTDDBE32K830221425 (totaled in March). Policy does not allow BCC to refund for transaction that is 6 months or older.
- 4) Approving request from Daniel Bennett, Missoula, to refund motor vehicle taxes/fees paid for vehicle #2804284.
- 5) Letter to Wallace Roberts, Missoula, re: his request for refund for Tax ID #5818592. His letter will be referred to DOR for their review/follow-up.
- 6) Approving request from Kaleigh Grafft, Missoula, to refund motor vehicle taxes/fees paid for vehicle #1175541 (contingent on providing proof that vehicle was totaled).
- 7) Denying request from Robert Jason Graham, Missoula, to refund penalty/interest for Tax ID #3231405. Legislature has denied BCC all discretion in this area.
- 8) Denying request from Jim Galipeau, Missoula, to refund penalty/interest for Tax ID #3734300. Legislature has denied BCC all discretion in this area.
- 9) Letter to Kirk Mace, Missoula, re: his request for refund for Lots 1, 3, 4, 5, 6 & 7 at Mace Subdivision. His letter will be referred to DOR for their review/follow-up.
- 10) Letter to James Rykert, Rockford, MI, re: his request for refund of Seeley Lake Refuse fees to Tax IDs 335700, 335806, 335902 and 336006. His letter will be referred to SLRD for their review/follow-up.
- 11) Approving request from Nancy Damaske/Action Services, LLC, Missoula, to refund motor vehicle taxes/fees paid in error for vehicle #2799339.
- 12) Letter to Walter Maclay, Sunnyvale, CA, re: his request to transfer Tax ID #3731304 to Missoula County. His letter will be referred to Rural Initiatives for their review/follow-up.
- 13) Letter to Patty Lovaas, Missoula, giving final notice and requesting payment of \$19.42 to process her payment for Tax IDs #1276503 & 30228471.
- 14) BCC reviewed letter from Vickie Zeier to BCC attaching list of 36-month delinquent tax parcels that have not been redeemed.

THURSDAY, DECEMBER 13, 2012

BCC met in regular session; quorum present. Afternoon: BCC rep presented Park Steward Award. Evening: ML attended meeting of West Valley Community Council.

ADMINISTRATIVE MEETING

Contract – BCC signed. Between County and D Lower Construction to replace old vault at the Print Shop with new secure vault at Records Center. Total project cost: \$34,809 (\$24,909 to Lower Construction; \$1,700 to wire vault by Fister Electric; \$8,200 to move Halon fire suppression system from Print Shop vault to Records Center vault by Suppression Systems). Term/December 17, 2012 – February 29, 2013. Originals to C&R and Larry Farnes/Facilities Maintenance.

Agreement – JC signed Affidavit for Annual Equitable Sharing Agreement/Certification for Sheriff's Department. Last FY End Date: 6/30/2012. Agency Current FY Budget: \$16,144,530. Original to Sheriff.

Addendum #2 – BCC signed. To 2011 Agreement between County (Detention Facility) and Benefis Spectrum Medical, Inc. for provision of primary health care services to inmates. Addendum provides compensation of \$268,682.50 for term January 1 – July 1, 2013.

Bid Award – BCC approved/awarded bid to Titan Machinery for purchase of a skid steer to replace one already in County's fleet. Amount/ \$50,292.91 (bid includes a five-year guaranteed buy back amount of \$20,507.91). Original to Greg Robertson/Public Works.

Agreement – BCC signed. Between County and DJ&A to prepare construction plans/specifications/documents for replacement of Moccasin Lane Bridge over Frenchtown Irrigation District ditch. Amount/\$17,525.16 (from bridge fund). Term/December 13, 2012 –May 31, 2013.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated December 11, 2012. Amount/\$16,902.78. To County Auditor.

Letter - BCC signed, dated December 13, 2012. To Anna Miller/DNRC/Helena, re: \$3,735,000 RSID #8489 (Wye Area Sanitary Sewer Project) Loan C Bond. County has completed portion of project funded by the bond. Total of \$2,797,692 has been drawn, leaving balance of \$947,308; County releases to DNRC all remaining funds for other eligible projects.

Additional discussion item(s): 1) Maclay Bridge update; 2) BCC approved Justice Court request to close office from noon-1:00 pm on December 21st for Christmas gift exchange/lunch; 3) End of year schedule and MACo New Year reminders.

FRIDAY, DECEMBER 14, 2012

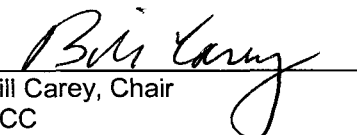
BCC did not meet in regular session. ML out of office all day.

Grant Award Agreements –JC signed two Agreements between County (Sheriff Dept.) and MT Dept. of Military Affairs/Disaster and Emergency Services Grants Program, for FFY12 State Homeland Security Program funds (EMW-2012-SS-00143-S01) for term/October 17, 2012 – October 31, 2013 for the following:

- 1) For EODProject. Amount/\$49,322.
- 2) For SRT night vision equipment Amount/\$15,000.

Originals to Dave Ball/Sheriff's Dept.


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

MONDAY, DECEMBER 17, 2012

Replacement Warrant - JC signed. Watson Children's Shelter, Missoula, Principal for Finance Warrant #30228473, issued September 21, 2012 on County Claims/7920 000 Fund. Amount/\$30,447.41 (for Tax refund). Not received in mail. No bond of indemnity required.

Replacement Warrant - JC signed. Cecelia A. Palmer, Missoula, Principal for Finance Warrant #31319331, issued November 16, 2012 on County Payroll Fund. Amount/\$445.26 (for wages). Not received in mail. No bond of indemnity required.

Indemnity Bond – JC signed. Scott Stowe, Missoula, Principal for Claims-A/P Warrant #27253986, issued October 10, 2012 on County General Fund. Amount/\$60 (volleyball technical service). Warrant lost.

Indemnity Bond – JC signed. Scott Stowe, Missoula, Principal for Claims-A/P Warrant #27253985, issued October 10, 2012 on County General Fund. Amount/\$36 (volleyball technical service). Warrant lost.

BCC met in regular session; quorum present.

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Planning Status Meeting – CANCELED (No Agenda items)

Rural Initiatives Update – 1) Public Comment; 2) Communications; 3) Grant Creek Trail Open Space Bond Project – update and info; 4) Parks and Trails Program update; 5) Fall 2012 All Community Council Meeting update; 6) Director's update.

TUESDAY, DECEMBER 18, 2012

BCC met in regular session; quorum present.

Replacement Warrant - JC signed. Iron Horse Towing, Missoula, Principal for Animal Control Warrant #30226446, issued August 10, 2012 on County 2273 Fund. Amount/\$130 (for towing services). No bond of indemnity required.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 25/CY2012 - Pay Date/December 14, 2012. Total Payroll/\$1,340,281.05. To County Auditor.

Agreement – BCC signed, dated December 18, 2012. Between County and St. Patrick Hospital (FirstStep at Providence Building) to implement JUST Response Grant goals to improve victim safety/offender accountability in domestic violence cases. Amount/\$32,772 from US DOJ/OVAW. Term/September 1, 2012-August 31, 2014.

Policy – BCC approved change to County Policy 214.30 "Exempt Overtime Pay" to add: *Under certain limited circumstances, the BCC may direct that exempt employees who work more than 40 hours in a given workweek receive compensation at the regular hourly rate.* Original to Kim Mansch/PHC.

Reimbursement Resolution No. 2012-212, BCC signed, dated December 18, 2012. Qualifying expenditure of up to \$54,000 2006 Open Space Bond Proceeds for purchase of 27-acre parcel adjacent to Grant Creek Road/granting Conservation Easement to Five Valleys Land Trust for Grant Creek Trail Project-NWF Open Space Bond Project (City Portion).

Change Order #1 – BCC signed. To contract dated August 23, 2012 between County and A&E Architects for Courthouse Phase 2 renovation. Revisions to first floor annex and change out of CFL lights to LED in amount of \$69,775.86 for total Contract Sum of \$5,142,259.86. Two originals to Larry Farnes/FM. Reimbursement Resolution No. 2012-210 – JC signed, dated December 18, 2012. Qualifying above expenditure.

Addendum (A9) – BCC signed. To contract between County and A&E Architects for Courthouse Renovation/District Court Mockup Project. Amount/27,710. Originals to C&R and A&E. Reimbursement Resolution No. 2012-211 – JC signed, dated December 18, 2012. Qualifying above expenditure.

Additional discussion item(s): MRTMA Transportation Consortium.

WEDNESDAY, DECEMBER 19, 2012

BCC met in regular session; quorum present. Afternoon: ML/JC attended Retirement Party for Mike Barton.

CAO MEETING

Consent and Subordination Agreement – JC signed. Made in favor of Resources Legacy Fund (Lender) by Missoula County and Five Valleys Land Trust, Inc. (Borrower). Gives lender first priority lien in event of foreclosure. For Rock Creek Confluence, 5VLT land purchase/Open Space Bond Project. Original to Nancy Heil/RI.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated December 17, 2012. Amount/\$4,848.84. To County Auditor.

Additional discussion item(s): 1) Big Sky Trust Fund Category 1 Job Creation Grants; 2) Work Program; 3) CAO update.

PUBLIC MEETING – December 19, 20121. **CALL TO ORDER**

Commissioners Present: Commissioner Jean Curtiss, Commissioner Michele Landquist

Commissioners Absent: Chair Bill Carey

Staff Present: Chief Financial Officer, Andrew Czorny

2. **PLEDGE OF ALLEGIANCE**

3. PUBLIC ANNOUNCEMENTS

None

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4. PUBLIC COMMENT

None

5. ROUTINE ADMINISTRATIVE ACTIONS

Weekly Claims List (\$1,328,899.28)

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the Weekly Claims List in the amount of \$1,328,899.28. Jean Curtiss seconded the motion. The motion carried a vote of 2-0.

6. HEARING

Proposal to Issue Limited Tax General Obligation Bonds (Creamery Building, PHC, Ice Rink) for Interest Rate Savings

a. GO Refunding Bonds, Series 2012

Andrew Czorny gave staff report.

We identified earlier this year an opportunity to refund the General Obligation Bonds for the Detention Center for dollar savings. We've been working towards that since late fall and the amount....it's an interesting situation because the debt actually matures in 2018 but we're still seeing significant savings in refinancing this debt now. We met with the rating agencies on 11/28 and gave them a presentation to see if in fact we could upgrade our rating. Because of all the uncertainties with the fiscal cliff and the national economy they felt that we were stable and had good reserves and financial policies in place, but they weren't able to increase our rating, but they reconfirmed our AA rating our GL Bonds, which was great. As a result we went out and priced the bonds, we had a pricing call on the 12th and then established some perimeters and went out on the 13th for the actual pricing. We look at refunding bonds, if we can have a net present value savings of at least 3%. We found that we received a net present value savings of 8.3% on the \$6,540,000 of outstanding detention center GO debt. This resulted in a net present value dollar savings of near \$588,987, so for the remaining six years of the bonds, we're saving almost \$100,000 a year in debt services and we're not extending the life of the bonds at all. The true interest cost with all fees included was 1.07%, which is the lowest I've ever been involved in issuing. It was a fantastic situation! We will realize those savings beginning next year and that's about a half mil decrease in taxes to the tax payers, so that's a great situation.

I believe we have two Commissioner Actions; the first is to approve the General Obligation Bonds and then I'll go ahead and talk about the LTGO Bonds.

Commissioner Curtiss: So this would show up on the citizen's tax bill next year and it would show up under public safety fund, that's where we'd see the reduction, is that right?

Andrew Czorny: Yes.

Commissioner Landquist: Do I understand you correctly that this won't prolong the life of this bond, it was due to expire in 2018, is that correct?

Andrew Czorny: That's exactly right. We did not extend the debt what-so-ever.

Public Comment

None

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the Resolution relating to \$6,540,000 General Obligation Refunding Bonds, Series 2012; fixing the form and details, making covenants with respect thereto, authorizing the execution and delivery of levying taxes for the payment thereof. Commissioner Curtiss seconded the motion. The motion carried a vote of 2-0.

BOOK 013 PART 0121

b. Limited Tax General Obligation (LTGO) Bonds Series 2012A & LTGO Bonds Series 2012B

Andrew gave staff report.

There are two parts to the LTGO Bond, Series A and Series B. A portion of the series A is a refunding of some existing debt. We found although it's not a large dollar amount the net present value savings were significant enough that we felt it was a good idea to go ahead and do that. There were some 1998 PHC bonds in the amount of \$200,000 where we saw a net present value savings of 13.65% and a dollar savings of \$23,031. The true interest cost on that was 1.58%, that's because it's an average life of 3.186 years. The second portion to be refunded was the Missoula Area Hockey Association debt that we had issued in 2004 for \$605,000 outstanding. We saw a net present value savings of 11.51%, for a dollar savings of \$82,588. The true interest cost there was 1.88%. In total the dollar savings was \$105,619, with a true interest cost of 1.84%. The average life of the bond is 5.9 years. In addition, we had within this issuance a new money portion for the completion of the PHC Creamery Building \$400,000, because it's a new money piece it's a 20 year issuance so it went out to 2032 but still a very, very favorable rate 2.48%. And then we had \$1,615,000 of new money to reimburse the County for cost incurred in building the secure storage warehouse out at the Detention Center, the new Records Center on Ernest and the improvements to the County Admin Building. The overall true interest costs for all of these issuances combined was 2.48%, it's a very aggressive, very good rate especially over a 20 year period. The rates couldn't be better right now. We're very happy with the outcome.

Commissioner Curtiss: Andrew, I think it's easy for people to understand when you refund or refinance you get a lower rate. These other projects we paid for with cash, so could you explain the rational of when interest rates were low, why it makes sense to borrow the money and put it back in the pot to do more work.

Commissioner Landquist: It's kind of like reimbursing ourselves, isn't it?

Andrew Czorny: Yes. We in fact paid cash for these improvements. When interest rates are this low it makes sense to pay over the life of the assets; matching the asset life to the debt.

Commissioner Curtiss: Then it gives us the cash to be able to invest in other projects.

Andrew Czorny: Absolutely.

Public Comment - None

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the attached "Resolution Relating to \$1,255,000 Limited Tax General Obligation and Refunding Bonds, Series 2012A and \$1,615,000 Limited Tax General Obligation Bonds, series 2012B; Approving the Project; Authorizing the issuance of the Series 2012A Bonds and the Series 2012B Bonds, Determining the Form and Details, Authorizing the Execution and Delivery and Making Appropriations for Payment Thereof."

7. OTHER BUSINESS – None.

8. RECESS

There being no further business to come before the Board the Commissioners are in recess at 1:50.

Following Public Meeting, JC signed two (2) Resolutions, dated December 19, 2012, relating to General Obligation Refunding Bonds ("GORB"); showing debt service savings available for the following:

- 1) Resolution No. 2012-208 – Re: \$6,540,000 GORB (for Detention Center), Series 2012. Fixing form and details, making covenants, authorizing execution/delivery/levying taxes for payment thereof. Approx. \$600,000 in reduced debt service through 2018.
- 2) Resolution No. 2012-207 – Re: \$1,255,000 Limited Tax GORB, Series 2012A and \$1,615,000 Limited Tax GORB, Series 2012B. Approving project/authorizing issuance of Bonds, etc. Approx. \$105,619 in NPV debt service for PHC and MAYHA. Also, additional financing of approx. \$2,015,000 in new project costs and/or reimbursements for County and PHC over a 20-year period.

THURSDAY, DECEMBER 20, 2012

BCC met in regular session; quorum present. Afternoon: ML/JC attended Retirement Party for Philip Maechling.

ADMINISTRATIVE MEETING

Collective Bargaining Agreement – BCC signed, dated November 15, 2012. 2012-2014 agreement between Missoula County and Teamsters, IUOE and IAM bargaining units. Three originals to HR.

Collective Bargaining Agreement – BCC signed [not dated]. 2012-2014 agreement between Missoula County and the Federation of Missoula County Employees. Two originals to HR.

Agreement – BCC signed December 20, 2012. Between County and Sapphire Resource Connection, Inc. for provision of core employee assistance program services. Amount/\$100 per clinical hours, and per Exhibit A for ancillary services. [Not more than \$16,000 authorized in FY2013 budget]. Term/January 1, 2013 – June 30, 2013. Originals to C&R and HR.

Resolution No. 2012-209 – BCC signed, dated December 20, 2012. Approving Tax Compliance Procedures relating to Tax-Exempt Bonds (to assist County in preserving tax-exempt status of bonds previously issued and to be issued to maintain eligibility to issue additional tax-exempt bonds in the future.

Contract – BCC signed, dated December 20, 2012. Between County and Patrick O'Herren for appointment to serve as Chief Planning Officer. Amount/\$104,062 plus fringe. Term/September 16, 2012 – December 31, 2014. One original to C&R; one to Pat O'Herren.

Agreement/Note – BCC approved County's Program Income CDBG RLF Loan Agreement & Promissory Note (with Trust Indenture) for Homeward's purchase/rehabilitation of property at 1805 Phillips Street. Amount/\$80,000. [Sr. County Attorney Dori Brownlow will provide original for BCC signature at a later date].

Memorandum – BCC signed Memo, dated December 20, 2012 to Richard Buley, Attorney for Detention Officers Association of Missoula County, in response to his grievance on behalf of a County Detention Officer. BCC denied grievance and supports Sheriff Ibsen's termination letter.

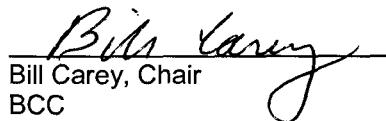
Additional discussion item(s)

FRIDAY, DECEMBER 21, 2012

BCC did not meet in regular session; all Commissioners out of the office all day.



Vickie M. Zeier
Clerk & Recorder



Bill Carey, Chair
BCC

MONDAY, DECEMBER 24, 2012

BCC did not meet in regular session; all Commissioners out of the office all day.

Planning Status Meeting – CANCELED

Rural Initiatives Update – CANCELED

TUESDAY, DECEMBER 25, 2012

COURTHOUSE AND ADMIN BUILDING CLOSED FOR THE CHRISTMAS DAY HOLIDAY

WEDNESDAY, DECEMBER 26, 2012

BCC met in regular session; quorum present. BC ill/out of office through end of year.

CAO MEETING

Resolution No. 2012-213 – BCC signed, dated December 26, 2012. Authorizing submittal of an application to the MT Dept. of Commerce for a Big Sky Trust Fund (BSTF) Category 1 Job Creation Grant on behalf of Alcom, LLC. (an aluminum trailer manufacturer). BREDD is preparing application.

Resolution No. 2012-214 – BCC signed, dated December 26, 2012. Authorizing submittal of an application to the MT Dept. of Commerce for a Big Sky Trust Fund (BSTF) Category 1 Job Creation Grant on behalf of Missoula Recovery Center (16 bed inpatient addiction treatment center). BREDD is preparing application.

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Commissioner Action – BCC appointed Michele Landquist as Chair of the Board of County Commissioners for Calendar Year 2013.

Contract – BCC signed, dated October 31, 2012. Between City-County Health Dept. and The Computer Gal for the development of *Let's Move! Missoula* website (to help with efforts in childhood obesity prevention). Amount/\$1,500. Term/December 13, 2012 – January 30, 2013. One original to C&R; one to Mary McCourt/MCCHD.

Letter – BCC signed, dated December 26, 2012. To Jim Morton/Human Resource Development Council, Missoula, in support of Aspen Place's application to the MT Board of Housing for Low Income Housing Tax Credits. Aspen Place is ideally located for seniors; it will also be the first Senior Tax Credit project construction in the County since 2002.

Letter – BCC signed, dated December 26, 2012. To Clark Fork Apartments ("CFA"), East Missoula, in support of CFA's application for State Tax Credits. The 40 units will be an asset to the community and help supply a need to families at or below 60% of the area median income.

Additional discussion item(s): None.

NO PUBLIC MEETING HELD THIS DATE

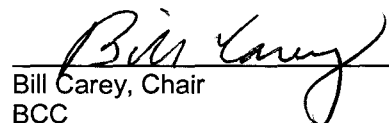
THURSDAY, DECEMBER 27, 2012

BCC did not meet in regular session; all Commissioners out of office all day.

FRIDAY, DECEMBER 28, 2012

BCC did not meet in regular session; all Commissioners out of office all day.


Vickie M. Zeier
Clerk & Recorder


Bill Carey, Chair
BCC

MONDAY, DECEMBER 31, 2012

BCC did not meet in regular session; all Commissioners out of office all day.

Planning Status Meeting – CANCELED

Rural Initiatives Update – CANCELED

MISSOULA COUNTY COMMISSIONERS' JOURNAL: JANUARY, 2013

BCC = BOARD OF COUNTY COMMISSIONERS

ML = Commissioner Michele Landquist, Chair

JC = Commissioner Jean Curtiss

BC = Commissioner Bill Carey

The following Claims Lists were signed during the month of JANUARY 2013:

Date Signed	Claims List Date	Who signed	Amount
January 2, 2013	December 20, 2012	JC, ML	\$16,422.98
January 2, 2013	December 27, 2012	JC, ML	\$34,561.40
			\$11,798.16
			\$1,390.00
			\$3,965.10
			\$489.30
			\$396.40
			\$34,241.32
January 2, 2013	December 31, 2012	JC, ML	\$2,363.71
			\$2,821.79
			\$547.29
January 2, 2013	January 2, 2013	JC, ML	\$911.09
			\$18,191.01
			\$2,218.97
			\$1,742.87
			\$2,748.71
			\$143,135.00
			\$23,687.98
			\$18,251.18
			\$32,036.44
January 3, 2013	January 3, 2012	JC, ML	\$5,467.97
January 7, 2013	January 3, 2013	BCC	\$109.23
January 7, 2013	January 4, 2013	BCC	\$65,827.15
			\$138,933.88
January 8, 2013	January 3, 2013	JC, BC	\$7,429.45
			\$6,551.62
January 8, 2013	January 7, 2013	JC, BC	\$39,135.96
			\$3,000.00
			\$1,434.71
			\$21,286.43
			\$54,102.90
January 4, 2013	PHC Amerisource ACH		\$46.02
January 9, 2013	January 7, 2013	BCC	\$3,208.21
			\$5,884.87
			\$734.00
January 9, 2013	January 8, 2013	BCC	\$4,203.15
			\$3,067.80
			\$10,307.00
January 10, 2013	January 7, 2013	BCC	\$4,640.42
January 10, 2013	January 8, 2013	BCC	\$47,646.45
			\$5,305.53
			\$7,193.48
			\$5,046.05
			\$83,186.94

January 10, 2013	January 9, 2013	BCC	\$1,113.97
			\$4,263.17
			\$3,746.00
			\$521.60
			\$6,733.38
			\$6,972.29
			\$21,383.88
			\$6,606.31
			\$2,909.50
			\$1,951.17
January 11, 2013	January 9, 2013	BCC	\$250.76
			\$1,316.38
January 11, 2013	January 10, 2013	BCC	\$998.19
			\$7,580.01
			\$150.00
			\$334.49
			\$10,092.83
			\$1,206.48
			\$15,650.39
			\$5,159.30
January 15, 2013	January 11, 2013	ML, JC	\$3,948.80
January 15, 2013	January 14, 2013	ML, JC	\$157.50
			\$98,787.50
			\$4,309.91
			\$5,847.00
			\$37,817.13
			\$2,246.00
January 16, 2013	January 10, 2013	ML, JC	\$672.69
January 16, 2013	January 14, 2013	ML, JC	\$15,579.18
			\$14,372.65
			\$3,595.37
			\$10,341.61
January 16, 2013	January 15, 2013	ML, JC	\$903,678.22
			\$2,032.23
			\$2,286.31
			\$1,784.29
			\$587.94
			\$7,201.48
			\$103,787.00
			\$343.50
			\$4,266.06
			\$250.00
			\$910.37
January 16, 2013	January 16, 2013	ML, JC	\$977.63
			\$18,158.39
			\$1,523.64
January 17, 2013	January 16, 2013	ML, JC	\$77,383.48
			\$345.41
			\$1,200.00
			\$11,467.47
			\$5,126.35
			\$2,868.78
			\$275.00
			\$187.79
			\$1,967.80

January 17, 2013	January 17, 2013	ML, JC	\$19,931.88
			\$3,378.00
			\$630,069.51
			\$73.36
			\$5,776.80
			\$250.00
			\$3,010.25
			\$19,604.36
			\$97.78
January 10, 2013	PHC Cardinal Health ACH		\$32,104.38
January 10, 2013	PHC Cardinal Health ACH		\$75,706.50
January 11, 2013	PHC Amerisource ACH		\$27.13
January 23, 2013	January 15, 2013	BCC	\$116.02
January 23, 2013	January 22, 2013	BCC	\$2,003.36
			\$360.30
			\$14,812.89
			\$50,074.38
			\$4,115.63
			\$16,932.83
			\$10,447.67
			\$669.95
			\$5,398.47
January 23, 2013	January 23, 2013	BCC	\$28,410.40
			\$9,971.41
January 24, 2013	January 23, 2013	BCC	\$670.74
			\$457.08
			\$3,524.70
			\$209.58
			\$99.95
			\$941.25
			\$2,756.61
			\$221.68
January 25, 2013	January 14, 2013	ML, BC	\$665.90
January 25, 2013	January 24, 2013	ML, BC	\$27,649.40
			\$31,402.32
			\$248.03
			\$10,085.97
			\$290.00
			\$4,068.76
			\$13,188.49
January 29, 2013	January 28, 2013	BCC	\$98,005.58
January 29, 2013	January 24, 2013	BCC	\$3,188.38
January 29, 2013	January 29, 2013	BCC	\$138,668.21
			\$4,583.52
			\$7,075.26
			\$1,905.00
			\$2,481.90
			\$2,207.53
			\$4,250.52
January 25, 2013	PHC Cardinal Health ACH		\$39,449.63
January 25, 2013	PHC Cardinal Health ACH		\$43,579.09
January 25, 2013	PHC Amerisource ACH		\$450.98

January 31, 2013	January 30, 2013	BCC	\$10,335.61
			\$9,250.22
			\$15,381.53
			\$2,443.44
			\$3,588.38
			\$324.87
			\$5,816.94
			\$1,186.50
			\$1,345.00
			\$29,887.89
January 31, 2013	January 30, 2013	ML, JC	\$10,341.11
			\$29,020.30
			\$10,942.73
			\$269.36
			\$81.84
January 31, 2013	January 23, 2013	ML, JC	\$110.20
January 31, 2013	January 31, 2013	ML, JC	\$22,076.20
			\$392.13
			\$729.21
			\$4,741.91
			\$6,456.73
			\$75.00
			\$190.97

All Claims Lists were returned to the Accounting Department.

TUESDAY, JANUARY 1, 2013

COURTHOUSE AND ADMIN BUILDING CLOSED FOR NEW YEAR'S DAY HOLIDAY

WEDNESDAY, JANUARY 2, 2013

BCC met in regular session; quorum present. BC out of office all day.

Replacement Warrant - ML signed. A-CORE, Idaho Falls, ID, Principal for Facilities Warrant #30231740, issued November 29, 2012 on County 1000 Fund. Amount/\$250 (for saw). Not received in mail. No bond of indemnity required.

CAO MEETING

Contract - BCC signed, dated November 9, 2012. Between County and UofM Psychology Department to place student at PHC to conduct mental health intakes/problem focused therapy/referrals. Amount/\$8,232. Term/August 1, 2012-May 31, 2013. Originals to C&R and PHC.

Contract - BCC signed. DJ&A #6078.01 between County and DJ&A, P.C. to finish feasibility study to connect Highway 93 bicycle/pedestrian trail network for portion of Lolo to Hamilton (extension of Missoula to Lolo Trail). Amount/\$9,582 (\$2,000 from City Parks Dept. and rest from Road/Bridge funds). Two originals to Greg Robertson/Public Works for further signatures/handling.

Contract - BCC approved/signed. FY13 Extensions Budget Agreement between County and Montana State University to show budget commitment to positions shared with MSU Extension Service. Amount/\$536,462. Term/August 1, 2012-June 30, 2013. Three originals to Jerry Marks/Extension Office.

Letter - BCC signed, dated January 2, 2013. To Bud Moran/Chair, Confederated Salish and Kootenai Tribes of the Flathead Reservation, Pablo, MT, requesting his comments re: any possible impacts of concern to the CS&KT (cultural or historic resources) stemming from a federally-supported project in Missoula County. Missoula Youth Homes has approval for a MT CDBG of \$450,000 from MT DOC which will partially fund the new Tom Roy Youth Guidance Home where troubled youth can temporarily live. CS&KT to recommend within 30 days if archeological/historical/architectural inventory for project area is needed.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated December 29, 2012. Amount/\$1,030. To County Auditor.

Additional discussion item(s): None.

NO PUBLIC MEETING HELD THIS DATE

THURSDAY, JANUARY 3, 2013

BCC met in regular session; quorum present. BC out of office all day.

ADMINISTRATIVE MEETING – No Agenda items.

Discussion item only: CAO update.

FRIDAY, JANUARY 4, 2013

BCC met in regular session; all three present.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, JANUARY 7, 2013

BCC met in regular session; all three present.

Indemnity Bond – ML signed. Wingate Inn, Missoula, Principal for MCPS A/P Warrant #27247504, issued May 2, 2012 on Misc. Federal Fund. Amount/\$400 (Meeting room rental). Warrant lost.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Water's Edge Phasing Plan Amendment (*info only*); 4) Parks and Trails Program update; 5) Director's update.

Certification Documents – ML signed two (2) US HUD Disclosure/Update Reports for YWCA of Missoula's 1) Continuum of Care/Supportive Housing, in amount of \$100,201; and 2) SHARE House in amount of \$147,498. Other Government Assistance provided for Continuum of Care/Supporting Housing from OVAW Federal Grant in amount of \$249,969 over three years. Documents to Melissa Gordon.

TUESDAY, JANUARY 8, 2013

BCC did not meet in regular session. BCC traveled to Helena for Legislative Luncheon

Monthly Report - ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending December 2012.

Monthly Report – ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending December 2012.

Monthly Report - ML examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending December 2012.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 26/CY2012 - Pay Date/December 28, 2012. Total Payroll/\$1,308,928.53. To County Auditor.

ADMINISTRATIVE MEETING – CANCELED

WEDNESDAY, JANUARY 9, 2013

BCC met in regular session; all three present.

CAO MEETING

Task Order – ML signed. #13-07-3-01-083-0 Amendment One between MCCHD and MT DPHHS (for County and MT Cardiovascular Disease & Diabetes Prevention Program) to assure services provided to patients enrolled in Medicaid. For period January 1 – June 30, 2013. Amount/\$28,000. Originals to Julie Mohr/MCCHD for further processing.

Contract – BCC signed. Between County and Mineral County to ensure Rural Domestic Violence grant goals are met for period October 1, 2012-September 30, 2015. Amount/\$75,563 (total grant amount/\$500,000). Funds staff positions and supports program activities/partnerships with IPV service providers. Original to C&R; copies to OPG.

Change Order #2 – ML signed. To contract between County and Resource Data, Inc. to get Enterprise GIS set up and working at County. The only change is extending end date of contract from December 30, 2012 to June 30, 2013. No fiscal impact. Original to Jim Dolezal/Technology.

Agreement – ML signed. Cooperative Law Enforcement 2013 Annual Operating Plan & Financial Plan between County (Sheriff's Department) and USDA, Forest Service (Lolo National Forest) for term January 8-December 31, 2013. Amount/\$21,000. Two originals to Dave Ball/Sheriff Dept. for further handling.

Contract – BCC signed. Between County (PHC) and Sirius Construction and MMW Architects for Phase IV construction at PHC Creamery Building. Term/January (date of agreement execution – June 2013 (estimated)). Amount/\$4,855,304. Originals to C&R and Andrea Laine/PHC for further handling.

Contract – ML signed. Between County (PHC) and Lewis and Clark City-County Health Department for PHC's local case management assistance to Ryan White Part C Early Intervention Service clients. Term/April 1, 2012-March 31, 2013. Amount/\$3,000. Originals to C&R and Andrea Laine/PHC.

Letter – BCC signed, dated January 8, 2013. To Julie Burk/Consolidated Plan Coordinator/MT DOC, Helena, commenting on the State's Consolidated 2013 Annual Action Plan. BCC is pleased with broadened use of CDBG funds between entitlement and non-entitlement communities, and offered minor changes to the Plan.

Additional discussion item(s): Wayfinding discussion with Barb Martens.

PUBLIC MEETING – January 9, 2013

1. CALL TO ORDER

Commissioners Present: Commissioner (Chair) Michele Landquist, Commissioner Jean Curtiss, Commissioner Bill Carey

Staff Present: James McCubbin, Deputy County Attorney, Greg Robertson, Director Public Works, Steve Smith, Surveyor, Kim Cox, Clerk of Recorder

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

Missoula Aging Services needs volunteers to help deliver meals or work as foster grandparents/senior companions; you need to be 55 or older.

4. PUBLIC COMMENT

Tim Mooney: December 29th there was an article in the Missoulian regarding an underage drinking party in Huson. I'm concerned about all parties not receiving tickets ~ 40 plus teenagers at this party and only 4 kids received tickets, the rest walked away. I can't believe that the Sheriff's Department didn't give all kids with a drink a ticket. Why hasn't anyone said anything about this? If the teenager has alcohol on their breath why are they allowed to leave? I'm the only one in the community that seems to be outraged by this...why?

Chair Landquist: I'm glad you brought this up again; I'm also concerned about the drug & alcohol abuse in our community. You can bet I will follow-up on this with the Sheriff's Dept.

Tim Mooney: We spend a lot of money on this and yet we allow the kids to walk away. The High School has a zero tolerance policy to alcohol and then allow all these kids to drive to Huson. Imagine if one of those kids killed somebody after leaving that party, after being checked to see if they were impaired. I think the Officer on-site should be suspended for a week without pay ~ to have a consequence for this.

Chair Landquist: I will follow-up on this. Tim, please leave me your contact information.

5. ROUTINE ADMINISTRATIVE ACTIONS

Weekly Claims List (\$1,456,823.09)

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners approve the weekly Claims List in the amount of \$1,456,823.09. Commissioner Carey second the motion. The motion carried a vote of 3-0.

6. HEARINGS

a. Petition to Alter (Relocate) Utility Easement – West End of Industrial Parks I & II (postponed from November 28, 2012)

Commissioner Curtiss: The reason we had delayed this is because not all of the utility companies had signed a release, we now have one from all. There was a question on the one because the person at Blackfoot Telephone that signed, from their engineering department was also a notary, so I did call today and they did send a new release form. I think we're okay. We have a fax and they will mail the original.

James McCubbin: Normally I'd recommend that you wait until you actually have all the waivers but I think because you have the fax you can approve it contingent upon receiving the original.

Public Comment

None

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioner approve the petition of the West End Industrial Parks I & II to relocate the Utility Easement, contingent upon receiving the originals. Commissioner Carey second the motion. The motion carried a vote of 3-0.

b. Petition to Abandon a Portion of Old Lolo Creek Trail

Steve Smith read petition. The petition is to abandon a portion of a public road on the petition described as the Old Lolo Creek Trail and also depicted on an accompanying map as being located in the SE ¼ of Section 35, Township 12N, Range 21W. The segment effects the portion or a good half of the north boundary of Lot 10 in Lolo View Acres and goes through the west boundary of parcel 1A of COS 5954.

Kim Cox: I did verify that the necessary signatures are there.

Roy Van Ostrand: Also on Lot 6. My brother owns a 49 acre piece where you see on the map, it's specific to the cabins where Hwy 12 comes up on the corner (on this map) and basically goes clear up to what he described as the petition piece. We, as well, have supported the idea of abandoning the road, particular because everything else on Lolo Creek has been abandoned, with the exception of this, I believe. We're concerned about some of the interest of Plum Creek wanting to subdivide and that sort of thing. I'm not sure why Dave isn't here. Some of that that I see looks like it's sectioned out ~ the county has actually surveyed in a small portion for Dave Trusty to purchase from Plum Creek or is that to purchase from the County?

Chair Landquist: Dave Trusty did...actually, the history behind this is that Dave Trusty did try to abandoned some of this a year or so ago, that's when he found out that that road...that he was actually encroaching on the road and he couldn't abandon it because it was owned by Plum Creek. Dave then had it surveyed and met with Plum Creek and purchased a portion of that for the purchase of being able to abandon it because as you know the area as well, part of this is where his parking area is and some of his storage buildings and storage items for his excavation business. He was able to craft a deal...a purchase agreement with Plum Creek, if you have a copy of Exhibit A, these hash lines, the reason that full abandonment request is not going all the way to the edge of his lot 5 is because that's a flat area once you're up on there and that's to allow Plum Creek access from Hwy 12 up through your area to that property that they own.

Roy Van Ostrand: If in fact it's a County road, does it actually belong to the County, the right-of-way or do they just have the right-of-way through the property?

James McCubbin: The latter. It's just an easement.

Roy Van Ostrand: Okay. So on page 24 it says...I apologize because I had about 5 minutes to educate myself on this. My father Roy Van Ostrand, as well, tried to do this on April 15, 1992 ~ looks like these are the minutes from that meeting. I actually met with Steve Niday, he was up there and I got some specifics from him as to where the location of the property that I own is up there and he depicted it as to the center of the road. He wrote me an email and I can certainly give you a copy of that. Basically his first impression of this...to resolve this; I would own to the center of the road and Plum Creek would own the north side of the Road, if you want to call that. He had a secondary conclusion and his third was less likely; was that the County owned the road and that if you look at the map (he made me a map), but if you look I actually have a water hydrant that's on the verge of being 10 feet from the center of the road, so he wasn't exactly sure who owned the road. My main concern is that I'd like to see it resolved but I guess at the end of day, if the majority of the old trail, if you will, has been abandoned I'm not...through the Lolo Ranch to the Bruce Duffalo's to all these other existing neighbors on that path, why wouldn't it be this as well? That's my thought.

Chair Landquist: Back to the old minutes that you referenced about the abandonment that your father and Dave I think was in on that, at that time too, trying to abandon it, it was approved and then it rescinded because at the time Champion International owned that and Champion wasn't contacted and when the County found that out, it was prior to any of us being here, but reading those old minutes they had to rescind the approval and it's laid dormant ever since. Now Plum Creek owns it, they acquired it from Champion.

Roy Van Ostrand: Where does it lay now? If I was to request this, where these hash marks are from that point South towards the Hwy, would we have to go through this same thing again?

Chair Landquist: You'd have to follow the same procedures that Dave Trusty has followed; get the application for the abandonment, have all of your contiguous neighbors sign-off on it, including Plum Creek, then bring it back to the Surveyors Office and Kim Cox so they can verify the signatures, then put it here for Public Hearing.

Just so you know, we won't make any decision on that today because what we have to do next is, if there's any other public comment and we do have had some written comments we need to enter in the record, then we have to set a site visit for that and anybody that wants to join in on that site visit can at that time. We'll try to set that date as close as possible to our next public meeting. Then we'll make the decision at our next public meeting after we have our viewer's report done.

Roy Van Ostrand: So is the written comment that you have, is that available for us to read?

Chair Landquist: You sure can, I'll make sure you get a copy of that.

Commissioner Curtiss: James, could you please clarify; I believe if someone partitions to abandon a portion of the road and one of the folks that uses that road to access their property says no, it's dead right? Which is why we have to have concessions for Plum Creek, if that's what they want.

James McCubbin: Right. If you are looking to try to abandon the rest of it, you would basically have to have Plum Creek's consent to do so. It's really the place to start.

Roy Van Ostrand: Right. Thank you.

Sandy Boehmler: Private land owner with county easements and county deeds for roads across my property and I understand all of the complexities because we deal with that. I'm very concerned about continued abandonment of the Lolo Trail. We have a wagon road on our property that dates back to the 1860's, as a family we steward that. I try to protect that to preserve that history, I'm for doing whatever holds that record of the trail being in that place into the future that wouldn't allowed for further construction in the easement. Especially with the Lolo Trail, it's not just the Lolo Trail for the Salish, it's the road to the fish for the Nez Perez, it's the road to the buffalo and I think that history is really, really important to preserve for all of the people that live here in perpetuity. That's the connection to the land and the value of that I think is important to take into consideration in this process. I just wanted to speak for keeping our history alive in this area and this is a very significant trail and road that's part of our history.

Corey Van Ostrand: I own the 50 acres from Hwy 12 through. I have a deed from 1969 that says... 'old abandoned county road' so I don't understand why this from '69 that says 'old abandoned county road' as well as on this map which is essentially the same map that you have, also lists 'old abandoned county road', which is basically right through the 50 acres. There are remnants of cabins from mining days. Our little girl will be playing in that road come spring, it's literally right out the front door. The actual road is below the bank, the current road that's standing is actually an after the fact road from the original Lolo Trail.

The road that's in question really isn't a road, technically speaking.

Chair Landquist: By calling it the old abandoned county road, it makes it seem like it's already abandoned doesn't Corey?

Corey Van Ostrand: It does, yes. The hillside is steep; we own well over half way up it clear all the way to where Dave Trusty is at. Everything is inside our property as far as that road is concerned. Certainly don't want a freeway up there; I'd like to keep it private.

Chair Landquist: Dave was also arguing with me about the fact that...why should he go through this process because it should have already been abandoned and he thought it was. He's been going through these hoops and the records are showing it's not actually abandoned. I think the reason why it was being called abandoned is because Hwy 12 got built when they straightened the creek out and they paved and created the official Hwy 12 Highway, that's how it was a name only it never really got recorded as abandoned and feel free there's a Surveyor and a Public Works guy and a lawyer here to set me straight. So it was in language only but not in legal terms or legal process was it actually official abandoned. That's my understanding.

Corey Van Ostrand: As far as getting that road abandoned, what's my first step?

Chair Landquist: Your first step is to go to the Surveyor's Office and get the appropriate application for that. Or you can go online to get it too.

James McCubbin: I think your practical first step is to talk to Plum Creek. Not much point in doing anything the petition if they won't agree to it.

Corey Van Ostrand: Where's the legal proof that Plum Creek has the right-of-way on it?

Commissioner Curtiss: Because it's a County easement and that means the public has it and they're part of the public.

Corey Van Ostrand: Would it be feasible (Plum Creek) to subdivide that canyon up there?

Commissioner Curtiss: Yes.

Corey Van Ostrand: And let cars run right through my front door.

Commissioner Curtiss: Yes

Corey Van Ostrand: Is there a limit to how many gates a guy can put up?

Commissioner Curtiss: You can't put any on a public road.

Corey Van Ostrand: So whenever 'Joe Bob' the gun shooter comes up to go shooting, how much of my property can he trample over without me running him off?

Commissioner Curtiss: Only the right-of-way.

Corey Van Ostrand: Which is from the center of the road how far?

Commissioner Curtiss: 10 feet on your side.

Corey Van Ostrand: 10 feet from the center of the road basically and that depends on if we're going with the original road that's down by the creek or if we're going with an after-the-fact road that's on the bench.

Commissioner Curtiss: And that might be what we discover when we get out there because Steve Niday is very familiar with it and he's excellent at locating these is that the right-of-way doesn't even exist where the road does.

Corey Van Ostrand: What do you do in that case?

Commissioner Curtiss: We can move the right-of-way to where the road exists.

Chair Landquist: I think Greg Robertson has some suggestions that he mentioned to me earlier. Greg would you care to tell us what's on your mind regarding the hic-ups that we're running into on this?

Greg Robertson: This isn't the first time we've dealt with abandonment and just as a matter of clarification, just because a deed shows or makes reference to an abandoned county road right-of-way, does not necessarily translate into it, unless official action is taken by a Board of County Commissioners and entered into the record. That's how an abandonment happens and until that happens it's still of record regardless of what deed transaction have happened in the past or occur in the future.

Commissioner Curtiss: That's why we have our surveyors look at deeds now before they're recorded so that we can try to catch those things.

Greg Robertson: In terms of the correspondence that you received, you received two; one from the Shipo as well as one from the Nez Perez Tribe regarding the trail. This issue has come up before although we haven't had a whole lot of discussion but not that it's on the table I think it's probably warranted that we follow through with the tribes and actually involve them in a discussion trying to map their claim of the historic trail vs. our Book One rights-of-way, so that in the future we have at least some guidance on how to proceed with these things, as they come up. My recommendation is to continue the hearing allow time for Steve Smith and myself to make contact with the tribes, as well as the Shipo and see if we can actually develop a GIS base map of the Book One right-of-ways vs. what is claimed by the resource agencies as to the disposition of the historic trail, obviously there's a dispute here and it would be good to see if we could get that map so that this issue when it comes up again, and it will, we have some basis for making a then informed decision.

Commissioner Curtiss: So did they...the Historic Lolo Trail is that one of the things listed in Book One ~ we call it Book One because that's what it says on it, it the real old books showing surveys and roads in Western Montana. Does Book One refer to it...does it become a road right-of-way?

Greg Robertson: It depends. A lot of the old wagon trail roads followed historic trails and they just gravitated towards that, I don't know that to be fact, I've seen that in other parts of Missoula County and some of the abandonments we've dealt with but in this specific case I couldn't tell you. I think in order to answer that question we need to have dialogue with the Nez Perez to see if we can get their take and their position in more of a map form.

Commissioner Curtiss: And the Salish Kootenai did not comment as of today but I think they used this trail too. So if the Historic Trail or portions of the historic trail were never used for things that had wheels on them, does it still translate in to some sort of road right-of-way or can we just map it as a historic trail?

Greg Robertson: I think unless it's defined as a Book One right-of-way that would be very dubious to try and perfect. It would be good to have the trail map, at least in the Missoula County portion. I don't think it would be that big of a deal to try and at least develop that but engage the Nez Perez, if they have made comment and/or are concerned about it in that discussion and see if we can come up a reasonable map that can be used for decision making purposes in the future.

Chair Landquist: Those are all good questions. Also the Montana Preservation Alliances sent us a letter asking us to defer the decision and allow time for discussion with the interested tribes, so we'll be pursuing that as well and try to include them in the site visit as well.

Greg Robertson: Yes, my recommendation is that we continue the hearing, have the site visit but delay any decision until we've engaged the tribes in a dialogue.

Commissioner Curtiss: Seems we should continue this hearing out a ways so we have adequate time and we don't know what the weather might do. Maybe out to March or something so that we have plenty of time to engage all the folks that want to be.

James McCubbin: I'd recommend that you just go ahead and appoint the viewers but not necessarily set a date. The viewers can then coordinate with the property owners, with the tribes, to set a date that will work for everybody. You can schedule the continuous of this hearing out far enough that there will be some wiggle room.

Commissioner Curtiss: So I'll put this piece of paper out for anyone that's interested in going, please sign the sheet.

Chair Landquist: Jean you are next in line to do the site visit; the Commissioners take turns going out on site visits so its Jeans turn to go on this site visit so she'll be the Commissioner's point person and then someone from the Surveyors Office, Steve Niday has requested to go. I'm assuming that both Roy and Corey Van Ostrand will probably want to be present too.

Roy Van Ostrand: One of my thoughts as I'm listening here, with respect to the tribes, is what properties that the road actually went through, how many sections of that road have been abandoned? And if so, if there is some sort of historical trail or what, if you will, and are they going to go through the Osmond Ranch, are they going to go through that sort of thing? If it's just this little section that's of concern, I think that's kind of ridiculous in the fact that the road went from Lolo 23 miles up the springs. If I could ride my bike through the Lolo Ranch at any time I wanted, I would, I absolutely would. So I think with respect to the land owners that are up there that possibly have an abandoned road in their minds, but it really hasn't been, they also need to be contacted, I'm sure that the ranch would probably throw a red flag as well, that their property is subject to a 60' right-of-way going through there. I'm sure that they should have some comment as well, as well as everybody in that effected area.

Chair Landquist: I think we'll end up finding out more once we take Greg Robertson up on his offer to get that mapped out showing what the historic trail is or was and then we'll be able to look at how much of it has already been officially abandoned. I know that for that Lolo Creek Trail Subdivision right across from me, that trail is still delineated through there. With all due respect to historic entities that want these things preserved, if nobody is going to take care of them, if these entities aren't going to take care of them in perpetuity then it's pretty hard to hold the landowner to that, per say. One just straight forward question, you being one of the contiguous neighbors there, yes or no answer, do you have a problem with the County abandoning that portion that Dave is seeking to abandoned today?

Roy Van Ostrand: No

Sandy Boehlmer: Just to add a little bit of information that maybe is helpful; there's the historic trail and then there's the historic Lolo Hot Springs Road and as the land owners are saying, they're not necessarily in the same place. Perhaps you already know this and I apologize for speaking up if you do; the Forest Service has done a survey of the historic trail to the Salmon Trail to the Buffalo, it was very thorough. I believe it may have been done by Allen Mathews, I've had dinner with, I think it was Allen Mathews, who was contracted by the Forest Service into this huge very detailed, very in depth survey of the native American trail.

Commissioner Curtiss: So the Forest Service should have that research.

Chair Landquist: I do have an email that started out with the Forest Service and it went to those at Travelers Rest State Park regarding this. It came from Margaret at the Lolo Forest Service and I think that she probably has some good information too.

Executive Session

This Hearing will not be closed. Hearing will be continued February 27th. Viewing will be scheduled.

c. Petition to Annex a Parcel of Land into Missoula Rural Fire District (3735 Trail's End Road)

Chris Newman, Missoula Rural Fire District: We've already approved from Missoula Rural Fire District's stand point the annex; I'm just here to answer any questions.

Commissioner Curtiss: It's contiguous to the fire district, it's just never been added in. Is there a home on this?

Chair Landquist: Is that a County maintained road?

Greg Robertson/Commissioner Curtiss: Yes.

Kim Cox: I did verify signature on the petition.

Public Comment

None

Executive Session

Commissioner Carey made motion that the Board of County Commissioners accept the petition received by the Clerk & Records Office to annex the parcel in question, located in Missoula County into the Missoula Rural Fire District. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.

7. OTHER BUSINESS

None

8. RECESS

Being no further business to come before the Board, the Commissioners were in recess at 2:20.

Following Public Meeting, BCC signed Resolution No. 2013-001, dated January 9, 2013. Annexing to the Missoula Rural Fire District a parcel of land located in Missoula County described as 3735 Trails End Road in the SE of NE Section 25, T 12 N, R 20 W, COS 4223 Tract A2, SUID 1581001. Public Hearing held January 9, 2013.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated January 10, 2013:

- 1) Approving request from Wallace Roberts, Missoula, for refund for Tax ID #5818592.
- 2) To James Rykert, Rockford, MI re: his request to refund Seeley Lake Refuse fees for Tax IDs #335700, 335902, 336006, 336108 & 8208036. Fees aren't charged to lots 1-5 as parcels are vacant. Lot 6 has dwelling on property and is being charged. BCC has no legal authority to grant a refund.
- 3) To Debora Poteet, Missoula, re: her request for refund for #90412785. Her letter re: office trailer will be referred to DOR for their review/follow-up; decision will be made at meeting with BCC on February 13th.
- 4) Denying request from Tina Paventy, Greenacres, WA, for refund of motor vehicle taxes/fees paid by her aunt for Vehicle #2878449. Dept., of Justice MV Policy does not allow BCC to do so.
- 5) Denying request from Joanne Long, Missoula, for refund of motor vehicle taxes/fees paid for Vehicle #2GCEK19J371537249. Dept., of Justice MV Policy does not allow BCC to do so.
- 6) To Jerome Belrose, Seeley Lake, re: his request for refund for Tax IDs #1964703 & 3805500 (paid delinquent). Legislature has denied BCC all discretion in this area.
- 7) Approving request from Laurie Stalling, Missoula, to refund motor vehicle taxes/fees paid in error for vehicle #2123346. Vehicle sold.
- 8) Approving request from Linda Moulton, Missoula, to refund motor vehicle taxes/fees paid in error for vehicle #1761433.
- 9) Approving request from Central Street Ventures/Robert Lindner, Missoula, for refund for Tax IDs #689751, 643204 & 643108.
- 10) To The Roosevelt LLC/Ray Johnson, Missoula, re: his request for refund of penalty/interest for Tax ID #534004. Legislature has denied BCC all discretion in this area.
- 11) Denying request from Pat Lawson, Missoula, for refund of motor vehicle taxes/fees paid for Vehicle #917310. Dept., of Justice MV Policy does not allow BCC to do so.
- 12) Denying request from Harry Ray, Jr./Debra Mathson, for refund of penalty/interest for Tax ID #1910306. Legislature has denied BCC all discretion in this area.
- 13) Approving request from Leon/Kimberly Chamber, Missoula, to refund City taxes billed in error for Tax ID #3932702.
- 14) Approving request from ELM Locating & Utility Svs/Kelli DeChaney, Peoria, IL, for refund of motor vehicle taxes/fees paid for Vehicle #2449210 (contingent on proof vehicle was totaled and provision of original tabs).

THURSDAY, JANUARY 10, 2013

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Board Appointment – BCC appointed Andy Hayes to fulfill an unexpired long-vacant term on the Evano-Finley O'Keefe Community Council. Mr. Hayes' term will run until the May 2015 Special District Election, at which time he is required to file for election to the position.

Contract Renewal – ML signed. Between County and Dr. David Christiansen to serve as Medical Advisor at MCCHD. He will provide consultations/chart reviews, as well as physician liaison with the medical community. Amount/\$8,720 per year). Term/July 1, 2012–June 30, 2014. Originals to Julie/MCCHD.

Task Order – ML signed. #13-07-4-31-130-0 between MCCHD and MT DPHHS (for Immunization Program). Continuation funding for period January 1, 2013–December 31, 2013. Amount/\$37,120. Originals to Julie Mohr/MCCHD for further processing.

Contract – ML signed. #1302SPTG0058 between MCCHD and MT DPHHS Early Childhood Services Bureau for Best Beginnings STARS to Quality Program (provides RN consultant/coordinator). Continuation funding for period October 1, 2012–September 30, 2013. Amount/\$51,821. Originals to Julie Mohr/MCCHD for further processing.

Agreement – BCC signed, dated January 10, 2013. Between MCCHD and Virginia Tribe, Professional Facilitator, Inc., to provide facilitator services to Missoula Best Beginnings Council. Amount/\$5,000 from MIECHV ID grant funds). Term/January 3, 2013–September 29, 2013. Originals to Julie/MCCHD.

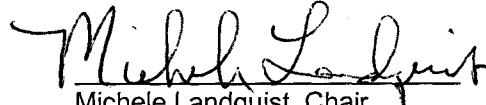
Agreement – with MDT for Assistance in Development of a Community Transportation Safety Plan (moved to sign once signature page corrected). [See January 22nd Journal entry].

Additional discussion item(s): None.

FRIDAY, JANUARY 11, 2013

BCC met in regular session; quorum present. ML out of office all day.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, JANUARY 14, 2013

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Water's Edge Phasing Plan Amendment (*action*); 4) Open Space Bond Project update; 5) Parks and Trails Program update; 6) Floodplain Mapping update; 7) Director's update.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 01/CY2013 - Pay Date/January 11, 2013. Total Payroll/\$1,339,119.01. To County Auditor.

Letter – BCC signed, dated January 11, 2013, to Dick Ainsworth, Water's Edge Properties, LLP, approving phasing plan amendment for Water's Edge PUD Subdivision. Final plat submittal deadlines are extended for Phase 2 to February 28, 2017 and for Phase 3 to February 28, 2020.

TUESDAY, JANUARY 15, 2013

BCC met in regular session; all three present. Evening: JC attended Forum for Children/Youth's community Conversation Series *Prescription Drug Safety Awareness & Abuse*, held at UofM UC.

ADMINISTRATIVE MEETING

Contract Renewal – BCC signed, dated January 9, 2013. Between County and 168tickets for continued provision of box office ticketing for the fairgrounds. Amount/\$6,800 (in 4 installments). Term/October 1, 2012 – September 30, 2013. Originals to C&R and Steve Earle/Fair.

Request – BCC authorized Steve Earle to represent County in signing the Smart Growth America ("SGA") Memo of Understanding. SGA will perform a technical assistance workshop funded by an EPA Building Blocks Grant for Sustainable Communities (which aids the fairgrounds and County. Term/January 15, 2013-June 1, 2013.

Request – BCC approved Office of Planning and Grant's request to designate the former Grants division of OPG as the "Department of Grants and Community Programs." Name change is needed in response to recent City-County separation of OPG. Original to Cindy Wulfekuhle/OPG.

Board Appointments – BCC appointed following:

- 1) Greenough-Potomac Fire Service Area Board of Trustees: Dale Hinkle to fill an unexpired term until May 2013 Special District Election is held; and
- 2) Open Lands Citizen Advisory Committee: a) Addrien Marx to represent Seeley Lake area and fill unexpired term to 12/31/13 (at which time she'll be eligible for reappointment to a new 3-year term to 2016; and b) Caryn Miske to represent Frenchtown area for new 3-year term to 12/31/15.

Additional discussion item(s): None.

WEDNESDAY, JANUARY 16, 2013

BCC met in regular session; all three present. Afternoon: ML/BC attended Chamber Executive Committee Bi-Annual Meeting, held at Chamber Offices; JC participated in Forest Advisory Committee Conference Call.

CAO MEETING

ARRA Certificate and Request – ML signed. For DNRC Water Pollution Control State Revolving Loan Program funding received in 2009 Series A (\$390,700) and Series B (\$359,300) for RSID 8489 (Wye Area Sanitary Sewer) for RSID 8489/Wye Area Sanitary Sewer. Project is complete; certificate acknowledges use of funds complied with ARRA requirements, and County understands/accepts terms of Loan Bond Agreement. Originals to C&R and Greg Robertson/Public Works.

Agreement – BCC signed, dated January 15, 2013. Between County (MCCHD) and Granite County for WIC Program and Breastfeeding Peer Counselor services (pursuant to MT DPHHS Task Order #12-07-5-21-014-0). No compensation. Term/January 1, 2013-December 31, 2018. To Julie Mohr/MCCHD for further handling.

Agreement – BCC signed, dated January 15, 2013. Between County (MCCHD) and Hill County for Registered Dietician services for Hill County WIC Program. Amount/\$300 per month. Term/October 1, 2012-September 30, 2013. To Julie Mohr/MCCHD for further handling.

Additional discussion item(s): Public Works update.

NO PUBLIC MEETING HELD THIS DATE

THURSDAY, JANUARY 17, 2013

BCC met in regular session; all three present. Evening: BC attended meeting of Open Lands Citizen Advisory Committee.

Indemnity Bond – ML signed. Judy Wright, Missoula, Principal for MCPS Warrant #282221912, issued October 19, 2012 on County Payroll Fund. Amount/\$101.89 (for wages). Warrant lost.

Replacement Warrant - ML signed. Richard James, Hamilton, Principal for MCPS Warrant #223262, issued December 28, 2012 on County Payroll Fund. Amount/\$745.8326 (for wages). Not received in mail. No bond of indemnity required.

ADMINISTRATIVE MEETING

Task Order – ML signed. #13-07-5-51-117-0 between MCCHD and MT DPHHS (for Children's Special Health Services at Western Region Pediatric Specialty Clinics). Continuation funding for period January 1, 2013-June 30, 2013. Amount/not to exceed \$4,000. Originals to Julie Mohr/MCCHD for further processing.

Resolution No. 2013-002 – BCC signed, dated January 17, 2012. Budget Amendment for Health Dept. in amount of \$100,000 from MIECHV ID Revenue for Task Order #13-07-5-31-035-0. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Separation and Settlement Agreement – ML signed. Between County and James F. Ammen for termination of employment as Pharmacy Director at PHC. Settlement amount/\$63,107.59 (plus benefits). Dr. Ammen will submit letter of resignation/release of claims within five business days of signing this Agreement. Original to Hal Luttschwager/Risk & Benefits.

Contract – BCC signed. Between County and Linda Stoll to provide legislative services to County during 2013 Legislature. Amount/\$18,000. Term/January 1, 2012-April 30, 2013. [Note: this Contract was misplaced; BCC resigned on February 19, 2013].

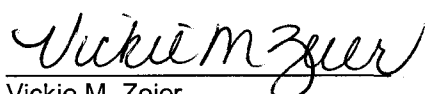
Additional discussion item(s): None.

FRIDAY, JANUARY 18, 2013

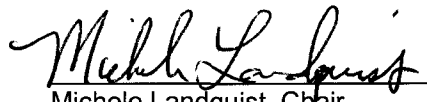
BCC met in regular session; quorum present. JC out of office most of day at Mental Health/CDC Meeting, held in Missoula.

Indemnity Bond – ML signed. James L. Marsh, Missoula, Principal for MCPS Warrant #223365, issued January 4, 2013 on Payroll Fund. Amount/\$706.90 (wages). Warrant destroyed.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated January 17 and January 15, 2013. Amount/\$61,179.88. To County Auditor.



Vickie M. Zeier
Clerk & Recorder



Michele Landquist, Chair
BCC

MONDAY, JANUARY 21, 2013

COURTHOUSE AND ADMIN BUILDING CLOSED FOR MARTIN LUTHER KING, JR. HOLIDAY

TUESDAY, JANUARY 22, 2013

BCC met in regular session; all three present. Early afternoon: BCC participated in *State of Missoula Commerce Report*, held at the DoubleTree.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Richards Boundary Line Relocation (*info*); 4) Hiatt Development Park Phasing Plan Amendment (*action*); 5) Director's update.

01/23/2013

Letter – BCC signed, dated February 1, 2013, to Joe/Debbie Fraser, Frenchtown, conditionally approving phasing plan amendment for Hiatt Development Park, subject to approval of Weed Management Plan in Amended COA #19. Final plat submittal deadline for Phase 2 is December 21, 2021.

ADMINISTRATIVE MEETING

Contract – ML signed. Between MCCHD and MT Dept. of Transportation for Buckle Up MT Program to support BUMT personnel salaries and outreach activities. Amount/\$35,000 for 10 hrs/wk. Term/October 1, 2012 – September 30, 2013. Two originals to Julie Mohr/Health Dept. [Budget Amendment to follow].

Letter – BCC signed, dated January 22, 2013. To George Fekaris/Federal Highway Administration, Helena, accompanying Federal Lands Access Program Application and supporting construction of non-motorized bicycle/pedestrian trail to connect both urban/rural areas of Missoula to Lolo and beyond.

Additional discussion item(s): BCC approved Joint Hearing to be scheduled with City Council to ratify an Amendment to the Air Pollution Regulations.

WEDNESDAY, JANUARY 23, 2013

BCC met in regular session; all three present.

CAO MEETING

Resolution No. 2013-003 – BCC signed, dated January 23, 2013. Authorizing submittal of an application to the MT Department of Commerce for a Big Sky Trust Fund (BSTF) Category I Job Creation Grant on behalf of Recovery Center Missoula. [This Resolution changes the name "Missoula Recovery Center" contained in Resolution No. 2012-214, dated December 26, 2012 to Recovery Center Missoula.]

Agreement/Note – BCC approved (but did not sign) Loan Agreement and Promissory Note between County and Homeword, Inc. for \$80,000 from CDBG Program Income RLF. [This was originally approved on December 20, 2012 noting County and HW-Phillips (Homeword) as "Parties Involved"]. Document to Cindy Wulfekuhle/OPG for further action.

Resolution No. 2013-004 – BCC signed, dated January 23, 2013. Authorizing use of \$120,000 in Title III funds to reimburse local fire service agencies for Firewise Communities Program projects they undertake to assist homeowners in fire sensitive ecosystems with landscaping that can increase protection of life/property from wildfires.

Additional discussion item(s): None.

PUBLIC MEETING – January 23, 2013

1. CALL TO ORDER

Commissioners Present: Commissioner Michele (Chair) Landquist, Commissioner Jean Curtiss, Commissioner Bill Carey

Staff Present: James McCubbin, Deputy County Attorney, Jennie Dixon, Community and Planning Services (CAPS), Tim Worley, CAPS

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

I want to remind folks who need to get your name on the ballot Community Council, Fire Districts, all those things that are on the ballots in May, to remember that your name needs to be in sometime in February so be thinking about getting your paperwork done soon.

4. PUBLIC COMMENT

None

5. ROUTINE ADMINISTRATIVE ACTIONS

Bi-Weekly Claims List (\$2,415,678.43)

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount of \$2,415,678.43. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

6. CONSIDERATION

Boundary Line Relocation (Clearwater Junction/Camp Utmost Road)
Jennie Dixon gave staff report.

Commissioner Landquist: What is exempting it from review?

Jennie Dixon: The sanitation? The fact that both partials will be over 20 acres.

Commissioner Landquist: Okay and what is the part about the unlicensed trailer park?

Jennie Dixon: The Health Department in reviewing this request for a boundary line relocation, what I tried to indicate in my presentation here is that the information is a little spotty or at least not consistent so it would require some additional research but it appears that if there are two or more dwellings on the property, which the applicant states that there are and the air photos show that there are, if two or more of those are trailers that would be considered a trailer park by the Health Department standards and would need to be licensed as such, there's no such record of it being licensed as a trailer park so the Health Department indicated it may fall in the category of an unlicensed trailer park which may necessitate some sort of a further permitting as a trailer park. The Health Department there in the mist of some sort of training program this week and could not have anyone here at this meeting so I'm not sure if I'm answering that fully but that's my understanding.

Commissioner Landquist: But it would be up to the Health Department to follow-up on that, not us, per say?

Jeannie Dixon: True. The Health Department would pursue that as an unlicensed trailer park that may need to pursue licensing.

Commissioner Landquist: So do you know if there's any sort of grandfathering in as far as dates go with stuff like that?

Jennie Dixon: The Health Department email that I received indicated that some of these structures were placed after 1995, which would be indicative of possible lease or rent violations, Subdivision for Lease or Rent violation and place of trailers without a license as a trailer park. So essentially violations that may have happened prior to Mr. Richards' ownership.

Commissioner Curtiss: Can you explain the difference between what the camadata shows which is what the Department of Revenue goes on and what your applications says really exists on the ground?

John Richards: I don't know this is the first time I've heard of this.

Commissioner Curtiss: Sounds like the Health Department only has record of the two septic's on the large parcel, maybe no septic on the little one?

John Richards: I have no idea; this is the first I've heard of that.

Commissioner Curtiss: So you don't know when they were all put in?

John Richards: I know they've been there for a long, long time, that's all I can tell you.

Commissioner Curtiss: I know that one by the highway has been there a long time.

Commissioner Landquist: The sewage is going somewhere, we hope.

John Richards: Yes.

Commissioner Curtiss: So when did you purchase this land?

John Richards: 2005.

Commissioner Curtiss: And all of these dwellings existed when you purchased?

John Richards: Yes.

Commissioner Curtiss: I know that you know how to count, there's two old houses I think is what the camadata shows, are the rest mobile homes?

John Richards: I don't know where the old houses are, I know of one.

Commissioner Curtiss: So the rest are mobiles?

John Richards: Yes. Maybe they consider one of them a modular, I consider it a mobile. So it's definition.

Commissioner Curtiss: Can you tell us on the record what your plans are, why you're asking for this boundary line relocation?

John Richards: Yes, the Commissioners have run me through the gauntlet of financial expenditures trying to get this thing subdivided and I need to do some financing, that's the reason why I'm splitting it. Not splitting, that's the reason why I'm relocating the boundaries.

Commissioner Curtiss: Because then you could use one parcel as a collateral or something?

John Richards: Yes.

Commissioner Curtiss: If we did this then the small parcel that we don't have any record of septic systems would be exempt from review, is that right Jennie?

Jeannie Dixon: Yes, that's my understanding from the Health Department because it would be over 20 acres.

James McCubbin: It means that it doesn't go through sanitation and subdivision review from changing the parcel. However, it's all still subject to septic regulation. But that's not reviewed in connection with the boundary relocation.

Commissioner Curtiss: So therefore it wouldn't say that he had to prove what kind of system all eight of those houses are on?

James McCubbin: No, it wouldn't trigger any of that review.

Commissioner Curtiss: But if there is a problem with them...

James McCubbin: If there's an ongoing problem it's basically just a separate possible regulatory violation.

Commissioner Curtiss: And something that they'd need to fix going forward.

James McCubbin: Yes.

Commissioner Landquist: So John, do you realize that if we approve this today, that it may trigger some things with the Health Department? They may say you have an unlicensed park.

John Richards: It exists now; I don't know what the problem is. I'm not changing anything.

Commissioner Curtiss: No but there are some trailer park rules that are in State law that says things like; they have to be skirted and there's just some things, it's not a big difficult thing I don't think.

Commissioner Landquist: Some of it depends on how many people are there that you're serving with whatever kind of well, they might have to do some water tests.

John Richards: Ed Zuleger and I were out there for two years together so if there was a problem he would of pointed something out, I would think.

Chair Landquist: I don't know. I'm not speaking for other people; I'm just giving you an FYI.

John Richards: I appreciate that, thank you. There aren't any problems that I know of out there. None of the systems have had any problems. I'm a certified installer, I put in septic systems. There isn't any problems with the septic systems that I know of.

Commissioner Landquist: How many wells serve that?

John Richards: I don't remember off the top of my head but there's several.

Public Comment

None

Executive Session

Commissioner Carey made motion that the Board of County Commissioner approve the request by John Richards to utilize the boundary line relocation exemption. The property is described as Tract 1, COS 5720, Tract 1-A2, COS 6077 based on the fact that there does not appear to evade subdivision review. Commissioner Curtiss seconded the motion. The motion carried a vote of 3-0.

7. OTHER BUSINESS

John Richards: Previously I met with the Commissioners about the access on the lease that the MDOT and County and I talked about up there and I thought I was going to meet with the Commissioners before that got finalized and now I hear from MDT that it got signed, sealed and delivered but there's still an access problem.

Commissioner Curtiss: So you're talking about...to clarify...because you just changed horses in the middle of the street. You're talking about the access, so the public understands access to the gravel pit at the Double Arrow Road in Hwy 83, right?

John Richards: Yes.

Commissioner Curtiss: Because we moved from one of your pieces of property to another and the public probably didn't follow.

John Richards: Okay sorry about that. That's why I waited until other business and it wasn't new public comment so it's a continuation of our meeting a month ago or whenever that was. I wanted the Commissioners to be aware there's still a problem with the access that I have based on previous...my father's the one that sold the MDT property; I think I gave you a copy of his affidavit. So we need to get that resolved a win, win, win for everybody.

Chair Landquist: But that's MDOT's property right?

John Richards: It's MDOT property but it has to be okay with you guys.

Commissioner Curtiss: Is that because you're talking about the access off of the road into the Double Arrow?

John Richards: No. In relation to our previous meeting talking about the access and what it is, I need to be able to turn semi's with double trailers. Can't turn around in the lease area that I have, it has to be through your lease also. I need a 40' x 100' foot corner on a diagonal just so the trucks can drive through there. I'd like to get that resolved at some point; it doesn't have to be today.

Chair Landquist: MDOT was calling the shots on that because it's not our ground, we're just leasing that little area. I would start with them and then double check with Public Works.

Commissioner Curtiss: It would be best if you put your concerns in writing with maybe a diagram and then we can have the conversation....

John Richards: I thought I did that at the previous meeting.

Chair Landquist: You did and I don't know why you weren't present when we signed that but I know it was a noticed meeting.

John Richards: I thought you were going to contact me when you were going to have it, that's the way we left our last discussion.

Chair Landquist: I thought you were.

John Richards: I wasn't. Let's try to get that resolved easily, not the hard way.

Commissioners: Okay.

8. RECESS

Being no further business to come before the board, the Commissioners were in recess at 1:48.

After Public Meeting, BCC signed Letter, dated January 25, 2013, to John Richards c/o Eli & Associates, confirming that at Public Meeting on January 23, 2012 BCC approved request to use a boundary relocation exemption for properties described as Tract 1, COS #5720, and Tract 1-A2, COS #6077, in Section 5, T 14 N, R 14 W, PMM, Missoula County.

THURSDAY, JANUARY 24, 2013

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Contract – BCC signed, dated January 8, 2013. Between County and Salish Kootenai College to conduct outreach services to link people with HIV into care and Ryan White Program. Amount/\$2,000. Term/ April 1, 2012-March 31, 2013.

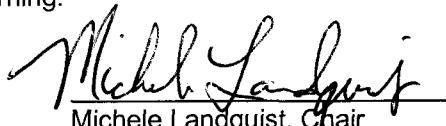
Additional discussion item(s): 1) Notice of Intent to Terminate Lease with American Legion Hellgate Post #27 (postponed; Lisa Moisey/Parks will draft letter); 2) Legislative update.

Memorandum of Agreement – ML signed (approved November 21, 2012). Between County (Parks and Trails) and Garden City Softball Little League for up to \$1,200 in Fall FY12 (FY13) Matching Grants Funds to resurface four softball infields. Grant expires Fall of 2014. Original to C&R, Christine Dascenzo, Parks.

FRIDAY, JANUARY 25, 2013

BCC met in regular session; quorum present in morning.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, JANUARY 28, 2013

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Parks and Trails Program update; 4) Director's update.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 02/CY2013 - Pay Date/January 25, 2013. Total Payroll/\$1,268,699.82. To County Auditor.

TUESDAY, JANUARY 29, 2013

BCC met in regular session; all three present. Afternoon: BCC presented Service Awards to County Employees at ceremony held in Admin B14.

Replacement Warrant - ML signed. Emily Badgonis, Missoula, Principal for Elections Warrant #30231360, issued November 20, 2012 on County 1000 Fund. Amount/\$124 (for Election Judge). Not received in mail. No bond of indemnity required.

Replacement Warrant - ML signed. Emily Badgonis, Missoula, Principal for Elections Warrant #30218277, issued February 24, 2012 on County 1000 Fund. Amount/\$30 (for Election Judge Training). Not received in mail. No bond of indemnity required.

ADMINISTRATIVE MEETING

Contract - ML signed. Between County and DJ&A to provide replacement designs for damaged Lost Mine and Trails End Road crossings. Amount/\$27,058.07 (from Bridge Fund). Term/January 28-May 31, 2013.

Documents - ML and JC signed documents (final draw on funds, conditional and final close-out certifications) to close-out MT DOC CDBG award made to County on behalf of Kelly Logging. County to be reimbursed for funds expended on project activities in amount of \$151,115.42. Original to Cindy Wulfekuhle/OPG.

Grant Proposal - ML endorsed/signed. MDOT is applying for a 2013 MT Federal Lands Access Program Capital Improvement or Enhancement Project Proposal grant to assist in funding reconstruction of the Frenchtown Frontage Road (Huson-East; Route #S-574; Lolo National Forest). Project cost/approx. \$13,000,000. Grant proposal is for \$4,000,000. To Greg Robertson/Public Works.

Letter - BCC signed, dated January 29, 2013. To Zia Kazimi, Statewide/Urban Planning Section, MDOT, Helena, stating Missoula County intends to enter into new interlocal agreement with City of Missoula for provision of transportation planning services, including administration of Missoula Metropolitan Planning Organization (MPO) and Missoula in Motion (MIM). Services to be administered by City of Missoula Development Services Department. New agreement will replace existing 2005 agreement between City and County.

Additional discussion item(s): Legislative update.

WEDNESDAY, JANUARY 30, 2013

BCC met in regular session; all three present.

Indemnity Bond - ML signed. Jennifer Adams, Missoula, Principal for Target Range School Warrant #16013262, issued November 9, 2012 on Payroll Fund. Amount/\$138.52 (Substitute wages). Warrant lost.

CAO MEETING

Agreement - BCC signed, dated January 14, 2013. County and Missoula Valley Critical Incident Stress Management. Updates MOU in place since 2000, standardizes form used to more closely match County standard contracts, and increases County financial support to \$2,500 per year. Funds insure CISM volunteers obtain needed training/service is available for all emergency response agencies in County. Originals to C&R and Chris Lounsbury/OEM.

Letter - BCC signed, dated January 29, 2013. MT Dept. of Agriculture/Growth Through Agriculture ("GTA") Review Committee, Helena, in support of Energy Exchange enterprises' (E3) application for a GTA Economic Development grant to pay for architectural/engineering/financial statement preparation for controlled environment hydroculture greenhouse in Bonner, MT.

Request: Records Disposal/Transfer Authorization - ML signed. From Finance - for Time Sheets dated CY 2008. To be destroyed

Additional discussion item(s): Legislative update.

NO PUBLIC MEETING HELD THIS DATE**THURSDAY, JANUARY 31, 2013**

BCC met in regular session; all three present. Early evening: BC attended NW Energy Reception re: *Company 2013 Plans/Initiatives*, held at Florence Hotel. Evening: BCC attended Maclay Bridge Update, held at GuestHouse Inn.

ADMINISTRATIVE MEETING

Agreement - BCC signed, dated January 31, 2013. Between County and Collins Planning Associates, Inc. to finish the Missoula County Subdivision Regulations Reorganization project (approved under contract/signed by BCC in June 2011/extended/due to expire February 1, 2013). Amount/\$2,350 remaining in contract. Term/February 1, 2013-February 1, 2014. Originals to C&R and Karen Hughes/CAPS.

Employment Agreement – BCC signed, dated February 1, 2013. Between County and Greg Robertson for his services as Chief Public Works officer. Amount/\$107,889.60. Term/February 1, 2013–February 1, 2016. Originals to Steve Johnson for distribution.

Additional discussion item(s): 1) Maclay Bridge update; 2) Legislative update.

MISSOULA COUNTY COMMISSIONERS' JOURNAL: FEBRUARY, 2013
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BCC = BOARD OF COUNTY COMMISSIONERS

ML = Commissioner Michele Landquist, Chair

JC = Commissioner Jean Curtiss

BC = Commissioner Bill Carey

The following Claims Lists were signed during the month of FEBRUARY 2013:

Date Signed	Claims List Date	Who signed	Amount
February 4, 2013	January 31, 2013	BCC	\$114.99
February 5, 2013	February 4, 2013	ML, JC	\$9,857.39
			\$750.00
			\$65,630.97
			\$13,446.54
			\$378.52
			\$871.37
			\$22,455.10
			\$26,136.94
			\$27,948.80
			\$63,832.27
February 5, 2013	February 5, 2013	ML, JC	\$1,915.39
February 6, 2013	February 4, 2013	ML, JC	\$3,708.16
			\$763.11
February 6, 2013	February 5, 2013	ML, JC	\$3,580.84
			\$4,831.61
			\$165,844.19
			\$9,984.22
			\$11,307.12
			\$589.70
			\$1,221.44
			\$143,622.73
			\$2,444.40
			\$8,409.23
February 7, 2013	February 6, 2013	BCC	\$3,105.31
			\$2,148.58
			\$1,273.32
			\$430.30
			\$3,302.47
			\$11,929.58
			\$5,474.89
			\$297.41
February 8, 2013	February 7, 2013	BCC	\$2,697.01
			\$840.33
			\$1,250.00
			\$38.00
			\$1,771.03
			\$22,924.71
			\$34.54
			\$200.00
			\$32.72
			\$11,150.94
			\$3,349.34
			\$112.91
			\$18,078.71
			\$976.35
			\$4,532.87
			\$3,829.02

February 12, 2013	February 11, 2013	ML, BC	\$595,554.79
			\$34,401.92
			\$1,107,909.85
			\$57,417.77
			\$22,638.80
			\$19,030.00
			\$12,394.65
February 12, 2013	February 11, 2013	ML, BC	\$3,342.98
			\$4,183.73
			\$11,652.54
February 13, 2013	February 11, 2013	ML, BC	\$895.00
February 13, 2013	February 12, 2013	ML, BC	\$55.40
			\$2,157.53
			\$4,465.38
February 13, 2013	February 13, 2013	ML, BC	\$18,765.58
			\$1,267.36
February 14, 2013	February 13, 2013	BCC	\$2,331.27
			\$6,724.83
			\$3,014.75
			\$683.90
			\$22,753.91
			\$19,615.93
February 14, 2013	February 14, 2013	BCC	\$13,855.74
			\$13,754.89
			\$7,148.53
			\$1,496.98
February 8, 2013	PHC Amerisource ACH		\$80.00
February 11, 2013	PHC Cardinal Health ACH		\$38,468.28
February 11, 2013	PHC Cardinal Health ACH		\$69,933.93
February 15, 2013	February 14, 2013	JC, BC	\$1,556.29
			\$43,985.07
			\$1,250.40
			\$1,655.67
February 19, 2013	February 19, 2013	BCC	\$20,079.25
			\$15,397.94
			\$2,882.84
			\$723.13
			\$951.85
			\$974.00
			\$18,588.78
			\$4,063.48
February 20, 2013	February 19, 2013	BCC	\$10,469.94
			\$1,940.94
			\$2,500.00
			\$166,917.90
February 20, 2013	February 20, 2013	BCC	\$3,591.67
February 21, 2013	February 19, 2013	BCC	\$1,575.50
February 21, 2013	February 20, 2013	BCC	\$178,330.00
			\$108,014.03
			\$1,995.23
			\$295.14
			\$70,027.65
February 22, 2013	February 20, 2013	ML, BC	\$63,711.08
			\$407.00
			\$240.48
			\$497.43

February 22, 2013	February 21, 2013	ML, BC	\$6,876.55
			\$21,153.85
			\$2,427.36
			\$725.00
			\$980.00
			\$64,888.70
February 25, 2013	February 21, 2013	BCC	\$597.52
			\$12,715.03
			\$45,133.64
			\$944.42
			\$32,177.21
February 25, 2013	February 25, 2013	BCC	\$3,961.42
			\$89,851.81
			\$40,316.34
			\$2,074.89
			\$183.42
			\$14,676.42
			\$8,696.46
			\$1,882.78
February 26, 2013	February 25, 2013	BCC	\$8,134.58
February 27, 2013	February 26, 2013	BCC	\$3,543.90
			\$943.84
			\$104.50
			\$7,003.70
			\$652.65
			\$320.82
			\$831.08
			\$1,622.29
			\$44,890.48
			\$2,610.34
			\$459.32
			\$3,705.36
			\$7,440.69
			\$717.15
February 27, 2013	February 27, 2013	BCC	\$2,640.50
			\$8,200.00
February 26, 2013	February 28, 2013	BCC	\$16,609.55
February 27, 2013	February 28, 2013	BCC	\$864.93
			\$5,520.38
			\$932.29
			\$1,809.25
			\$2,853.86
February 28, 2013	February 27, 2013	BCC	\$4,685.00
February 28, 2013	February 28, 2013	ML, BC	\$5,800.00
			\$83.75
			\$11,496.79
			\$60.00
			\$297.90
			\$328.13
			\$34.31
			\$25,616.59
			\$788.87
February 25, 2013	PHC Cardinal Health ACH		\$65,997.12
February 25, 2013	PHC Cardinal Health ACH		\$67,381.28

All Claims Lists were returned to the Accounting Department.

FRIDAY, FEBRUARY 1, 2013

BCC met in regular session; all three present. Morning: JC attended Multi-County Communication Committee Meeting, held at Aging Services.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, FEBRUARY 4, 2013

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Road Access issues; 4) Old Lolo Highway update; 5) Director's update.

Request: Records Disposal/Transfer Authorizations – ML signed. From Sheriff/Detention for following:

- 1) Payroll, Timesheets. January-December 2008.
 - 2) Paper copies of Booking Records, Inmate Medical/Dental Records. Arrests prior to 12/31/2002.
 - 3) Juvenile Arrests Sealed; DOB is 1984 or prior.
- To be destroyed.

TUESDAY, FEBRUARY 5, 2013

BCC met in regular session; all three present.

Replacement Warrant - ML signed. Johnstone Supply of Billings, MT, Principal for Facilities Warrant #30231744, issued November 29, 2012 on County 1000 Fund. Amount/\$567.12 (for maintenance parts). Not received in mail. No bond of indemnity required.

Monthly Report - ML examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending January 2013.

ADMINISTRATIVE MEETING

Amendment – ML signed. Modification #7 to Contract #510040 between MCCHD and MT DEQ (Public Water Supply Inspections) as follows: 1) Extends duration of Contract to 6/30/2013; and 2) DEQ reimbursement to County changes to \$38,655. All other provisions remain unchanged. Originals to Julie Mohr/MCCHD.

Grant Modification Letter – ML signed. To \$114,533 Grant between County and MT DES for FFY12 EMPG. Modifies agreement by shifting funds not used for hiring a consultant into general obligations and training sections of grant used to cover salaries/other training costs. To Chris Lounsbury for further signatures.

Collective Bargaining Agreements – BCC signed three (3) FY2013 agreements for period July 1, 2012 through June 30, 2014, between County and following: 1) MT Public Employees Association Library Unit; 2) Local Unit #43 of the MT Nurses Association; and 3) AFSCME Council #9, Juvenile Detention Unit. Three originals to HR.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated February 1, 2013. Amount/\$11,460.24. To County Auditor.

Additional discussion item(s): Legislative update.

WEDNESDAY, FEBRUARY 6, 2013

BCC met in regular session; all three present. Afternoon: JC attended Semi-Annual "Let's Move! Missoula" Leadership Team Meeting, held at Currents.

Monthly Report - ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending January 2013.

Monthly Report – ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending January 2013.

CAO MEETING

Application – ML signed Federal Lands Access Program (FLAP) Application (with help from City of Missoula & MDT) for Bicycle/Pedestrian Facilities Missoula to Lolo Trail. Western Fed'l Lands will notify County in September 2013 if project is elected. Original to Jeff Seaton/PW.

Grant Contract – ML signed. #MG12-14 between County (MCCHD NICU Safe Sleep and SIDS Prevention Project) and CJ Foundation for SIDS. Total grant/\$3,690 for term December 21, 2012-December 20, 2013. To Julie Mohr/MCCHD.

Agreement – BCC signed, dated February 6, 2013. Between County and WORD for use of BNA contingency funds to provide rental assistance to assist 13 additional qualifying families. Term November 1, 2012-April 30, 2013. Amount/\$6,000. To C&R, Auditor and Peggy Seel/OPG.

Agreement – BCC signed, dated February 6, 2013. Between County and The Salvation Army for use of BNA contingency funds to provide rental assistance to assist 48 additional qualifying families. Term November 1, 2012-April 30, 2013. Amount/\$12,000. To C&R, Auditor and Peggy Seel/OPG.

Additional discussion item(s): Legislative update.

NO PUBLIC MEETING HELD THIS DATE

THURSDAY, FEBRUARY 7, 2013

BCC met in regular session; all three present.

Site Visit: JC accompanied Steve Niday on site visit to Lolo Trail Road (for abandonment viewing).

ADMINISTRATIVE MEETING

Agreement – ML signed. Between County and NorthWestern Corporation d/b/a NorthWestern Energy for lighting on west end of Maclay Bridge and River Pines Road. Term August 9, 2011-March 31, 2013. Amount/\$15 per month for 7 years.

Resolution No. 2013-005 – BCC signed, dated February 7, 2013. Adopting the 2011 National Electrical Code, along with any State amendments, with an effective date of April 1, 2013.

Contract, Task Order, Resolution– BCC signed: 1) Master Services Agreement between County and MMW Architects, PC, to conduct space needs analysis on behalf of Dept. of Grants/Community Programs (staff interviews, architectural/engineering services to analyze four possible locations). Amount/not to exceed \$18,248. Term/February 8 – December 2, 2013. 2) Task Order #1, for phase one of project described above. Resolution No. 2013-006 – Budget Amendment for Financial Admin in amount of \$18,248 from Cash Reserves for space needs analysis.

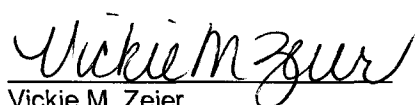
Application – BCC endorsed/ML signed MT DOC INTERCAP Loan Application for RSID 901 Lolo SCADA/Telemetry System Upgrade Project. Cost/\$150,000 w/ INTERCAP financed portion of \$130,000. Term/five years. Original to Greg Robertson/PW.

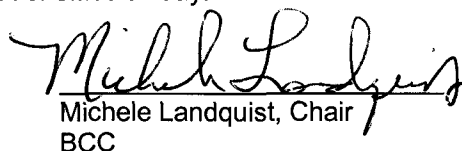
Memorandum – BCC signed, dated February 7, 2013. To Richard Buley, Attorney for Detention Officers Assoc. of Missoula County, pertaining to Grievance re: State Unit Manager Job Description, Recruitment and Selection. BCC requests further information regarding grievance so they can respond in particular.

Additional discussion item(s): 1) Grievance discussion; 2) Milltown Park update; 3) Missoula Community Foundation Grant; 4) Legislative update.

FRIDAY, FEBRUARY 8, 2013

BCC met in regular session; quorum present. ML out of office all day.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, FEBRUARY 11, 2013

BCC met in regular session; quorum present. JC out of office through Wednesday, February 13th, at MACo Mid-Winter Conference, held at Red Lion Colonial Hotel, Helena.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Grant Creek-NWF Open Space Bond Project; 4) Transportation Planning update; 5) Hanson Family Transfer; 6) Director's update.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 03/CY2013 - Pay Date/February 8, 2013. Total Payroll/\$1,288,369.42. To County Auditor.

TUESDAY, FEBRUARY 12, 2013

BCC met in regular session; quorum present. JC out of office through Wednesday, February 13th, at MACo Mid-Winter Conference, held at Red Lion Colonial Hotel, Helena.

ADMINISTRATIVE MEETING

Budget Transfer – BCC signed, dated February 6, 2013. Control #13-003 for Public Works in amount of \$27,246.53 to transfer funds from RSID Admin to Road for services provided on Orchard Homes Levee (necessary to maintain Army Corps of Engineers levee certification).

Agreement – BCC signed, dated February 12, 2013. Schedule "A" Lolo National Forest Agreement between County and U.S. Forest Service (delayed from May 15, 2012). Issue with West Fork of Petty Creek Road residents has not been resolved. Agreement expires at end of March 2013; a modification of this Agreement will be made. Original to Greg Robertson/PW.

Request: Records Disposal/Transfer Authorization – ML signed. From Financial Services – for 1099 Tax Forms and W-2 Forms dated 2006. To be destroyed.

Additional discussion item(s): 1) Frenchtown Technical/Industrial Center; 2) Legislative update.

WEDNESDAY, FEBRUARY 13, 2013

BCC met in regular session; quorum present. JC out of office through this date, at MACo Mid-Winter Conference, held at Red Lion Colonial Hotel, Helena. JC also attended Mental Health/CDC meeting held this date in Helena.

CAO MEETING

Resolution No. 2013-007 – BCC signed, dated February 13, 2013. Budget Amendment for Health Dept. showing Revenue in amount of \$35,000 from State Highway Traffic Safety Office Occupant Protection Incentive Grant #CTS 106783 (Buckle Up Montana contract with MDOT). For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Contract – BCC signed, dated January 24, 2013. Between County and Dr. Rebecca Kinney for part-time Physician work (24 hours/week) at PHC. Amount/\$91,191 per year. Term/November 1, 2012-June 30, 2014. Originals to C&R and PHC.

Additional discussion item(s): Legislative update.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated February 15, 2013:

- 1) Denying request from Debora Poteet, Missoula, for refund of 2011 mobile home taxes based on info received by the DOR.
- 2) Approving request from Kirk Mace, Missoula, for refund of 2011 taxes for Lots 1, 3, 4, [5], 6 and 7 at Mace Subdivision (with exception to lot 5 because the DOR did not adjust lot 5).
- 3) Denying request from Jim Ammen, Missoula, to refund penalty/interest for Tax ID #1321009. State Law denies BCC all discretion in this area.
- 4) Approving request from Charles Stevenson, Missoula, for refund of 2010/2011 taxes for 1623 Clements Pines Condominiums.
- 5) Approving request from Lynette Johnson, Missoula, to refund motor vehicle taxes/fees paid in error for vehicle #2634092.
- 6) Approving request from Carolyn Scott, Missoula, to refund motor vehicle taxes/fees paid in error for vehicle #3001355 (contingent upon provision of proof of sale before renewal date of vehicle).
- 7) Denying request from Joanne Robbins, Missoula, to refund property taxes charged for tennis court that was removed 10 years ago. State Law denies BCC all discretion in this area (although the DOR will adjust 2013 taxable value due to change to property).
- 8) Approving request from Arlan Bergoust, Missoula, to refund motor vehicle taxes/fees paid in error for vehicle #1018190.
- 9) Approving request from Steven Schwenk, Missoula, to refund motor vehicle taxes paid in error for vehicle #1433158.
- 10) Approving request from Diana Kightlinger, Missoula, to abate/refund 2012 taxes.
- 11) Approving request from Marcey Campbell, Missoula, to refund motor vehicle taxes paid in error for vehicle #1261127 (contingent upon provision of proof of sale before renewal date of vehicle).
- 12) Approving request from Linda Manchester, Missoula, to refund motor vehicle taxes paid in error for vehicle #2104056.
- 13) Approving request from Daniel J. Bennett, Missoula, to refund motor vehicle taxes paid in error for vehicle #C162028 (contingent upon provision of original tabs or proof of registration of vehicle in CA).
- 14) Approving request from Rocky Mountain Bible Mission, Missoula, to refund motor vehicle taxes paid in error for vehicle #1613623 (contingent upon provision of original tabs).
- 15) Approving request from Larry/Brenda Daniel, Great Falls, to refund taxes billed in error for 2008 & 2009.

PUBLIC MEETING – February 13, 2013

1. CALL TO ORDER

Commissioners Present: Commissioner (Chair) Michele Landquist, Commissioner Bill Carey
Commissioners Absent: Commissioner Jean Curtiss

Staff Present: Jennie Dixon, Community and Planning Services (CAPS), Nancy Heil, CAPS,

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

None

4. PUBLIC COMMENT

None

5. ROUTINE ADMINISTRATIVE ACTIONS

Bi-Weekly Claims List (\$3,308,579.84)

Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount of \$3,308,579.84. Commissioner Landquist second the motion. The motion carried a vote of 2-0.

6. HEARING (Certificate of Survey)*Hanson (Paul) Family Transfer – Butler Creek*

Jennie Dixon gave Staff Report and asked Mr. Paul Hansen the standard Family Transfer questions.

Chair Landquist: Do you understand the comments from Todd Kleitz regarding the Floodplain issues?

Paul Hansen: Yes, other than the surveyor was under the understanding the people involved there with the water...floodplain, where he's building is going to be up on a hillside off the creek there was supposed to be some statement ~ he understood there's supposed to be a statement to that effect.

Chair Landquist: Who understood? Todd or the builder?

Paul Hansen: Ken Jenkins, the Surveyor.

Jennie Dixon: After Todd made those comments I did talk to Mr. Jenkins about this concern of getting a flood study. Mr. Jenkins did indicate on the telephone, in a conversation with me, that he had worked with the applicant to ensure that the property that they were going to create through this family transfer parcel was as Mr. Hansen's saying, elevated above any flood hazard areas. Because this application is not a real ridged representation of what they intend to do we can't make the assumption that that's what they're going to do.

Chair Landquist: Thank you Jennie, I wanted to be sure Mr. Hansen understood that's a gentle way of us saying; please don't do anything goofy and build in the floodplain and if you're planning on it, please have it surveyed.

Mr. Hansen: I know better than anybody else how that creek does get out of hand at times and so I wouldn't recommend that to anybody anyhow. Everything that's been built down there so far has been elevated so that any kind of sheet flooding will not affect it.

Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve the request by Paul Hanson to create one (1) additional parcel by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Landquist second the motion. The motion carried a vote of 2-0.

7. HEARING*Grant Creek Trail – Open Space Bond Project*

Nancy Heil gave report.

Jackie Corday, City Parks: When I presented this to you in December, where we were at after a very lengthy, almost two year process of trying to negotiate to get the last piece of trail that we needed. The Mayor and others had worked long time to negotiate a settlement on how to get across the NWF property. Showed map of the entire three mile trail. 27 acres, most riparian area, it was gifted to NWF in 1997 with deed restrictions on it to keep it as a bird wildlife refuge. NWF granted the City a trail easement in 2010, but the former owner said that that was in breach of the covenants when they granted the property to NWF. We have reached an agreement and the agreement is essentially in order to allow the trail to go across the property is that NWF will sell the property to the City for \$40,000 and that comes out to about \$1,400+ per acre, which is in line with what we have paid for open space from many previous projects. We need to grant a conservation easement to Five Valleys Land Trust. The City would be granting that easement to them to manage in perpetuity essentially, they won't be managing it but they will be checking up on it every year to make sure that the conservation easement terms are adhered to. The cost of that is \$13,000, that's the cost to Five Valley's Land Trust for doing the conservation easement, they have their \$10,000 stewardship fund that they always charge and about \$3,000 in legal fees and staff and closing cost. That's why the Resolution is worded up to \$54,000 to cover both the purchase and the conservation easement cost and the closing cost. The closing costs are going to be pretty minimal, I just was looking at the closing statement the other day and so we will probably be closer to \$53,000 then \$54,000. At this point all of the parties have agreed to all of the documents that are needed to make this transfer, there's six documents involved, everybody has agreed to them, we've set up a closing date of February 28th. So that's what the real new news is because in December we hadn't gotten 100% agreement by all parties yet, but now we have. As of the day that the public hearing was held back on January 14th we

got news that everybody was good with everything, that hearing was about to go forward with that good news. Of course, as you know, the council approved the project so this is like the last final step.

Nancy Heil: To finish up from the County's part of this; if this were approved by the Commissioners there would be \$54,000 allocated from the City's portion of the bond. In December the Board of County Commissioners determined that the project is a qualified open space project and adopted a reimbursement resolution, which qualifies it for funding through the open space bond. As you know, the City Open Space Advisory Committee and City staff recommended approval of the project. The City Council held a public hearing on January 14th and approved the project and they passed Resolution 7752, authorizing that expenditure. As you know, there's a City/County agreement related to the bond that states that the County Commissioners will approve a bond project recommended by the city council unless for some reason the project changed in scope or there's something found to be not legal about it. Staff does find that the project meets the purposes of the bond to provide recreational and commuter trails and permanently protecting wildlife habitat and is recommending your approval of this project.

Public Comment:
None

Executive Session

Commissioner Carey: This language does say to expend \$54,000, should it be *up to* \$54,000?

Jackie Corday: *Up to* is the language that I think we used in our resolution because I didn't know exactly how much it was going to be.

Chair Landquist: The Resolution refers to it as *up to* but here it doesn't, so I would change it to *up to*.

Nancy Heil: I can make that correction easily and send it over to Robin. The Now Therefore part of your Resolution does say up to \$54,000, so we'll just change that in the title of the Resolution to make sure that it's clear.

Chair Landquist: I know the trails been long coming and a lot of people have wanted it for a long time and it will be a nice addition to the area but if the property, if this goes through, that was to be managed for bird habitat but not bird watching, there's no public access to it or anything.

Jackie Corday: No, under the prior covenants it did not allow any public access at all and so what we have in the conservation easement is again, no general public access at all but there is a provision that will allow for scientific research on the property for birds, or insects or weeds, or whatever.

Commissioner Carey made motion that the Board of County Commissioners approve the expenditure of up to \$54,000 of the City's portion of the Open Space Bond Funds by the attached Resolution, Attachment D towards the purchase of 27 acres on Grant Creek Road in the granting of a conservation easement for the purpose of extending the bicycle pedestrian Grant Creek Trail, based on findings that the project qualifies for funding that the City has referred a recommendation of approval that the project meets the purposes of the Open Space Bond Fund and that the project has not been determined to be unlawful. Chair Landquist second the motion. The motion carried a vote of 2-0.

8. OTHER BUSINESS None

9. RECESS Being no further business to come before the Board, the Commissioners are in recess at 1:49.

THURSDAY, FEBRUARY 14, 2013

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Resolution No. 2013-008 – BCC signed, dated February 14, 2013. Budget Amendment for Open Space Bonds showing Revenue (Cash Reserves)/Expenditure in amount of \$54,000 for City purchase of land and conservation easement on 27 acres along Grant Creek Road, using proceeds from City's portion of Open Space Bond fund. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

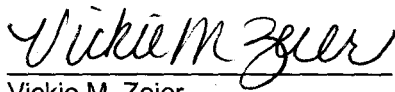
Board Appointment – BCC appointed Colleen Baldwin to fulfill an unexpired term on the Local Emergency Planning Committee. Ms. Baldwin's term begins immediately and will run until December 31, 2014.

Letter – BCC signed, dated February 14, 2013, to Kevin Dusko/VOCA Program/MBOCC/Helena, transmitting signature pages and documentation for the Missoula County Victim/Witness Program proposal, and requesting continued support for the Missoula Crime Victim Advocate Program, submitted in response to RFP #13-03 VOCA. Grant application amount/\$198,442, plus 20% local match for total of \$248,052.

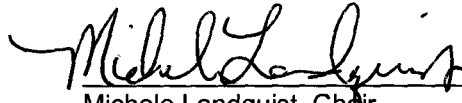
Additional discussion item(s): None.

FRIDAY, FEBRUARY 15, 2013

BCC met in regular session; quorum present. ML out of office all day.



Vickie M. Zeier
Clerk & Recorder



Michele Landquist, Chair
BCC

MONDAY, FEBRUARY 18, 2013

COURTHOUSE AND ADMIN BUILDINGS CLOSED FOR PRESIDENTS' DAY HOLIDAY

TUESDAY, FEBRUARY 19, 2013

BCC met in regular session; all three present.

Replacement Warrant - ML signed. Allied Waste, Missoula, Principal for Health Dept. Warrant #30232159, issued December 11, 2012 on County 2273 Fund. Amount/\$116.40 (for Animal Control Monthly Service). Not received in mail. No bond of indemnity required.

Community and Planning Services Update - BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Rural Land Manager's MOU [approved; to sign February 25, 2013 at MOU Meeting]; 4) Miller Big Sky Lake Shoreline Permit (*action*); 5) Director's update.

Shoreline Permit - ML signed. #13-07 for Applicant Tim Miller to install 50' of rock riprap on Big Sky Lake to alleviate erosion possibly due to wave boats. Address is 494 Access Road. Original to Todd Kietz/OPG.

ADMINISTRATIVE MEETING

Resolution No. 2013-009 - BCC signed, dated February 19, 2013. Budget Amendment for Health Dept. in amount of \$3,690 Revenue/Expenditures for CJ Foundation Grant #MG12-14 (for NICU Safe Sleep and SIDS Prevention Project). For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Agreement - ML signed. Health Department Information System Community/Public Health Services 1-Year Software Maintenance Agreement (HDIS Program) between MCCHD and CHC Software, Inc. for term February 14, 2013-February 13, 2014. Annual Fee/\$1,866.37. Two originals to Julie Mohr/Health Dept.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated February 15, 2013. Amount/\$6,316.96. To County Auditor.

Letter - BCC signed, dated February 19, 2013. To all Missoula County Parents, offering effective parenting techniques and urging their help in fighting the problem of underage drinking in Montana. Original to Brandee Tyee for further handling/distribution.

Additional discussion item(s): Agricultural Building Exemption (Building Permits)

WEDNESDAY, FEBRUARY 20, 2013

BCC met in regular session; all three present. Evening: ML attended meeting of Evaro-Finley-O'Keefe Community Council, held at the Evaro Community Center.

CAO MEETING

Voting Form - ML voted "Yes" on a Missoula District 2013 Secondary Roads Voting Form to support Flathead County's wish to substitute one of their projects for a new one as a result of the City of Kalispell's annexation. Current project is to reconstruct S-317 from RP 1.0 to RP 3.2 (Willow Glen Drive); the new priority is to reconstruct S-548 from RP 0.0 to RP 3.0 (West Reserve Road). Original document mailed to MDOT.

MOA - ML signed. Memorandum of Professional Practice Experience Agreement for Dietetic Technician Program (DTP) between MCCHD and MSU/Great Falls College of Technology, which will be an internship site for DTP. Term is for three years, beginning February 20, 2013. Two originals to Julie Mohr/MCCHD.

Request - BCC approved County Parks & Trails Advisory Board's recommendation to allow Horseman's Council to host "Dirty Dash" Event at Missoula Equestrian Park September 7, 2013, subject to conditions. Original to Lisa Moisey/Parks.

Letter - BCC signed, dated February 20, 2013. To John Richards, Seeley Lake, re: property County is leasing from MT DOT (Seeley Lake Maintenance Site, Lot 7). Property is leased from the State for our road maintenance activities; accommodation for Mr. Richard's operation was made. Any future lease-related inquiries should be directed to the State.

Additional discussion item(s): 1) Legislative update; 2) Health promotion policies.

NO PUBLIC MEETING HELD THIS DATE

BCC 012013 0152

THURSDAY, FEBRUARY 21, 2013

BCC met in regular session; quorum present in morning. JC out of office all afternoon. Evening: BCC attended, and JC spoke at *State of the Community* Event, held at UofM Theatre.

ADMINISTRATIVE MEETING

Resolution No. 2013-010 – BCC signed, dated February 21, 2013. Budget Amendment for RSID Admin & Road in amount of \$27,246.53 to transfer funds for services provided on 3rd/Tower Street Levy. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Resolution No. 2013-011 – BCC signed, dated February 21, 2013. Budget Amendment for RSID Admin in amount of \$47,251 to transfer funds to establish budget for lobbying services by Rocky Mountain Capitol. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Contract – BCC signed. Between County and Professional Consultants, Inc. to provide engineering services for improvements to Momont, Alloy South, Industrial Roads and Expressway. Term/February 1, 2013–January 1, 2014. Amount/\$30,200. [All engineering, road upgrade, drainage, chip sealing and striping issues to cost approx. \$575,000.] Originals to C&R and Barb Martens.

Resolution No. 2013-012 – BCC signed, dated February 21, 2013. Budget Amendment for Special Projects in amount of \$575,000 to transfer funds for total PCI project costs set forth above. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

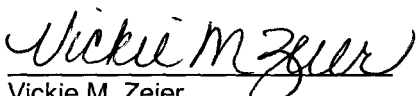
Contract – BCC signed. Between County and Professional Consultants, Inc. to provide engineering services for Sandpiper Drive and Red Fern pedestrian trails in Missoula Development Park. Amount/\$17,500. Term/January 1, 2013–January 1, 2014. [All trail improvements to cost approx. \$80,000.] Originals to C&R and Barb Martens.

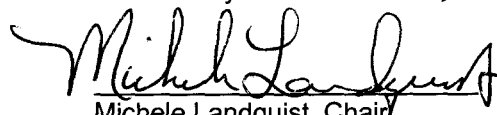
Resolution No. 2013-013 – BCC signed, dated February 21, 2013. Budget Amendment for Special Projects in amount of \$80,000 to transfer funds for total PCI project costs set forth above. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Additional discussion item(s): Legislative update.

FRIDAY, FEBRUARY 22, 2013

BCC met in regular session; quorum present. ML out of office all day.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, FEBRUARY 25, 2013

BCC met in regular session; quorum present in afternoon. BC out of office all morning. Afternoon: BCC met with Rural Land Managers re: MOU, held in Admin B14.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Winter Family Transfer; 4) 2013 Stewardship Award Program timeline/flyer; 5) Director's update.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated February 22, 2013. Amount/\$3,905.37. To County Auditor.

MOU – BCC signed 2013 Rural Land Manager's Memorandum of Understanding with state/federal agencies to foster continued/improved communication/coordination of land use planning/management that benefits the public and all lands within Missoula County. [Approved at February 19, 2013 CAPS Meeting.]

TUESDAY, FEBRUARY 26, 2013

BCC met in regular session; all three present. Afternoon: BCC participated in Annual Inspection of Detention Center.

ADMINISTRATIVE MEETING

Contracts – Five (5) contracts, between County (Fairgrounds) and the following for services related to the 2013 Western Montana Fair:

- 1) ML signed. With Paradigm Entertainment/Jars of Clay for performance on Tuesday, August 6, 2013. Amount/\$17,500. Two originals to Steve Earle/Fair for further signatures/handling.

BCC 0122013

- 2) BCC signed. With Jeanne Thomas for performance as Pippi the Clown (to include face painting/magic/games) on August 7 through August 10, 2013. Amount/\$3,400. Originals to C&R and Steve Earle.
- 3) BCC signed. With Monte Dolack Gallery for artwork for 2013 Fair poster. Term/January 28-June 15, 2013. Amount/\$8,000. Originals to C&R and Steve Earle.
- 4) BCC signed. With Fast Track Entertainment for daily Kids Pedal Tractor Pulls August 6 through August 11, 2013. Amount/\$5,450. Originals to C&R and Steve Earle.
- 5) BCC signed. With County Tavern Owners Association to provide operation of the beer garden for a three (3) year term: August 6-11, 2013, August 5-10, 2014; and August 11-16, 2015. Tavern Owners to pay Fair a percentage based on gross revenue as set forth in Exhibit B. Originals to C&R and Steve Earle.

Service Contract – ML signed. Between County and Selby's (Billings, MT) for ink/paper supplies for large format plotter (Canon IPF 765 MFP Solution All), used as part of building codes program. Amount/\$106 per month. No end date for contract. Originals to Greg Robertson for further signatures/handling.

Agreement – ML signed, dated February 22, 2013. Between County and Territorial Landworks, Inc. for potential Glen Eagle Subdivision RSID (located off Grant Creek Road), due to possible litigation. Amount/approx. \$20,360; funds will likely be recovered if District is created. Original to C&R.

Additional discussion item(s): 1) Glen Eagle Subdivision; 2) Central Park Partnership; 3) Legislative update.

WEDNESDAY, FEBRUARY 27, 2013

BCC met in regular session; all three present.

CAO MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 04/CY2013 - Pay Date/February 22, 2013. Total Payroll/\$1,293,440.06. To County Auditor.

Resolution No. 2013-014 – BCC adopted/signed, dated February 27, 2013. Ratifying amendments to the Missoula City-County Air Pollution Control Program. Joint Public Hearing with City Council held on February 25, 2013.

Letter – BCC signed, dated February 27, 2013. To Capt. Kowalski, Asst. Commander Rodrick, and Sergeant Evans, County Detention Center, re: Annual Jail Inspection Tour conducted on February 26, 2013. All facets of the Center are well managed, and staff provides excellent treatment of the inmates as set forth in policies/procedures that pertain to the purpose/programs/services offered.

Additional discussion item(s): 1) Courthouse Renovation Website; 2) 2013 Redistricting (BCC will continue to have more meetings/discussion/public outreach on this topic); 3) Legislative update.

PUBLIC MEETING – February 27, 2013

1. CALL TO ORDER

Commissioners Present: Commissioner (Chair) Michele Landquist, Commissioner Jean Curtiss, Commissioner Bill Carey

Staff Present: James McCubbin, Deputy County Attorney, Marnie McClain, Deputy County Attorney, Jennie Dixon, Community and Planning Services (CAPS), Todd Kietz, CAPS Floodplain Administrator, Steve Niday, Public Works Land Survey Manager, Steve Hutchings, Public Works Chief Building Official

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

Meals on Wheels Proclamation was read by Commissioner Carey declaring March as "March Meals Month"

4. PUBLIC COMMENT

None

5. ROUTINE ADMINISTRATIVE ACTIONS

Weekly Claims List (\$1,394,175.90)

Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount of \$1,394,175.90. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.

6. HEARING (Certificate of Survey)

Winter Family Transfer

Jennie Dixon gave report and asked Ms. Joanne Winter the basic family transfer questions.

RCM 012-0154

Public Comment
None

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners approve the request to create one (1) additional parcel by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Carey second the motion. The motion carried a vote of 3-0.

7. HEARING

Appeal of Floodplain Permit (Konstantin Tsuber – Grant Creek)

Todd Klietz gave report and showed PPT Presentation.

Mr. Tsuber, Owner: I'm building this for my family; I've been waiting for this moment for a very long time. During the building period I ran into a few problems, I'm trying to solve them with Todd and the County. The six inches to raise my first floor, so I have to do that? If necessary I can do that, but it's going to cost me more money, plus at this point I cannot do anymore work until I fill my crawl space at least two feet minimum.

Chair Landquist: Part of the problem resides on that fact that it took some years and some millions of dollars to fix the floodplain mistakes that had happened before you started building this house. The county would be at a big risk for the status of our floodplain certifications and some other things, let alone what it would do to the homeowners there and you would have to get flood insurance. Todd maybe you could explain that a little more as far as what risks it poses to us if we were to start giving waivers to anybody out there.

Todd Klietz: When the County submitted to FEMA our plans to put the mitigation project forward, we certified to FEMA that none of the parcels that would be removed would have issues with overland or with groundwater inundation. That was one of the conditions that FEMA approved to remove all those properties from the floodplain. All but one was actually removed, of the homes that were there, the vacant properties remain in the floodplain but as far as the actual structures, only one structure remains within the 100 year floodplain. Whenever the Commissioner's issue an appeal or a variance those decisions are sent to the State and to FEMA for their review and obviously I have no idea what FEMA would do with that. One of the things that they would likely be looking at is to see if whether or not we were violating the terms of what we had proposed to them, ensuring that none of the homes would have overland or groundwater inundation going into them.

Public Comment
None

Commissioner Curtiss: We understand that this is going to be not an inexpensive fix for you to do but it is fixable, which is much better than having to take down the house. Almost two years ago we spent quite a bit of time in another neighborhood of our community that is in the floodplain area...floodway, with houses that were be inundated by the high water. This area has already had that issue and we've worked to try and fix it so I would hate for us to give you a variance and then someday you would have to replace the floor anyway because it got wet. I think that's our main problem is that we do have one family that we will finally be buying their house from them because it was ruined through the flood insurance program and such. There was some money to buy their house that was ruined by flood waters. I understand this will be a hardship on your family but I think in the end it's better for you to do the work now, rather than have carpets and things that need to be replaced later.

Todd, is the garage required to be above the floodplain too, even if there are no mechanicals?

Todd Klietz: Yes, the garage slab can be at the 100 year floodplain elevation, it can't be *beneath* the 100 year floodplain elevation. Just like the crawl space can be at the 100 year flood elevation. Provided all mechanicals are two feet above.

Commissioner Carey: It's unfortunate but I think our regulations are fair and reasonable and we need to stand by them.

Commissioner Curtiss: I have a question for our Building Permits person. Steve, my concern is that to require him to raise that concrete floor by three inches, that it's hard to achieve to pour concrete that thin and not have it all crack, how do you make concrete stick to concrete and all that? The feasibility of it, I guess.

Steve Hutchings: It's definitely feasible. It would just be an ear cap of concrete that they place onto of the existing slab. I didn't realize that the slab was that low. If you had to raise it three inches then that would be above the level of the mud slope plate that's on the slab right now that supports the wall structures. I imagine you could probably put some galvanized tin around that and pour the slab up to the three inches; otherwise it would be an inch and half over those slope plates.

Commissioner Curtiss: My next question is to Marnie.

Konstantin Tsuber: May I make a comment? My floor in the garage, at the highest point it's higher than minimum. I did a slope down to the garage door, so the highest concrete floor meets the requirement.

Commissioner Curtiss: Okay, thank you. Marnie, my question is; if this is an appeal about the regulations, if we don't grant this but tell him that there's a whole other process to do a variance, then we could do a variance on just the garage? We could consider a variance. Are there facts that will keep us from being able to grant that variance because we can't make a case for it?

Marnie McClain: As you all know in granting variances, there's a list of elements that have to be found. In going through variance elements, there's always some that you are better able to make positive finding for, I do think this one will be a little challenging just considering that the work was started without a permit. This is someone who regrettable made it his problem but it's certainly something we can take a look at.

Chair Landquist: Does that variance request come before us also?

Marnie McClain: Yes.

Commissioner Curtiss: And the elevations that were provided by Eli & Associates, does it take into effect different heights in the garage because of the slope? Which is a recommendation for building codes to have your floor sloped to the door.

Todd Kliezt: No, we have one elevation for the garage slab and that's it.

Executive Session

Commissioner Carey made motion that the Board of County Commissioners deny the appeal request and that the conditions of the floodplain permit #12-25 be upheld. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.

8. HEARING (Continued from January 9, 2013)

Petition to Abandon a Portion of Old Lolo Creek Trail

On the phone for comment: Jim Evans with the Nez Perce Trail Foundation.

Unable to reach: Vera Sonneck, the Cultural Resource Program Director for the Nez Perce Tribe.

Steve Niday: I was one of the viewers appointed with Commissioner Curtiss on February 7, 2013. Viewers on site at the proposed abandonment were: Commissioner Curtiss, Steve Niday, Lisa Moisey, Steve Smith, Patrick Baird, Corey Van Ostrand and Dave Trusty. Read viewers report. (pdf)

Commissioner Curtiss: The reason the State Law requires us to go and do a viewing is so that we can see on the ground what is there, but also we need to look at what the public's use in the future might be. It's also to see the constraints that it's putting on private property. It's unfortunate that sometime in the past a surveyor put on the plat, of some of the properties in this area, a section marked 'old abandoned road'. So in his mind, maybe, I don't know the surveyor, it might have meant not used, but it never went through the official abandonment process that we're talking about and going through today. I think the biggest issue in this case, it's easy to see that having that public right-of-way going through someone's private property especially when it's not a road that's used on a regular basis or needed to access their property, that it is an encumbrance. It's also important, I think, that we look at the fact that this is a congressionally designated historic trail, it's on maps, it's also probably where Lewis & Clark walked, those kinds of things. I think it's important for us to just recognize that historic and cultural importance of this section of the road and unfortunately the law does not allow us...Montana State Law does not allow us to convert a road right-of-way such as this into a non-motorized roadway, which probably makes more sense right there. If we abandon the public's right to use it and the Nez Perce Tribe was very adamant and that's unfortunately the person that couldn't join us on the phone because she's probably on a different line or something but they really asked us not to abandon. Other portions have been abandoned so we're trying to protect that. Also the Nez Perce National Historic Trail Comprehensive Plan talks about the fact that some of this old trail is in public ownership or public responsibility and some is private. For us to lose an additional piece of that trail for public use, I think would not be a good move on our part.

Commissioner Carey: I agree with everything Commissioner Curtiss said and just to add, I think it's very important for us to honor the Tribes wishes in this particular matter.

Chair Landquist: This area, I have pictures for the record, there's nothing much left of the historical significance here other than a place in time on the ground. The reason this ground looks as nice as it does is because of Mr. Trusty's good stewardship. This area has been burned, it's been helicopter logged and it's been flooded significantly, the pictures show the flooding and of the fire. I thought Lisa was going to give us an idea here...a presentation on how many partials up the way have been abandoned the trail on the road and how many have been relocated in case a pathway is ever needed to go up the highway. Again, I couldn't find the folder in my office before coming down here but I can make those things available for the record. I spent part of yesterday taking pictures of the signage at the beginning of highway 12, the National Forest sign that talks about the trail and significance, not only to Lewis & Clark but to the Nez Perce and the Salish Tribes, as well as the historic marker for that highway. I also spent time going to the Harley Davidson shop and have some maps available online that I couldn't seem to get printed out but that Hwy 12 corridor is of significance interest and nationally recognized as a motorcycle touring road by motorcyclists, as well adventure cycling. After reading the article in the Indy and Jim Evans quote regarding, 'even if Trusty puts the parcel up for sale his group doesn't have the funds to purchase and protect it'. I do see this as an encumbrance on Trusty's property, he is willing to give an easement to the front near the highway, in case a trail ever comes up, like others before him had been asked to do. I do think we're not treating our constituents based here equally and I think it would do more in the public good and the greater interest for all concerned. I do

think this causes a hardship on Mr. Trusty and his property when he's out a pile of money now. When he first started this process it was with the intent to abandon the road, then it was shown the road was actually on Plum Creek's property and he was infringing on it. He went through the trouble to work with Plum Creek to purchase his little sliver of land that still doesn't give him enough property to put any extra houses on, which is not what he wants to do anyway, it was an expensive proposition to survey out and purchase that land from Plum Creek. He was told first to try the exempt process through the County, that was a couple \$100, that didn't work, then he had to go through sanitary review, that was a couple \$100 and then he had to finally get to the point where he could do the road abandonment, that's another couple \$100. Trusty's out the money, he'll be paying taxes on that land that he can't use freely, like he would otherwise. If you could see these pictures, I walked part of this late yesterday afternoon, I know the land but we walked it to the survey marker on the neighbors place and up the deer trail...the game trail onto the other flat road up there and these pictures will show that this ground has been significantly pushed around. He was showing me yesterday where this piece of yard was, the original piece but this part here got filled in from the mud slide matter and so on. Also, I wanted to make mention for the record that when, and I can make copies for the record also, when this subdivision called Lolo Creek Trails was being developed some years ago and the trail runs in back of that subdivision, one of the conditions of approval for that was to protect that trail. The developer was going to put signage in, then it turns out a few years later he gets a waiver from having to do that.

Commissioner Curtiss: No he didn't, I have a copy what we said he had to do.

Chair Landquist: Because he couldn't get anybody to adopt it.

Commissioner Curtiss: Right, but the trail is still there, it's still marked and it's not built upon.

Chair Landquist: Barely.

Commissioner Curtiss: And on his deed it has to say Nez Perce, non-motorized public access easement.

Chair Landquist: To walk that trail you're going to be holding on ~ it's so close to the peoples fences in their backyard, you're going to be touching private property fences to try to use that trail Jean.

Commissioner Curtiss: Mistakes we made in the past don't make it a good idea to make mistakes in the future.

Chair Landquist: There wasn't anybody that stepped forward in the past and now to be treating people differently instead of looking at a way to gather all the other interested parties that have a vested interest in preserving this trail, to include the view shed that is much more significant from the highway that is designated. You see a lot more scenic beautiful as well as the historic trail monument such as, the lady in the bonnet, we always called it locally but from...and we can make pictures from Bud Moore's Book, The Lochsa Story. I think we'd all be better served if collectively all the various entities worked together to designate highway 12 as the scenic highway, a historic view shed, whatever, because the times going to come when that highway is probably going to be subjected to change. Rather than have people try to trespass behind people's homes...that road is within a few feet from your back door and some of your neighbors back doors. I just think we're not treating people fair. I realize that as new information makes itself known that we should at least give some weight to that information. I think in this case it's absolutely wrong.

Jim Evans: We have this type of situation on 1,170 miles of the trail where developments have come up to apex of the trail. Keep in mind, it's not really a trail but a corridor because in 1887 when the Nez Perce were fleeing and they bypassed Fort Fizzle, there were about 800 people and about 3,000 head of horses and you don't go head to tail on something like that. What we've done in the past on places where private property or we go through the middle of them, we've been getting an easement from the owners and places that are County owned. We have leased that land from the County for a number of years to preserve it. We're quite willing to work with the land owner there because from that property line, if I understand right and look at the ownership, on up I think belongs to Plum creek, if I'm not mistaken. Plum Creek has been giving us easements or right-of-ways through a lot of the checker board areas that we traversed in that. Highway 12 is a designated auto tour route for the Nez Perce Trail so that's already taken care of but the land portion of it, the route, we're looking at a corridor that's usually about a ¼ of a mile wide through the areas. We'd be happy to work with the land owner to protect his investment and maybe actually a foot trail or equine trail could be moved up the hill so that we would not come close to his place, it has been used in the past. About 12-13 years ago I led 250 head of horses from the Nez Perce Trail there for the horse club called Chief Joseph Ride; they pass through there every 13 years, so it has been used for that.

Commissioner Curtiss: Mr. Evans, have you talked to the tribal elders about the idea of relocating onto Plum Creek land and whether or not they would be in favor of that?

Jim Evans: There are three tribal entities of the Nez Perce, yes we've corresponded with them and as the agency, the Forest Service has developed a Comprehensive Management Plan and all those things will be put into that plan. Just from past usage for the last 42 years that horse club has used it every 13 years ~ we have come down through there. We have negotiated with Plum Creek and continuing the land acquisition thing that we're doing with them and as we do there's 61% of the trail, Nez Perce National Trail is on private property and we've got easements probably on 30% of that 61% right now, so we have a big uphill. Where we get money to pay for easements is we do grant writing and we do individual donations that's how we operate. So we'd like to see something worked out to do the preservation of as much as possible of that particular route because it is archeology wise, it's

never been proven that's exactly where it goes but from historical records it's pretty well documented that's where it went.

Commissioner Curtiss: Mr. Evans are you willing to visit with the three different tribal entities of the tribe to see if they agree to that and maybe also talk with Plum Creek?

Jim Evans: Definitely.

Chair Landquist: I spoke with Plum Creek, at least Lori Woods from Plum Creek the other day and she was actually surprised (because she helped facilitate Dave buying this little sliver from them) that this road abandonment had not gone through and was shocked that it was held up because she said that they've got the various trails marked on their property that goes above that and they haven't logged it. They've kept it well preserved on their land, I know the Forest Service has done the same thing because there was public testimony at the last meeting from the Van Ostrands that the motorcycle ride up there that have seen the markers on the trees.

Commissioner Curtiss: Those markers are for when they went around Fort Fizzle.

Public Comment

Lee Dexter: I live just west of Dave and we're talking about two different things here. The road actually used to be called Lolo Creek Road. Lolo Trail is up on a ridge. There was no way they could pass through the bottom there because of the way the creek went through and the down fall and stuff. If you look at the history of it with the way it was, everybody traveled the ridge. As far as horses going through there 13 years ago, that's all private property and most of that has been abandoned through our property, there haven't been any horses through there as long as I owned it and I've been there since early 90, that's more than 13 years ago. The horses that did come down came down highway 12, which was kind of a neat deal. We're talking about two different trails; Lolo Creek Road used to be there before it became Highway 12, so if that solves anything. We already have most of that abandoned through our property and there isn't a very big piece that's not going to be abandoned.

Chair Landquist: There's only a couple 100 feet left on the property to the west that hasn't been abandoned, right Steve?

Steve Niday: I was going to address your question about which sections had been abandoned. If you'd like me to I can do it via this map up here?

Chair Landquist: Okay.

Steve Niday: *Continued to show the map and point out the properties.*

Chair Landquist: I know we did an abandonment for Leibenguth too, further up the way and did a relocation.

Steve Niday: There's been a ton of stuff abandoned to the west.

Chair Landquist: But now you're saying that the record or the law is saying that because it calls itself a road we can't turn it into a trail or we can't relocate it and make it a trail.

Steve Niday: We can alter.

Chair Landquist: But in this case nobody's willing to.

Steve Niday: One of the other things that I wanted to address since this idea of the location of the trail seems to be important to the discussion and there's obviously lots of different opinions as to which trail is which. I think it's generally understood that the Nez Perce Tribe on their exodus avoided Fort Fizzle by going up high on the ridge and it's designated on the quad map and national forest maps, their route goes up on the ridge and comes back down and around avoiding Fort Fizzle and here. The Lolo Trail also known as Lewis & Clark Trail is down in the bottom along the foothill and a couple of ways I've been able to substantiate that and that is in 1870 the GLO Surveyors were in here running their section lines. Now 1870 is seven years before the Nez Perce Tribe did their exodus and those surveyors tied this trail, it's faint but if you overlay the position of this trail on a current quad map its down in the bottom at the base of the mountain, it's not up high. There are other GLO surveys. You can see here (looking at the map) it wasn't surveyed in 1870, it was surveyed a few years later and it so happens that as you move up the creek through our area of interest, the surveys took place over a period of about 20 years. This 1870 one is the earliest one. In 1879 they actually show two trails and a road. The ridge parallel in Sleeman Creek is where the tribe came down after avoiding Fort Fizzle. I mentioned this because of this idea of where the trails were, the trails were down in the bottom, for the most part, other than when they went high to avoid the Fort. Now if go farther up the canyon, several miles up the canyon, the main trails did climb up on the ridge but this close to the mouth of the canyon they were down in the bottom. Lewis & Clark Trail is designated such because Lewis & Clark took that route. Lewis & Clark was guided up that canyon by a Nez Perce guide by the name of Old Tobie. Old Tobie took Lewis & Clark up a trail that they used, which was down at the bottom. We know there are a lot people that think in this area it was up high, but I just don't find the evidence to support it.

Chair Landquist: Mr. Trusty you were about to say something at the mic?

Dave Trusty: Before I purchased that piece of ground from Plum Creek I asked them if they'd take their easement off, I talked to Lori Woods, she said they would and the County would have no reason

not to take theirs off of it. It's actually a road to nowhere, goes to my back yard, it can't go any further than that. It's always been called the Lolo Creek Road over the last however many years. The County Commissioners have started calling it this trail and that's why we're here today ~ because they started calling it a trail, it's always been a road.

Jim Evans: It's fairly factual and without doing an archeology survey specifically, we actually can't say they walked that road. And they did come down the ridges and past Fort Fizzle and came off the ridge probably down through that area. Lewis & Clark of course, that's pretty well documented that they went up the valley and not on that way. I really would like to sit down with all the parties concerned as a non-profit independent and try to arrive at a consensus to where the actual trail was and that road is abandoned on each end of it, it's not much use as a road. The concept of a trail for the Nez Perce, as I said is a misnomer; it's really a route that they took so we have been...the Forest Service has been negligent in going out and actually doing the archeology work to determine exactly where the trail is going or has went. We're doing that on the east side of the trail, we've done several and probably 90% of the time the historical records and peoples recollections it's pretty accurate but without doing that formal study that Comprehensive Management Plan that they've talked about and supposed to do, it's questionable if they actually walked a road down that road. Of course, it probably wasn't a road at that particular time but when you have that many people and that many horses, you take the route of less resistance to get them through. So I think this is something we need to sit down with, as an interested third party, we'd be happy to interface with the tribal and you'll find differences of opinions for whatever tribal group that you talk with about it and again, we'll offer our serves to do that.

Art Greydanus: I live at the west end of that road and that road was put in there, I think it was by the County, Lewis & Clark or even the Indians didn't have a bulldozer to put it in the side of that steep hillside, so it couldn't have been a trail. There never was a trail there on that hillside, the lower end of that was abandoned in 2000 or 2002 maybe. Plum Creek said that they had to log that hillside, well since then they logged it with a helicopter and now they don't need that road anymore and they tell me they were going to abandon it when this came up. I'd like to have my ground abandoned too because there's no way they can ever get through there, they can only get in about 400 feet from Dave's line into my place and the rest is abandon, so where are they going to go?

Chair Landquist: Well they can certainly have fun on that game trail Dave took me on yesterday afternoon.

We do have some documentation that's been put in the record from 1895 from when residents/tax payers from that area that I guess owned those parcels back then, asking for that road to actually be adopted as a county road. That is essentially what Dave thought he was requesting to be abandoned.

Commissioner Curtiss: I think what the difference is that through this process we learned that the Congressional designed trail and the Lewis & Clark Trail are all shown on maps to be lined up with that. Of course, we often build public roads and took petitions for public roads over an existing two track, which used to be a one track where a horse walked, so that's the problem here.

Chair Landquist: Well I think the good news here today, if there is any, is that Jim Evans is interested in working with the other parties and sounds to me like there might be a possibility of working maybe with Plum Creek to relocate an official part of that so that the pieces can connect again because the stuff on Art's place has been abandoned, so it wouldn't do him any good to not create some new easement there.

Commissioner Curtiss: I think the Commission should talk a little bit more before we close the hearing because to me we either take the recommendation of the viewers or we recess the hearing and wait and give some opportunity for some other conversations so we wouldn't close it.

Chair Landquist: That would probably be beneficial to Mr. Trusty, other than he's still waiting around for an answer, but at least then if this were to come back before us he wouldn't have to repay more fees. Dave, are you agreeable to that? Rather than the decision coming down today, to say no we can't abandon that, wait for some more communication to take place between the Forest Service and Plum Creek and the other Nez Perce Trail Association and the other tribes.

James McCubbin: Can I make a suggestion in that regard?

Chair Landquist: Sure.

James McCubbin: Jean just mentioned if we're going to continue the hearing we need to set a date certain so we don't have to re-notice. But the other thing I wanted to note is when we go back through historical records and Steve can talk about this as well, this is less of an issue now but when we go back to historical records particularly on road petitions and you look for when the hearing was held and so forth and if something is left open, it can become really difficult to keep those records straight. What I would recommend is if it doesn't look like this can be resolved rapidly and I don't think there's a way to know how long discussions might take. I would suggest that you go ahead, close the hearing, make a decision on this petition but then be open to the possibility of waiving fees for a future similar petition because all the background work has been done, we'll have these records available and Steve will have the knowledge still available. It's pretty rare when it's appropriate to waive fees but this might be that kind of situation, I think it would accomplish the same goal but still make sure that we have clear records on the recommendation.

Chair Landquist: I was going to ask about the possibility of waiving fees and moving forward.

James McCubbin: That's always a discretionary decision.

Chair Landquist: Dave, do you have a preference on that? Did you understand what Mr. McCubbin said to us? We have two choices before us; we can either close the hearing, take a vote most likely based on the viewer's report that votes going to be to deny your request. But, with the caveat if the request comes back to us after various parties get together we would be agreeable to waiving fees for this request so you wouldn't have to repay because we've already got tons of information on it.

You have two choice; we either deny and close or we can leave it open which does get problematic for tracking meetings and stuff and see if the parties will all talk to one another and relocate that off your place. We have two alternatives here that we're looking at, do you have a preference?

Dave Trusty: No

Chair Landquist: So you don't care either way? Okay.

Commissioner Curtiss: We had a meeting with Plum Creek and others the other day; I didn't hear her offering up.

Chair Landquist: I think she had to get a plane to Atlanta the next day so she did what she could by phone. Steve do you remember the maps that they said they used?

Steve Niday: She said she had a contact at the Forest Service that she's going to try to reach that might provide some enlightenment about the trail up on the hill.

Chair Landquist: She was going to contact the two local guys from Plum Creek but there was an acronym for the set of maps that she said they used.

Steve Niday: Was it the website that they go to?

Chair Landquist: Yes. So I think more discussion could be done on that because I think Plum Creek already has some areas above there that are delineated.

Commissioner Curtiss: But as Steve just shown the maps older than the exodus.

Chair Landquist: Yes, but I don't know what Plum Creek's showing.

Commissioner Curtiss: There's more than one trail, that's the issue there. That is the one that's marked by the markers apparently.

Jim Evans: Speaking of maps, in the original Comprehensive Management Plan for the trail, there were a series of maps that showed where the trail was and on page 5 it does show where it goes up on the ridges and the comes down. Has anybody looked at that in depth, from that particular standpoint? That's where the designation came from.

Steve Niday: I did not look at the maps in the plan; I'm relying on the Forest Service map and the quad map that depicts that Nee-Me-Poo National Historic Trail. Just for the record, I'm not an expert at the location of this trail, I've done a minimal amount of research really after the discussion with you and Lori made me doubt myself about the location of the trail. I wanted to prove to myself where I thought it was again, reprove to myself. I'm in no way an expert on the location and my supposition could be proven wrong.

Commissioner Curtiss: I think the problem is we know we have a public right-of-way and we know where it is because it was a petitioned road. We also know that Congress designated the Nez Perce Historic Trail pretty much to line up with that right-of-way, probably because it made sense and we know that with 800 people and 3,000 horses, somebody walked there, unless the creek was real high. I think that the question before us is really because we have a public right-of-way, should we keep it so that it can coincide with the designated trail of historic and cultural significance? If you haven't gone to the Forest Service website or searched the Nez Perce Trail and watched the video, which we did as a Commission a few weeks ago, to remind ourselves of that actually shameful part of our history where we were running the Native American people off their own lands across our Country, you should watch it because it's significant. We have the opportunity here to make sure that part of that piece of the trail stays in public responsibility, I guess. None of us can exactly prove where it's at. We've seen on an 1860's map where the trail was marked, there were trails on hills, there were hills on the bottom, it depended on the time of year, it depended on if you were hunting or if you were going down to fish, it depended on a lot of things as to where people in the area actually traveled. We are responsible for a piece of history too, I think.

Deanna Dexter: Have you been up to that road and looked at it yourself?

Commissioner Curtiss: Yes, I was the one that viewed it.

Deanna Dexter: Do you really think that's gonna go to another trail, on that road?

Commissioner Curtiss: It is a piece of history that we're supposed to not just throw away. I understand. I have a piece of an old county road that goes through a piece of property that I own in the Swan, same deal. People drive on it, they think they can get through to Forest Service land, they come through to try and hunt, I understand but it accesses Federal Land and so I can't abandoned it either. It isn't like I don't understand people's issues here but it's an important piece of history too. I think that may be our best decision today is to go with the viewer's report. I also don't think it's a good idea for three County Commissioners to go against a Sovereign Nations request not to abandon it. And then if Mr. Evans and the tribal entities and Plum Creek are able to negotiate, okay let's put the

historic piece over here 50 feet or whatever it is and we can still honor that history and that cultural, then we can come back here. Yes, I did walk.

Commissioner Carey: With that are you ready for a motion?

Chair Landquist: If there's no future public comment then I'll close the public portion and we'll go into our deliberations or motion.

Commissioner Carey: I think before us is an opportunity to preserve in some small way right now, the significance of a historical trail and I think it's in the public's interest to not abandon this public right-of-way so I'll make that motion.

Executive Session

Commissioner Carey made motion that the Board of County Commissioners deny the petition to abandon this public right-of-way. Commissioner Curtiss second the motion. Chair Landquist abstained. The motion carried a vote of 2-1.

Chair Landquist: I don't think we're treating everyone fairly and I hope to God that some of the things we discussed here today, if they come into fruition, that Mr. Trusty is fortunate enough to be contacted by some of the other interested parties that fees would be considered to be waived.

Commissioner Curtiss: While we still have Mr. Evans on the phone ~ Mr. Evans you have our Parks person, Lisa's, contact information correct?

Jim Evans: Yes I do.

Commissioner Curtiss: Okay so why we don't count on you to use Lisa as the conduit here if there's further conversation to be had.

Jim Evans: I would be very happy to do that.

Commissioner Curtiss: Thank you Mr. Evans.

Chair Landquist: And the number that we use to call you is?

Jim Evans: 208-940-0053. As a side; we have a virtual tour on our website and you can go on that virtual tour and hone in on Fort Fizzle and through Google earth you can actually take an aerial view of the whole area. That might be very helpful to people to look at that. The website is NezPerceTrail.net.

9. OTHER BUSINESS

None

10. RECESS

Being no further business to come before the Board the Commissioners are in recess at 3:05.

THURSDAY, FEBRUARY 28, 2013

BCC met in regular session; all three present in morning. Early morning: ML and JC attended MEP Investor Breakfast, held at UofM. Afternoon: BC accompanied Marnie McClain on 310 Inspection of Brennan's Wave; JC judged Spelling Bee at Sentinel High School; ML attended retirement celebration for Sheriff's Office employee, held at Fairgrounds.

Indemnity Bond – ML signed. Erin Dyrud, Missoula, Principal for Warrant #15054076, issued August 29, 2012 on Claims Fund. Amount/\$15 (background check info). Warrant lost.

Indemnity Bonds – ML signed two (2). MEA – Target Range Education Association, Missoula, Principal for Target Range School Warrant #s16012836 and 16012876, issued February 11, 2012 on Payroll Fund. Amounts/\$1,621.71 and 124.35 respectively, (Treasurer dues). Warrants lost.

ADMINISTRATIVE MEETING

Contract/Task Order #3 – BCC signed, dated February 26, 2013. Between County and A&E Architects to provide structural analysis of fairgrounds culinary building (part of phased renovations of Fairgrounds). Amount/\$8,175. Term/march 1, 2013-April 30, 2013. Originals to C&R and Steve Earle/Fair.

Letter – BCC signed, dated February 27, 2013. To MT 63rd Legislative Assembly, Helena, strongly supporting House Bill 4, the bonding program bill that provides critical funding for the UofM Missoula College. Original to Peggy Kuhr at UofM.

Additional discussion item(s): Legislative update.

MISSOULA COUNTY COMMISSIONERS' JOURNAL: MARCH, 2013

BCC = BOARD OF COUNTY COMMISSIONERS

- ML = Commissioner Michele Landquist, Chair
- BC = Commissioner Bill Carey
- JC = Commissioner Jean Curtiss

The following Claims Lists were signed during the month of MARCH 2013:

Date Signed	Claims List Date	Who signed	Amount
March 4, 2013	March 1, 2013	BCC	\$50,814.24
			\$30,427.95
March 5, 2013	March 4, 2013	ML, BC	\$1,802.79
			\$662.07
			\$925.22
			\$1,000.00
			\$75.00
			\$16,731.53
			\$10,101.77
			\$1,515.42
			\$1,419.43
			\$16,733.66
			\$1,867.50
March 6, 2013	February 25, 2013	BCC	\$2,093.08
March 6, 2013	March 4, 2013	BCC	\$80.00
			\$82.55
			\$205.89
			\$853.60
			\$191,905.22
March 6, 2013	March 5, 2013	BCC	\$31,767.14
			\$275.53
			\$2,266.87
			\$854.74
			\$8,812.99
			\$800.11
March 7, 2013 March 7, 2013	March 5, 2013 March 6, 2013	JC, BC JC, BC	\$753.51
			\$6,801.78
			\$1,710.05
			\$825.08
			\$12,503.35
			\$12,828.24
			\$3,445.00
			\$8,838.04
			\$16,771.50
			\$1,500.00
			\$4,744.82
			\$4,046.00
March 8, 2013	March 7, 2013	JC, BC	\$345.00
			\$110.06
			\$210.00
			\$10,032.28
			\$1,293.82
			\$44.79
			\$5,163.95
			\$9,070.93
			\$8,114.65
March 8, 2013	March 7, 2013	JC, BC	\$253.71
			\$4,445.70
			\$347.94

March 8, 2013	PHC Amerisource ACH	\$80.00
March 11, 2013	PHC Cardinal Health ACH	\$28,870.10
March 11, 2013	PHC Cardinal Health ACH	\$64,060.43
March 13, 2013	March 11, 2013	BCC
		\$1,236.07
		\$1,471,506.78
		\$125,287.77
		\$1,147.37
		\$12,347.20
		\$323.43
		\$25,234.25
		\$328.96
		\$781.84
		\$1,365.68
		\$872.75
		\$1,179.20
		\$245,501.49
March 13, 2013	March 12, 2013	BCC
		\$10,071.43
		\$342.30
		\$418.42
		\$6,062.33
		\$754.54
		\$11,710.52
		\$244.48
		\$2,130.75
		\$8,991.87
March 14, 2013	March 12, 2013	BCC
		\$22,948.26
		\$42,576.49
		\$2,851.50
		\$12.28
		\$36,551.83
March 14, 2013	March 13, 2013	BCC
		\$19,458.54
		\$3,987.41
		\$52,262.07
		\$66,895.74
		\$238.95
		\$1,257.65
		\$32.72
		\$375.00
March 18, 2013	March 13, 2013	BCC
		\$33,203.94
		\$72,749.67
March 18, 2013	March 14, 2013	BCC
		\$5,072.92
		\$13,281.93
		\$12,612.60
		\$11,342.76
		\$2,083.24
		\$5,268.27
		\$339.73
		\$934.92
		\$3,635.91
		\$66,448.34
March 19, 2013	March 15, 2013	BCC
		\$20,635.00
		\$7,380.00
		\$6,732.69
		\$11,353.87
March 19, 2013	March 12, 2013	JC, BC
		\$1,088.60

March 19, 2013	March 19, 2013	JC, BC	\$1,437.51
			\$2,838.99
			\$2,844.89
			\$1,610.46
			\$1,436.81
			\$219.85
			\$473.00
			\$12,083.65
			\$4,016.79
			\$975.78
			\$97.42
			\$20,475.00
			\$43,214.01
			\$39.44
March 20, 2013	March 19, 2013	BCC	\$34.54
			\$20.00
			\$5,275.18
			\$13,782.61
			\$1,057.60
March 20, 2013	March 20, 2013	BCC	\$330.34
			\$3,149.91
			\$2,720.32
			\$116.49
			\$175.35
			\$70,802.54
			\$8,366.82
			\$45,729.67
March 22, 2013	March 21, 2013	BCC	\$22,265.46
			\$1,818.37
			\$1,580.02
			\$9,843.25
			\$24,740.17
			\$13,892.21
			\$510.00
			\$52,089.99
March 25, 2013	PHC Cardinal Health ACH		\$54,384.27
March 26, 2013	March 25, 2013	BCC	\$3,111.67
March 26, 2013	March 25, 2013	BCC	\$6,362.75
			\$1,855.86
			\$6,255.43
			\$7,442.00
			\$750.00
			\$181,525.19
			\$14,188.95
			\$12,846.80
			\$18,464.56
			\$385.89
			\$365.28
March 27, 2013	March 25, 2013	BCC	\$1,865.92
March 27, 2013	March 26, 2013	BCC	\$2,633.28
			\$3,692.07
			\$115.73
			\$620.00
			\$394.92
			\$69.08
			\$11,594.04
			\$252.94
			\$57,860.32

March 28, 2013	March 26, 2013	BCC	\$3,518.54
			\$4,948.00
March 28, 2013	March 27, 2013	BCC	\$339.70
			\$23,889.79
			\$6,221.23
			\$6,591.04
			\$125.69
			\$426.82
			\$1,663.40
			\$2,000.00
			\$21,463.01

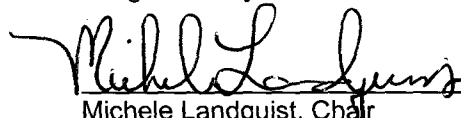
All Claims Lists were returned to the Accounting Department.

FRIDAY, MARCH 1, 2013

The BCC met in regular session; quorum present in the afternoon. Afternoon: JC attended meeting of Election Advisory Committee.

Monthly Report - ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending February 2013.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, MARCH 4, 2013

The BCC met in regular session; all three members were present. Afternoon: JC attended Press Conference re: Sequester, held at Union Hall.

Community and Planning Services Update - BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Director's update.

TUESDAY, MARCH 5, 2013

The BCC met in regular session; all three members were present.

Monthly Report - ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending February 2013.

ADMINISTRATIVE MEETING

Agreement - ML signed. Mutual Release and Final Settlement Agreement, dated February 28, 2013 for the Wye Area Sewer Project (Phase 2A construction work done by Sommers Construction), between Great American Insurance Company and Missoula County and City of Missoula. Total payment/\$210,000 (County to receive \$40,000; City to receive \$170,000). To Greg Robertson/Public Works for further signatures/handling.

Amendment - BCC signed, dated March 5, 2013. To Agreement between County and Professional Consultants, Inc. for improvements to Butler Creek-Expressway intersection design services. Amended (per Exhibit B) is scope of services, at a cost of \$3,500 for additional work product. All other provisions remain unchanged. Originals to C&R and Barb Martens/Projects.

Contract - BCC signed, dated February 26, 2013. Between County and North Star Amusements Corp. for the operation of a carnival at Western Montana Fair. Amount/\$90,000 (+/-). Term/three (3) years: dates of fair 2013, 2014, & 2015. Originals to C&R and Steve Earle/Fair.

Letter - BCC signed, dated February 27, 2013, to Tracy Stone-Manning/MT DEQ/ Helena, and Joe Vranka/ EPA Montana Office/Helena, re: proposed National Priorities Listing of former mill site. County and other members of Frenchtown community met with reps of M2Green (owners of Frenchtown Tech and Industrial Center), and urges State and EPA to work with 1) M2Green; and 2) potentially responsible parties to address investigation of site contamination through an Administrative Order on Consent; as well as with 3) any potential purchasers or lessors to address concerns over potential contamination/protection from liability.

Additional discussion item(s): 1) CDBG-ED Funding. BCC will further pursue; 2) Project Reaching Home Implementation; 3) NACo Prescription Drug Card; 4) Legislative update.

WEDNESDAY, MARCH 6, 2013

The BCC met in regular session; quorum present in morning. Early afternoon: JC traveled to Helena to testify before the Legislature on 9-1-1 Bills.

CHIEF ADMINISTRATIVE OFFICER MEETING

Contract – BCC signed. Between County and CTA Architects for portion of Health Dept. remodel at 301 W. Alder. Amount/\$61,100. Term/begins November 12, 2012; end date tbd. Originals to Julie Mohr/Health Dept.

Construction Agreement – BCC signed. Between County and State of MT DOT for reconstruction of a curve on Blue Mountain Road east of O'Brien Creek Road. Agreement outlines obligations of respective parties during reconstruction. This project nominated as a safety enhancement project in response to concerns voiced during Miller Creek Bridge EIS process. Originals to Greg Robertson/PW for further signatures/handling.

Memorandum – BCC signed, dated March 7, 2013. To Tom Gigstad, Field Consultant/MEA-MFT, re: his letter of February 5, 2013 in which he advanced grievance filed by two former employees to Level 3 of contractual grievance procedure. BCC denies grievance, per County Attorney van Valkenburg's analysis of the employment contract.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated March 6, 2013. Amount/\$27,096.92. To County Auditor.

Additional discussion item(s): Legislative update.

NO PUBLIC MEETING HELD THIS DATE.

THURSDAY, MARCH 7, 2013

The BCC met in regular session; quorum present. ML out of office all day. Morning: JC met with Ray Stillwell and Thad Huse re: M2Green Development.

ADMINISTRATIVE MEETING

Resolution No. 2013-016 – BCC signed, dated March 7, 2013. Budget Amendment for Public Works showing Revenue/Expenditures in amount of \$78,800 for Road/Bridge Fund (for mid-course adjustments not previously budgeted for). For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Tom Roy Youth Home Documents:

Letter – BCC signed, dated March 7, 2013, to Curley Youpee, THPO/Fort Peck Agency, Polar, MT, requesting comments regarding any possible impacts of concern to the Assiniboine and Sioux Tribes of the Fort Peck Reservation stemming from a project receiving federal support in Missoula County (the Tom Roy Youth Guidance Home).

Resolution No. 2013-015 – BCC signed, dated March 7, 2013. Budget Amendment for Grants & Community Programs showing Revenue of \$450,000 from CDBG Youth Homes/State MDOC Grant for Tom Roy Home. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Agreement – BC signed. Between County (MCCHD) and DPHHS for local sanitarians to assess schools in playground safety, lab/chemical storage safety, and indoor air quality. Term April 15 - June 30, 2013. Amount/\$375 per school. Originals to Julie Mohr/Health Dept.

Amendment – BC signed. Modification #8 to Contract #510040 between MCCHD and MT DEQ (Public Water Supply Inspections) as follows: 1) Extends duration of Contract to 6/30/2013 (with project begin date of 3/11/13); and 2) DEQ reimbursement to County changes to \$38,655. All other provisions remain unchanged. Originals to Julie Mohr/MCCHD. [Same as Modification #7 signed by ML 2/5/13 except for project begin date of 3/11/13 vs. 1/2/13].

Agreement – BCC signed. Between County (MCCHD) and Missoula Police Dept. for enforcement of DUI Task Force activities to reduce alcohol-involved traffic crashes in Missoula County. Amount/up to \$5,000 (funded by Driver's License reinstatement fees). Term/July 1, 2012-September 30, 2013. Two originals to Julie Mohr/Health Dept.

Resolution No. 2013-017 – BCC signed, dated March 7, 2013. Budget Amendment for Library showing Revenue of \$16,295 from ARRA Stimulus and related Expenditures. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.


NOI and SWPPP – BC signed. MT DEQ's Notice of Intent and Storm Water Pollution Prevention Plan forms for Terrace View Drive. Project is to reconstruct segment of road, including paving. Originals to Brent/Public Works.

Additional discussion item(s): 1) Public Works Building Division–Ag Exemption; 2) 2013 Redistricting; 3) Legislative update.

FRIDAY, MARCH 8, 2013

The BCC met in regular session; all three members were present.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, MARCH 11, 2013

The BCC met in regular session; all three members were present. Noon: ML attended City Club Luncheon, held at DoubleTree. Evening: BC attended meeting of Bonner-Milltown Community Council.

Monthly Report - ML examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending February 2013.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Parks and Trails Program updates; 4) Director's update.

Resolution No. 2013-018 – BCC signed, dated March 11, 2013. Approving relocation of an existing 20 foot wide utility easement affecting Lots 4 and 5 in West End Industrial Development Subdivision, Phase 2, situated in Section 34, Township 14 North, Range 20 West, PMM, Missoula County. Public Hearing held January 9, 2013

Letter – CAO Dale Bickell signed, dated March 11, 2013. To Zia Kazimi/MDOT/Helena, enclosing first quarter financial status report for Missoula's transportation program. Originals to Bobby Day.

TUESDAY, MARCH 12, 2013

The BCC met in regular session; all three members were present. Evening: ML attended meeting of Lolo Community Council.

ADMINISTRATIVE MEETING

Letter – BCC signed, dated March 12, 2013. To Keith Baird/Tribal Historic Preservation Officer/Nez Perce Tribe, Lapwai, ID, re: environmental review concerns for the initial development phase of Milltown State Park. The BCC requests their review, on behalf of the Nez Perce Tribe, of the potential impacts of this project on the biophysical and human environment.

Additional discussion item(s): Legislative update.

WEDNESDAY, MARCH 13, 2013

The BCC met in regular session; all three members were present.

CHIEF ADMINISTRATIVE OFFICER MEETING

Letter – BCC signed, dated March 13, 2013, to Big Sky Trust Fund Selection Committee, Big Sky Economic Development Trust Fund ("BSEDTF"), MT DOC, Helena, supporting BitterRoot Economic Development District's (BREDD) application for a BSEDTF Category II planning grant to conduct a feasibility study for TeraDact Solutions, Inc. (Missoula-based software company which has developed software tools that identify/protect sensitive information contained in electronic documents).

Additional discussion item(s): Legislative update.

PUBLIC MEETING – March 13, 20131. **CALL TO ORDER**

Commissioners Present: Commissioner (Chair) Michele Landquist, Commissioner Jean Curtiss, Commissioner Bill Carey

Staff Present: Marnie McClain, Deputy County Attorney, Greg Robertson, Director Public Works

2. **PLEDGE OF ALLEGIANCE**3. **PUBLIC ANNOUNCEMENTS**

The call is out for interested parties for the annual dust abatement program; call 258-4753 and ask for Molly.

4. **PUBLIC COMMENT**

None

5. **ROUTINE ADMINISTRATIVE ACTIONS**

Bi-Weekly Claims List (\$2,627,273.93)

BOD 012 MAR 01 2013

Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount of \$2,627,273.93. Commissioner Curtiss seconded the motion. The motion carried a vote of 3-0.

6. HEARING

310 Application (Orchard Homes Irrigation Ditch/Brennan's Wave)

Marnie McClain gave report. This structure was constructed in 2006. There was a collapse that's been removed and the new structure was proposed to maintain grade control and recreational play way features were also incorporated into the design. The middle part of the structure has settled and there's a crack visible that needs to be repaired. In addition some debris from the original structure has surfaced and is exposed. Full repair of the structure would require dewatering of the river.

What's being proposed today is Phase I of what will be a larger project. After their initial submittal they send an addendum which proposed then to divide it into two parts. What they want to do is go ahead and do the debris removal this week and come back with a more developed proposal to do a larger scale fix. The larger scale fix is more expensive and complicated, it requires dewatering the river and they're still working on developing the proposal.

A team inspection was held at Brennan's Wave on February 28th, 2013, there were representatives there from Orchard Homes Ditch Company, Fish, Wildlife & Parks, Greg Robertson, who is acting as our technical advisory in this project, along with Brent O'Connor. I attended and Commissioner Carey. They would like to do this project next week while the water is still low.

Referenced Greg Robertson's Review Memo

Chair Landquist referenced Bruce Farling's letter, Executive Director Montana Trout Unlimited. He has many concerns, as he refers to in his letter it still remains a mystery to him. Marnie, would it be appropriate to mention what some of those concerns were since Bruce couldn't be here today and the public may very well have some of these same questions.

Marnie McClain: His concerns include questions about ownership and maintenance, along with liabilities and long term plans for funds for maintenance. When the original project was approved in 2006, Orchard Homes Ditch Company, at the request of the Commissioners, acknowledged ownership of the diversion and the proposed reconstruction without reservation or exception or distinction between parts of the structure. They also accepted and assumed all maintenance responsibilities that were necessary. In addition to that there's an agreement between Orchard Homes Ditch Company and Brennan's Wave Inc. under which Brennan's Wave will assist with the maintenance for a period of 10 years, that agreement is still in effect, I think until July 2014. I feel like the ownership and their maintenance responsibilities were addressed and pinned down in 2006 when they issued the original permit. He also expresses concern that they set aside \$20,000 to cover future repairs, it appears that it's not adequate, I agree that seems to be the case. I think they're working to raise funds to make up what they need in order to do this work and then I think it will be reasonable for you to talk to them about what the next plan is for capital fund improvements so that they're not caught without any funds the next time they need to do a repair.

Public Comment

None

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners approve the request for Phase 1 with the modifications as referred to in both team reports. Commissioner Carey second the motion. The motion carried a vote of 3-0.

Marnie McClain: Permits are good for up to a year; do we need to make this good for a year?

Commissioner Curtiss: So we're saying good through May 1st. Project starts next week and ends May 1st.

7. OTHER BUSINESS

None

8. RECESS

Being no further business to come before the Board the Commissioners are in recess at 1:52.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated March 13, 2013:

- 1) Approving request from Ty Rembe, Missoula, to refund motor vehicle taxes paid in error for vehicle #2134295.
- 2) BCC reviewed letter from Wes Redden, MT DOR, to Wallace Roberts, Missoula, re: refund for Tax ID #5818592. FYI only.
- 3) Approving request from Lara Wildeboer, Missoula, to refund motor vehicle taxes paid in error for vehicle #1640326.

THURSDAY, MARCH 14, 2013

The BCC met in regular session; all three members were present.

ADMINISTRATIVE MEETING

Variance – BC approved County Parks & Trails Advisory Committee's request for a variance from Section 6(A)1) of County Policy #2008-02 (Missoula County Purchasing & Contracts Policy) requiring a Request for Proposals or Request for Qualifications process for service contracts exceeding \$50,000.

Agreement – BCC signed, dated March 15, 2013. Between County and City of Missoula Parks and Recreation for maintenance/management/programming at Fort Missoula. Term/July 1, 2012-June 30, 2013. Amount/\$83,563. Two originals to Lisa Moisey/Parks.

Contracts – BCC signed two (2) contracts between County (MCCHD) and 1) Florence Carlton School District #15-6; and 2) Frenchtown School District #40 for provision of BMI testing for entire student body, classroom nutrition education, consultation on policies to enhance school food environment/physical activity, and resource referrals to families. Term/March 1, 2013-February 28, 2014. No fiscal impact. Two originals to Julie Mohr/MCCHD.

Grant Documents – ML signed. For submission by County and Frenchtown Community Coalition to SAMHSA for Drug Free Communities Support grant funding (same funding Missoula forum for Children & Youth received 1998-2008). Money will fund coalition coordinator and half-time Project Success councilor. Total grant/\$125,000 for term October 1, 2012-September 30, 2013. To Peggy Seel/OPG.

Resolution No. 2013-019 – BCC signed, dated March 14, 2013. Denying petition to abandon a portion of Old Lolo Creek Trail, located in SE¼ of Section 35, T 12 N, R 21 W, PMM, Missoula County, for reasons stated in viewers' report.

Additional discussion item(s): 1) Maclay Bridge update; 2) Legislative update.

FRIDAY, MARCH 15, 2013

The BCC did not meet in regular session. ML out of office all day. Morning/afternoon: JC attended Mental Health/CDC meeting. Evening: JC attended MT World Trade Center Reception, held at UofM Gallagher Building.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, MARCH 18, 2013

The BCC met in regular session; all three members were present. Evening: BC attended meeting of East Missoula Community Council.

Replacement Warrant - ML signed. Sweet Pea Sewer & Septic, Missoula, Principal for Facilities Warrant #30231746, issued November 29, 2012 on County 1000 Fund. Amount/\$352.50 (for plumbing work). Not received in mail. No bond of indemnity required.

Indemnity Bond – ML signed. Lani Jo Lida Altmann, Missoula, Principal for Sheriff/Detention Warrant #60-034971, issued September 26, 2012 on Inmate Commissary Fund. Amount/\$77.10 (Commissary funds). Warrant lost.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Garden City Harvest River Road farm City Bond Project; 4) Proposed Drew Creek Park Fire Fuel Reduction Project; 5) Tax Deed review; 6) Director's update.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 05/CY2013 - Pay Date/March 8, 2013. Total Payroll/\$1,313,132.24. To County Auditor.

TUESDAY, MARCH 19, 2013

The BCC met in regular session; all three members were present. Evening: JC attended meeting of Swan Valley Community Council.

Indemnity Bond – ML signed. Western States Truck Center, Missoula, Principal for Frenchtown School Dist. #40 Warrant #25056766, issued November 27, 2012 on Claims Fund. Amount/\$139.03 (Invoice #117211). Warrant lost.

ADMINISTRATIVE MEETING

Grant Documents – BCC signed Non-Supplantation Letter to Bea Hanson/OVAW/DOJ, Washington, DC and ML signed MOU and Cooperation Among Participating Partners (YWCA, DPHHS, etc.) for the Safe Havens Supervised Visitation and Safe Exchange Grant Program, Missoula County Planet Kids Program:

OVW-2013-3405. Budget/estimated to be \$100,000-\$116,000 per year (for three years). Original to Shantelle/OPG for further signatures/handling.

Contract – BCC signed, dated March 19, 2013. Between County and Art & Image Creative Resources, Inc. for marketing materials for Seeley Lake Woodstove Changeout. Term/March 18 – November 1, 2013. Amount/\$20,000. Originals to C&R and Heather Kinnear/Grants.

Renewal Lease Agreement – BCC signed, dated March 19, 2013. Between County and Missoula Fastpitch Association to operate a softball facility at Big Sky Park for an additional three-year term (per recommendation of County Parks & Trails Advisory Board). Lease Revenue/\$1.00. Originals to C&R and Lisa Moisey/Parks.

Request – BCC approved expenditure of up to \$3,200 in Parks Funds for tennis court post replacements at Fort Missoula Regional Park Tennis Courts (per recommendation of County Parks & Trails Advisory Board). Original to Lisa Moisey/Parks for further handling.

Request – BCC approved expenditure of up to \$500 in Parks Funds for noxious weed treatment on Oral Zumwalt Community Park (per recommendation of County Parks & Trails Advisory Board). Original to Lisa Moisey/Parks for further handling.

Contract – BCC signed. Between County (Fairgrounds) and the Let's Pretend Entertainment for free entertainment ("The Cutest Show on Earth") at the 2013 Western MT Fair. Amount/\$4,750. Term/August 6 – August 11, 2013. Originals to C&R and Steve Earle/Fair.

Change Order #1 – BCC signed. To contract between County and A&E Architects/Jackson Contractor Group for asbestos abatement in basement and first floor bathrooms at Courthouse/Annex remodel. Change adds \$19,374.99 to contract total. Originals to C&R and Larry Farnes/Facilities Management.

Resolution No. 2013-020 – BCC signed, dated March 19, 2013. Budget Amendment showing Revenue of \$19,374.99 from EPA Abatement Grant for asbestos abatement project set forth above. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Letter – BCC signed, dated March 20, 2013. To Dan Vermillion/Chair, MT FWP, Helena, re: proposed openings/closings of the Blackfoot and Clark Fork Rivers at Milltown. BCC is committed in providing access to this area and requests FWP use, in a timely manner, the nearly \$6 million raised for public access facilities.

Additional discussion item(s): 1) Proposed changes to existing Building Division Policy; 2) Legislative update.

WEDNESDAY, MARCH 20, 2013

The BCC met in regular session; all three members were present. Early morning: BC attended Chamber Ad Hoc Meeting. Morning: BCC, Barb Martens, et al attended Wayfinding Brainstorming Session, held at DoubleTree. Early evening: BC attended a Public Meeting and Wayfinding Presentation by MERJE, held at DoubleTree.

CHIEF ADMINISTRATIVE OFFICER MEETING

Sub-recipient Agreement – BCC signed, dated March 20, 2013. Between County and Youth Homes, Inc. for the construction of Tom Roy Youth Guidance Home. Amount/\$450,000 (from grant funds). Term/July 1, 2012-June 30, 2014. Three originals to Jean Harte/Grants for forwarding to MT DOC.

Resolution No. 2013-022 – BCC signed, dated March 20, 2013. Resolution qualifying funding of up to \$200,000 of 2006 Open Space Bond funds (expended from the City's portion) towards purchase of 3.25 acres on River Road and the granting of conservation easement.

Cooperative Agreement – ML signed. Between County (MCCHD) and MT DPHHS (Food and Consumer Safety Section) to establish payment schedule of County portion for inspections of licensed establishments. Amount/up to \$95,000/yr. Term/January 1 – December 13, 2013. Two originals to Julie Mohr/ MCCHD.

Request – BCC approved the designation of County Information Services Director (Jim Dolezal) as the MCCHD Health Insurance Portability and Accountability Act (HIPAA) Security Officer.

Resolution No. 2013-021 – BCC signed, dated March 20, 2013. Budget Amendment for Records Management in amount of \$3,200 from Capital (Building/Construction), for unanticipated indexing expenses by COMSTOR, Inc. for digitization costs. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Agreement – ML & JC signed, dated March 18, 2013. Between County and DJ&A for provision of design plans to replace a crossing over Mill Creek on Main Street in Frenchtown, MT (as part of Frenchtown Bike/Ped Pathway Project). Amount/\$13,858.16 (from CTEP funding). Plans to be completed by May 31, 2013. Originals to C&R and Erik Dickson/PW.

Agreement – ML signed, dated March 19, 2013. Between County and Tetra Tech, Inc. for geotechnical investigation and foundation design for replacement structure to cross over Mill Creek on Main Street in Frenchtown, MT (as part of Frenchtown Bike/Ped Pathway Project). Amount/\$6,946.50 (from grant funds). Originals to C&R and Erik Dickson/PW.

BCC 012013 0170

Board Appointment – BCC appointed Larry Popp to fulfill an unexpired term on the West Valley Community Council. Mr. Popp's term begins immediately and will run until the Special District Election is held in May of 2015 (at which time he will need to file for election to a new 3-year term).

Board Appointments – BCC reappointed the following to new 3-year terms on the Big Sky Park Stewardship Committee: Natalie Harrington, Kim Ashwell, and Dawn Kato. Their term will run from April 1, 2013 and run through December 31, 2016.

Additional discussion item(s): Legislative update.

SPECIAL PUBLIC MEETING – March 20, 2013

1. CALL TO ORDER

Commissioners Present: Commissioner (Chair) Michele Landquist, Commissioner Jean Curtiss, Commissioner Bill Carey

Staff Present: Todd Klietz, Floodplain Administrator

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

Missoula Aging Services also need volunteers to deliver meals. Call 728-7682. They deliver over 1,000 meals a week.

4. PUBLIC COMMENT

None

5. ROUTINE ADMINISTRATIVE ACTIONS

Bi-Weekly Claims List (\$665,133.51)

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount 665,133.51. Commissioner Carey second the motion. The motion carried a vote of 3-0.

6. HEARING

Floodplain Permit Variance (11055 Silver Street in Clinton – Simmons)

Todd Klietz gave staff report and showed PPT presentation

Christy Brandon, Chapter 7 Bankruptcy Trustee appointed to Meryl J. Simmons Bankruptcy Estate: She filed her bankruptcy in September 2011. My job is to assess the assets, bring them in, liquidate them and get the money together so we can distribute them to the creditors in the case. She has roughly \$200,000 of creditor claims that have been approved by the court that we're trying to get some funds out to them. I know that's not this Commissioners business, I understand that, I'm just gonna give you a little brief background of who I am and how I fit into this picture. Our last asset will be this home with the 77 surrounding acres. The court approved my employment of Pat Byrne, he's here with me today, the Realtor for the bankruptcy estate and with me today also is Myron Stroh, who has helped me many times and maintaining this property, cleaning it, doing a lot of the remediation work as well. Working on this asset, I started to learn when I got to the 431 meeting, that's one of the first meetings that we go to with all the creditors. At that point I learned there were remediation problems. Going back to the assets just briefly, those that I have liquidated brought in around \$24,000 for the estates, of that I've spent around \$18,000. We spent larger that money on remediation efforts, trying to get the main asset for the estate ready for sale. We hired excavators; MJ and a friend of hers were instrumental in doing a lot of the vegetation. However, while we were out at the property and reviewing the excavator's final work that was completed in June of 2012, Mr. Klietz was there with us to review the floodplain issues because the ditch work had gone into the interior of the property. While walking past the home we saw the chin scratch and it became an issue of; do we have another remediation problem with the property. Indeed, upon investigation, the house was found to be in noncompliance, we didn't have a floodplain permit. The troublesome facts on this case that I wanted to bring to the Commissioners attention would start with your findings of facts that you'll be reviewing, as well as your variance determinations that you'll need to be working through. I thought it might be helpful to give our perspective and we'll have Mr. Byrne available and Mr. Stroh as well. Mr. Stroh has been down into the crawl space for the home, so he has particular eyesight, first-hand knowledge of what it looks like down there, that he'd like to share with the Commissioners. My job is mostly to walk you through the facts that are alleged in your draft findings of facts, as well as to walk through the variances.

I have no dispute with the findings of facts 1-3, in fact, there is no floodplain permit for this property that was built back in 1993. A common fact pattern, if I could suggest it that way, I'm not going to give that as a factual representation but just as an observation; this was done by Jerry and Meryl Simmons, they didn't hire a general contractor, they did what they thought they needed to do. They got their building permit, they got their septic permit, they failed to get the floodplain permit. I would just observe that this is a 20 year problem and there was the initial building permit review process and then in 1998 there was also a subdivision review where the parcel was split into a few parcels, again nothing was ever mentioned of floodplain. That does not shift the burden, I'll be very clear with you on that, this is the land owners responsibility, I just bring it to light that again this is a 20 year old problem that we're trying to resolve at this point.

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Turning now to findings of facts 4 and 5: As Mr. Klietz or whoever drafted this has mentioned, the flood insurance premiums may go up, which would be a significant cost down the road. I would note though for this purpose, for this hearing, when you look at the criterion for evaluating the variance that we're looking at a showing of good and sufficient cause. And under that heading, this backdrop of the bankruptcy, I don't think you see that in many other findings of fact and what does that mean in this context? I am trying to make a distribution to creditors; I am trying to resolve a bankruptcy estate.

On the flood insurance premiums, I would note for the record for today's purpose that we're not feeling it now. I've done full and fair disclosures to our insurance agent, we do have coverage with minimal premiums they're under \$400.

Chair Landquist: That insurance is it just regular home owners insurance or is that actual flood insurance?

Christy Brandon: It's flood insurance. Fact #5; I'll disagree with this one. I think what Mr. Klietz was suggesting to the Commissioners is that alternative locations for the home could be up here (Zone X), as well as there's another location that has some room. I would expect that Mr. Klietz would argue that alternate locations may exist (looking at map – proposed alternate site/alternate building location). The problem with that is that there's easement of records and then there's setback requirements. My opinion, I think we have problems with the finding of facts that there would be alternate building location; I'll let Mr. Klietz response to that, if there's something I'm overlooking.

Going back over to the variance considerations that you're working on today; The showing of good and sufficient cause, I wanted to point out a few more things that I think make a difference, again given some peculiar facts. There's no evidence of water or water damage in that crawl space. MJ waived her homestead, there were some nondisclosure problems in the bankruptcy estate and she vacated the premises to allow me to sell. Once she vacated we had cleanup, significant cleanup that needed to occur, Mr. Stroh was retained to do that so he can answer any questions you might have. To require changes on this property at this time would create a hardship for the bankruptcy estate and I think that's a unique fact pattern that you may not of had to deal with before.

I don't believe there are any alternative locations; I don't think we could move that building anywhere.

I think you get to decide the hard question of what to do with this property with our 20 year old problem discovered last year.

Pat Byrne, Realtor: I've lived in the Clinton area for 45 years. I was very familiar with this property as it was originally owned by Jerry Simmons. As Todd pointed out, the upper end of the property has been eroded away with the high water, which is a real concern and has been for us for a long time. The easements that exist there, there's a utility easement just below the railroad tracks and there's a road easement that goes right through the middle of the property. We did not survey the actual location of relocating that house but the cost to do so are almost prohibitive, I think it would almost be better to burn the house down rather than move it ~ the cost would be that much. We had a bid of \$56,000 just to raise that and fill in the lower level and that was only to a level of two feet. I have not seen any flooding in the crawl space, typically realtors look at concrete to see if there are any water marks or mud, there was none of that found in this. We went through, it's certainly not 100 years but in 1996 we went through some very high water out there, did not have any evidence of flooding. I don't think there's any problem in that lower level with regard to equipment, there's no furnace down there, all of the plumbing and heating goes through the floor Joyce's which is above the floodplain by one foot. I realize that you have a requirement of two feet in the State of Montana, isn't that right. (Answer was yes)

Myron Stroh, Independent Contractor: I pulled the carpet from the crawl space and there wasn't any evidence of water. I looked at the installation around the foundation, no water lines, nothing on the installation.

Chair Landquist: Are you able to stand up fully in this crawl space?

Myron Stroh: No, you can kneel, it's basically four foot. It is lit up real well with lights.

Chair Landquist: Todd, do you have anything to talk about with Christy disputing #5 in the findings?

Todd Klietz: The finding of fact for #5 is that the parcel has approximately 2 ½ acres outside of the designated floodplain. It does not include or address easements; it's just the area that's outside the 100 year floodplain, as designated by FEMA. In regards to groundwater not showing in the crawl space, that's great news. We haven't had a 100 year flood, the last 100 year flood that we had was in 1908.

Commissioner Curtiss: What was the '96 flood considered?

Todd Klietz: About a 10 year flooding ~ the Spring of '97 was about a 10 year flood event. Same thing we had in 2011, for the FEMA flood insurance study.

Chair Landquist: Todd, what is the risk if any, to Missoula County if we with regards to FEMA and our designations, if we start granting variances?

Todd Klietz: Well from FEMA's perspective they consider crawl spaces to be the lowest floor, even though it's just a dirt floor crawl space. Under their rules, at a federal level the crawl spaces have to be considered the lowest floor or the basement. Federal rules could be at the 100 year flood elevation, no lower than the 100 year flood. Anything more than two feet beneath the 100 year flood

elevation can generate what's called a submit to rate request to FEMA, which is where the regional office of Denver would assume what the rate is when a flood insurance agent receives an elevation certificate and it documents that the lowest floor is too low, in this case the crawl space too low. Those are supposed to be submitted to FEMA if there significantly low and then FEMA has to review those and determine and track those and determine whether or not a local community in compliance with the Federal standards in their own local requirements. Missoula County does participate in the community rating system, that's the voluntary program that we participate in with FEMA that provides for a 10% insurance discount for all residents either in or outside the 100 year floodplain who obtain flood insurance.

Chair Landquist: The entire county right?

Todd Klietz: The entire City and County. The City of course participates on their own. That's a 10% discount for all flood insurance premiums. Whenever FEMA looks at these then the concern is that they may see a pattern of non-compliance, a pattern of regulations not being enforced and so it's possible that they could remove CRS rating from us; they have done that recently in some of the communities and counties in Montana, just heard that last week. We did get our re-certification for CRS just a month or two ago so we're good to go for five years, as long as we keep doing what we're supposed to be doing.

So those are the two concerns. That FEMA will see a pattern of non-compliance and the possibilities of our CRS discount being removed and flood insurance premiums going up that mandatory 10%.

Commissioner Carey: I'd like to hear our Deputy County Attorney's take on this; a year or two before I got on this Board, I think the county was dealing with a situation where there were lots of folks who built in the floodplain...

Marnie McClain: The first note I have to myself is that this Board has first-hand experience with what happens when houses are built in the flood plain. What happens is that the homes flood and that has terrible impacts for the home owners. This is a significant public health and safety issue, flood that crosses over pastures gets really voile when it ends up in people's homes and there's considerable safety and damage to septic systems. So I would say it is important to consider what kind of impacts the county might experience if we were to grant a variance because that would affect our program. I think it's more fundamental to remember that this public health safety and wealthy regulation and its purpose is to protect people in their homes and letting a home be built in the floodplain without correcting it, it's hard to justify. I had a couple questions that I wanted to ask Ms. Brandon; you had said that this house was built in the 1990's?

Christy Brandon: 1993, I believe.

Marnie McClain: And they had a building permit?

Christy Brandon: Yes.

Marnie McClain: We didn't have a building permit program then, are you thinking maybe electrical permits or ...

Christy Brandon: I called Helena when we were preparing for this hearing, part of your application requires that we investigate what permits were out and existing. So I called Helena to confirm whether or not there was a building permit and the woman investigated it on her computer, she couldn't see it right away, the answer so she investigated it and called me back. On the return call she stated that it had been approved so that's why I believed there was a building permit. I don't have a piece of paper showing you that.

Marnie McClain: I think that was probably the permits that the State issued which were electrical permits and plumbing. We didn't have a county wide building program until sometime in 2006 and part of the reason for implementing the building program was for exactly this kind of situation.

Chair Landquist: The county didn't have the building permit program but in order to even get your sanitary stuff and your septic stuff, did people still have to get floodplain permits if they were in the floodplain?

Marnie McClain: Yes, that was still a requirement. I appreciate what Ms. Brandon is trying to do, which is what she should be doing as a bankruptcy trustee and that is maximizing the value of the assets for the benefit of the creditors. That then puts us where we're competing with the assets of the creditor and the value of assets for the creditor vs. public health safety and welfare. That's kind of a difficult setoff to make. I think that we have as good a chance as we're gonna get to correct this problem now, then we would at any other time. That's one of the reasons why I'm concerned that we would regard the need to maximize a bankruptcy assets as being something that should be secondary to the need to correct this problem. There's no dispute that this is built in the floodplain and that this structure is well below the level of the 100 year flood elevation. If the intent is to sell it to other people, presumably they will occupy it. I have some concern about when you sell the property with the disclosure that this property is in the floodplain and it's out of compliance and its well below...doesn't that effect the value that you can get for it? Don't you reduce the value with the asset of equity?

Pat Byrnes: In order to sell it we would have to value the property to the amount of suggested here what the bids do to correct the situation. It might even be anywhere between \$60,000 to \$80,000 in order to do that so yes, we would have to deduct. I wanted to point out and the attorney mentioned there was no one else who would be in harm's way if this were...Todd could you put that first map up there showing me the property itself? Looking at the map, there's no one in harm's way to the West

there toward the top of the map; there wouldn't be any problem there if it did flood right through the middle of the field. I don't see where that would affect any other property owner, in any way. Any water that came through there would return right to the river.

Public Comment

None

Commissioner Curtiss: Todd, based on a previous statement that you made it sounds like the rational for Montana to require that the elevations be two feet above the 100 year floodplain is so that we do not have to submit to FEMA the submit to rate because you'd have do it all the time.

Todd Kliez: No, the two foot free board requirement actually went in in the early 70's. I believe the rational for that was just because the FEMA maps can be wrong and we've seen that in Grant Creek on our floodplain project at Mullan Trail, where the FEMA identified 100 year flood flow was 465 given feet per second that would come down during a 100 year flood. Our engineers had identified that would be almost double that and when it came time to sign the papers at the very end, FEMA agreed with the engineers saying that the earlier estimates were wrong and that the 100 year flood flow was significantly greater. What Montana did years ago was not to put a whole lot of faith in the federal government's 100 year flood elevations and require this two foot of free board (the lowest floor has to be two feet above the 100 year flood elevation). What that does, it provides because we're required by state law to go above and beyond the federal minimums, it provides the people that do live in the floodplain a significant insurance break on the cost of insurance for that, if they meet the requirements and their lowest floor is two feet above. FEMA sees it as a reduce risk to them, to the taxpayers having to pay for the damages that would otherwise have occurred.

Executive Session

Commissioner Curtiss: I think we can amend our findings of fact #4 & #5 just to reflect.

Commissioner Curtiss made motion that the Board of County Commissioners amend findings of fact #4 to add a second sentence that says; current flood insurance premiums on the property are less than \$400 per year. Commissioner Carey second the motion. The motion carried a vote of 3-0.

Commissioner Curtiss made motion that the Board of County Commissioners amend findings of fact #5 to add a second sentence that says; because of setback requirements and easements of records these may not be buildable. Commissioner Carey second the motion. The motion carried a vote of 3-0.

Commissioner Curtiss: I think that our biggest challenge is our goal to protect and I understand...it's really unfortunate that we're in this predicament. While some people think that permits are just a bunch of government sticking their nose in other people's business, there really is a reason for permit and its prevention. So if in 1993 they had either realized or taken advantage of the fact that we had a floodplain permit that was required, it was to protect them and protect the house in the future and it would have prevented us being here today. My concern is understanding that there would be a disclosure so that someone buying this property would know that they had a lot of work to do. That if they bought it in May and you distributed the money to the creditors as your charge and we had the event that happen two years ago where we had flooding in our community, they could come back on us and say; what is the matter with you people, your job is to protect public health and safety. I just think that although it's unfortunate and it will require a longer time for the bankruptcy to be settled and the assets to be sold, I think its best that we look at the seven things that we have to consider and require that the work be done before it's transferred to a new ownership. I just don't think it's fair to expect new owners to take on that responsibility and hopefully you can get some other bids that maybe you could get a better deal on the improvements of the mitigation. I can't favor granting the variance.

Commissioner Landquist: Is this an actual stick built on-site house or was this a modular?

Pat Byrnes: It's a stick built house on site.

Commissioner Carey: I concur with Commissioner Curtiss, it is an unfortunate situation but allowing people to build in floodplains, I don't think is a service to the public we want to engage in.

Chair Landquist: I agree. I appreciate the hardship case that this estate is in but I certainly can't see putting other people in harm's way, if it could just be elevated. I agree with my fellow Commissioners on this and I'm not willing to jeopardize the good standing that the rest of the residents of Missoula County get to enjoy because we are being really careful with what we allow to be done in our floodplain. We have a pretty good reputation going for ourselves and while you can't predict Mother Nature and the 100 year floodplain really doesn't mean every 100 years we're going to get a flood in a particular area. I don't know if I can say this correctly, it means there's a 1 in 100% chance at any time there could be a 100 year event.

Commissioner Carey made motion that the Board of County Commissioners accept the Community and Planning Services recommendations and deny the variance request. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.

7. OTHER BUSINESS

None

8. RECESS

Being no further business to come before the Board the Commissioners are in recess at 2:27.

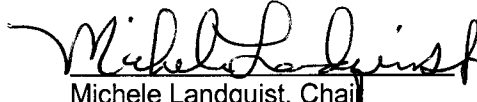
THURSDAY, MARCH 21, 2013

The BCC met in regular session; all three members were present. Late morning: JC & BC participated in Meals on Wheels Event, delivering meals to seniors. Evening: ML attended meeting of Open Lands Citizen Advisory Committee.

ADMINISTRATIVE MEETING - Canceled**FRIDAY, MARCH 22, 2013**

The BCC did not meet in regular session. BCC & County Attorney's Office participated in the Miller Settlement Conference most of the day.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, MARCH 25, 2013

The BCC met in regular session; all three members were present. Afternoon: JC attended 10-Year Plan to End Homelessness Implementation meeting, held at Mayor's Office.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Parks and Trails Program update; 4) Director's update.

TUESDAY, MARCH 26, 2013

The BCC met in regular session; all three members were present. Noon: BC & JC attended Missoula Cultural Council Annual Awards Luncheon, held at DoubleTree. Evening: ML attended meeting of Upper Linda Vista Annual Homeowners Assoc.

ADMINISTRATIVE MEETING

Amended Agreement – ML signed. To CTEP agreement between County and MDT for Frenchtown Trail (Grade School to Golf Course) Project. Modifications reflect addition of SRTS (Safe Routes To School) funding, as well as update the project budget and scope of work. Originals to Greg Robertson for further signatures/handling.

Permit – ML signed, dated March 26, 2013. Renewal of State of MT Aggregate and Rock Mining Permit #G-999-82 between County and DNRC for Seeley Lake (Old Shop) Gravel Pit. Operation is winding down; will allow County to complete removal of remaining gravel and reclaim the site in accordance with DNRC standards. Originals to Greg Robertson for further signatures/handling.

Bid Award – BCC approved award of contractor agreement for RSID 8901 Lolo Water and Sewer District Telemetry/SCADA System Upgrade Project to Woodhawk Controls, LLC, who submitted lowest bid of \$178,594. Project funding was approved by State of MT INTERCAP program on March 18, 2013. Original to Greg Robertson/Public Works.

Modified Contract – BCC signed, dated March 26, 2013. First Modification to Contract #20133LEGL0001 between County Attorney's Office and DPHHS to pay for a paralegal position to enable DPHHS to meet certain requirements to maintain federal funding for services for families. Changes: 1) Contract is extended through June 30, 2014; and 2) total reimbursement amount from July 1, 2013-June 30, 2014 shall not exceed \$42,125.96. Originals to C&R and Marnie McClain/Co. Attorney's Office.

Request – ML signed MT DOC Designation of Depository for CDBG Funds (Contract MT-CDBG-12PF-03 for construction of Tom Roy Youth Home). Designee: First Interstate Bank. Amount/\$450,000. Two originals to Rose/Finance Dept.

Additional discussion item(s): 1) Seeley Maintenance Shop, and Search & Rescue; 2) Legislative update.

WEDNESDAY, MARCH 27, 2013

The BCC met in regular session; all three members were present. Early morning: BC & ML attended BID Ratepayers Breakfast, held at Florence Hotel.

Replacement Warrant - ML signed. Art Attic, Missoula, Principal for Historical Museum Warrant #30234817, issued February 14, 2013. Amount/\$12,114.82 (for sign exhibit). Not received in mail. No bond of indemnity required.

CHIEF ADMINISTRATIVE OFFICER MEETING

Resolution No. 2013-023 – BCC signed, dated March 27, 2013. Directing/authorizing County Treasurer to write off personal property (1985-2007) and mobile homes (1993-2007) taxes that are not a lien on real estate and have been delinquent for 5 years or more.

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Contract – BCC signed. Between County and Ernest Meshack-Hart, DDS, for dental director services to patients (1.0 FTE) at PHC. Amount/\$170,000 per year + \$10,000 signing bonus. Term/March 27, 2012-June 30, 2015. Originals to C&R and Andrea/PHC.

Amendment – BCC signed, dated March 25, 2013. To Contract between County and Ibey Sprinkler and Landscape, Inc. for landscape maintenance services for the Missoula Development Park Airway Boulevard and Expressway Medians and Roundabout. Per Exhibit B, additional services are added, at a cost of \$1,010 for additional work product, for new contract total of \$16,085. Originals to C&R and Barb Martens/Projects.

Agreement – BCC signed. Between County (MCCHD) and MT DOJ, MT Highway Patrol for enforcement of DUI Task Force activities to reduce alcohol-involved traffic crashes in Missoula County. Amount/up to \$5,000 (funded by Driver's License reinstatement fees). Term/July 1, 2012-September 30, 2013. Two originals to Julie Mohr/Health Dept.

Agreement – BCC signed. Between County (MCCHD) and Missoula County Sheriff's Dept. for enforcement of DUI Task Force activities to reduce alcohol-involved traffic crashes in Missoula County. Amount/up to \$7,500 (funded by Driver's License reinstatement fees). Term/July 1, 2012-September 30, 2013. Two originals to Julie Mohr/Health Dept.

Agreement – BCC signed. Between County (MCCHD) and Child Care Resources for provision of services by a Daycare/Childcare Health Consultant RN. Amount/\$23,356. Term/July 1, 2012-June 30, 2013. Two originals to Julie Mohr/Health Dept.

Nurse-Family Partnership ("NFP") Implementation Agreement – BCC signed. Between County (MCCHD – subcontractor of Yellowstone City County Health Dept. dba RiverStone Health) and NFP for Home Visiting Program. Agreement outlines fees associated with administering program; fees from DPHHS grant budgeted through multi-jurisdictional grant with Yellowstone County as lead agency. Term/September 1, 2012-August 31, 2015. Two originals to Julie Mohr/Health Dept.

Request – BCC reviewed/approved Settlement Agreement for regulatory enforcement litigation for Missoula County vs. Sterling and Suzanne Miller and Dunrovin Ranch and Research, LLC. (MT Fourth Judicial District Court, Missoula, MT – Cause No. DV-12-649).

Letter – BCC reviewed/approved, ML signed (along with Mayor Engen and City Council President Marilyn Marler), dated April 3, 2013, to Mary Bair/Multifamily Program Officer/MT Board of Housing, DOC, Helena, in support of three Missoula projects applying for Low Income Housing Tax Credits (Aspen Place Apartments, Clark Fork Apartments, and South Avenue Senior Living).

Additional discussion item(s): Legislative update.

PUBLIC MEETING – March 27, 2013

1. CALL TO ORDER

Commissioners Present: Commissioner (Chair) Michele Landquist, Commissioner Jean Curtiss, Commissioner Bill Carey

Staff Present: Dori Brownlow, County Attorney, Vickie Zeier, Treasurer, Steve Earle, Fairgrounds Director

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

None

4. PUBLIC COMMENT

None

5. ROUTINE ADMINISTRATIVE ACTIONS

Weekly Claims List (\$602,116.98)

Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve the Weekly Claims List in the amount of \$602,116.98. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.

6. HEARING

Setting Precinct Boundaries (Elections)

Vickie Zeier gave update. Every 10 years after the census the State of Montana has a district and an apportionment committee that looks at house district boundaries and redraws the house district boundary. This occurred during 2001 and 2012 and in 2013 during the legislative session the new boundaries are adopted. It is the responsibilities of the Board of County Commissioners to set the precincts by the House District Boundaries. As you mentioned, we've been working on this, we have to pass this within 45 days of the date the plan is filed with the Secretary of State's Office and the deadline is Friday, March 29th. When we previously met, one of my questions to you was; how many precincts do you want per house district? We tried to accommodate that request of four precincts per house district. The proposed plan is to have somewhere between three and four precincts per house district. The reason we need to have more than two precincts or at least two precincts per house

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district is for ballot rotation. So we chose to go with four precincts per house district. There are a couple areas where we did not accomplish that and that is Frenchtown. Frenchtown 14 is the new proposed precinct and it's a rural area in the Frenchtown area that doesn't have a lot of voters. We have a Frenchtown 14 North and a Frenchtown 14 South so that we have at least two ballot preparations, Nine Mile Road is dividing the two precincts.

Public Comment

None

Commissioner Curtiss read part of the resolution.

Chair Landquist: Will this be available on the web?

Vickie Zeier: Yes, we hope to have that up tomorrow.

Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve to reset Precinct Boundaries to conform with new House District Boundaries. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.

7. CONSIDERATIONS**A) Treasurer Refund Policy**

Vickie Zeier gave update. What's before you today is a consideration to adopt a policy, really it's guidance for us to use when we're looking at refunding taxes, penalties and interest. Montana law requires that the Commissioners are in charge of doing any refunds, overpayment of taxes, taxes paid in error, taxes that were charged when there was a disaster, something like that. What we wanted to do is have something available, a policy that sets the guidance and that we could also hand out to the customers when they come in asking about refunds, so that there was something in writing so they would know whether they even had a chance of doing a refund or not. The policy in front of you really is mainly a statue. You have certain areas when you can refund and you have no legal authority in other areas. So what we tried to do with this policy is set up the procedures of how we will proceed with refunds and so forth.

Chair Landquist: Once again will this not only be available when people come in to pay their taxes of come in your office but will it be available as an informational piece on the website?

Vickie Zeier: It will be put both on the Treasure and the Motor Vehicle websites as soon as you've made the decision to adopt.

Chair Landquist: And this is only applicable to fees that are collected at the Treasurer's Office, this wouldn't be applicable to other refund policies, if we have any for like the Surveyors office or any planning department or anything like that, right?

Vickie Zeier: Correct.

Commissioner Curtiss: I think folks might not realize that we meet monthly with Vickie to talk about requests that have been brought forward. Sometimes people say; I didn't realize my mother hadn't paid her taxes, she's aging, all of those things we always are sympathetic to but as Vickie said, the statue directs whether or not we can give a refund. The other one is that ~ I've sent it by mail but if it doesn't have a post mark on it. If you go in after the post office is closed for the day and there's no one putting a post mark on it, it won't count and that's all in the statue. I think it is good to have it in a policy that people can easily access.

Chair Landquist: Speaking of putting things in the mail, we have the drop box by our parking lot for dropping off ballots, can you also drop off tax payments or do you have to go inside to do that? Or do we have a drop off zone for stuff like that?

Vickie Zeier: We do have a drop box, both inside and outside, but as of 5:00 p.m. November 30th if you're tax payment is not in that box, it will be considered late.

Chair Landquist: Because it is checked on a daily basis?

Vickie Zeier: It is and at 5:00 p.m. on the last day it is emptied and made sure that we have all the mail that's been brought in. However, people are able to use the website until midnight.

Chair Landquist: But if they pay by web then they could use an electronic check and only be charged \$1.00?

Vickie Zeier: That's correct.

Chair Landquist: If they use credit or debit they get charged a percentage?

Vickie Zeier: They do. It's 1.95%.

Chair Landquist: And that's basically our recapture cost because we are being charged that, right?

Vickie Zeier: That's correct.

BOM 012 0177

Public Comment
None

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners adopt the Refund Policy as presented today. Commissioner Carey second the motion. The motion carried a vote of 3-0.

B) Resolution to Create Central Park Partnership

Steve Earle gave update. I can't take full credit for this, it goes back 15-16 years ago to Geoff Badenoch and Pete Lambros who did a lot of work on the conceptual idea of the 160 acre central park idea in that part of town. It resurfaced when Erik Gabster was the chair of the advisory committee and we got together and started meeting again and talking about some of the things that may not have been addressed in the extreme amount of detail that they needed to be in the planning process that went on. I think one of them was the item that is very popular in Missoula and this is joint partnerships with governing boards, political bodies and such. So we talked a little bit about the central park theme and the value of that piece of property to the citizens of Missoula, in terms of 160 acres of land that needs to be preserved as a public asset, as best we can. And then we talked about ways we could move forward to utilize our resources jointly and also involve each other in the planning process, as we move forward to do our own individual master plans, several of which have been un-gone in the last few years. We looked at the fences that separate us and said well, if you ever want to have a trail through here, those fences are going to be a problem so we've got to start somewhere in terms of taking them down and talking about joint use. You might of seen the article in the paper today that quotes me as saying it could be anything from sharing a riding lawnmower, to sharing a building, to sharing a parking lot, to doing whatever we can to illustrate to the public that we are making the best use of the resources we have, before we go out to the public and ask for them to invest more of their own income and resources back into this property. So we got together, we had several meetings. The advisory committee a little over a year ago endorsed this for the staff and these bodies to move forward and it's taken a little bit of time but at this point all the bodies with the exception of the Board of County Commissioners has approved the resolution and either signed it or is ready to sign it today in conjunction with your approval. There's a real long list of uses at this point and time for that 160 acres, I don't know that a lot of the community understands all of the things that go on at the fairgrounds and at the YMCA and at Splash Montana in the course of 365 days and then you throw in the Missoula College and Sentinel High School, it's a happening piece of property.

Hugh Jessie, Director of Facility Services of the University and partner for this coordination: The University concurs.

Jason Shearer, Associate Executive Director of YMCA: I think it represents forward thinking, what is 160 acres of space that's as big as the University and the University district combined gonna look like in 100 years? This is our opportunity for continuity and how to better serve our separate communities and our shared community. I think it's a great idea and a great opportunity for us just to take a step back and look at that property and very likely an opportunity to improve the esthetics, the value that we have in our individual agencies and our impact in the community.

Chair Landquist: I also thank everyone because working together like this insures that the future of this property, of this public land, that the best things possible will come of it...of this collaboration and the community and since we're really just here for a very small period of time, we owe it to those that are going to be using it and caring for it in the future to make the best collective decisions here. 160 acres smack dab in the middle of Missoula is big these days, as grown-up as Missoula's gotten. Thank you everyone past and current that's worked on this.

Public Comment
None

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners sign the Resolution as presented and approve the 160 acre Central Park Partnership. Commissioner Carey second the motion. The motion carried a vote of 3-0.

9. OTHER BUSINESS

Steve Earle: Transportation Workshop; I don't have a lot of details at this point and time. I have a phone conference with the people that are putting it on on Monday. It will be April 29 & 30th, it's about a day and a half long workshop. It's not a heavily involved public process that we'll go through, it's actually kind of a snapshot view of available parking in the immediate vicinity of Southgate Mall, the Fairgrounds and the YMCA. I'm trying to create an inventory so that when there is a major event in the area we have an inventory to access and build a plan in terms of maximizing the benefit of that inventory in the future for parking. It will look very briefly at things like a parking commission in the area and land use. As much as I'd like to say I'm gonna get a \$100,000 of work out of them, I think it's going to be closer to \$5,000, but I'll try and do what I can.

9. RECESS

Being no further action to come before the Board the County Commissioners are in recess at 2:00.

Following Public Meeting – BCC signed Resolution No. 2013-024, dated March 27, 2013. Adopting Precinct Boundaries affected by the 2013 MT Districting and Apportionment Commission (pursuant to Article V, Section 14, of the MT Constitution). Public Hearing held March 27, 2013.

THURSDAY, MARCH 28, 2013

The BCC met in regular session; all three members were present. Morning: BC attended Press Conference re: Missoula Housing Report, held at DoubleTree.

ADMINISTRATIVE MEETING

Request – BCC reviewed/pre-approved \$44,000 request in expenditures from FY14 Budget for repairs on Building #16 (Culinary) at the Missoula Fairgrounds. Project term/April 1 – July 15, 2013. Original to Steve Earle/Fair.

Additional discussion item(s): None.

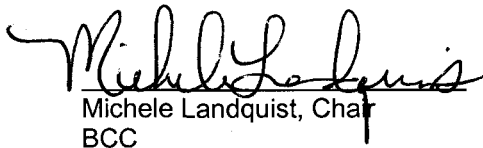
FRIDAY, MARCH 29, 2013

The BCC met in regular session; quorum present. ML out of office all day.

Memorandum of Agreement – ML signed. Between County Parks and Trails Advisory Board and Lolo Community Center and Lolo Peak Little League for Fall FY13 Capital Matching Funds Grant to help with costs for a new backstop and picnic area. Amount/up to \$4,000. Originals to C&R and Christine/Parks.



Vickie M. Zeier
Clerk & Recorder



Michele Landquist, Chair
BCC

MISSOULA COUNTY COMMISSIONERS' JOURNAL: APRIL, 2013

BCC = BOARD OF COUNTY COMMISSIONERS

ML = Commissioner Michele Landquist, Chair

JC = Commissioner Jean Curtiss

BC = Commissioner Bill Carey

The following Claims Lists were signed during the month of APRIL 2013:

Date Signed	Claims List Date	Who signed	Amount
April 1, 2013	March 27, 2013	BCC	\$15,165.04
April 1, 2013	March 28, 2013	BCC	\$1,000.00
			\$1,763.23
			\$155.60
			\$27,063.91
			\$44.48
			\$5,689.25
			\$30,849.61
			\$1,411.37
			\$24,118.08
April 2, 2013	March 29, 2013	BCC	\$9,528.16
April 2, 2013	April 1, 2013	BCC	\$51,847.40
			\$15,781.54
April 3, 2013	April 1, 2013	BCC	\$2,799.31
April 3, 2013	April 2, 2013	BCC	\$4,251.74
			\$19,648.49
			\$2,087.92
			\$6,623.47
			\$2,377.62
			\$714.02
			\$1,000.00
			\$951.97
			\$1,425.05
April 4, 2013	April 2, 2013	JC, BC	\$120,906.84
April 4, 2013	April 3, 2013	JC, BC	\$11,999.57
			\$13,733.13
			\$79.79
			\$19,246.89
			\$97.54
			\$259.69
			\$12,050.97
			\$76,312.62
April 8, 2013	April 4, 2013	BCC	\$5,451.86
			\$11,039.97
			\$2,122.97
			\$1,732.99
			\$17,299.86
April 8, 2013	April 5, 2013	BCC	\$4,257.92
			\$1,759.57
			\$87,049.06
			\$471.04
			\$75.00
April 9, 2013	April 5, 2013	BCC	\$5,665.30
April 9, 2013	April 8, 2013	BCC	\$5,675.86
			\$1,219.39
			\$39,571.55
			\$30,031.63
			\$18,465.57
			\$3,240.71
			\$2,996.74

[April 9 th cont'd]			\$1,658.43
			\$3,632.84
			\$548.80
			\$771.50
			\$635.97
			\$4,557.30
April 10, 2013	April 8, 2013	BCC	\$547.80
April 10, 2013	April 9, 2013	BCC	\$184.64
			\$109,594.90
			\$26,500.00
			\$14,370.83
			\$91.04
			\$1,237.36
April 10, 2013	April 10, 2013	BCC	\$107.54
			\$430.02
			\$347.57
			\$75.00
			\$45.00
			\$745.00
			\$907.51
			\$36,347.68
			\$544,796.30
			\$78,872.97
April 10, 2013	PHC Cardinal Health ACH		\$23,207.85
April 10, 2013	PHC Cardinal Health ACH		\$24,808.91
April 15, 2013	April 3, 2013	BCC	\$323.79
April 15, 2013	April 11, 2013	BCC	\$15,117.95
			\$9,462.00
			\$58,935.98
			\$6,868.61
			\$4,542.92
			\$3,155.16
			\$21,847.55
April 16, 2013	April 11, 2013	BCC	\$2,717.40
April 16, 2013	April 15, 2013	BCC	\$1,215,353.86
			\$47,499.06
			\$390.40
			\$3,638.97
			\$43,404.50
			\$7,847.07
			\$41,223.15
			\$5,359.43
			\$3,723.02
April 16, 2013	April 16, 2013	BCC	\$1,508.81
			\$134.60
			\$13,388.86
			\$6,517.79
			\$5,138.12
			\$498.63
			\$99.08
			\$2,700.35
			\$3,192.52
			\$2,203.06
April 18, 2013	April 15, 2013	BCC	\$18,693.61
April 18, 2013	April 16, 2013	BCC	\$816.18
April 18, 2013	April 17, 2013	BCC	\$27,961.36
			\$7,200.00
			\$400.00
			\$2,833.31
April 23, 2013	April 17, 2013	ML, BC	\$646.75
			\$2,075.00

April 23, 2013	April 22, 2013	ML, BC	\$2,939.53
			\$244,003.31
			\$14,647.58
			\$871,018.19
			\$6,988.23
April 24, 2013	April 17, 2013	ML, BC	\$19,099.95
April 24, 2013	April 22, 2013	ML, BC	\$39,122.61
			\$13,500.46
April 24, 2013	April 23, 2013	ML, BC	\$9,559.25
			\$1,527.72
			\$36,907.01
			\$1,702.99
April 25, 2013	April 22, 2013	ML, BC	\$11,672.82
April 25, 2013	April 23, 2013	ML, BC	\$26,647.09
			\$10,115.32
April 25, 2013	April 24, 2013	ML, BC	\$39,543.65
			\$1,023.22
			\$754.48
			\$1,335.00
April 25, 2013	PHC Cardinal Health ACH		\$37,071.89
April 25, 2013	PHC Cardinal Health ACH		\$52,012.57
April 26, 2013	April 24, 2013	ML, BC	\$23,622.61
			\$430.50
			\$91,089.97
			\$3,532.24
			\$1,828.92
April 26, 2013	April 25, 2013	ML, BC	\$425.00
			\$44.42
			\$634.65
			\$4,437.69
			\$3,578.46
			\$8,077.50
			\$1,860.48
			\$2,900.00
April 30, 2013	April 25, 2013	BCC	\$44.00
			\$135,885.03
April 30, 2013	April 26, 2013	BCC	\$2,043.77
April 30, 2013	April 29, 2013	BCC	\$9,810.24
April 30, 2013	April 29, 2013	BCC	\$717.12
			\$2,317.48
			\$423.00
			\$2,577.15
			\$1,789.47
			\$105,546.94
			\$5,796.00
			\$100.45
			\$500.00
			\$964.00
			\$320.84
			\$59.99
			\$23.64
			\$4,993.50
			\$77.00
			\$239.51

All Claims Lists were returned to the Accounting Department.

MONDAY, APRIL 1, 2013

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Parks & Trails Program update; 4) Director's update.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 06/CY2013 - Pay Date/March 22, 2013. Total Payroll/\$1,271,202.06. To County Auditor.

TUESDAY, APRIL 2, 2013

BCC met in regular session; all three present in morning. Afternoon: ML attended BitterRoot RC&D Meeting, held at Ruby's Inn.

ADMINISTRATIVE MEETING

Agreement – BCC signed. Between County (MCCHD) and Probation and Parole/MT Dept. of Corrections for enforcement of DUI Task Force activities to reduce alcohol-involved traffic crashes in Missoula County. Amount/up to \$5,000 (funded by Driver's License reinstatement fees). Term/July 1, 2012-September 30, 2013. Two originals to Julie Mohr/Health Dept.

Letter – BCC signed, dated April 2, 2013, to J. Galindo/Public Health Analyst, HRSA Bureau of Primary Health Care, Rockville, MD, lending full support to Partnership Health Center in their proposal to HRSA for 2013 New Access Point funding to establish a satellite in Seeley Lake, MT.

Additional discussion item(s): Legislative update.

WEDNESDAY, APRIL 3, 2013

BCC met in regular session; all three present. Morning: BCC and City Council met for discussion: Status of Women Report, held at Council Chambers.

Monthly Report - ML examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending March 2013.

CAO MEETING

Modified Contract – BCC signed, dated April 3, 2013. Second Modification to Contract #20123LEGL0004 between County Attorney's Office and DPHHS for Title IV-E Legal Services. Contract is extended through June 30, 2014; and 2) Contract may be renewed for up to total of seven (7) years upon written agreement of parties. Originals to C&R and Marnie McClain/Co. Attorney's Office.

Contract – BCC signed. Between County (Fairgrounds) and Frontier Management Group, LLC for Big Air Insanity Tour at the 2013 Western MT Fair. Amount/\$8,500. Term/August 6 – August 10, 2013. Originals to C&R and Steve Earle/Fair.

Contract – BCC signed. Between County (Fairgrounds) and DockDogs, Inc. to provide daily entertainment (canine aquatic dock diving) at the 2013 Western MT Fair. Amount/\$9,000. Term/August 7 – August 11, 2013. Originals to C&R and Steve Earle/Fair.

Letter – ML signed, dated April 12, 2013, to The Honorable: Mike Simpson, Jack Reed, James Moran, and Lisa Murkowski of the House and Senate Appropriations Committees, Washington, D.C. expressing strong support for funding of the Collaborative Forest Landscape Restoration Fund at the 2013 enacted level in the FY 2014 Interior and Environment Appropriation.

Additional discussion item(s): 1) BCC canceled Thursday, April 4th Admin Meeting; 2) CAD/Records Management System Interlocal and Contract; 3) Legislative update.

NO PUBLIC MEETING HELD THIS DATE**THURSDAY, APRIL 4, 2013**

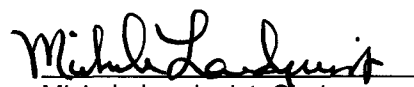
BCC met in regular session; quorum present. ML out ill.

ADMINISTRATIVE MEETING – CANCELED (No Agenda items).

FRIDAY, APRIL 5, 2013

BCC met in regular session; quorum present. ML out ill. Evening: BC & JC attended Friends of the Historical Museum Annual Meeting, held at Holiday Inn.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, APRIL 8, 2013

BCC met in regular session; all three present. Evening: JC attended meeting of Bonner-Milltown Community Council.

Indemnity Bond – ML signed. Tyler Cochran, Lolo, Principal for Claims Warrant #27-253195, issued September 26, 2012 on General Fund. Amount/\$36 (Football referee). Warrant lost.

Indemnity Bond – ML signed. Tyler Cochran, Lolo, Principal for Claims Warrant #27-257298, issued January 3, 2013 on General Fund. Amount/\$60 (Wrestling referee). Warrant lost.

Monthly Report – ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending March 2013.

Monthly Report – ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending March 2013.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Incubator Farming; 4) Gallatin Estates Subdivision; 5) Air Quality Information Efforts/ Seeley Lake; 6) Director's update; 7) Skype Demonstration.

TUESDAY, APRIL 9, 2013

BCC met in regular session; all three present. Noon: BC and ML attended Mountain Line's 35th Anniversary Celebration, held at Bus Transfer Center. Afternoon: JC participated in Local Fire Management Leadership Course; she also took part in PHS/Task Force Conference Call. Evening: ML attended meeting of Lolo Community Council.

ADMINISTRATIVE MEETING

Offer – ML signed, dated April 9, 2013. First Interstate Bank and County Airport Industrial District's Offer to purchase 165,000 sq ft (3.787 acres +/-) of excess land (building not included) of Lot 1B, Block 4, MDP – Phase 1B at corner of Expressway and Kestrel Drive. Purchase price/approx. \$495,000. Project begin/ April 4, 2013; closing approx. 30 days after all contingencies are satisfied. Originals to Barb Martens for further handling.

Request – BCC approved members of following Teams for period July 1, 2013 – June 30, 2014:

1. CBO Review Team: Jack Ballas, Bill Carey, Marianne Moon, Bob Oakes, Adam Ragsdale and Charlie Wellenstein.
2. Substance Abuse Prevention Mill Review Team: Jean Curtiss, Jori Quinlan, Michelle Schaefer, Linda Green, Brent Hildebrand, Janet Woodburn.

To Cindy Wulfekuhle & Peggy Seel/Grants.

Resolutions – BCC signed, dated April 9, 2013, canceling certain Special District Elections for May 7, 2013 Election (and electing by acclamation parties who filed nominating petitions for open positions) for the following:

Resolution No. 2013-025: Unable to obtain required signatures.

- 1) #2013-040/Big Flat Irrigation District – Peter Shinn appointed for new 3-year term.
- 2) #2013-041/Bonner Community Council – No petitions received for one 3-year position; new member to be appointed by BCC.
- 3) #2013-026/Clinton Irrigation District: Shellie Nelson elected by acclamation for new 3-year term.
- 4) #2013-027/Clinton Rural Fire District ("RFD") – Barbara Bartmess and Daniel T. Tucker elected by acclamation for new 3-year terms.
- 5) #2013-042 and 2013-028/East Missoula Community Council – Dick Ainsworth reelected by acclamation for new 3-year term. No petitions received for one 3-year position; to be appointed.
- 6) #2013-043 and 2013-029/East Missoula RFD – Robert G. Starr and Jolene Ellerton elected by acclamation for one-year terms. No petitions received for remaining 3-year term; to be appointed.
- 7) #2013-030/Evaro-Finley-O'Keefe Community Council – Meggen Ryan elected by acclamation for new 3-year term.
- 8) #2013-044/Frenchtown Irrigation District – No petitions received for one 3-year position; new member to be appointed.
- 9) #2013-031/ Frenchtown RFD – Paul Manson elected by acclamation for new 3-year term.
- 10) #2013-045 and 2013-032/Greenough-Potomac Fire Service Area – Nominee Russell Dale Hinkle, Jr. elected by acclamation for new 3-year term. No petitions received for one 3-year position; new member to be appointed.
- 11) #2013-046 and 2013-033/Lolo Community Council – Susan Hadnot and William Geer elected by acclamation for new 3-year terms. No petitions received for three remaining vacant terms (1) one unexpired term to 2014; 2) one new 3-year term; and 3) "BCC-appointed" 7th member for new 3-year term) to be appointed.

- 12) #2013-034/Missoula Irrigation District: Betty Jo Johnson and Steve Erhart elected by acclamation for new 3-year terms; and Kenneth Richardson elected by acclamation for one-year term.
- 13) #2013-035/Missoula RFD– Cheryl Hanson and Danny Corti elected by acclamation for new 3-year terms.
- 14) #2013-047 and 2013-036/Seeley Lake Community Council – Klaus von Stutterheim and Jack Greenwood elected by acclamation for new 3-year terms. No petitions received for one 3-year position; new member to be appointed.
- 15) #2013-037/Seeley Lake/Swan Valley Hospital District – Walt Hill elected by acclamation to new 3-year term.
- 16) #2013-038/Swan Valley Community Council – Dwayne Forder elected by acclamation to new 3-year term. No petitions received for one 3-year position; new member to be appointed.
- 17) #2013-048 and 2013-039/Swan Valley Fire Service Area – John Mercer elected by acclamation for new 3-year term. No petitions received for one 3-year position; new member to be appointed.
- 18) #2013-049/West Valley Community Council – Jeri Delys elected by acclamation for new 3-year term. No petitions received for two remaining vacant terms: one unexpired term to 2014; and one new 3-year term - to be appointed.

Resolution No. 2013-050 – BCC signed, dated April 9, 2013. Authorizing submittal of application to MT Dept. of Commerce for a Big Sky Trust Fund Grant on behalf of Hunting GPS Maps (to expand its operation in the County/create 40 new jobs over next two years). BREDD will manage the grant on behalf of Missoula County. Original to Kelly Yarns/BREDD.

Amendment – JC signed. Modification to Community Council-Family Forum Contract #1102COMM0007 between County and MT DPHHS, Early Childhood Services Bureau for Missoula Best Beginnings Grant to MCCHD. \$12,368.30 has been added for Unplug & Play Project, and training for parents on how to deal with children's misbehavior. All other provisions remain unchanged. Two originals to Peggy Seel/OPG for further handling.

Resolution No. 2013-051 – BCC signed, dated April 9, 2013. Budget Amendment for Grants & Community Programs showing Revenue of Best Beginnings Grant in amount of \$12,368.30 and expenditure thereof. [See above.] For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Amendment – BCC signed. Modification to Contract between County and Western MT Addiction Services (WMAS) for alcohol prevention/intervention/treatment. WMAS will receive an additional \$23,445 in alcohol tax dollars (one-time earmarked payment) for Flagship programming. Term/July 1, 2012-June 30, 2013. All other provisions remain unchanged. Originals to C&R and Peggy Seel/OPG.

Resolution No. 2013-052 – BCC signed, dated April 9, 2013. Budget Amendment for Grants & Community Programs showing Revenue of \$24,427.73 from DCHS-County AOD Program and expenditure thereof. [See above.] For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Resolution No. 2013-053 – BCC signed, dated April 9, 2013. Budget Amendment for Grants & Community Programs showing Revenue of \$130,925 from Roseburg private donation for Seeley Lake Wood Stove Change-Out Program (in lieu of DEQ penalty for violation of MT Air Quality Act). For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Lease – ML signed. One-year renewal Lease Agreement between County and Summit Property Management for Crime Victim's Advocate office space at 500 N. Higgins #201. Term/May 1, 2013-April 30, 2014 at \$3,231.63 per month (3% increase). Originals to C&R and Cindy Wulfekuhle/GCP.

Petition – BCC signed, dated April 9, 2013. Petition for Inclusion into RSID No. 901, requested by MT FWP for Travelers Rest State Park, Hiway 12, Lolo. To C&R. Resolution No. 2013-054.

Report – ML signed. Appendix B: County of Missoula, MT-CDBG-09HR-02 form. Annual CDBG Program income report to MT Dept. of Commerce for Mountain Home Montana. Original to Jean Harte/OPG.

Additional discussion item(s): Legislative update.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated April 10, 2013:

- 1) Denying request from Dylan Dreckshage, Missoula, to refund motor vehicle taxes paid in error for vehicle #409785. Vehicle was not renewed by grace period deadline of March 31st.
- 2) Approving request from Stephen Michael Douglas, Missoula, to refund motor vehicle taxes paid in error for vehicle #2857771. Vehicle was totaled prior to anniversary expiration date and payment received within grace period.

WEDNESDAY, APRIL 10, 2013

BCC met in regular session; all three present.

Replacement Warrant - ML signed. Madison Ambrose-Hall, Missoula, Principal for Payroll Warrant #320384, issued March 22, 2013 on County Payroll 7910 Fund. Amount/\$262.08 (for wages). Not received in mail. No bond of indemnity required.

CAO MEETING

Resolution No. 2013-056 – BCC signed, dated April 10, 2013. Budget Amendment for Sheriff's Dept. showing Revenue from Cash Reserves in amount of \$238,918 to purchase In-Car Camera/Video System from Watch Guard. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

County Policies – BCC approved following policies which promote health of County Employees, including: 1) Promotion of Physical Activity in the Workplace; 2) Smoke Free/Tobacco Free Workplace; 3) Breastfeeding Support in Workplace; and 4) Nutrition Standards for Healthy Food/Beverages in the Workplace. To Mary Pittaway/Health Dept.

Resolution No. 2013-055 – ML signed, dated April 10, 2013. Relating to RSID No. 8489; Preliminary Levy of Special Assessments on Property within the District for cost of local improvements. Public Hearing to be held May 22, 2013 to determine special assessments.

Additional discussion item(s): 1) Legislative update; 2) Sorrell Springs Road.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated April 10, 2013:

- 3) Denying request from Dylan Dreckshage, Missoula, to refund motor vehicle taxes paid in error for vehicle #409785. Vehicle was not renewed by grace period deadline of March 31st.
- 4) Approving request from Stephen Michael Douglas, Missoula, to refund motor vehicle taxes paid in error for vehicle #2857771. Vehicle was totaled prior to anniversary expiration date and payment received within grace period.

PUBLIC MEETING – April 10, 2013**1. CALL TO ORDER**

Commissioners Present: Commissioner (Chair) Michele Landquist, Commissioner Bill Carey, Commissioner Jean Curtiss

Staff Present: James McCubbin, Deputy County Attorney, Tim Worley, CAPS, Hilary Schoendorf, CAPS, Deb Evison, Public Works

2. PLEDGE OF ALLEGIANCE**3. PUBLIC ANNOUNCEMENTS**

None

4. PUBLIC COMMENT

None

5. ROUTINE ADMINISTRATIVE ACTIONS

Bi-Weekly Claims List in the Amount of \$908,577.61

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount of \$908,577.61. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

6. HEARING

Gallatin Estates Subdivision (70 lots on 33.78 acres) Waldo Road, West of Highway 93

Hilary Schoendorf gave staff report and showed PPT Presentation

Tim Worley also gave report

Terry Forest, DJ&A: Bridge width; we feel very strongly that a bridge should not in this case should be something less than the 32' because what it will do, it will slow traffic down, traffic calming coming into the subdivision. It will also not allow any parking on the bridge. This is room on either side of the 24' asphalt, there's a raised sidewalk on each side 5' of walkable area. There will be a little wall on both sides of the sidewalk so you can't fall into the creek unless you climb it and a car can't hit you because it will be like a jersey barrier along that side. Something like that is what we're planning on doing. We think that a bridge 24' would be perfectly fine in this situation. The other thing I'd like to talk about for a minute is the location of the road. When we did this project, we eliminated so that there was a walk way for the deer to go to the north and we retained 9 of the 10 lots that were there. I think if you look at the original subdivision, there were 10 lots there and we retained 9 of them. We reorganized them a little bit moved them around to try to get the area so that a house could be built on them and that sort of thing. We think that we have provided the intent of providing a way for the deer to go to the north, I would be very reluctant to say that the developer wants to lose any more lots up there because we tried everything we could by losing those two lots by going down into the subdivision proper and trying to pick up two more lots. The only way we could pick up two more lots is if we moved that road to the east. You cannot move that road back in there in any fashion, like the planning board wanted us to do and not lose at least one of the lots. So we did pick up the lots, they're a little bit odd shaped down there but the type of housing that's going to be out here, I think this will satisfy the needs of those houses. One thing about the road is that right along the section line, 30'

either side of it is Deschamps Lane, we put the road in our half of Deschamps Lane, we didn't go to the other side of Deschamps Lane which legally I believe we could. There's a subdivision over there, O'Keefe Creek that when they platted theirs and they do have preliminary plat approval with several extensions, they didn't take that into account and they platted their lots over their 30' and that's why there's through right there. If that would have been set as a road, they probably would of never designed it that way, they would have had that be a road and then would of put blah, blah, blah and so would of we, we wouldn't of had any reason to have a road there. So we actually put a road in on our side of the lot to try to satisfy the needs of the neighbor who may or may not have some problems with redoing his subdivision. I know that we've talked with Steve Smith, County Surveyor and he's very firm that he wants that subdivision modified so that that right-of-way stays there. We thought we could put it over there reroute Deschamps Lane through Gallatin Drive and then eliminate any right-of-way that isn't used for that particular road; the reroute is what I'm saying. So we tried everything to keep everybody happy, keep the County out of trouble, keep him off everybody's back and still give us the two lots. The other thing, the noise is in fact noted in the covenants, there's a paragraph on it and it talks about the decibels and what was there, exactly like what was in the original plan so everybody will be informed of that. I don't think the noise is something that should be on the plat quite frankly, we can do that but it's in the covenants; it's there for everybody to see. One other thing that I noticed is that the little path that goes to the north off Jada Court, we do not want to make that a 24' common area. That used to be...what it is actually is a utility right-of-way, we're running a storm sewer through there to dump the water out into the storm sewer area that's in the green there. Each 10' of it is part of a lot, so I really don't want to put an easement there; it just reduces the usage of it. We can put a 5' path through there and then that would be a path and people can fence it however they choose but it doesn't have to be out 5 more feet on either side, it could be right up next to it or they don't have to fence it at all. I guess I would prefer it not being fenced at all just so they kept the grass all nice and green and all that. The last thing is the road up near Waldo. It can't be emphasized enough that that's what you're looking at on that one sheet, the little loop going through those lots, that's very preliminary. It's set up as a 24' drive, two 12' lanes for driving and two 4' shoulders all paved. We're coming into our subdivision with a 32' driving and parking lane on one side, it seems to match very well; I just don't see a problem there. We would in fact change our roadway, right down there near the bridge; it would basically come across the bridge and go straight north and tied into their new road at a 90 degree angle. We do feel very strongly that it does affect all 9 of the lots that we have there and that they would probably be not buildable and we're more than happy to go along with the addition that CAPS came up with that says, we will eliminate all of those lots although we may retain some of them for common area, to maintain the common area and that sort of thing, when there is either a sale of a property or a letter of agreement of a price that's going to be taking place, we're more than happy to do that. I think it is important that we're talking nine lots. That's what I'm really trying to emphasize. We show that trail that's along Waldo Road 10' wide asphalt, our understanding of what this roads going to look like is there is going to be an MDT trail on the north side of this road that will connect to everything, go the whole way. We don't feel then that this trail is really necessary. What we talked about at one meeting that we were in is that if the idea of the condition was to have a trail along there for future use, there will be a trail along there when the road is done so we won't have to do our trail.

Commissioner Curtiss: Two things that Mr. Forest brought up; one is whether or not there will be a trail included in the design? And the other is...sounds like it's preliminary but when do you think it will be more firm?

Shane Stack, MDT: To answer the first question; we do have plans to have a shared use path from 93 all the way to the Huson Interchange that would run along the north side of the secondary Hwy or Waldo Road. The next question; hopefully soon we'll have our alignment grade more clearly defined and set. We do have a formal process that we like to go through, I hope within the next several months we'll get that clearly defined. The project is set for construction in 2015 that is banking, of course, if we're able to get all the right-of-way and all of the necessary permits and all of these activities stay. If it's not 2015 then its 2016, right now we're looking at 2015.

James McCubbin: I'd like to ask Shane a question just because I think it would be helpful for your record. There's discussion at the planning board and there was discussion in some of the presentations today as to what the compensation by MDT would be, if and when this realignment comes through that would affect some of the proposed lots. Can you explain where we are in that process or what kind of agreements there are, what you anticipate for that?

Shane Stack: Sure. And I don't know all of the tentative agreements specifically because our right-of-way manager is part of that a little bit more but I will say this; what I understand we have to go on appraised value. We have had conversations with the developer and they are aware of what we're doing. What we would like to do is end up with a win-win situation where we're able to acquire the property that we need for the future roadway, in return they're obviously selling the lots that they would like to sell. We're not going to be able to purchase those lots for more than their appraised value but again it's going to be based solely on appraisals. Then if we do impact the neighboring lots, we're not able to necessarily purchase them if we devalue those lots (inaudible).

Chair Landquist: I have a quick question that probably Tim Worley could answer. I thought there was some discussion when we were briefed earlier in the week on this regarding Mountain Line wanting to have this be annexed into the urban transportation district and I thought there was some questions we had then that you were gonna...somebody was going to seek some answers to? Am I remembering that correctly?

Tim Worley: That's correct. Unfortunately, I tried calling Michael Tree on two different occasions but haven't received a call back. And I didn't get a response back on an email I wrote this morning as well, as to whether only a platted phase is assessed within the transportation district or whether the

remainder...the land that's not yet platted also gets assessed and unfortunately I don't know the answer to that right now.

Chair Landquist: I think what makes sense; the lots once they're plotted would pay that assessment. But like I said, sometimes things aren't always that clear.

Public Comment

None

Executive Session

Chair Landquist: One of the things we talked about briefly was the length of Gallatin Road and Monique Drive that does not meet our Public Works standards. When we're trying to create neighborhoods it is our jobs to look into the future and one of the reasons it doesn't meet our standards from what we were told is because of the length of them. The longer the road is the higher the traffic is going to tend to drive on them and we're looking at trying to create a nice neighborhood. You're worried about the bridge width staying at 24' instead of going to 32' as a traffic calming measure but then the rest of it's going to be a pretty long straight shot, which could also encourage faster traffic in an area we want the kids and the dogs and cats to play and walk. So I know that's a concern whether or not how much fixing or tweaking we might be able to do without doing enough to make it go back to the drawing board, I think that's one of the questions that the Commissioners may have to wrestle with while we go through this process.

Commissioner Carey: I'm a little unclear as to whether Public Works is requiring or wanting 32' to cross that culvert?

Deb Evison: The reason why we were requesting that the bridge stay the uniform 32' has to do with Health and Public Safety, of course. Right now the way this is platted, if the subdivision to the east never gets finalized, you have one way in and one way out of this subdivision. For the bridge to narrow through there in the event of an emergency, you have...it's narrow so we wanted to keep it as uniformed as possible through there. Also with snow removal, things like that, it's better that we have the requested 32' rather than the narrowing of the road through there to 24', it just makes it easier for facilities to get in and out.

Commissioner Curtiss: I do have one question about the freeway noise on the plat that is a new one to us. When we do navigation (noise) easements are they on the plat or are they just in covenants usually?

Tim Worley: I believe those aren't on the plat, it's just a recorded document.

Commissioner Curtiss: So I guess we can tackle things one at a time. That was something planning board added right Tim?

Tim Worley: That's correct. Because planning board failed to get a majority vote and the motion to approve, I summarized that but there's no real condition going forward advancing that idea. I think as Terry mentioned there's a note in the covenants but if you wanted to expand that to get closer to what planning board was recommending minus the plat language, we could get there. Or we could just go with the present covenant language.

Commissioner Carey: I didn't quite track that...you can get there?

Tim Worley: Well what we can do is instead....with planning board's recommendation I think they wanted the noise information on the plat and in the covenants and it was specific to a noise study that I think Jeff Searer worked on. The document is actually in your packet and I'm leafing through the packet now to find it. Planning board said that specific information should be on the plat and in the covenants and perhaps you could just say that information needs to be in the covenants or if you're confident that the covenants are okay as is, you could just stick with that language.

Commissioner Landquist: It's already in the covenants though, right?

Commissioner Curtiss: Right, so if you look in the covenants which is Appendix A, page 9 it says noise....all potential owners of lots in this subdivision are advised this subdivision adjoins Interstate 90 and will likely experience noise from freeway traffic. Montana Department of Transportation (MDT) and Federal Highway Administration have noise abatement criteria of 66 dba and the MDT has recommended planning level for noise of 60 dba. While conducting a noise study for this development, the developers found noise levels that ranged 68-78 dba. Information on noise and noise abatement strategies can be obtained from MDOT, in particular the growing neighborhoods and growing corridor of land use planning of traffic noise. So I think it's pretty well addressed in the covenants.

Chair Landquist and Commissioner Carey: Agree. All three Commissioners agree this is not an issue.

Commissioner Curtiss: Since there's no recommended amendment from planning board, I guess we discussed it and we if don't want to add that we don't need to. The next one that's probably easier to address is the condition about the trail along Waldo Road. I wondered if we could come up with some trigger language regarding, if they build before the road is done, they might have to put in something for a while or if the design which should be done before they have a final plat shows...it's only going to show it on one side of the road but I know the photography there doesn't really favor having a trail on both sides. That trail then would connect to

the stuff that's already happening clear out in Frenchtown. Is there a way to change the language that we have now to put some trigger language in there regarding if the trails going to be built with the Waldo Road redo that they don't have to put one?

Tim Worley: I guess I'm wondering if perhaps what you could do is conditionally approve the variance since it's on the record that your intent is not to have them build it, if it's built as part of the MDT redesign. Do we want to eliminate that condition? The condition is...if you look at your staff report with the RCA, its condition #13, page 36. I'm finding it difficult I guess, to have a trigger, I'm wondering if it should just be eliminated if there isn't....

James McCubbin: Tim could we do a similar condition ~ conditional grant a variance perhaps that would have language similar to your proposed condition #2? In other words, if Waldo Road realignment is confirmed by MDT land purchase or purchase agreement for land in Gallatin Estates, etc. then the variance would be granted that they don't need to put in that trail?

Commissioner Curtiss: Condition #2 that is on memo that we received dated today. If you just add to that paragraph to say; if MDOT's design of Waldo Road includes a pathway then condition #13 goes away. Something like that, would that be adequate?

Tim Worley: I think that would work.

Executive Session Motion

Commissioner Curtiss made motion that the Board of County Commissioners approve to amend condition #2 on the April 10, 2013 memo to add a sentence that states "If the road design includes a pathway along Waldo Road, condition #13 will be eliminated." Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

James McCubbin: I think that's a good motion but I also think it needs to be addressed in connection with the variance and the closest variance is variance #8 because this is a standard in our subdivision regulations. So in order to not require compliance (inaudible) standard you have to have a variance. An issue here is if you require them to build the trail and then MDT comes in and realigns Waldo Road and has to take out the trail, basically MDT's going to have to pay for what that cost was. In other words, we're just raising public cost overall without really changing what the end results going to be. That's just the factor here.

You can do one motion or two but it needs to be addressed in the variance as well.

Commissioner Curtiss: I think it's easier to do it in two. So previous motion is good.

Executive Session Motion

Commissioner Curtiss made motion that the Board of County Commissioners adopt condition #2 as amended on the April 10, 2013 memo. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

Tim Worley: The language of variance #9 works. We just need findings that get to the basis for not just the walkway asphalt instead of concrete but that it not be there should there be a walkway design in MDT's design for the northern side of Waldo. We have some of those findings right now and if you want to provide any others, we'll plug those into the written statement.

Commissioner Curtiss: So it would be in the findings for this particular variance, right?

Tim Worley: Correct. Some examples might be just the excessive requirements of having an 8' wide facility on both sides of Waldo adjacent to the subdivision that might be seen as a burden to this developer.

James McCubbin: The reality is if...I guess if Phase I is eliminated there would still be the possibility of having to build an 8' walkway on the newly aligned Waldo Road. Is that what you're contemplating? Whereas, if they build it before the alignment, there's a possibility that we could have a purchase agreement on the Phase I lots that are to be acquired by MDT and then Phase II, which could kind of become Phase I (inaudible) and then Waldo Road get realigned. We don't know the sequence of those events so the thing that would make the least sense, is if the developer has to build a walkway and then a year later MDT comes in and bulldozes the thing out. That was the thing that I was getting at, so I don't know...I think you're looking at some kind of a conditional approval of this which will basically include the approval that you've got here, if that's what you determine to do, but adding on conditions that if a given sequence of events happens, you might grant more of a variance. I hope that helps and doesn't just confuse things.

Commissioner Curtiss: Can we just add another finding that's as simple as; if the Waldo redesign includes a pathway this pathway would no longer be necessary?

Tim Worley: Hardship is always a positive finding to put on the record. Like Public Health and Safety issues would be accommodated through the facility on the northern edge of Waldo, should be part of MDT's design, you could put that out there. This is sort of a unique situation where this developer might be required to build a redundant facility on his side of Waldo that could be another finding.

Chair Landquist: And the ways to resources, I don't know how much of a finding that is but I find it kind of intolerable that we would put down either asphalt or concrete for something knowing that we might be ripping it up in a year or two and where's that going to go? What a waste of resources not only in using those resources but building it and the diesel and everything else to move the earth.

Tim Worley: You could probably argue this is a hardship not caused by this applicant as well just by the unique timing of the realignment of Waldo.

Commissioner Curtiss: So James do we need to word exactly all of those things or can we just say all these things are on the record and staff can put them in?

James McCubbin: I think you could make a motion to incorporate what Tim just said into the findings, into the appropriate places into the findings that the record will reflect that if what we don't have really clearly at this point...I have a lot of head nods going on but a motion would cover.

Executive Session Motion

Commissioner Curtiss made motion that the Board of County Commissioners authorize staff to add language to the findings for variance #9 to reflect the discussion that we've had here today about the impact that a trail included in the Waldo redesign may have on these findings. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

Commissioner Curtiss: So I think some of the discussion that we've had in our briefing and in the staff report and that the planning board had is all regarding block length. Unfortunately all the stuff talks about lots so I had to write them down as to what streets they are. Contrary to what a lot of people think there really is usually some rational for why we have things like block length in our regulations. It really does...if you think about driving down a country road that doesn't have a lot of intersections happening to it or spaces that might make you pay more attention to who might come intersect that road tend to drive faster. If you look at the...maybe Tim or Hilary you could put up that picture that shows the adjacent subdivision next to it? They have some variance in there blocks also but the distance there between Monique gets kind of long so I think that we really do need to think about why we ask the subdivisions to be design to include shorter blocks. Because there's already a pedestrian connection shown through there or common area for people to be able to walk through, I think it makes sense, and I know that you'll lose two lots but it makes sense to have a road connection through there that would include pedestrian facilities. I don't know what the exact measurements are and we may still have to have a condition but I was looking at either lots 29 and 41 or 28 and 42, whichever one makes the most sense to get as close as possible to the 300' walkway. And then we try to encourage people to walk more and yet be safe so I think we also should talk a little bit about whether or not it makes sense to have some kind of pedestrian connection from the cul-de-sac on Jadey Court back down to Monique. I just wanted to throw those out for the Commission to discuss on the record as planning board did.

Chair Landquist: From my perspective, I think that makes a lot of sense, gives me some heartburn that the developers already losing some lots due to the changes on Waldo Road but as I stated earlier, these subdivision are supposed to end up creating a nice neighborhood and a community where people can live and play and enjoy and not have some of the worries. The light bulb went on me when someone from staff was explaining why the logic is for not having long roads and it dawned on...two of the roads in Lolo that we get the biggest complaints about are because they are the long, long roads where people can just put the pedal to metal and go faster than they should be in those residential areas so I can't in good conscience even do this even if it's just on paper right now, not even built knowing that it might get built. There are no guarantees when you enter into something like this as to what you're entitled to lot wise, I think you've done a pretty good job in squeezing lots where you needed to. I would agree with Jeans idea of making that connection too for the walkability. That way people are doing what I had to do and that's climbing people's fences. So I'm in support of those changes.

Commissioner Carey: For Commissioner Curtiss, are you envisioning then perhaps a street going in just east of the current proposed pedestrian pathway like on lot 28 and 41? Have a street there and then do away with that pedestrian...?

Commissioner Curtiss: Yes and then it would be incorporated, and then they wouldn't need all this width so there would be some additional width that they could incorporate in some lots somewhere. I don't have a measuring tool with me to know whether 29 and 41 or 28 and 42 make sense but incorporate that pathway with...

Commissioner Carey: move that over, yes and then put a pedestrian access to Jadey Court from Monique Drive?

Commissioner Curtiss: Yes, probably somewhere between 49 and 50 and 53 and 54 or something. That way you could line them up.

Commissioner Carey: I wonder if we could get a comment from staff on that?

Chair Landquist: Does staff have some idea by looking at those if one side or the other brings us into closer street length compliance?

Tim Worley: I think the actual walkway location is about as close to center as you're going to get, 29 and 41 looks like it would work. Just so that I know that we're all on the same page, would that be a 32' wide road with the 5' sidewalks on both sides and 10' boulevards, with the 60' right-of-way punching through. That's the design standard that we have for the rest of the subdivision so is that the assumption?

Commissioners: Yes.

Tim Worley: Hilary, correct me if I'm wrong, the ped connection beyond Jadey Court cul-de-sac would be between lots 49 and 50 and 53 and 54? Does that look about right?

Commissioner Curtiss: Does that require a 20' or something; it can't just be a 5' trail? You have to have room...

Tim Worley: Room for maintenance on both sides. Deb is here from Public Works, maybe she could add some wisdom but I think 10 would be a bare minimum of easement that you would need and 20 would be preferable.

Commissioner Curtiss: Is the one shown here 20?

Tim Worley: Yes.

Deb Evison: The rational for easements is 20' and that's in our subdivision rules and regulations as well as in our public works manual. That allows you for maintenance to get in there and actually do any maintenance that you might need to do so 20' feet is what we require, otherwise a variance is needed.

Commissioner Curtiss: Since we're throwing things out that the developers haven't heard, I think that even though we've closed the public comment we should give them an opportunity to reply.

Terry Forest: I guess I'll talk about the trail between the cul-de-sac and Monique, I guess I can see that we can make that work. Can we think of something else besides...the amount of roads that we're putting into this subdivision, because of the shape of the subdivision, a triangle; it's really getting heavy on roads if we have to put another 64' right-of-way in this. I can't eliminate the one on the edge, so I have to put a whole other one in between. It just seems we're getting very excessive on roads. What I would think about is; is there something we can...I notice what you're saying is that you think there's going to be a lot of speed on Gallatin Drive because it's long. How about if we put one or two bump outs to slow people down opposite of each other? People would run them over probably but still you could do something like that.

Chair Landquist: I don't know how that works for plowing though. A lot of people complain about those during the plowing season.

Terry Forest: How about if the parking lane...we have parking on one side? And what if we alternated the parking? That would do the same thing as the bump outs.

Chair Landquist: Who enforces that? I'm just thinking homeowners can only enforce things and it pits one person against the other and the sheriff's Department already has enough enforcement issues. In other areas there's issues with no parking on the streets because everybody has garages and then they turn around and park on street because they can't fit their cars in the garages and we have no mechanism for enforcing it and then for plowing. Again, the streets...our snow plows are going to be going from here to there, sorry I'm pulling for you but I can't embrace that one.

Terry Forest: Okay, one other thing we talked about is safety, that sort of thing. I guess what I'm thinking is if we have 10' boulevards and then our sidewalks inside of those and they're going to be concrete so any kids are going to be riding his bike there and more driveways where they can play basketball. I don't know why they would be on the street unless they were crossing. Another things is we're doing the maintenance on the roads, we're doing the snow removal, the homeowners association is doing that until such time as the county took it over, whether they choose to or not. Right now the project is setup and we're doing the maintenance, road repairs and snow removal, sweeping, whatever.

Can we have 5 minutes to talk about this?

Chair Landquist: Yes you can have 5 minutes to discuss.

Commissioner Curtiss: First I want to ask Deb a question. From the public works manual perspective, since this road here is really only 256' long or right about that, is there a different standard that we could have for this that might be a 24' road, something narrower maybe a sidewalk on one side because it's more of an internal road?

Deb Evison: Because of the number of lots that it is and it's a small lot subdivision that is our standard is 32' according to our rules and regulations. If you want to go smaller they would need a variance for that. Since it would be considered a local road serving just the amount and its small our regulations require 32' and that is with parking just on the one side. You could make it as Shane suggested to me, if you had parking on both sides, which would certainly narrow it. You would end up with streets that look a lot like the canyon Village Subdivision and things like that where people complain two cars can pass, that slows people down really quick but it's not the ideal situation especially when you get snow removal in there and things like that, then you create more hazards then you're actually helping. I would suggest if are thinking of making this what it was originally proposed as common area, we could make it an alley. We don't have a whole lot in our purview but that is something that would break up this lot it would be a 20' paved alley to break it up as maybe something that you could see as a solution here. You can make it one way or two ways.

Commissioner Curtiss: The developers asked for a few minute recess.

Five minute recess.

Terry Forest: Another slowing down traffic option that has come up, how about speed bumps?

Chair Landquist: I thought about that earlier and I was also told that their problematic for plowing snow.

Terry Forest: How about speed dips.

Chair Landquist: Thought about that too, same thing they fill up with ice and then they don't do any good. That was one of the first things I thought of when this candid discussion on this stuff came up.

Terry Forest: How about if we did a...instead of doing a full street through there, how about if we did 28' back to back of curb? That would give you two 12' widths to drive down and then 5' sidewalks one on each side. That would give you 38' right-of-way.

Commissioner Curtiss: Okay that would require a variance, right?

Tim Worley: Yes.

James McCubbin: You would be conditionally granting the variance for the walk length.

Tim Worley: But James don't you think an additional variance would be required for the facility itself, not meeting the 32' standard. I think they could be accommodated easily enough. If we have findings for it, I think that would work.

James McCubbin: You're right, that's cleaner.

Commissioner Curtiss: Say that again Terry.

Terry Forest: I'm sorry, 26' back to back that would give you two 11' lanes. Curb and gutter would be 2' feet on each side and then 5' sidewalks one on each side.

Commissioner Carey: Which still leaves room for buildable lots.

Terry Forest: The developers do not want to reduce the size of the lots very significantly. They feel the lot value is going to go down too much. So if we can take ½ foot off of some of them or something like that, we do have a couple 74' lots we could maybe take a little more off some of those. We'll see if we can keep the lots. But that would require us to not just say 29/41 because we're going to be squeezing a little bit to try to change the lots a little bit.

Commissioner Curtiss: So the language might be to increase the...or to use the common area to get 26'. That's the general location for the common area?

Terry Forest: Yes. The common area probably 29/41 would be the area. That would line up kind of with the one that's going across the other way. The trail that's going through the (inaudible) down.

Tim Worley: I'm wondering about the width of the easement?

Terry Forest: 38'. Obviously there would be no parking at all.

Deb Evison: We don't have a road standard that fits that, that road width, the next size down would be 18' feet so if they want to compromise and come in between that we don't have a problem with that. The 20' alley would probably fit better but that's okay if they want to go larger, we don't have an issue with that.

Chair Landquist: I think this is better than an alley. I think it's a good compromise.

Commissioner Curtiss: I was wondering if you could even increase the road width a little and just have a sidewalk on one side. That's another thing to consider.

Commissioner Carey: What would that be again Jean? It would be a....

Chair Landquist: A sidewalk on one side, maybe narrow it down even more is what she was saying.

Commissioner Curtiss: No...then the driving lane could be a little wider.

Terry Forest: I think we would be willing to take the sidewalk off the west side because that one's not going to line up with anything. The sidewalk on the east side is going to line up with the one off the block and we can try to make it line up with that, quite frankly. It would more line up with that and maybe we could go to two 12' lanes that would be 24, 4' of curb and gutter and 5' of sidewalk and 1' of space.

Tim Worley: We're reducing from 26 to 24?

Terry Forest: We're reducing from 26. 12 and 12 is 24 and 4 is 28. It's 28 back to back of curb and 5' for the sidewalk that's 33 and 1' for the space is 34. 35' – we pick up a little so we can play with that too.

James McCubbin: I'm going back to I think you can do this as a way to conditional grant the block length variance. You can't do a new variance today because our regs require a hearing process so that's not a possibility. The whole purpose of what you're saying here is; where not going to grant you this whole block length because we think there needs....don't let me cohort you but...we think there needs to be traffic calming, that's aesthetic reasons, there's reasons for the regs but under these circumstances it may be appropriate not to fully apply all those regs because we can do other things that still mitigate the effect of having the overly long blocks. So you're not going to be fully in compliance with all the regs but we'll put in this lessor road to mitigate that. The only way to legally do it today is under the variance that you have and I think that is a legitimate way that you can conditionally grant the variance if by requiring the roads as has been described here. I think we do want to be very clear about what the numbers are; the rest of it you can say let staff write it up. Maybe we are clear on the numbers at this point.

Commissioner Curtiss: I think one of the things that staff wants to make sure is there too is the numbers things that you've got the check box when they file a final plat.

James McCubbin: The walkway that you've been discussing that can be a condition of approval of variances and or it can be a condition of approval of the subdivision just for general circulation and Public Health and Safety.

Tim Worley: Are we talking about just the walkway? Connection from the cul-de-sac?

Commissioner Curtiss: Yes.

Tim Worley: I think you could probably just conditionally approve the excessive block length variance for and I don't know what number it is but it's the variance....

Commissioner Curtiss: #3 is between Monique and Jadie.

Tim Worley: There you go and I do have language here for that facility. What I have so far is; plans for an installation of a 5' wide asphalt walkway within a 20' wide public pedestrian easement extending from the Jadey Court cul-de-sac to Monique Drive, between lots 53 and 54 and 49 and 50 shall be reviewed and approved prior to final plat approval of the appropriate phase.

Commissioner Curtiss: So would that be a new condition or a new under this variance?

Tim Worley: I think you can just conditional approve the variance and then we would add this condition.

Executive Session Motions

Commissioner Curtiss made motion to conditional approve variance #3 as Tim stated above. Commissioner Carey second. The motion carried a vote of 3-0.

Commissioner Curtiss made motion to conditionally approve variance #4 with mitigation being to increase the size of the common area proposed to a road that meets two 12' driving lanes, one 5' sidewalk, boulevards and the extra 1', curb and gutters that equals 35'. Convert it to right-of-way for a new connecting road with sidewalk on one side and no parking. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

Commissioner Curtiss made motion that the Board allows staff to change the findings of fact to reflect the conversation and discussion here today. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

Commissioner Curtiss: Bill, do you want more discussion on narrowing the bridge?

Commissioner Carey: No, I'm fine; keep it at 32.

Commissioner Curtiss: Well the memo today allows us to go to go to....didn't you write one for 24 or does this say 32?

Tim Worley: This allows you to slim down to 24 at the bridge. Or if you want to stick with 32, just stick with original condition #3.

Commissioner Carey: That would be my preference.

Commissioner Curtiss: I think the balance that sometimes warrants differences is the impact on the riparian area and it also does serve as a bit of a traffic calming as they come in.

Commissioner Curtiss made motion to accept #4 on the memo today, which allows 24'.

Commissioner Carey: I'm wrestling with this one.

Chair Landquist: I'm on the fence with this one too, there's a part of me that says yes let's go this way and another part of me that says we already modified some other stuff, we can't tell the future and that is the main way in. If we're gonna mess with the riparian, let's just mess with it once and be done with it so it recovers. I guess I'm feeling like let's not change that one, let's just leave it stand because the other big 'what if' over our head is if that other subdivision doesn't get done and this is the main and only way in and out, that's kind of a big sticking point.

Executive Session Motion

Commissioner Curtiss made motion to accept conditions #14, #19, #29, and #30 as stated on the memo dated April 10, 2013. Commissioner Carey seconded the motion. The motion carried a vote 3-0.

Commissioner Curtiss: Tim and Hilary, before we go to the final motion to approve as condition, did we miss anything?

Tim Worley: I guess the question is do we want to go through the variances one by one that you haven't touched on, for instance, the variance to deal with crossing the riparian area, etc.?

Executive Session Motion

Commissioner Curtiss made motion to approve variance #1, which is the request to allow Gallatin Drive to cross the riparian resource area associated with O'Keefe Creek. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

James McCubbin: The recommended motion is that it be conditionally approved. Approval and conditional approval are two different things.

Commissioner Curtiss amends the motion to say conditionally approve variance #1. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

Commissioner Curtiss: Variance #2 is the lots along the interstate, so we're okay with that one but even though we've now put a different road in there. Should we say conditionally approved since we've now added some stuff that touches Gallatin?

Commissioner Curtiss made motion to approve variance request #2 to permit lots 1-22 between Gallatin Drive and the Interstate to exceed 480' in length. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

Commissioner Curtiss made motion to conditionally approve variance #3 with amended findings that staff will type up based on comments and conversations today. Commissioner Carey second. The motion carried a vote of 3-0.

Commissioner Curtiss made motion to conditionally approve variance request #4 to permit lots 35-46 between Gallatin Drive and Monique Drive and Jadey Court to exceed the 40' block length to reflect the conditions we added today. Commissioner Carey seconded. The motion carried a vote of 3-0.

Commissioner Curtiss made motion to conditionally approve variance #5 to permit lots 56-66 between Jadey Court and O'Keefe Creek to exceed the 480' block length standard based on the conditions we added today. Commissioner Carey second. The motion carried a vote of 3-0. (See corrected motion below)

Terry Forest: I think #5 is not a block length issue. #5 has two lots.

Commissioner Curtiss: No that's #6; I was just getting to that.

Tim Worley: At least in our staff report. It's between Jadey Court and O'Keefe Creek so that's that single tier of lots adjacent to the riparian area. I guess one question I had is whether we change that pedestrian easement to common area or did we leave it? I think it was left.

Commissioner Carey: It was left as an easement wasn't it?

James McCubbin: So it just needs approval.

Tim Worley: That would just be approval, yes.

Commissioner Curtiss: Okay but we did add a new pedestrian connection that goes from the end of Jadey Court the other way, so I thought maybe...

Commissioner Carey: To Monique, yes.

James McCubbin: I don't think that effects this variance. That's on the block length for the area south of the cul-de-sac.

Motion

Commissioner Curtiss: Okay so then #5 would be without condition.

James McCubbin: Is that clear with the other Commissioners?

Commissioners: Yes.

Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

Commissioner Curtiss: On the east end those conditions that we approved already allowed for the planting of the trees and such, right? And the curbside sidewalks?

Tim Worley: Yes.

Motions

Commissioner Curtiss made motion to approve variance request #6 to permit lots in the block including 1-22 between Gallatin Drive and the Interstate. Commissioner Carey seconded. The motion carried a vote of 3-0.

Commissioner Curtiss made motion to approve variance request #7 to permit lots between Gallatin Drive and Waldo Road. Commissioner Carey seconded. The motion carried a vote of 3-0.

Commissioner Curtiss made motion to conditionally approve variance request #8 to allow the creation of through lots in the adjacent O'Keefe Ranch Estates Subdivision. Commissioner Carey seconded. The motion carried a vote of 3-0.

Commissioner Curtiss made motion to conditionally approve variance request #9 to address the pathway along Waldo Road. Commissioner Carey second. The motion carried a vote of 3-0.

Commissioner Curtiss made motion to conditionally approve variance request #10 to permit a roadway section with no concrete sidewalks along the O'Keefe Ranch Estates. Commissioner Carey seconded. The motion carried a vote of 3-0.

Commissioner Curtiss made motion that Gallatin Estates Subdivision be conditionally approved based on the findings of fact in the staff report subject to the recommended conditions of approval in the staff report with the amendments and findings and conditions we added today. Commissioner Carey seconded. The motion carried a vote of 3-0.

7. OTHER BUSINESS

None

8. RECESS

Being no further business to come before the Board the Commissioners are in recess at 3:17.

THURSDAY, APRIL 11, 2013

BCC met in regular session; quorum present. BC out of office all day.

ADMINISTRATIVE MEETING

Plan Amendment – BCC signed, dated April 11, 2013. Employee Benefits Plan Amendment (Exhibit 8.21) amending language to more fully define "maximum allowable" benefit limits. Original to Hal Luttschwager/ Risk & Benefits.

Notice of Intent – * ML signed. For funding from MT Dept. of Military Affairs/Disaster & Emergency Services, Emergency Management Performance Grant for fiscal year July 1, 2013 – June 30, 2014. NOI sets forth amount to be requested (\$95,500), projects for which it will be used, and source of matching funds. Two originals to Chris Lounsbury.

Amendment – BCC signed. Updates the existing Interlocal Agreement between County and City of Missoula for Computer Aided Dispatch and Law Enforcement Records System Replacement (CAD/RMS). Updated document brings it into line with scope of the project and helps determine funding sources for said project. Originals to C&R and Chris Lounsbury/OEM.

Contract – BCC signed. Between County/City of Missoula and New World Systems for CAD/RMS (see previous journal entry). Beginning date/March 26, 2013. Amount/\$1,000,000+ (to be funded from grants from County, City and Asset Forfeiture Fund). Originals to C&R and Chris Lounsbury/OEM.

Resolution No. 2013-060 – BCC signed, dated April 11, 2013. Budget Amendment for Finance setting forth Public Safety/Detention Commissary funds budget which was not included in FY13 budget (since this was first year they were budgeted). For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Resolutions – BCC signed following, dated April 11, 2013, to pay off SID bonds for three RSIDs (#8465, #8469, and #8470). For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Resolution No. 2013-057 – in amount of \$25,184.31;

Resolution No. 2013-058 – in amount of \$32,907.27; and

Resolution No. 2013-059 – in amount of \$59,569.48.

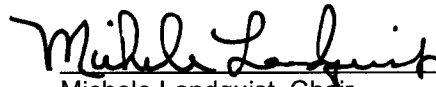
Letter – BCC signed, dated April 10, 2013. To Donald Larussi, Missoula, responding to his complaint re: services at PHC. Due to his abuse of PHC employees, and threats of a lawsuit, the providers at the clinic are no longer able to provide services to him. His medical records will be transferred to a medical provider of his choice, upon written request to Medical Records Dept. at PHC.

Additional discussion item(s): Reaching Home update.

FRIDAY, APRIL 12, 2013

BCC did not meet in regular session; BC and ML out of office all day.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, APRIL 15, 2013

BCC met in regular session; all three present. Evening: ML attended meeting of Lolo Community Council. JC and BC attended Joint Public Hearing with City Council re: *Reaching Home Plan*, held at City Council Chambers.

Replacement Warrant - ML signed. Laurence Schauff, Lolo, Principal for District Court Warrant #30231910, issued December 6, 2012 on County 2180 Fund. Amount/\$25.88 (for Jury Duty/mileage). No bond of indemnity required.

Community and Planning Services Update - BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Transportation update; 4) USFS Proposed Planning Directives; 5) DNRC Habitat Conservation Plan; 6) Hoshaw Big Sky Dock Permit; 7) Director's update.

Shoreline Permit - ML signed. #13-08 for Applicant Thomas Hoshaw to install new dock at 2424 Perimeter Road S., Big Sky Lake (Swenson Big Sky Lake Estates). Dock to be 20' minimum from property line; old posts not reused to be removed from shoreline. Original to Todd Kietz/OPG.

Letter - BCC signed, dated April 12, 2013, to Governor Steve Bullock, Helena, urging him to veto Senate Bill 147 ("Agriculture Bill").

County Payroll Transmittal Sheet - BCC signed. Pay Period: 07/CY2013 - Pay Date/April 5, 2013. Total Payroll/\$1,295,919.43. To County Auditor.

Form - ML signed MT DES Quarterly Reimbursement Form, Dept. of Homeland Security/FEMA Grants Program Bureau Disaster and Emergency Services Division, Emergency Management Performance Grant (EMPG). Total Grant Award/\$114,533; Total requested this Quarter/\$16,131.52; Total remaining funds/\$63,809.30.

TUESDAY, APRIL 16, 2013

BCC met in regular session; all three present.

Indemnity Bond - ML signed. Christopher T. Anderson, Billings, MT, Principal for Sheriff/Detention Warrant #035427, issued December 20, 2012 on Inmate Trust Fund. Amount/\$165.52 (inmate funds). Warrant lost.

ADMINISTRATIVE MEETING

Agreement - BCC signed. Between County and Super Science Company for daily family entertainment (Puzzlemania attraction) at the 2013 Western MT Fair. Dates of engagement/August 7, 8, 9 & 10, 2013. Amount/\$3,580.

Agreement - BCC signed. Between County and Sankey Pro Rodeo Company for provision of personnel/stock/production of bull riding/rodeo events for the 2013 Western MT Fair. Term/August 7, 8, 9 & 10, 2013. Amount/\$64,000.

Agreement - BCC signed. Between County and A&E Architects for structural assessment/updates on the Culinary Building at the fairgrounds (using pre-approved 2014 budget). Term/April 1, 2013 - July 16, 2013. Amount/\$6,389.

Agreement - BCC signed. Between County (MCCHD) and MT State University Northern/Bozeman for Public Health Nursing Education Program to allow distance learning nursing students to complete clinical hours with the MCCHD (as a clinical site). Term/April 16, 2013 - April 16, 2018. Two originals to Julie Mohr/MCCHD for further signatures/handling.

Resolutions & Quit Claim Deeds - BCC signed, dated April 16, 2013. Two (2) Resolutions authorizing transfer of following Parks from County to City of Missoula:

1. Resolution No. 2013-063 - Gateway Gardens Park a/k/a Hellgate Park (3.85 acre park dedicated with Gateway Gardens #2 Subdivision); and

2. Resolution No. 2013-064 - Alvina Park (23,382 sq. ft. park dedicated with the Greendale Addition).

Originals to Lisa Moisey for County Attorney and City action.

Lease Agreement - BCC signed. Between County and American Legion Swan Valley Post 63 to operate a community ballpark in Condon. Term/10 years after signature. Amount/\$1.00. Originals to Lisa Moisey/Parks.

Request – BCC approved request from County Parks/Weed District for expenditure of \$150 from Parks Fund for the Weed District's "Leave No Weeds" Program. Term/Spring 2013-end of school year 2013. Original to Lisa Moisey/Parks for further handling.

Proclamation – BCC signed. Declaring April 14 – 20, 2013 as National Public Safety Telecommunications Week. To Chris Lounsbury/OEM.

Board Appointment – BCC reappointed Colleen Done to a new term on the Seeley-Lake Cemetery District Board. Ms. Done's new 3-year term runs from May 1, 2013 – April 30, 2016.

Additional discussion item(s): 1) Maclay Bridge Hearing update; 2) Legislative update.

WEDNESDAY, APRIL 17, 2013

BCC met in regular session; all three present. Noon: BCC attended MDA and BID Luncheon, held at Finn & Porter.

CAO MEETING

Request – BCC approved request from Parks and Trails Advisory Board to award up to \$38,250 in Spring 2013 Matching Grants Awards and \$4,000 from Fort Missoula capital for various park/community recreation facilities in County.

Budget Transfer – BCC signed, dated April 17, 2013. Control #13-009 for CAPS/Parks in total amount of \$42,250 to create unique budget codes for Spring FY13 Matching Grants (per above Request).

Request – BCC signed, dated April 17, 2013. In the Matter of a Variance Request by Christy Brandon, Trustee for Muriel Simmons: Findings of Fact, Conclusions of Law and Decision. Denying request to allow the Simmons residence to remain at its current elevation within the designated floodplain.

Letter – BCC signed, dated April 17, 2013, to USDA Forest Service, Portland, OR, re: Comments on Planning Rule Directives (which guide implementation of 2012 Planning Rule). BCC offers general support, and reiterates importance of local government notification early and often during USFS planning efforts.

Additional discussion item(s): 1) High Country News Subscription; 2) Legislative update.

SPECIAL PUBLIC MEETING – April 17, 2013

1. CALL TO ORDER

Commissioners Present: Commissioner (Chair) Michele Landquist, Commissioner Jean Curtiss, Commissioner Bill Carey

Staff Present: Lewis YellowRobe, CAPS, Erik Dickson, Public Works

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

Commissioner Curtiss mentioned that April 27th is Forestry Day at Fort Missoula from 10:00 a.m. – 4:00 p.m.

4. PUBLIC COMMENT

None

5. ROUTINE ADMINISTRATIVE ACTIONS

Weekly Claims List (\$2,390,010.56)

Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve the weekly claims list in the amount of \$2,390,010.56. Commissioner Curtiss seconded the motion. The motion carried a vote of 3-0

6. PROCLAMATION

National Public Safety Telecommunications Week (April 14 - 20, 2013)
Commissioner Carey read the Proclamation.

7. HEARING

Consider Options Presented in Robert Peccia & Associates Planning Study for Replacement of Maclay Bridge.

Ground Rules for Today's Hearing:

- ~ Please make your comments based on the recommendation we have before us
- ~ When commenting, speak respectfully
- ~ Comment time ~ limited to 3 minutes per person
- ~ Be respectful by holding your applause/cheering

Chair Landquist: I'd like to discuss with everyone today, we're predominately here to talk about a very hot topic that's close to a lot of people. There's people that feel differently about this. We've gone through quite a study process and a public process and this is the end product of that process. I think it's the most respectful way to handle this while we begin this process and go through this whole process as people speak to not applaud, cheer or anything. Everybody has different comfort zones and I think out of respect for everybody regardless of what they have to say, I just hope they'll say it politely and we can move forward as expeditiously as possible and hopefully get through this today to the point where the Commissioners can make a decision so everyone can move on with the rest of the summer and have their lives in tack to do whatever it is you want to do with positive energies towards those ends. Without any further ado I'm going to turn this over to Erik Dickson and Lewis YellowRobe our two specialist that have been handling this to talk about the presentation that we've been through and where we are.

Lewis YellowRobe: I'm Lewis YellowRobe, I'm a planner with Missoula County assigned to work on this project with my colleague Erik Dickson and we have been working on the Maclay Bridge Planning Study for the past 12-14 months. This was a planning study that was done under not only the request but the direction of the Missoula Board of County Commission. This study was done in cooperation with the Department of Transportation and then with the technical assistance from the Robert Peccia & Associates, a Consultant to create the final Maclay Bridge Planning Study. That study was finalized towards the end of January, presented at a Public Meeting on January 31st. What I'm going to be doing is introducing the material and then I'll be handing over the rest of the presentation to Erik Dickson to deliver for the Commissioners consideration. What this Planning Study did is it identified reasonable options to address safety, bridge concerns and environmental concerns, primarily to increase the safety and efficiency for the public. This existing bridge it's obsolete and it's deficient and the study then identified the South 1 alignment as the best option to meet the needs that were found within the Maclay Bridge Planning Study. This pre-NEPA (National Environmental Policy Act) study what it isn't ~ it is not a NEPA process. The purpose of this study was not again to create an environmental document, an environmental assessment and environmental impact statement. Again, what it sought to do was to look at the reasonable options and create the needs to increase the safety and the efficiency of the transportation system within the planning study. One document that I do want to highlight as part of this portion of the presentation is the environmental scan this is a part of the final study. What this environmental scan did is it identified existing environmental resources and conditions in the planning area and so these environmental resources might be land, fish, wildlife, air, the visual resources so that just gave a very broad overview of what these resources are and what their conditions are. Within this environmental scan each section that has a statement similar to the statement that you see on the screen. If a project is advanced it will be necessary to consider the potential impacts resulting from and whatever the proposed action is next, if that's where the next step of the process is. Again, we just really wanted to highlight that this was not an environmental study but we just wanted to identify those reasonable options.

The planning team made a good faith effort to include and generate as much public participation as possible. The planning team hosted four information meetings; one in April, July, September of 2012 and one as recent as January 31, 2013. Today's public hearing held by the Board of County Commission is also part of this public involvement effort. The planning team also met with two interest groups from the area; the Maclay Bridge Alliance and the Maclay Bridge Common Sense Coalition on September 4, 2012. What the planning plan...the purpose of these meetings was is that these interest groups wanted to express some of their concerns that they had not only with the planning study but also express some of the concerns that they had with the bridge, the neighborhood and then other issues within the planning study. Quite a bit of the conversation on September 4th was generated around need #4 and Erik and I will get into a greater description of need #4, this really had to do with neighborhood character. There was quite a bit of debate from both sides on what this neighborhood was, what it meant and then also how the planning team then took that conversation into the planning study. There was also regular attendance by the public at eighteen planning team meetings throughout the process. And then throughout the process the planning team again received comments and questions throughout the study process and it wasn't limited to the informational meetings, the hearings and two other meetings that were held throughout the planning process. The planning team also met with County, State and Federal Agencies at a resource meeting on April 24, 2012, you'll see the list of agency invited, who were invited to attend the meeting and the list of who actually did attend the meeting. At this meeting the resource agencies were able to hear about the draft...learn a little bit more about the draft of the environmental scan that again is about the environmental resources in the area. The resource agencies were invited to comment on the plan before, during and after the meeting. The planning team took those resource agency comments not only into consideration but also begin to provide a little bit more comment into the environmental scan as well. So the Maclay Bridge Planning Study is comprised of five elements; the environmental scan, which again deals primarily with the air and water resources, fish, wildlife, some visual and then also the existing and projected conditions report that's a summation of the environmental scan and then it starts to expand the conversation about the human element and not only the people that live there but also what are the activities that are going on in that area...not activities but the human resources that are at their homes and things like that. Needs and objections; the improvement options we'll go over the 28 improvement options then which were screened to seven which got to the final recommendation that I introduced at the beginning of this presentation. With that I'd like to turn this over to Erik Dickson for him to deliver the remainder of the staff report.

Erik Dickson, County Public Works Department: As Lewis mentioned the first memo that was produced was environmental scan; I don't want to go over too much of that right now it was a document that's been in...this really isn't any new information. Just mostly wanted to go through the steps of the study so that you could see and that anyone has not been a regular participant of the study can see where we developed our background information from. As Lewis mentioned, the environmental scan looked at those things you see on the screen like the geographic setting, what the land uses are, what the land ownership is, the land management, what physical resources are in the

area such as the geological and hydrologic and it just steps through all those environmental issues that are identified within the planning study. and as Lewis mentioned since this is not a NEPA process each one of those sections was identified to require more information with that statement that's if a project is advanced using these federal funds further evaluation or study examination will be required. There was no intent to say that the information that was provided was the final information or the end of the environmental process, this is just barely a start in when a project is moved forward. During the review of the environmental scan that's where the public really began to get involved and identified some of those key topics in that study. Primarily in the environmental scan was hydrology there was a lot of discussion and debate about the impact of the existing bridge on the existing channel what impacts a new structure might have on a different part of the channel considering riparian areas, wetlands, the flood plain and all those other impacts that it would have on such things as the air quality, the noise and the historic and cultural elements in the area. After the environmental scan was completed the next step of the process was the existing projected conditions report and that's exactly what that is, it just looks at the actual physical elements that are in the study area. Looks at the population, what planning efforts were in place to develop the neighborhood as it is now, what are the physical characteristics of the road, the bridge and a little more discussion for the environmental setting. Again this is not really a new topic it was well reviewed even though it was published in...I think finalized in September possibly, dates not clear. Anyway we were still taking comments on this clear through just about the end of the final study because each of these documents while the memo was finalized was still open for comment throughout the study process. A lot of those comments that were a theme that kept repeating itself through the environmental scan, through the existing projected conditions one of the big issues was the traffic predictions. We used the normal traffic demand model that the county and the state used to predict all projected traffic patterns in association with the Long Range Transportation Plan and for growth needs. There was a lot of debate about how accurate those models were that's based on the previous twenty years traffic counts, they projected that forward through 2040 and in that model they can include adjacent land use, zoning issues, everything that is known for that area what can be impacting the predicted traffic. There was a lot of debate about that but that's the best model we have, it's an excepted method to give our best guess of what the actual conditions are going to be based on past history and adjacent land use. In conjunction with that there's a lot of debate about the crashes in the study area.

Early in this process MDT identified the west end of the bridge as being high accident location and there was a lot of discussion about the cause of the crashes and the contributing factors such as speed, alcohol impairment, weather conditions and again just a lot of debate about what the actual cause of those accidents were. Moving on from the crashes this I think really became the biggest discussion for any debate or any direction that the community felt the planning team was not addressing the needs or the goals or the desires of the community. We'll talk more about this later but this is the first time that this came up because with that traffic modeling and with the crashes there was a lot of discussion about the adjacent land use predicted traffic and how that fit in with the recently adopted Target Range Neighborhood Plan. I'll get back to that later but some of the other issues that were identified in the E & P Report were questions about why we were encouraging access to what the community felt were substandard roads west of the Bitterroot River which would be Blue Mountain Road, Big Flat Road, they're fairly narrow they are in hilly regions and they are an existing road network that we are connecting into so there's different opinions about whether or not that was appropriate.

Again, some other themes that carried forward from the environmental scan were again the discussion for the impacts on the river channel, impacts to wetlands riparian areas and floodplains both in the existing location and the recommended location. From the existing and projected conditions report after the first meeting the consultant developed a set of needs and objectives that were intended to capture all of the community input and the local agencies consideration for what the ultimate goal of the study would be to recommend a viable option to improve this substandard bridge. You can see there that they narrowed it down to four for the very basic things of improving safety and operation, providing a long-term river crossing and connecting roads that would accommodate the plan growth in the area. That would minimize impacts from the selected options to the environmental cultural recreational characteristics of the study area and also as Lewis mentioned earlier, the forth need was really directed at addressing the impacts to the local residents in their neighborhood since they were so involved with the development of the recently adopted Target Range Neighborhood Plan they wanted to make sure that their plan was identified and was addressed in the needs objectives so we worked those four needs in. Each one of those needs had three or four objectives underneath that would help define the goals that were aimed at addressing that need.

After the needs and objectives were identified the next step was to identify improvement options that would in theory satisfy those four needs. As many people know the 1993 study was used as background information, we did use I believe 16 of their identified routes and ultimately we added twelve more. Those broken down into general categories of improving the safety and operations on existing bridge which varied from adding some signs and lighting that MDT recommended and their safety analysis to removing the bridge and not providing a crossing in this area. The rehab option was a pretty hot topic for what level of work that was going to be done. It was really tough to define we worked a lot with MDT and their bridge engineers to see what level of work would be entailed with each level, whether it was a minor or a major. Really broke it down into just doing the basic work that could be done for keeping the bridge in service for roughly 20-25 years or a major rehab would be a significant investment to make it available for use for the next 50-75 years a very healthy investment. During the initial round of improvement options, we just started with the two but we later added the two more categories in the major/minor rather than just look at the bridge itself we decided to add approach work to the major and minor options so that there was four because in the end when it came to the screening criteria the major and minor rehabs didn't even make the first screening cut. Again because knowing that the residents were really favoring a rehab option the design team made that exception to add those two options so that adding the approach would increase their chances of making through the first screening and at least being a viable option for the second level screening

which we'll look at here in a minute. Aside from the rehab options there was a new bridge to move to either an existing local on a slightly different alignment or one of those alternate routes up there, you see there's fifteen total. They range from extending South 3rd Street from Clements to tying into River Pines Road or going straight across Sundown there on the south end or varying alignments in between that would theoretical address the needs by connecting with an existing road network and providing a feasible option. Of course the last option that was always carried forward and is required in this type of study is to do nothing, which would obviously mean we continue with maintenance as planned and continue to monitor the bridge and effectiveness in the future. So in the first level of screening we really broke it down in to two levels with twenty eight options the team decided that there was too many to try to screen out in one screening so we looked at it as the most basic need of those four original needs and objectives, which was to improve the safety performance and look at the conductivity as it relates to the existing road network and how that would serve the future growth. In order to move through the first level screening each option would have to get a yes for both of those questions and that's where again going back to the major and the minor rehab options. The first level screening completed without adding the approach improvements options to the major and minor rehab, they didn't make it through, we adjusted that part of the available options mid-study to give a better chance for those options, again knowing that it was the request of the local residents, that they would really like to see the rehab options given a serious consideration. So in that first level screening we took the twenty eight options down to seven and that's where you can see on this map that the purple line is the existing alignment of the bridge between North Avenue and River Pines Road so that includes the minor rehab with the approach work, the major rehab with the approach work. The #4 there was the North 1 option which would remove the bridge but put in a new structure, a new two-lane structure in the existing location. The other options that carried through into the second level screening were to add a one-lane bridge at an alternate location which was generally assumed to be the South Avenue alignment between River Pines Road and the end of South Avenue and keep each of those as a one-lane bridge with providing a looped route and obviously the Mount option, going from the end of Mount Avenue to River Pines Road and then both of the South Avenue options going from River Pines Road to Blue Mountain Road. Once those were set we looked at the second level screening criteria and that was a little more in depth, more so than the basic two question first level screening. The operational and safety screening criteria were further look at the safety and the conductivity of the option along with the conductivity and growth. What the constructability and cost concerns were, what the impact to the local environmental resources were and what the impacts to the neighborhood were. We broke those five categories down into sixteen questions and from those sixteen questions we came up with a final ranking of the seven options and in this case scoring the fewest points was the desirable goal. The consultant had a ranking system that was a combination of yes/no answers or a ranking of 1-7, depending on the questions asked and it's a pretty involved analysis to put in one area, I think most people saw that during the final study report and actually that became one of the major concerns that we will discuss later. It's tough to see in this slide but one of the two major discussions from the screening criteria were; what's it going to cost and who's going to pay for it? As one topic and then the other was as I think I mentioned before the desire of the Target Range neighborhood to have their neighborhood plan considered more in the screening criteria. As a general summary these seven options they range in cost from \$6-8 million dollars for the two one-lane bridge loop route options to an estimate for the minor rehab with the approach work to just over a million dollars. So there's a wide range of costs there but part of that concern is which of those options was going to be available for federal funding or would be required to be locally funded. In the screening process for the second level that was a major consideration for how feasible financially this each of those options would be. Lewis is going to take over again for a minute to discuss the off-system bridge funding program.

Lewis YellowRobe: There was quite a bit comment that was generated primarily at the fourth informational meeting about the funding, not only the funding program but the funding mechanism so we wanted to just take a little bit of time and talk about that. With this one funding mechanism for this and there are others but the one that was brought up is this off-system bridge program funding. One of the comments that was made at that public meeting was and their reference of some bridge funding, not only the program but the mechanism and that comment was using old information that was from the highway bridge replacement and rehabilitation program, that program no longer exists. What this does the new program for these types of bridges that are off of highways and major secondary roads like highway 93 in Western Montana. What this off-system bridge program funding does is it...the current rules do not allow rehabilitation of a historic bridge due to and if it does not meet current standards and some of these current standards are alignment, clear zones, weight restrictions and the bridge width. It does encourage rehabilitation if the load capacity and the safety features can meet State standards but the department would not contribute funds if it does not address these safety and deficiency standards, including approaches. One of the other comments that came up during the planning study was about the reconstruction outside of the bridge itself. The bridge program does allow for some approach work, what they call tie-ins, so a certain amount of feet perhaps and I'm not talking two or three feet but a few hundred feet or so, to get the road tie-ins into the bridge to make it work. There's a little bit of design work that's involved that the decks fit and that the piers fit and so then all of that fits in with the road that leads into the bridge. The department said that any road work outside of these tie-in points are probably not likely for off-system bridge funding, so anything a few thousand feet or several hundred feet outside of that. So the planning team did not look at that and that gets back to this funding slide, its fairly difficult to read, Erik and I do apologize we're trying to jam as much information into this presentation for everyone's consideration. 'B' the cost estimates envision a new bridge and limited and limited approach work, this is based on this off-system bridge funding. These cost estimates again are limited to the new bridge and the limited approach work and then you'll see towards the last sentence; outside of the tie-in points are likely not eligible for off-system bridge funding. One of the other rocks and hard places that we found ourselves in this planning team is that if we start planning and designing outside of not only what this program allows but from what the bridge focus is. Violating isn't the right word either but we're working outside of the confines of this existing off-system bridge program so we wanted to stay within the parameters of what we're eligible to do with this off-system bridge program. We are aware of those costs that

would extend outside of the existing bridge but again because of the confines of this program that we're working under or could be working under we wanted to stay within that and not get out of not only the criteria but the intent itself. Again I just wanted to take a little bit of time and address that and what I'll do is turn it back over to Erik. Erik this is the portion of the presentation, I know that we're running short on time but we wanted to address some of the comments that were made, not only throughout the planning process but more towards the end of the process as well.

Erik Dickson: As Lewis mentioned this I think became the biggest portion for discussion throughout the process. The background documents, environmental scan existing and projecting conditions...the background information wasn't, well it was receiving comment all through the process it wasn't as much of a topic. People wanted to provide the background information that they felt was relevant and accurate but when it came down to the issuance of the final report this is the first time that the screening criteria was available for public comment. We received a lot of criticism that the screening criteria, particularly for the second level were biased towards engineering and transportation planners because that's what the planning team are made of. We did receive some suggestions from members of the public that there should be other screening criteria that were directed more at the goals of the Target Range Neighborhood Plan but the consultant looked at those, compared those to the growth policy, long range transportation plans and some of the goals in the Target Range Neighborhood Plan conflicted with the growth policy. So rather than use those suggested criteria that would essentially cancel each other out we stuck with the original screening criteria that the consultant developed and once that was finalized then we were also criticized that the scoring of the screening criteria that were used that it was scored incorrectly. A member of the public that was a retired statistician with granted short notice was able to look at those the day or two before the public meeting on January 31st and was critical at the public meeting that the result were skewed towards a pre-determined outcome that we wanted to see. A lot of people at the public meeting heard that and it became one of the main points of discussion immediately after the fourth public meeting. What might not be clear is that upon further examination of the screening criteria that were used by that retired statistician, he applied what he thought was the correct scoring for those options and if you see on the bottom there that 3E1 option still ranked as #1, which was the South 2 alignment. His results did not change the ranking of the final seven options and for being such a hot topic we thought that was important to see that without having screening criteria suggested by members of the public even though they were criteria of how those screening criteria were scored, even with what was determined to be an appropriate way to score those, it didn't change the outcome. I don't know that many people saw that, this information was submitted in a letter directly to the planning team and I don't know how available that information was to the public after that. You'll see here that it is in fact the same ranking, which ever scoring method is used.

Another discussion point of the screening criteria and actually was a fair discussion from about half way through the study all the way on was that while the two original rehab options were the minor and the major and there were members of the public that felt an intermediate rehab option should have been considered and wasn't given fair consideration. They hired a local engineer to provide drawings and estimates for an intermediate option. You saw earlier in the screening that those rehab options even with the approach work consideration didn't make it through the screening process to be a viable option that addressed all four needs and objectives. This letter that was submitted by the design engineer hired by the opponents of the planning study even on February 22nd which was about six weeks or so after the planning team had a discussion internally through email, email chat, in our opinion the intermediate rehab option that was suggested by the Maclay Bridge Alliance was essentially a major rehab option as agreed upon by myself and two engineers from MDT. And you see in this letter several weeks after we arrived at that conclusion which was the reasoning for not including intermediate rehab option in the planning study is because...this highlighted sentence here that says; this rehabilitation effort would generally fit the criteria shown in the study as a major rehab. It just goes to show that the intermediate rehab option that was not considered in the opinion of the public was essentially the option that was screened through the process and didn't meet all of the needs and objectives so it was not considered.

Another big discussion topic I think after the screening criteria came out was again that thought that the planning team being mostly engineers and planners from Helena did not consider many elements of the Target Range Neighborhood Plan that reflected the goals and objectives of the community. I'm not going to read them all but in the Target Range Neighborhood Plan that was adopted in 2010, I think there are several statements in there that acknowledge that the growth predicted for the Target Range area is really not impacted by the location of the bridge. One statement in the Target Range Neighborhood Plan is that the Target Range area has seen continuous growth over the past 30 years so they've acknowledge that for that long the area has been growing and even recognize that many land owners realize the financial benefits of subdividing their holdings into 1-10 acre lots for those people yearning to move away from the urban life style. So the residents in this neighborhood have already identified that they're seeing financial gain by subdividing and providing future development and continuous development and what the goal of the study was to provide an option that addressed that growth. There's several examples of those repeated references to the fact that the areas growing. Another one was 40 years ago it was a very rural area, old timers point to many large developed areas and remembers the time when there were few if any houses here. Again, it's another point that identifies that with each generation or with each wave of people that moves in there's a different level of accepted growth and they're developing that to the predicted level of new development in the next 20 years with 655 additional dwelling units. The Target Range Neighborhood Plan doesn't associate any of that growth with the bridge; every reference is to future construction of homes and access to additional recreation lands. When they recognize that growth in their neighborhood plan they suggested several options to mitigate that growth and that included things such as reducing the speed limits on the major arterial streets which was accomplished in 2008. At their request we went through MDT, reduced all the speed limits to 35 mph, have such things as adding bike paths to provide separation from vehicle traffic. In all those options there's five of those, and those are all citizen initiated requests through the CTEP Program ~ Community Transportation

Enhancement Program is now that Transportation Alternative Program so if they want those facilities there, that's a citizen initiated program to help provide that separation that level of safety. They include such things as establishing traffic circles at the intersections of 33rd & 40th, establish pedestrian crossings on side streets and I think one of the critical statements or sections in this is the bridge section which is #7 on page 38 of the Target Range Neighborhood Plan. The one statement is; at this time the proposed bridge faces significant financial hurdles, well that was true in 2010 but I don't think it's true anymore. Another comment said; this neighborhood plan has not identified a need for a new bridge. I think that's more of a want than a need, we spent the past year looking at this and have developed the needs and objectives the improvement options that would address some of these things that are brought up in the Target Range Neighborhood Plan. Even if you looked at the traffic demand model, although there was some debate or decent in whether or not that was an accurate prediction, the final study shows that regardless of where the bridge is the traffic east of the Bitterroot River increases while the traffic on Blue Mountain Road decreases. I think that's directly a result of the planned 655 dwelling units that have been identified in the Target Range neighborhood. Again this goes back to what the residents were objecting to as far as the screening goes and the fact that their opinion the planning study ignored the goals and desires of the neighborhood plan. We received several comments that were essentially saying that this bridge will bring more traffic and will be a negative impact on the neighborhood but for example one of these letters says; future construction will result in increased traffic congestion, more vehicle and vehicle/pedestrian accidents, increased noise and addition air pollution on roads and trails. That alone looks like a pretty good reason why there might be trouble with building a new bridge but if you go back to the neighborhood plan and look at the full statement, it says future construction of homes, additional recreation opportunities on city and county park land and city and county and federal lands, that will lead to the traffic congestion and the vehicle conflicts. It's never been identified in the neighborhood plan that the bridge will bring the traffic, it's always been identified that the plan development and recreational activities will bring that additional traffic and they've already suggested some feasible mitigation efforts that if and when the time comes can be examined for whether or not they can be implemented. I'm gonna pass this back to Lewis now and he'll finalize our recommendation.

Lewis YellowRobe: With the final study that was completed towards the end of January and then released at the final public hearing. The results of the final study through the ranking from the second round of ranking identify South 1 as the option that addresses the needs and objectives for safety and operation, future and current demands, minimizing the environmental impacts and also to the neighborhood characteristics. So that study again was made available to the public at that meeting and finalized at the end of March of this year. From the final study the staff does have a recommendation to the Missoula Board of County Commission and the staff recommends that the Missoula County Commissioners accept the Maclay Bridge Planning Study conclusion of replacing the Maclay Bridge using the off-system bridge program funding with the South 1 option and send a letter to the Montana Department of Transportation to request continued bridge project development. With that Chair Landquist and Commissioner Curtiss and Commissioner Carey, Erik and I would like to close out our portion of the staff report.

Chair Landquist: Commissioners do you have any questions for Erik or Lewis right now, at this point?

Commissioners: No.

Chair Landquist: Okay, what we're going to do is open it up to the public to comment. I do want to make sure that everybody that showed up here today has signed in and if you haven't, we can make sure that these clipboards get sent around or you sign in before you leave. And I'd also like to start with a show of hands...how many people are planning on saying something here today...a good number of people. And how many people have come to the meetings or even not come to the meetings and not spoken at all yet. Of those people that have raised your hands and have not spoken at all yet, I'd like to start with those people, who haven't spoken yet and give you first dibs. If you want to line up, you'll each be given three minutes; there will be clock up on the screen. Some of you have already handed us a copy of what you plan on talking about but you'll each get three minutes and we're gonna start with the people who have not spoken yet one way or another, regardless of what side of the river you stand on.

Public Comment

Steve Seninger: I'm a PHD Economist with more than 40 years of experience in economic cost and economic impact analysis. I live at 9601 Cedar Ridge Road in the O'Brien Creek area. I'd like to thank you for this opportunity to present some views, particularly in terms of what I find to be the very inadequate cost analysis of the final planning report. Basically in having studied as an economist and looking at what's going on in there, I find the cost analysis particularly that pertaining to a two lane South Avenue replacement bridge extremely incomplete and lacking any realistic accounting and in conclusion of associated road, network infrastructure, maintenance law enforcement and public safety costs, basically about 3 or 4 points. Quickly point #1, the use of comprehensive costs in this critical table 15, where you look at the dollar numbers for the different options is not really comprehensive costs, there short run costs reflecting the construction phase of the operation and do not include any accounting for what might happen in terms increased traffic flows, particularly with the version of increased traffic flows from Reserve Street, which is already increasingly congested. Higher costs in the immediate post construction phase may be significant with this increased traffic diversions. We already see increased traffic flows along Big Flat and Blue Mountain Road over and above any kind of mechanical traffic studies that the planning team has looked at. Basically these higher vehicle trips which surely will be in excess of 650 vehicles per day, as stated in the study are going to have a burden on South Avenue, on the Target Range School area, on pedestrian recreational path and basically on other roads in the Target Range area. So essentially when we look at the cost in table 15, it looks like it's a free deal because these are construction costs and in particular these seven

million plus for the new south lane...South Avenue Bridge looks to be free money where as rehab costs look to be not free money and indeed it's not free money. It's an illusion that will be shattered in terms of increased costs as a result of more vehicle miles that vehicles trips are going to diverted off the increasingly congested Reserve Street area. Its public safety costs, maintenance costs, road network costs, etc. In closing I did hand you a copy of my comments. My wife Daphne and I have lived in O'Brien Creek area for 17 years, never encounter problems with Maclay Bridge. Many of our neighbors, especially those with kids at Target Range School and some who are small business operators in Missoula are in favor in retaining the existing bridge. Thank you.

Michael Chandler: My wife Nancy and I have lived at 4401 South Avenue for a few months shy of 40 years. In that time it appears that the traffic on South Avenue has multiplied about 10 times, it probably isn't quite that bad but it sure appears that way. We're living in a 30 mph zone and it's not uncommon at all to have 50-70 mph traffic by our house, most of which turns right or left two blocks away on the next street cutting over to the bridge. Quite often that is accompanied by squealing brakes and howling tires but an occasionally a crash. I do not see a...I'm primarily speaking to safety and costs and at this time we can't see where increased speed aimed right at the Target Range School, which will be the result of a straight shot coming down there. The way it is, the existing Maclay Bridge acts as a historical and expected slow-down. Recently, we have kept track of our last 10 crossings on the bridge; 7 times we didn't have to pause, 2 times we had to make a slow to a crawl and once a 10-15 second wait. I don't consider that to be an indicating obsolescent or danger. It seems to be...and the three times we had slow up we were met by the opposing car with a friendly wave, seems like a nice neighborhood situation as opposed to something dangerous. We're strongly opposed to the new bridge on cost. I think everyone knows that big construction jobs that are several years down the road usually come in at close to double or more of the predicted cost. It's true that DOT would pay for the bridge abutment to abutment, maybe a little more than that but I think the cost of that will more than double in local infrastructure to try to slow down traffic that is coming straight down South Avenue aimed right at the Target Range School. For the reasons I know that the cost will be much higher than predicted and the safety factors involved, I think we're looking at a more dangerous situation rather than a safer one. Thank you.

Sandra Acker: I live on North Avenue just east of Humble. The traffic is there already, we see it increased year by year. Fixing Maclay Bridge is not going to fix the traffic problem or growth, on our side in our neighbor or west of the bridge. It's your job to plan for the future; the future is a new bridge. Target Range School has been there, nothing is going to change and the traffic goes by it now. I believe you Commissioners have a tough job and I was happy to hear the recommendation, I think we need a new bridge. Thank you.

Christian Anderson: I thank you for the opportunity to speak today. I speak to you from the perspective of a physician, a public health expert, a parent, a Missoula County resident and a Montanan who spent her life on rivers. I want to start by saying that I do understand the emotional pull of a save the bridge campaign, beauty is in the eye of the beholder and those individuals certainly have the right to want to save an obsolete, unsafe bridge. I'm here today to encourage you to make the decision that has been recommended by two studies to save the Target Range neighborhood, save the river and most importantly save lives. Save the neighborhood, a few voices in one part of Target Range do not speak for all residents in the area. The new studies shows that moving the bridge would decrease traffic on most streets in Target Range, the current traffic design weaves traffic inefficiently through the residential streets and obvious an unwanted by-product of this design is useless gasoline consumption and decreased air quality. The more efficient traffic pattern created by moving the bridge location to the South Avenue site would actually preserve the rural character of the neighborhood. Save the river; anyone that has spent any time on this river knows that the channel is different at the bridge, the bridge was cobbled together and is not designed for that location and this has damaged the river. The South Avenue location is a much more shallow stretch of river and the bridge would be designed for the location to avoid river damage. At the current site, water hits the middle pier bounced off and creates a whirlpool and it's this whirlpool that creates an irresistible attraction for unsafe behavior, which leads me to my third point. Please save lives; take a look at the pictures that I have supplied to you. Even if we didn't have two studies that recommended moving the location of the bridge it's hard for me to believe that anyone would think this is an acceptable risk. I took this picture driving on the bridge, I suppose one could make the argument that I could drive somewhere else and that an adult has the right to do anything that they want and if this were a natural rock wall that would be one thing but this is a county structure that is known to pose a risk. What future concerns me is the debate in the paper about how many drowning's have occurred related to the bridge, is this the kind of community that we live in where debate and acceptable mortality ratio associated with the county structure occurs in the paper? I've watched a terrified child far younger than 18 standing on that bridge to jump being bullied by what appeared to be her family. In addition a new bridge would also save lives by lowering emergency vehicle response time and allowing full-sized fire equipment to reach everyone living west of the bridge. I hope we live in a community where we watch out for one another. Keeping this unsafe bridge doesn't accomplish this. Please make the decision so that we can all move on to other things, tackle other issues that face our community; homelessness, joblessness, substance abuse, domestic violence just to name a few. We have so few opportunities to prevent bad outcomes; we live in a world where we can't go to a marathon without fear of being killed. That isn't the case here; we know the recommendation to move the bridge to a safer location improves the character of the neighborhood, allows the river to heal and prevents injury and death. Please consider these things, save the neighborhood, save the river, save lives.

Roger Hinthner: I have lived with my wife Jan at 3840 Spurgin for the past 27 years. Approximately every six weeks I take our grandson to Target Range for a two week period when his parents change shifts at work. With a bridge off the end of South Avenue commuters will learn early what a bottle neck it is at Target Range School around 8:00 a.m., I myself avoid it by using North, Humble and Gunsight. Commuters will be looking for alternate routes, which will include Humble, North,

Woodlawn Avenue, Clements, Spurgin, 7th and 3rd. The corner on 3rd is terribly unsafe, traffic in the Target Range and Orchard Homes will never be the same when we are a bypass.

Frances Owens: I live at the corner of Hampton Drive and South Avenue with my husband Roy, we have lived there 20 years and we have liked living there but when as time comes when things have to change. We are both in our 80's and can no longer take care of our place. Roy is in very poor health so we have put our place up for sale but who will want to buy our place with that bridge going in and it will also devalue the price of our property. We want to go live near our daughter. We are very much against the new bridge.

Sharon Sterbis: I live at 4652 South Avenue West so this concerns me greatly since I'm going to be near the new bridge. My major concern about this whole study is that out of 100+ documents, only one page was devoted to vaguely discussing the roadway improvements. I don't know whether the new bridge can be safe because right now where I live, the South Avenue I live on is a very unsafe road. It is narrow it doesn't even have a double line going through it. I live on the crest of a steep hill so when I see the few people coming from west, I have to be very careful because you cannot see them until they are right there. This study did not...and I went to all four informational meetings and nobody ever said what's going to happen to South Avenue where I live. I have a third grader and I would like him to be able to walk to school but there's no discussion whether there's going to be a bike trail continuing down. I run every day, I run across the bridge more than I drive across it. You should be looking at pedestrian concerns as well and nothings been discussed. I don't see how you can just choose this option when you don't know whether it's going to be safe or not and at this point it's not clear unless you detail what the roadway improvements are. It looks like it won't be paid for by the funding program so who's going to pay it? That's my question.

Barbara Hall: I represent the Clark Fork Coalition. I just want to thank your efforts at the county, the staff for all the work that has gone into the study, as well as the work and involvement of the community. The Coalition, we've submitted comments on the draft report and our main concerns really are that once we do get to a decision on the bridge we really want to make sure as we understand will happen, that the environmental impacts to the river will be extremely considered. There will be a need for process. Right now it's hard to say because we don't have the information on each alternative on what the environmental impacts are. Our initial recommendations are really that whatever the alternative chosen is that we do look at really having one bridge only in the river to minimize impacts. That we really try to avoid in the design having piers in the river and that every effort is taken to avoid every impact to the riparian area. Thank you.

Vickie Mickelsons: I live at 410 Brooks Street so I'm not in the Target Range neighborhood but I'm against a new bridge and would like to encourage you to go with rehabbing the existing bridge. I attended a transportation planning meeting that I wrote all of you about with my daughter, it was probably a year and half ago. In that planning meeting we were asked, there were probably 150-200 people, we were asked to sit in groups at tables of about 10 and talk about what we thought the transportation plans should be for the Missoula area spending Ninety Million Dollars and that was the estimated budget. I think that out of that meeting and with the consultants guidance it was determined that the people that were there primarily were interested in encouraging alternative methods of transportation and driving. Well we already have cars and already have congestion, that we need to do more in the way of upping the bus routes and the number of trips those buses take and allowing and encouraging bicycling etc. I know for some people that isn't a viable alternative but I think Missoula is limited in growth regardless, in the way that it can grow and that we need to try to create and keep what we have in terms of rural esthetics and I think also in terms of safety the Maclay Bridge does act as a calming device. I think that there definitely has to be rehab but I just encourage you to go that route. Thanks.

Suzanne Sweitzer: I live west of the bridge at 11905 Green Acres Road. I am speaking in favor of rehabilitating Maclay Bridge for the following reasons; having a one lane bridge that has been rehabilitated to 36 tons which is adequate for all emergency vehicles and buses is an option that compliments the rural character and social values of the area. A design has been submitted that has a separated bike/pedestrian path, if that is not a satisfactory plan I'm sure your engineers could come up with something that perhaps would meet the standards that they're looking for. The second reason is there would be no addition environmental or river damage. Please look at the map on page 60 of the study plan, do you really want to impact that much of the environment to build a new bridge a few hundred feet away from the existing bridge? It preserves a historical landmark. We hear about having to meet standards but doesn't AASHTO have a special consideration section that allows for situations involving historical, environmental and other special concerns? I think it would be a unique feature that Missoula County could be proud of and not just your standard concrete bridge, we got two of those four and six miles away from this one. It is a built-in traffic calming again. We know that straight roads encourage speeding which in-turn leads to more and also more severe accidents. Why continue building straight roads in residential and recreational areas? I'm more concerned not just about South Avenue but the four way intersection at River Pines is already dangerous from the north and the south, the hill coming down Big Flat, the elevation increase from Blue Mountain. I also feel rehabilitating the bridge would cost a lot less than a new bridge. Finally, I think the Target Range, Big Flat, Blue Mountain area is one of the last best places new the city to live and recreate in. Commissioner Carey said it well when he voted against a proposed subdivision in the Swan Valley; "It's just something I'm afraid that year after year, decade after decade we will gradually take the magic out of that part of the world, despite our best intentions." I can only hope that the Commissioners will want to preserve and protect the "magic" that that is right in own backyard. Thank you.

Cindy York: Thank you for this opportunity to speak. I'm a Target Range resident, business owner and mother of three school children. A lot has been said and written about the condition of Maclay Bridge and I'm speaking in favor in rehabilitating Maclay Bridge. I'm here today as a concerned

citizen regarding the lack of maintenance of Maclay Bridge. I think we all agree that maintenance slows the rate of deterioration, extending the life of a bridge. Rehabilitation efforts on Maclay Bridge have only been minimal over the last 19 years. I learned that the trust portion of Maclay Bridge spans between concrete supports on both sides of the main river channel. The bridge expands and contracts, to accommodate this movement the bridge ends on larger wall barring's. In 1995 they were apparently in good shape. The portion of October 31' 2011 Maclay Bridge inspection report regarding these barring's indicate that these barring's were non-functional in 1998 and have remained that way to the present time. The bridge deck was replaced in 2004 which would have been a good time to repair or replace barring's but that as apparently not done. Other neglect that has occurred with the paint and the rust is becoming a greater problem; the steel deck accurately has a hole rusted through it. Most things need to be regularly inspected and maintained in order to function properly, slows the rate of deterioration and avoids higher repair or replacement costs. I get my teeth cleaned twice a year, I have the oil changed in my car every 3,000 miles and have my furnace checked every fall, the bridge is inspected every two years but no action is taken to correct these problems. As a tax payer, I would like to have the following questions answered; when the deck was replaced in 2004, why was this opportunity not used to repair or replace the barring's? Why has there been no maintenance work done on the Maclay Bridge since summer 2005, eight years ago? Why has the ___ devices not been repaired since they were noted as non-functional in 1998, fifteen years ago? Thank you.

Lynn Gogas: I live in the 4600 block of South Avenue West, which would be very close to the new bridge location so of course I don't want it for personal reasons but there are other reasons as well. I taught at Target Range School for 27 years, the school is located right up to the hill to 'the Butte' we call it accurately in Target Range and there's no way for the children to get anywhere unless they cross South Avenue so we will need some kind of infrastructure to take care of that situation and to make sure that the children are safe. It's very difficult now for the children to walk across the street, I can imagine what it will be after a new bridge is installed. Another question I have is you talk about the increase in development in that area and the increase in development as far as I can see will take place east of the bridge, I don't see any land that's particularly available for huge development west of the bridge because there are mountains, there is Blue Mountain recreation area, there are a few hay fields that are vacant that probably will developed but that's all I can see. Of course everybody east of the bridge will be able to just take whatever street they want and go into town. I just don't see that the bridge would be an improvement for our area. Thank you.

Mark Partridge: I thank you for the time to stand before you today. I'm a little slow so I would just like to ask a question of Mr. YellowRobe. You've obviously studied this and spent 18 months, correct? What is the cost, not counting the bridge, what is the cost from the bridge to Reserve Street to widen the road and to do all the infrastructure that we need, what is the cost for that?

Lewis YellowRobe: We did not calculate those costs. Again, falls out within the parameters of that off-system bridge program. I did have an explanation within the staff report.

Mark Partridge: So you don't have a cost?

Lewis YellowRobe: No.

Mark Partridge: So my question is; my family is learning to live with less and as a Country I think we're going to have to learn to live with less. How can you possibly approve a project that you don't even know what it's going to cost?

Commissioner Curtiss: That's part of the next phase.

Chair Landquist: That's a good question and its part of the next process. These things go in stages and I don't want to take up your time, finish making whatever comment you need to make.

Mark Partridge: I guess all I want to say is my understanding is and I've heard a lot of different people, I hope we have some people that are going to speak today on this. Cost as high as 8-13 million dollars to widen the road from the bridge to Reserve Street, along with the other infrastructure changes and things that we need and yet that is a cost that we will pay as a community. I don't know if everyone here understands that but we're mortgaging our kids. I'm far enough off it's not going to affect me, I don't really care if we have a bridge or not but what I am concerned about is how are we going fund all this stuff and how can we possibly consider a project when we don't know how much it cost? The blank check that they are writing...

Chair Landquist: Are you speaking to us sir?

Mark Partridge: Well yes....

Chair Landquist: We're over here.

Mark Partridge: I know I'm speaking to everyone though. I think that we need to understand that these costs are going to be paid. I look at my kids and they're going to have to assume the costs of these things and I guess I just want to ask you very carefully to consider the cost of that. When we can spend a million to rehab a bridge versus 7 or 8 or 10 million to put a new bridge in and finally connect it to Reserve Street, I think we need to look at those costs. Thank you.

Chair Landquist: Before we get too carried away with going down one single path of thinking here, I will share with you when it comes to cost something that I was quizzing; one of the head honchos from MDOT yesterday after a transportation meeting about the off-system bridge and costs and things associated with it, that I was concerned with. My understanding and please experts here, my local staff, correct me if I screw this up...we take certain things in steps. We have this report from the

consultants if the Commissioners decide to take the recommendations of staff to go with the preferred alternative and identify the need for a new bridge at the location that's been identified; off-system bridge funding is used. We'll still have to go through an EIS and a whole lot more planning and phases but everything that ends up being identified most of which the consequences of having to widen certain things, acquire certain properties, bench marks, all these different things get built into the plan and that's all part of the funding mechanism that gets used and that comes from all of our federal tax dollars (gas tax dollars). I've been very concerned about unintended costs as well and have had the assurance of MDOT that that all gets...all those unintended costs aside from the bridge replacement, they get identified and they built into that fund that we're entitled to pull money from. If that's any consolation to you as far as the monies go, I know I've heard people say it sounds like it's money waiting for a project, well it kind of sort of is, that's what that money sits there in the federal coffers for. We all pay into it and the Maclay Bridge was identified many years ago; put on a waiting list and it finally trickled up so this is our turn, our shot at utilizing that pool, if we decide to go that way.

Jim Roach: My wife and I live in Target Range on Humble Road we've lived there for a while. My concerns are many and you'll probably hear them repeated again and again. The money is definitely a concern, right now we have the big Federal deficit and we have sequestration and section 8 housing is being cut, all of those kinds of things. How can we justify seven million dollars for a bridge that's not wanted, it's apparently not needed right now, we're doing okay with what we have and it could have a lot of negative consequences. That's my first question. I'm not use to speaking in public. I think the Target Range neighborhood, the whole area is really unique and it's a really nice mix of agricultural and residential and it's been that way ever since I first moved here in 1971. I think that the neighborhood is unique in part because there is no major travel corridor going through it and also just because the efforts of all the people that live there, they like it that way, they want to keep it that way. I think that this travel corridor that's projected and I think it has a good potential for becoming a major shunt. I know if I lived up the Bitterroot and had to work in town I'd be using it a lot. I think that building that through there is going to tear a big hole in that riparian corridor that exists along the river and it's also going to tear a big hole in the fabric of the neighborhood and people that live there really don't want that...certainly has the potential to do that. I wonder what we really need it for. The engineering report specifies future growth and traffic needs and increasing traffic flow and better grid inter-connection and do we really have to sacrifice everything that we value and consider special for those things for all this growth and increased speed and traffic efficiency, that kind of stuff. I think it's something that really needs to be looked at. In the report itself they talk about by putting in turn lanes at Humble and turn lanes at Clements, they can accommodate possibly up to 9,600 vehicles per day, we really don't want to see that in our neighborhood and I don't think it's necessary to plan for that at this stage. I'm sure you'll hear lots of points.

Hannah Smith: Me and my fiancé live at 1615 Clements. We are on one of the busier streets I'd say in the Target Range area because it is a thoroughfare that takes people from either South or 3rd down into any kind of westerly direction. I believe that creating a new bridge is an opportunity that we can't miss. I'd hate to be in a position where for example, every time I cross Maclay Bridge I think I'd hate to be the person that this bridge collapses on today because there's always a risk of that happening. I'm an avid river enthusiast and when I get into the river at Maclay Bridge I am always very cautious of where I get in because I know certain areas are incredibly dangerous. If there was an airplane that was in bad repair that hadn't been fixed for several years and that multiple people had died at, that airplane would be taken out of commission and a new one built; it wouldn't be up in the skies taking you to work every day. I think that a new bridge on South Avenue would allow people to get across town easier; I do believe considerations would be taken as far as speed, safety and the fact that there is a school zone there. I drive down 3rd Street everyday where there is a school zone and I agree that I have seen people drive way faster than 35 and in fact I've been passed going 40; I've been going 40 and people have passed me. But during the school zone times there is always people there monitoring speed, making sure that the children are safe at the crosswalks. I think that that's something we shouldn't just assume that that's not going to be taken into consideration. I also believe that the money spent on putting a new bridge in or just the time and effort put into researching the benefits of a new bridge is worth our communities' time. We talk about how the bridge is going to be more capacity than we need, well right now the bridge that we have is way less capacity than what we need. That bridge is used by several hundreds and hundreds of people, multiple times a day and again, when are we going to regret looking into other options? I support looking into the South Avenue option further; I think it that it is the right choice for our community in the future rather than holding onto our emotional ties to a bridge that is no longer functional.

Anne Rupkalvis: I live in the Target Range area and have for years. A couple things; first referencing the Target Range neighborhood plan, perhaps I miss understood when it was referenced but I want to make clear that with regard to bridges on page 38, it indicates and mind you this is 2010, it indicates that the Missoula County's Transportation Plan proposes a bridge crossing the Bitterroot River west at South Avenue. The next sentence is; at this time the proposed bridge faces significant financial hurdles, I perhaps didn't understand what was being said but I didn't understand it so I wanted to make sure that you understand it. It's the proposed bridge that we're talking about here that at that time was facing financial hurdles.

Commissioner Curtiss: And Anne to clarify, I think what Erik was saying was now that it's been identified as a priority for the off-system bridge that statement is no longer true. It was at the time for sure.

Anne Rupkalvis: Also with regard to the Target Range neighborhood plan, at the time that we were working on this plan which was what 18 months or so prior to its adoption, there was not any discussion of this South Avenue bridge ongoing at that time. So had there been, we probably would of addressed that much more focused and come up with something more specific to that in the plan. A couple more points; one is I work at Target Range School, have for many years, when you're considering the health and safety of the community, I would have you recall that there have been two

children killed on South Avenue already that actually were both in the same grade at Target Range School. Whamming through a bunch more cars because it's easier and faster will only increase the opportunity for that to occur. Lastly a question, if there's a new bridge put in at South Avenue than what would be the fate of the Maclay Bridge? Would it just kind of continue to get neglected and rust away and get sold away for scrape?

Commissioner Curtiss: That would be considered in the next process, whether it makes sense to be a pedestrian bridge or whether it needs to be taken out or...

Anne Rupkalvis: I would hope that whatever consideration is given that is part of it.

Laura Taylor: I live in Target Range because it is rural by design. Michele I do have a question for you, I'd like you to clarify for me; you stated there would be no Missoula County money used for changing infrastructure from Reserve Street to a new bridge, am I correct in hearing that?

Chair Landquist: No, I didn't necessarily say that. I just said that I was assured that gas tax money...the off-system bridge money comes from gas tax money and that whatever is identified. If we make the decision to take this option that the consultants have come with that everything that's identified and building that bridge, if it's written properly that money goes towards those amenities or necessities for that bridge.

Laura Taylor: From gas tax money?

Chair Landquist: From gas tax money.

Laura Taylor: Not from Missoula County taxpayers?

Chair Landquist: That's what I understand.

Commissioner Curtiss: It's not gonna go clear back to Reserve Street you can bet.

Laura Taylor: Well it wouldn't really need to.

Chair Landquist: All the safety concerns and abutments and what's the word I'm looking for ~ for encroachments? ...Approaches.

Laura Taylor: Well everything that has been mentioned has been east of the bridge, let us not forget that there is major concerns west of the bridge as well. Especially the intersection River Pines and then when you get onto Blue Mountain Road itself, that is so constricted there's no place to widen that, that has been done as much as it can possibly be done.

Chair Landquist: There's an irrigation ditch there right?

Laura Taylor: Yes there is, yes there is. And if this becomes a bypass, we're screwed. And Anne just started to bring this up and it is also a huge concern of myself and my family and my neighbors, what is going to happen to the existing Maclay Bridge if a new bridge is built? There has been mention right from the very beginning that there will be tax money used to make that a park area, I'm not hearing that anymore.

Chair Landquist: I hadn't heard that and that's part of the next process.

Laura Taylor: Okay then my last question is; if you as Commissioners approve this step right now is there a possibility down the road if things start going Ka-Ching, Ka-Ching, Ka-Ching and getting extremely expensive that you can halt it?

Chair Landquist: I would think that there would be a mechanism for us to pull the plug and say we can't go here we have to do something else.

Laura Taylor: Thank you I truly hope that is the case.

Roy Owens: My wife spoke already here we both live on South Avenue and Hanson Drive and we could sell a rock any day for the last 20 years on neither one of them. I really don't know which way to go on this bridge; I'm not trying to tell anybody what way to go. But I look at the thing a little bit different probably than lots of people and I still believe in 'One Nation under God'. Before I left the house today we had been rustling with people trying to buy our property because we can't take care of it anymore. We have too much garden and too much yard and all this bridge stuff has just conked in to where we are just sitting there doing nothing and wondering what it's going to do. So I just want to put my arm around my wife today when I left and I said; Thank you Jesus for helping you and I said we're going to leave it to them Commissioners up there, they'll do the best they can for us I think. Under the circumstances if I was one of you I don't know what I would do right now. Thanks for listening.

Chair Landquist: Okay, we're still taking testimony from people who have not testified at any of these before.

George Hirschenberger: I live at 4475 Sundown Road in Missoula County. I'm here to offer my thoughts as a Missoula County taxpayer. I've attended three previous meetings that were held to take comments on the Maclay Bridge planning study and today I've heard many of the same comments offered during those meetings but the outcome of this hearing will be different. I understand that the Commissioners will now decide whether or not to move into the next phase of planning, if you do

decide to go forward with the proposal to build a new bridge you begin a new multi-tier expensive divisive planning effort that under the NEPA (National Environmental Policy Act) will have to be examined closely. I worked extensively with NEPA as a Federal Land Manager and here's what I see ahead; because the new bridge as envisioned will use federal funds and because there is both a high level of public controversy and significant effects to the natural environment, the need for an environmental impact statement is obvious. I understand that less rigorous environmental assessment of this proposal was done in 1994 and that this assessment was not taken to conclusion because it did not clearly state the purpose and need for the action and because the funding uncertainty for completely the project. Given that a lot of work lies ahead to comply with the law and I see some major hurdles for the new bridge proposal, here is why; NEPA requires that in addition to detailed subscription of the proposed action, a no action and all other reasonable alternatives be fully considered. The detailed professional engineers proposal to repair and augment the existing bridge that's been presented by the Maclay Bridge alliance will certainly need to be given full consideration. NEPA does require that all connected actions also be considered as part of the proposed action. This brings into play over a half mile of redesign and reconstructed road at the end of South Avenue. Impacts to South Avenue land owners from widen right-of-ways and over a half mile of new right-of-way and new road to the west of the river. These impacts will have to be examined as part of the proposal in addition to all the impacts to land, water, human community, wildlife, and so on that are associated with the new bridge itself. As I read the planning study that is before you, now most of these issues have not been adequately considered or not considered at all, my very quick back of the napkin comparison table tells me this; when all the costs and benefits and impacts of the South Avenue bridge are aligned up a very solid proposal to fix an existing bridge in place the decision to repair and not replace will be a foregone conclusion. Because this conclusion will follow a multiyear planning effort with cost running easily into six and probably seven figures at the tax payers' expense, I urge you not to go down this path. I also want to briefly address the safety and maintenance issues that have been raised in the past meetings. I urge you to follow-up immediately on these concerns; Missoula County has an obligation to the public and to the tax payers to address hazardous conditions it's aware of within its roads and bridges. These problems are now stated into the public record and it seems to me that it would be irresponsible to do anything less than to take corrective action as soon as possible.

Chuck Crowler: I live on Edwards. I have a little concern; the present bridge has been washed out twice so it's pretty impervious to flooding. Up the Bitterroot much of the forest land has been burned off, I think most people agree. Right here in this parking lot in 1996 the snow was four foot deep so we still are capable of having real winters here. So if we have real snow up there and we get the right kind of rain in June that bridge is gonna be down the road. Who's gonna pay for it then?

Chair Landquist: Good question. FEMA? I'm sorry.

Chuck Crowler: The other little thing about the bridge, you can't park within a half a mile of the bridge June 1st to September 30th. There is a big law enforcement problem there. On the west side of the bridge there are no trails or anything to ride on, I rode my bicycle over there down to Blue Mountain and I decided on the way back I'd maybe plan Russian roulette, it might be a little safer but you and two cars, they win. Thank you for your attention.

Jean Thompson: I've lived in Missoula since 1966, in Target Range since 1982. Over the last 47 years I witnessed a great deal of change in the valley and in town. The direction of the significant amount of that change was driven by decisions made regarding the construction new or replacement bridges, Madison Street, Reserve Street and Kona Road in particular. Based on my 47 years of personal observation I believe the construction of a new bridge off the end of South Avenue to replace the existing Maclay Bridge will have profound effects on travel entering Missoula from the Bitterroot Valley. There hasn't been a lot of discussion about traffic coming up from the valley; most of it has seemed to be discussing Big Flat primarily. Clearly a new main line bridge at the end of South Avenue will facilitate traffic coming and going from the Bitterroot Valley while Big Flat and O'Brien Creek are now being adequately served. At some point in the future growth on the Big Flat may drive the need for an improved bridge at or near the current Maclay Bridge location. However, replacing the bridge first will facilitate and drive that development and growth profoundly altering traffic use in the Blue Mountain, South Avenue and Target Range areas. A more nature progression would be to let the Big Flat grow at its own pace and let the growth determine when the bridge needs to be upgraded. I have a question that just came up, just a...there was a question about would the Maclay Bridge remain, would it stay in place? The response was, well that's a decision to be made in the next phase it might be that it was used for...might be used for recreational purposes or something like that...a bike path. If one of the criteria for making this decision was regarding safety relative to the bridge and the way people recreated on the bridge and this decision were to...say safety was a big part of this, we gotta get rid of the bridge or we have to build a new bridge because of safety. Wouldn't that negate the option of keeping the bridge going and have it be a recreational opportunity in the future?

Commissioner Curtiss: Probably.

Chair Landquist: Good question Jean.

Joseph St. Peter: I live at 1615 Clements with the pretty blonde lady that spoke earlier. I thought it was important to reemphasize that in their initial phase...your initial screening part that was a safety screening and that the rehabilitation that options didn't even meet the initial screening and that you continued them forward because people wanted you to continue them forward? I think it's important to emphasize that it doesn't even meet the safety requirements to rehab this bridge, this bridge isn't habitable. Let's not repair it; it's not good enough to repair. I've lived there my whole life, just on the other side and it is a mess. I saw it when I grew up it was a wooden until 2004 when they paved it over. The safety of that bridge is...well, like you said it doesn't even pass the first requirement. So I don't think it's very...it's pretty disingenuous to continue to put forward this rehabilitation options when

in your own screenings it shouldn't of even passed the first round. I think the South options a great placement for it, the river there is a riffle it's not a turn so you don't get all that buildup of sand that you have at the current one. That big beach sits right there now is completely artificial, it's because of the way the bridge was built, I don't know in like the 50's they threw a bunch of stuff at it and threw a bunch of piers at it and created a big old mess which people love to hang on but it also creates very...it changes the channel quite a bit where the new placement looks like it's in a riffle that it wouldn't create those same kinds of attractions. So I'm all for the new bridge.

Chair Landquist: Anybody else that wants to speak that has not spoken at any of these bridge meetings?

Janet Lyon: I'm a property owner in Target Range region; I'm also a parent of three children who attend the school there. I think especially in these times we have to be concerned above all with cost of the tax payer and we're saying that federal funding is going to be used to pay for a replacement bridge, it sounded a little iffy. I have two major concerns about that and that is that in order for a new bridge to receive federal funding, it has to be included in the five year projections of the Missoula long range transportation plan to get that money.

Commissioner Curtiss: And it is.

Janet Lyon: Okay. And that was approved in 2012 and my understanding is that it would have to be amended somewhat to receive that federal funding and so that's an additional....

Commissioner Curtiss: Different pots of money.

Janet Lyon: You keep saying different pots but they're all our pots. So the other concern I have is that there's thousands of Missoula County residents who know nothing about what's going on out here and it will impact every single one of them via tax payer dollars. I think it's important that we convey that to them, make sure they know about it and I think that's part of what our process is doing here. The last think I wanted to say is our tendency or our movement in this Country is to reduce, reuse, recycle and I'd like to add rehabilitate. Everyone knows that this bridge is not sound and we'd like to rehabilitate it and I would ask you to consider that, strongly.

Chair Landquist: Okay so now we're faced with the challenge of letting everyone talk that wants to talk that either is for replacing the bridge or against replacing the bridge for whatever your reasons are. I was told prior to this meeting by our HR guy I believe it was that the proper way to go about doing this would be to flip a coin, call heads or tails and give half an hour to people that are opposed and half an hour to people that are proposed, whatever....on one side or the other. Proponents or opponents but I know that there's a lady here that wants to talk and has to go pick up a kid so why don't I let you come up and say what you need to say and then we'll flip the coin and go from there, giving you the respect and stuff that you need to get on with your evening. Is that okay with everybody?

Response from audience is NO.

Chair Landquist: I'm attempting to balance people's needs. I'm running the meeting; I meant that strictly as a nice courteous, we're all going to give each other the respect that we reserve here today, regardless of how you feel about things.

Linn Hoang: I live at Green Bench on Green Bench Road which at the very end of South Avenue, we have two children that live there as well. I have an extensive background in reading and reviewing and writing documents in order to provide reason rational for decision makers. I can appeal to the emotional side of this and I think lots of people are but I want to appeal to your logic. I have reviewed every document as part of this planning process and I've reviewed the conclusion statements that have been made as part of these documents. I have provided comments as well that ask very specific pointed question about certain pages of the document and how you came to certain conclusions in the document. Those in the responses, in appendix 1 were not adequately in my view responded to; some of them said it was in the study, I couldn't find it. Some of them the responses weren't even there to a very direct question. I've given you examples in there, I won't go over each of the examples I think in some cases people have brought those forward already. But if this is the type of reasoning and the type of quality of documentation and public involvement that is going to move forward in an EIS process for the NEPA, I don't see this as being adequate. I think as decision makers I would look very carefully at the information and really understand if the information is needed there for you to be able to make that decision. For example, if you were going to buy a gallon of ice cream for a family, you need information about other things...is a gallon enough? Maybe, maybe not, if you had information that the family was maybe five people or if the family was twenty people, there's lots of holes in analysis that shows that you do not have the full context information to make a decision about spending more money, not just on the construction of the bridge but more money on the planning process. Doing an EIS is not cheap and whether it's federal dollars or whether it's county dollars, it's still tax payer dollars. Thank you.

Chair Landquist: Okay, I'm not a good coin flipper but I'm gonna try. 30 minutes one group and 30 minutes the other.

Commissioner Curtiss: Like the Legislator in groups is what we're doing. I'm gonna call heads, so if it's heads its Pros first.

Coin toss: It is heads ~ Pros go first for 30 minutes.

Chair Landquist: Okay proponents of this recommendation meaning that you would favor a new bridge; this is your opportunity to get up and have three minutes apiece at the mic. If you're a proponent please come up and say your piece if that's what you'd like to do. Or if you just want to raise your hands and be counted, that would be fine too.

PROPOSERS:

Don St. Peter: I live at the west end of Maclay Bridge. I want to start by thanking you and your staff for all the time and attention you have put into this issue. I know that in addition to reviewing the study report you have attended public meetings and have reviewed hundreds of comments regarding the study. I know that the job of County Commissioners can sometimes feel like a thankless position but I want you to know that your time and attention is appreciated. I want to direct my remarks to how I think you should make your decision and this situation means we need to talk about facts and we need to talk about emotion and speculation. There have been two studies done over a period of decades which both reach the same conclusion. A new bridge needs to be built over the Bitterroot River at the west end of South Avenue; those studies were based on fact, science and the best available engineering. As County Commissioners you should be basing your decision in this matter on those facts not on emotion, which you've heard a lot of today and not on speculation, which you've heard a lot of today. As you've seen from attending public meetings for the current study, there is a lot of emotion regarding Maclay Bridge. That emotion does not change the facts nor does making a decision based on that emotion leads you to a good long termed decision, the facts will always catch up to you. No amount of rehab money put into the existing bridge will change the fact that the approaches to the bridge are not safe and cause traffic accidents. The bridge and its approaches will still be functionally obsolete and will still violate State and Federal safety standards after spending County taxpayer money on the rehab. That is the fact. No amount of emotion for this old bridge will change the fact that the current bridge causes or significant contributed to drowning deaths at the bridge. That is the fact. No amount of emotion will change the fact that the rural character of Target Range will be enhanced by a new bridge at the west end of South Avenue. Currently many of the streets and neighborhoods in target Range area bare the traffic burden that should rightly be on the main arterial street in the area, South Avenue. That's the fact. Target Range is bigger than the west end of South Avenue, do not fall into the trap of believing that Target Range will be damaged by a new bridge, that is not the fact and those facts are set forth in the study. The study demonstrates factually that Target Range will in fact be improved by the existence of a new bridge at South Avenue. The fact is that we do not hence our rural life style in Target Range by maintaining obsolete and unsafe infrastructure. The current bridge structure means that a resident on the west end of South Avenue receives a lessor level of emergency service than neighbors who just live a couple hundred away on the east side of the bridge. Facts are stubborn things. A decision today based on emotion will mean that this issue will be revisited again in five or ten years when the bridge washes out or something else happens. The facts are contained in the two studies and that's what you should base your decision on not on emotionally pleas to maintain an obsolete and unsafe bridge. Thank you.

Evan Rosenberg: I live on Edward Avenue, I can see Maclay Bridge from my house and I watch 100's of cars cross it every day, literally and watch people jump off that bridge. Lots of reasons to move the bridge to South Avenue, I heard Don state a lot of them, I'm gonna focus my comments on numbers I'm an economist and a numbers person. 100 ~ that's the National Standard for the number of vehicles traveling safely across a one lane bridge, that's from your study. 2,610 ~ is the current number of vehicles that cross that bridge today, every single day, I watch them from my house. I could understand if we were talking 150 cars go across that bridge and it was close to the standard but a little bit over but we're talking 2,500 more cars than the safe standard, it's not safe to have a one lane bridge in that spot. 5,650 is the number of cars estimated from your study to cross that bridge by 2040; any planner that looked at that data would say if we have an opportunity to put a new bridge somewhere else, where it's safer and two lanes, we would do that, we have that opportunity today. 952,650 ~ that's my estimate of the number of additional miles per year driven by people diverting from South Avenue weaving through our Target Range neighborhood to get to North across the bridge, then go back. If we put the bridge at South Avenue those 952,000 extra miles per year traveled would disappear. That wasted driving contributes to wasted gasoline and negatively impacts our neighborhood and environment. Eliminating that needless traffic in our neighborhood and keeping the cars on South, the main artery, would preserve the rural nature of Target Range. 47,000 is the number of wasted gallons of gasoline every year from driving out of the way. 12,481,000 is the estimated amount of Federal Gas Tax Dollars that we in Missoula County pay every year based on the number of adults who are driving age in our County. That's \$12,000,000.00 well more than the estimated cost of our \$7.3 Million dollar bridge at South Avenue, just one year of our own tax dollars would pay for it. We pay these gas taxes every year, it's about time we see our Federal Tax Dollars come back to our community and this money would create a number of jobs in the hard-hit construction industry and help our neighbors get back to work, another huge value added. \$1.5 - \$3.9 Million dollars, that's how much it would cost to do a major rehab of the current bridge. The Federal Gas Tax dollars won't back for that, do we have those kinds of County Funds to even pay for it? No, probably not and if not then what are we left with...an unsafe bridge. Finally the #1, it's the most important number. If we could prevent just one more death from drowning car accidents or the added emergency response time caused by that current bridge in its location, moving it to South Avenue would be worth it. Thank you.

Olleke Daniels: I was a public servant with the Forest Service for 34 years so I've made a lot of decisions about people and public lands. I've lived adjacent to the Maclay Bridge for 31 years and I use it many times, every single day. I'm gonna limit my comments even though my testimony that I provided to you is a little bit longer, I'm gonna limit my comment to two major points. One of them has to do with the Target Range neighborhood plan and the rural character that we hear so much about and one of them is our trust in our public servants and elected officials to do what's in the public interest. So relative to the neighborhood plan I want to say right up front that the implication that the plan represents the majority of home owners in the Target Range area and that the neighborhood plan

itself precludes bridge replacement is patently untrue. Nor the neighborhood plan represent all the people who use the bridge every day to go to work, school, appointments, shop or otherwise access Missoula. Secondly, the discussion the plan about the bridge is completely silent on issues such as standards, reliabilities, its history, river degradation and public safety, completely, completely silent. The other problem with the plan and its use is that it's being taunted as a decision document, never in any of the public meetings with the Office of Planning and Grants and the County Commissioners was there a comment or commit made that the plan would be then an expression of sentiment from some of the members of the Target Range area. So to characterize it as something more is misrepresentation. So how do I know this? I was one of the authors, so I have personal experience. Now I want to talk a little bit about public trust because in the final analysis it will be up to the three of you to decide what you've learned, what you've heard, what you feel, what you know and what you ultimately think is right. In Montana we still trust our public officials to represent us and to act on our behalf and on our best interest. We believe you will do the best that you can for us. We trust that when we put our child on the school bus every morning you have done everything you can to make sure that that child safely gets across the river and back home. We trust that we will have a bridge that is not obsolete, can handle 2,600 vehicles a day and 5,600 vehicles by the year 2040 and will not fail in the next large flood. We trust that you will take the fiscally responsible approach of utilizing gas tax dollars for this project, rather than allowing the County taxpayers to pay again. We trust the environmental degradation that is clearly occurring to the Bitterroot River due to the angle and design of the current bridge will be stopped. We trust you will listen to the professional expertise in recommendations from two studies that recommend a new bridge at the end of South Avenue and to the recommendation of your own staff and finally we trust you will make your decision in the interest of the general public that you represent rather than a local few opponents. Thank you.

Orville Daniels: I have spoken before this group many times on the bridge as other things. You have a copy of my comments but I'm gonna paraphrase those; they're more complete than the three minutes would allow. There's one thing that's been raised a number of times that I want to make sure we have clarity on and that is what do we do with the old bridge? We take it out! In fact we should take it out even if we don't replace it; it is causing damage that we can't stand in the river. I have photographs I'll give you that you can look at them at your leisure. They are photographs of 1935 and current as to how the river has changed because of the bridge pilings, because of the piers. The piers are the problem, it's not the surface of the bridge, that's a major safety item so is (in auditable) but you look at it the river is half as wide now as it was in 1935 and that change is because of the piers under the bridge. It's causing sand and gravel to deposit upstream and downstream, it's causing flood levels to be higher under the bridge, makes it more vulnerable. It causes the swirl the whirlpool that is so dangerous to swimmers. All of the alternatives call for the removal of the bridge and it's piers as I understand it and I would tell you that's probably the key most important fact of the bridge. The old bridge was not designed under standards to allow water to pass under it freely, that's a major, major problem. For me we need a safe, reliable bridge. I've been there when the sirens go off and when the helicopters come over, I've lived for 34 years I watch it every day its part of my life. I love that old bridge, emotionally it's in my advantage to keep it but as a public citizen, it is not. This bridge has out used its livelihood, it is unsafe, it's causing damage to the river and it's causing human suffering. I was in favor of a new bridge in 1994; I'm in favor of it now. The Maclay's favored putting the bridge at the end South Avenue in 1922 when I moved in there 34 years ago my realtor told me the bridge will go at the end of South Avenue but now we're still arguing over it. I know you'll do the right thing.

Nancy Suba: I just came from another meeting working on Elections and one of the people I spoke to there was with the Search and Rescue and he spoke of an incident, more than one incident on the Maclay Bridge. Cops came from both directions to the bridge and he said it was an absolute mess! He actually had to get in the water to do some...whatever it was but he said it was extremely dangerous. Not only is it dangerous for the swimmers but when people get in trouble and people come to help, it's dangerous for the people that are coming to help. I know that change is not easy and I feel for the people that live on the bridge. I live in the Orchard Homes area, 3rd Street is a busy area my kids walk to Hawthorne, it was not always easy but they made it and we protected them. Having children in the Target Range area is not a reason to prevent the bridge on South Avenue. I know the bridge is dangerous, it needs to go and I don't envy you the decision that you're going to have to make because you can't make everybody happy, that's obvious. To me it is the common sense thing to put the bridge at the end of South Avenue. Why make people wonder all over looking for the bridge to begin with through the Target Range neighborhood? The people that live on those side streets I feel for them as well. So my thing is; make a decision and then make it right. There are going to have to be some things that are gonna have to be adjusted before the project is finished but I have faith that you'll be able to do that. So my thing is do the safe thing, protect people's lives because there has been a lot of lives lost so please consider putting the bridge at the end of South Avenue.

Mike Burnside: I lived in Target Range for about 31 years. I've been involved in both studies the 1992/1993/1994 studies, as well as this one. I'm a professional geologist I've worked in the field for over 40 years and I can tell you that the geology at Maclay Bridge is not good for a bridge. There's historic evidence this bridge has washed out at this site up to five times over the past 100 years. The last total failure documented in your own historic journals was in 1948 when the entire bridge washed out. It was rebuilt in 1952 from spare parts, literally. The journals also reveal that the county didn't want to spend money for a new bridge that sounds familiar, so instead of designing a proper bridge that would fit the site they used parts of another old bridge of unknown history rumored to be from the Blackfoot area to build the current one. The spare bridge span was too short so a short pony truss had to be manufactured and inserted with two piers placed in what was then the center of the river to support the trusses so you had a three truss system. Then in the 1960's the east span of that bridge failed and that east span was replaced with two pre-stressed concrete spans, that meant a third pier had to be added to support the concrete spans. The three piers in the east channel of the Bitterroot River have acted like a damn slowing the river flow on the east side. This causes sand and gravel to be deposited and an island has grown around the pier which over time has blocked and partly closed

that east channel of the river. The damming of the east channel has forced most of the river to flow to the west, to the west channel thus the old bridge has significantly changed the Bitterroot River at the current site and it's continuing to change it. The high volumes of flow in the west channel are squeezed between the center piers and the west abutment. This constriction of the flow is well known to bridge engineers and especially during high water it creates a vortex or a whirlpool as the water pours through that narrow gap. The whirlpool scours a hole in the channel beneath the bridge and on the west side during spring runoff and floods scour action can be major, that's when most of the scouring happens and undercutting piers and causing major loss of river bank. Scour action is a special concern with Maclay Bridge as the Maclay Bridge Planning Study Final Report that you have here states on page 22 in regard to the old bridge. Channel scour was not part of the original design requirements in the 1940's. The existing bridge piers are located in the river channel on unknown materials. Regarding floods; the Federal Emergency Management Agency has done studies of the Bitterroot River and their study shows that a 100 year flood on the Bitterroot River would come within one foot of the Maclay Bridge deck. The one foot proximity of the 100 year flood means that the bridge violates current county floodplain regulations which require a minimum of two feet between the low point of the bridge and the projected water level. Then finally I just wanted to commend the engineers and scientist that worked on this study, including your two. Lewis and Erik were professional and gentlemen throughout this in spite of some very trying meetings. Thank you.

Linda St. Peter: The reason you hear from us so often is we're on the west side and if it was a fairytale, we are troll under the bridge, we are that close, with the exception perhaps Orville. So 30 years ago when we moved there I heard until they cracked it lately the thumping sound of the cars going over the bridge. Which I didn't think was too bad at least I knew somebody was coming, I could look out the kitchen window and see if they were coming down our drive or over to the other side. It wasn't funny when we met our neighbors through all the car accidents and all the drowning's. What I taught my children is you do not recreate at that bridge. When I see the kids at the very highest point at that bridge going to dive off I want to stop by car and tell them to get down. I'm also an Attorney and the liability is ridiculous and this county knows it. I didn't prepare anything because I'm never quite sure what I'm going to say but I don't have the science and I don't have the math but I do have some common sense and I have what I've experienced and seen. I don't have courtesy going across that bridge. One car doesn't go across that bridge at a time as soon as it's ready to go four cars are going to go, we're going to get across as fast as we can while the other one is waiting. I've had the standoff; who's going to back off first and that's not fun when you're a young mom and you're trying to get your kid to the emergency room. This is not practical if we have a means to pay for something better, than by-golly we should do it and we owe it to everybody in this county to do so. Thank you.

Chair Landquist: We'll turn it over to the opponents now for 30 minutes. For those of you that are walking out I just really want to thank everybody who showed up today, regardless whether you spoke or not. I really do value everybody's time getting involved in this process.

OPPONENTS:

Larry Martin: I'm a retired physician, I live on South Avenue. Despite all the controversy around the planning report and the bridge options there are some things most of us could agree on. One would be that public safety should be paramount. Another would be that it's essential to know what a building project will cost before committing to it. Regarding safety the notion the new bridge on South would improve public safety ignores the planning reports own documentation that traffic accidents on Maclay Bridge are caused primarily by speeding in almost every case, alcohol in nearly half the incidents and other forms of unsafe driving. Along new bridge on South Avenue would only exacerbate these hazards by enabling wreck less or impaired drivers to reach even higher speeds on the long straight-away and get into much worse accidents when they lose control. It would consequently be more serious, even fatal traffic accidents such as head-on on or near the new bridge when there have been none on Maclay. Next regarding cost of a major new bridge on South; we have yet to see the full price of the entire project nor do we know how much in additional taxes would be necessary to pay for what isn't paid by our gas taxes. This is the first time today when someone has suggested that we have an open checkbook and gas taxes will pay for anything I don't think that's correct; I don't think most of us believe that. The current planning report cost estimate for the South Bridge is \$9.2 million but this does not nearly include all costs. For example, an environmental impact statement which would clearly be required here would bring the estimate to around \$10 million. Add to that the long list of safety measures necessary on both sides of the bridge, which time doesn't permit me to detail and we are looking at well over \$10 million dollars. Then we shouldn't overlook the frequent cost overrun seen with these projects. If the Commissioners approve the proposal for the South Bridge before we have a creditable price for the entire project plus how much in new local taxes would be required and how the new threats to public safety created by the South Bridge would be mitigated the decision would seem quite premature. Please bear in mind that we do have on hand a detailed viable engineering plan to rehab Maclay Bridge for less a tenth the cost of the South bridge project. Maclay rehab has had the support of a clear majority at every public meeting in 2012 and 2013, including this one but has been dismissed by the planners because of what we think are incomplete screening criteria plus ambiguities about funding which ought to be clarified before a decision is made by the County Commissioners. Accordingly we ask the Commissioners to postpone action on the South Bridge proposal until we have more specifics about the full costs, the need for new taxes and all safety measures necessary for the new bridge. There is no valid reason to rush into a decision of such importance to so many people before we have sufficient information to justify and legitimize that decision. Thank you.

Bob Carter: I just want to quickly say that I am for the rehabilitation of Maclay Bridge and there are a lot of other people that can say other things a lot better than I will. As a side note as another contributing author to the Target Range Neighborhood Plan, I would like to say that I believe the neighborhood plan has an overwhelming support from a large majority of the people in the Target Range neighborhood.

Don Loftsgaarden: I'm a professional statistician, University Professor for 40 years and I've conducted statistical consulting all over the Country. The statistical procedure used for the final screening of the bridge options is the most important part of the entire study. The procedure used is very simple but serious errors were made using it. I submitted written comments for corrections to Jeff Key and the study team, my corrections were not used in the final report. The study team made comments in the appendix (red on your sheet) briefly the study team says the ranking procedure with errors used in the Maclay Bridge study was found in other similar studies so it was okay to use it again. Doing something wrong several times does not make it right. As a professional statistician I know exactly what they did and it was wrong. They clearly did not understand the statistical analysis they used for the most important step in the entire study. The other part of the screening process that was important is the screening criteria that were chosen. I submitted written comments to the study team about the criteria used concentrating on the nine qualifying criteria since they were used incorrectly in the statistical analysis. The nine criteria as a whole were heavily leaned against the rehabilitation option for good reason, which I'll get to in a moment. There are no criteria that take into account the Target Range Neighborhood Plan, none at all. Attempts to submit suggestions for these criteria to the study team were rejected until the screening was entirely done, no test to do anything with it. The wrong way in which this qualitative criteria were used, they were used wrong but they were used they biased it even worse, the way that procedure was done. Because of the errors and problems mentioned above the choice of the final bridge option was for all practical purposes divided by the qualitative criteria which are the weakest criteria in all of them. \$250,000.00 study was not needed to write out those nine questions which you can look at there, you can do that before the study was ever done. The study teams response to mine contain one interesting thing, right below outlined in red, I'll read one sentence out of there; the planning team elected to not develop criteria associated with the Target Range Neighborhood Plan. The only place for the Target Range Neighborhood Plan could play a role in the choice of a final bridge option goes through the criteria to the screening. In this written statement the study team we see firm confirmation that the TNRP was ignored making the final choice of the bridge option, that's the only place it could have been used and there's no criteria there. Their argument for not using the TNRP is nonsense. In view of a recent Supreme Court ruling on ignoring neighborhood plans in a case involving the City of Missoula this is a very serious problem, I'm sure you're all aware of it on the County Commission. Conclusion; with the improper use of ranking and refusal to use criteria reflecting community impacts, the recommended bridge option in this study was determined from the beginning, before everything ever started. There is no valid basis for recommendation and no defensible way for you to select it.

Commissioner Curtiss: I have one question. In your very first number here it says your corrections were ignored even though they didn't change the result.

Don Loftsgaarden: You can put garage in the report it's alright as long as it doesn't change the result.

Commissioner Curtiss: Erik put the results up there of the way that you showed it should be scored and it came out the same, right?

Don Loftsgaarden: Right but they didn't take it into account all these other things, the missing criteria about the Target Range Neighborhood Plan. But they did not put it in the report so they published a report that has garage in it. That's unacceptable.

Commissioner Curtiss: And Erik stated earlier why we didn't use the Target Range Plan in the scoring.

Don Loftsgaarden: That's required if you look at that Supreme Court ruling, that the Target Range Plans cannot be ignored or any neighborhood plan. That was clear by Montana Supreme Court ruling in Missoula.

Commissioner Curtiss: It has a different basis.

Carter Beck: I'm speaking in favor of rehabbing the existing bridge. This whole discussion reminds me of something that occurred 10 years ago in Alaska it was the Gravina Island Bridge at that point the State of Alaska and now late Senator Ted Stephens decided that it was absolutely imperative that a \$300 million dollar bridge be built to an island that had 50 residents. They commissioned studies and the studies showed that it was absolutely essential. \$300 million dollars was appropriated from the American taxpayer to build a bridge to nowhere. Why did they do that? Why on Earth does something like that happen? Well it's about the money, it's always about the money, it's about somebody else's money and that's what this reminds me of. I listen to the staff describe the neighbors criticisms of the study that was done and what I heard was a rejection of each and every item that we submitted. You did not find that we had an idea that was valid because you had a predetermined idea and that was spend the money. In building a new bridge a new bridge that costs millions of dollars more than a viable alternative we're going to cross an important boundary, it's a moral boundary. You're going to steal the hopes and dreams of people who choose to live in a quiet place. Why are we going to do that? I think it's about money. We're gonna steal from people when there's a viable alternative. I find it reprehensible.

Monica Weisal: I live off of South Avenue in Target Range. You have a copy of my comments and they're specific to the final report and are factual. I'd like point out in the first section of chapter 3 of the final report the planning team listed 12 planning documents that were reviewed to provide a context for the Maclay Bridge Planning Study. The planning team said "numerous documents exist that guide or supplement Missoula County's Growth Policy and the documents listed were reviewed to provide a context for the Maclay Bridge Planning Study." However, if you'll look in the appendix of the final report in the response to public comment submitted the planning team stated at the top of page 5 and again on page 29 that, "criteria related to the Target Range Neighborhood Plan was initially

considered along with criteria represented of County and Regional Planning documents. Unfortunately these documents conflict with each other and the planning team elected to not develop criteria associated with the Target Range Neighborhood Plan, the Neighborhood Transportation Plan, the Growth Policy, active Transportation Plan, etc. due to the inherent conflicts found in each document." So my questions to you; why are you led to believe that all twelve planning documents listed in section 1 were utilized in this study? What other reports are included under etc. and not considered? And why was there no reference anywhere in the final report that several documents were not being considered? It makes you believe that the criteria were developed by engineers and engineers like to build bridges. The planning team also stated "The Missoula County Growth Policy establishes the legal and philosophical foundation upon which future plans and regulations will be passed and that long range transportation planning is recognized as one of many important implementation tools for helping to meet the goals and objectives outlined in the Growth Policy." My question; why was this official public document that serves as an official statement of public policy not considered by the planning team? What specifically in the Growth Policy was considered conflicting information to discount its use? And finally, what could that conflicting information found in your Growth Policy possibly pertain to results of a survey conducted by the University of Montana which in part showed 82% community support to protect and enhance neighborhood character and 80% encourage preservation and use of historic structures. And finally in Appendix 3 of the planning study both the Maclay Bridge and the Maclay ditch are eligible to be listed in the National Register of Historic Places and have been given a Smithsonian site number. My final question; why was this specific information not carried forward in the final report? The only mention of these two cultural resources is in Appendix 3 of the Planning Study and unless you read every page of that 184 page Appendix you wouldn't know that that significant information was there. Thank you.

Dave Loomis: You have a copy of my comments but I'm going to try to summarize the best I can. I'm a resident of the County of Missoula and a resident specifically west of the Bitterroot River. I travel over the Maclay Bridge every day, by my estimate over 22,000 trips witnessing no traffic accidents or problems with crossing the bridge. It's true I could shave 5 or 10 seconds off getting my granddaughter to school with a nice fast, slick bridge but that's not needed. Others will and have been detailing the numerous negative impacts of building a new bridge that's not needed and those negative impacts are numerous and major. I want to highlight some of those impacts for the Commissioners. As stated by others this is a pot of money looking for a project. Tax payers have not been given the full cost of elevating the approach over the extensive floodplain on the east side, all the way over to the existing South Avenue. You can't just fill it in; it's real expensive to build some kind of cause way over the floodplain. And then of course the cost of improving South Avenue has not been stated and we'll go back and forth on that. The Target Range Neighborhood Plan is ignored, I don't understand why I was not part of it either as a stamp person or as a participant and I certainly appreciate the interpretation of the plan by Mr. Dickson but the Commissioners should consult to the framers of that document and most of them are right here tonight. So if there's any question of what that documents says talk to them not the engineers. There's no creditable analysis of future growth west of the river where I live because frankly very limited opportunities as you all know. Most of the land is either in Federal ownership or is not dividable, there's very little private land available for development west of the river. The thousands of auto trips are attributed in the future, there's no proof of where they got that number but I'd like to know. Unfortunately this process has been shown to be fatally flawed. A wealth of information and data has been presented to the consultants and either ignored or dismissed. The process was primarily one way, consultants and engineers preaching down to the public. Little actual discussion occurred; I was at all those meetings. The study is an engineer snapshot of a future bridge project with the alternative fixing the existing bridge not seriously considered as you already heard that and the new bridge will result in new and negative impacts on a new part of the river and the recreational use of the river and the use of the wildlife corridor that goes along both east and west side of the river. I've been involved in over 40 years of the planning and regulating development in two states at all levels of Government, thank you, so this study is incomplete, ignores the will of the citizens directly affected, does not follow approved neighborhood plans as directed by MCA 761-605 & 601 and should be rejected now and save the tax payers. Thank you.

Ben Deeble: My wife and I live at 2475 Humble Road and I'd like to state in our opinion the current Maclay Bridge with summary you have an updating is adequate to serve the rural character of this neighborhood and provides actually more long term safety to drivers and River users then the likely alternative at South Avenue. In my opinion the report recommending tearing down the single lane Maclay Bridge to build a longer, faster bridge at South Avenue ignores some key factors in the discussion around public safety. For over 50 years the waters below the Maclay Bridge have been a favorite swimming and fishing hole for Missoula families. On blistering summer days it's a favorite place for people to float to from the recreation area a few miles upstream or just to frolic in the cool shallows, the gentle eddy and the sand there. There's been a lot of anecdotal testimony about the dangers posed to people who swim or recreate near the old bridge. Yes tragic drowning's have occurred, most recently a teenage who admittedly didn't know how to swim and went into the current fully clothed. We've gone into the archives of the Missoulain and scoured them for the last decade and we can find only this single drowning reported at the Maclay Bridge over the last 10 years and nothing specific to the bridge that caused this drowning. Unfortunately last year alone we lost people in the Blackfoot, the Clark Fork, the Clearwater, the Flathead River and Flathead Lake. In other years we can add other parts of the Bitterroot, Rock Creek, Alberton Gorge and even the Beavertail Hill Pond to the list of waters where lives have been lost. My sympathy goes out to the families who have lost loved ones in these accidents because I've lost one of my own family members in a similar accident. Please consider that there are new viable concerns about the I-90 Bridge at Bonner and the truly dangerous midstream piers exposed there by the removal of the Bonner Dam; piers which may take millions of dollars to make safer for floaters. Water safety experts released a test dummy into the current above these bridge piers last year and the dummy rapidly disappeared into the strong current at these piers and has never been recovered to this day. If you want to look for a real danger presented to the public by a bridge in Missoula County in my opinion the Bonner Bridge is the one you

should get resolved before committing resources to tearing down the old Maclay Bridge where no unusual risks occur. My wife and I love that we can put in with family or friends at the Maclay Bridge and float to the Maclay Bridge for a couple hours on a hot summer day in tubes, get out there and walk home or that we can canoe the same stretch all the way to the Kona take out in a little more time. One of the unique things that makes the Maclay Bridge particularly safe for us is there's no support pier in the main channel that boats or float tubes can get trapped against by current or where we might get bumped off of our canoe or raft. However, any new bridge at South Avenue will likely have one or more of these support piers in the main channel.

Chair Landquist: You're out of time.

Ben Deeble: Can I please have 30 more seconds?

Chair Landquist: 30 seconds and then I'm going to be really firm after you, everybody gets 3 minutes no more. The last 30 second extension I'm giving.

Ben Deeble: These piers will also likely collect logs and snags in high water as is frequently seen at the Kona Bridge. One of the greatest hazards for boaters on any river is getting tangled in mid-channel structures or trapped against it by current. Even a good life jacket won't save you in these situations. Where's the wisdom in replacing the Maclay Bridge that is clearly safe to float under when one at South Avenue that won't be as safe. I would ask if you haven't already to please consult with Emergency Rescue and Law Enforcement personnel and really understand what the hazards are or aren't at the Maclay Bridge and understand what will be the new hazards opposed by a South Avenue Bridge before you let concerns about public safety propel your endorsement of the Bridge Planning Study Report.

Commissioner Curtiss: I just want to be on the record to say Bonner is not an off-system bridge, it's not under our purview and for several years we've advocated for that to be replaced.

Chair Landquist: We need to stick with what the recommendation is here that we're looking at and not try to compare apples to oranges.

Commissioner Curtiss: Everything that came to us in written or by email is on the record so you don't have to read every word in it to be on the record.

Gary Botchek: I live in Target Range. I have a couple factual questions. My first question is on May of 2012 you guys produced a frequently asked question document which stated no local SID funds will be used for this project. The planning study set estimates for the new South Avenue Bridge at \$7.3 Million noting the bridge estimate includes only the bridge and the approaches. Additional costs of an estimated \$3.9 Million include from the east approach to Blue Mountain/Big Flat intersect, the intersect from the existing River Pines Road with a new alignment, the west approach from Hanson Drive west of Clements and South Avenue from Clements to Reserve Street; how will these additional costs be funded? Question two; safety and physical conditions of the existing Maclay Bridge, over the course of the planning study a picture of the bridge was painted as being unsafe, using terms like fractural critical, functionally obsolete, designed efficiencies, scour holes, sufficiency ratings leading in a direction that suggests the rehabilitation is not possible, realistic because of excessive costs which was further complicated since rehabilitation is some eyes cannot be accomplished without moving the bridge to another site to be worked on. This bridge over the years has received complete engineering site reports by qualified licensed professional engineering firms all with positive outcomes with consistent recommendations for short and long term maintenance. History will show that many of these recommendations were not completed. Other than deficiencies in maintenance this bridge is in good structural condition. This includes an in-house report by Fred Crisp the County Bridge Engineer at the time whose 33 page calculations concluded that the Maclay Bridge can be upgraded to H20 Highway standards. This is an approved funded project but never complete with no reasons given. This information was confirmed during a 1996 interview with Mr. Crisp. In order to answer many of the conflicting statements and questions about the condition of Maclay Bridge the Maclay Bridge allegiance hired Mr. Frank Moth, a Licensed Professional Engineer and recognized expert on bridge design, construction rehabilitation. To evaluate the bridge and provide a bid appropriate construction estimate his findings confirmed that the bridge could be rehabilitated in place and that all fracture critical components could be upgraded to meet the required standards. These upgrades include increasing the bridge load necessary to permit all fire equipment safety vehicles to access the bridge without restriction. Further his evaluation includes the design that accompanied pedestrian bicycle walkway which would help eliminate any conflicts between pedestrian, bicycles and vehicles. The total cost of the bridge rehab and the walkway is \$972,000,800.00. You have now available for you the actual cost to rehab the existing Maclay Bridge complete with pedestrian, bicycle walkway for less than a tenth of the cost of the new bridge. With your approval and support to accept a revision to county bridge standards to keep the one lane bridge the Maclay Bridge could be eligible for Federal funding for rehabilitation and at the same time meet one of the concerns and objectives in maintaining the existing and rural character Target Range provided for in the Target Range Neighborhood Plan. The existing bridge at 28 feet does not have a walkway...another \$2 Million.

Peggy Morrison: I live at 4415 South Avenue West. Safety is a word that has often been heard throughout the last year. Who is responsible for my safety, whether on the road or near water? Obvious answer ~ me. If I choose to drive inappropriately for the characteristics of the road and/or under the influence, I am responsible for any result or consequences. The approaches to Maclay Bridge and Maclay Bridge itself being single lane encourage me to drive slowly and courteously. At the west end of the bridge the addition of the street light and arrow indicating a sharp curve, which were approved in 2011 and have yet to be installed, would be helpful to drivers less familiar with the roadway. A new two lane bridge is not needed. Robert Nolan checked the website saferroads.com states that when wider roads are built in rural areas traffic moves faster. Faster is not safer. Faster

means that the crash force of accidents causes more severe injuries and more fatalities. Funneling traffic moving from Reserve Street to the river onto one road does not slow or clam traffic down, as it is driving through our neighborhood encourages drivers to take time to enjoy life, to leave the busy mess of the city behind them. The current flow of traffic calms traffic without adding traffic circles or stop lights. Likewise if I choose to recreate in the Bitterroot River my misadventures are a result of my decisions, not caused by the bridge or the river. Where folks have access to water drowning's unfortunately occur, one drowning has occurred near the Maclay Bridge in the last ten years. Compare this; if you will, to the one or two drowning's that occur at the Alberton Gorge annually, you can check this out on Google. Neither the Bitterroot River nor the Maclay Bridge should be held accountable for the young person's choices. Should a South Avenue Bridge be built the same issues that currently surround Maclay Bridge will inevitable appear around this new bridge involving yet another Target Range Neighborhood. Law enforcement personnel will have two areas to patrol increasing pressure on a group that's already spread pretty thin. A new bridge at the end of South Avenue will not make our neighborhood safer; in fact, it will make it less safe. Two public access areas to the Bitterroot River increases the potential for drowning's. A wider bridge and straight road provides drivers an opportunity to put the pedal to the medal dramatically increasing the potential for fatal accidents involving pedestrians, bicyclist, wildlife and others. Thank you.

Willis Curdy: My wife and I live at 11280 Kona Ranch Road which is the third house west of the Kona Bridge. My wife and I have lived there for almost 31 years. I came here tonight with a prepared message but I've listened to a number of these things going on here tonight and I just have to ask some questions and I have to refute some things. First of all, I was one of the principle writers of the Target Range Neighborhood Plan Transportation portion, there were about three of us who spent the time working on it. Again, nobody has come to us or come to me and asked questions about the intent or what was driving the things behind what was put in the Target Range Neighborhood Plan except for the commentary we received from Target Range residents who said this is what we want in the plan, nothing else. Erik and Lewis they talked about 600 new homes in the Target Range are USDA says what 400 over the next 200 years? I don't know where this 600 number came from. That's one thing where I look at the planning study and think, hmm I wonder what else is missing here or incorrect? And the assumption is that all 400 or they 600 people are gonna drive across the Maclay Bridge every day...they aren't. Most of their work and time spent will be going the other way east to Reserve Street. Also I have some really serious questions about the assumptions made on terms of ignoring what was said in the Neighborhood Plan or just flat errors and so again I want to make sure those are addressed. Finally, I want assurance from Missoula County Commissioners that there's no western bypass in place along Blue Mountain, Big Flat, Kona Ranch because if the bridge is built it eventually will become one whether or not it's approved or not, in fact it will become a western bypass. Thank you.

Chair Landquist: Okay it's 7:00, we've given 30 minutes each way, I'd like to have a show in hands how many people either way whether you're an opponent or proponent still would like a 3 minute time period? Okay, six people. I was thinking we've been here since 4:00, I know I need a break and I don't want to walk out and be rude so I don't know how many other people could use a break too...I'm getting thumbs up! Let's take a 15 minute break and come back at 7:15 and try to wrap this up.

Dana Headopohl: I live at the end of South Avenue; I'm also a civil engineer and I'm looking at these pictures there was no development in the initial picture what has happen is the whole valley is shifting so that the river is naturally shifting to the west and now there is rip raff and protection for this roadway that protects the homes on that side of the river so it automatically will funnel the channel in that way. That is not necessarily a function of the bridge; in fact it is not a function of the bridge. I do thank you for taking your time, I know that this is difficult; I know that everybody has different views. I don't exactly understand the process but I'm grateful to be able to participate in it, this is one of the wonderful things about democracy. One of the questions I had is I heard you Jean talking about this planning study was to address specific issues, was it also to address specific issues and balance those issues against the problems that the solutions might solve or was it simply to address the issues?

Commissioner Curtiss: I guess I don't understand your question.

Dana Headopohl: Oh I don't want to use up all my time. We'll come back to that. I'll ask it again. First thing I'm going to talk about is the Target Range Neighborhood Plan I know you signed off on it and other people have mention this before as well but I think it is very important to consider the legal ramifications of discounting the plan in the discussion tonight and on an ongoing basis. The basis for the Supreme Court decision is not as clear cut as you might think. Safety I think the planning study just does not adequately address the additional safety issues that will come from South Avenue Bridge dangerous approach going up and down that hill; I go up that hill every day and it is scary. It is very dangerous either going down the hill or up the hill right where the irrigation ditch goes across. This is a natural corridor for herds of wildlife, deer cross that area every morning, every evening. I'm concerned that with higher rates of speed this is going to be a major problem. My mother lives at Village and she until quite recently drove her car which was scary as heck with the traffic that already is on South Avenue. I can't even image what it would be like for people coming out of Community Medical Center or the recreational areas, Target Range Schools, Big Sky School. Thank you.

Brian Riggers: I live just basically across from Dana on South Avenue West. One of the things I wanted to talk about is we...everybody here and I do want to thank everyone for the process but I'm concerned that the sort of the culmination doesn't give you adequate idea of the effects because a lot of folks commented and I was one of those. I looked at my comment...the responses to my comments just today and I wanted to bring a couple things up in terms of how those were addressed. One of the comments I had was that through the process if we follow through and go forward with this, there will need to be involvement of agency folks; Fish & Wildlife Service, Fish Wildlife & Parks those sorts of people I wondered what involvement they've had so the response was they've been involved. I

looked back to see what the involvement was and yes they were sent a letter, there was an agency meeting a couple of people from those agencies did show up. What happens in that process is representatives from the agency show up and they become involved or informed of what's going on. When I looked back to the follow-up on that, Fish Wildlife & Parks response to that was we're interested in the project, there will need to be follow-up with our field biologist. The follow-up with a field biologist is the part that takes the time that changes the project that increases the cost that brings things in that are not accounted for when we say this is a fairly straight forward thing. Fish & Wildlife Service had comments one of them was we're concerned about this and we would like to see the bridge span be 1-1/2 times the 100 year floodplain. The design right now is 1, to span the 100 year floodplain. Fish & Wildlife Services is a big player in this in that it's critical to have a tap for bull trout so they'll have a big say in this, if they say it's going to be 1-1/2 times and if it in fact is that that will increase the cost of this project immensely. That's a big thing to consider bigger than just saying they were involved. Another thing they had said was we expected abutments in the bridge to be removed if we build a new bridge; that's a huge cost again. Another comment; the aquatics...the impacts on aquatic resources were addressed by basically what's the span of the floodplain and so the wider the river is the different impacts. Right now the impacts at the existing bridge are there, there not going to be taken away if we build a new bridge. The road that's there with the rip raff that's protecting the homes will stay there, that floodplain will be impacted and it will continue to be that way. We're basically adding additional impact and that's not the way it's displayed to you folks in the document and so I'm concerned that without an accurate representation of that it's really hard to make a good decision. So I wanted to make sure that...and I know it's hard to dig into the details but I want to make sure that you understand that there may be more to this than just the summary stuff. Thanks for the opportunity to comment.

Ed Taylor: I live on 3920 Sun Rose Drive. I had currently lived in the Orchard Homes area for 21 years and I have some questions about the traffic bottling that's been presented at all these meetings. If it's any indication of the modeling that had been used that they use for Reserve Street that they're looking for and this, I'm afraid it's going to be total disaster because within about a year the traffic projections were outdated so I'm a little concerned about those numbers there. I'm also, I don't know for sure if South Avenue and Reserve Street is still listed in the State as one of the top three accident intersections in the State but if it is and dump all this more traffic coming up South Avenue there, I'm really concerned about all that. I have an opinion about things; I really urge that the Board make their choices tonight. If they have to tonight I'd rather not see this because I don't think that all the facts are really known all the ramifications have been dealt with at all. I've been trying to think about something positive to say tonight but about the only thing I can come with that I've thought about for the past couple days is; I'm really thankful that this is probably going to bring the Target Range Neighborhood together like it's never had before. We're solidifying as we speak so look out.

Fred Stewart: I'm a resident in the Target Range community. As a resident there for 29 years I've been involved with both studies that related to the Maclay Bridge. In this brief time that I have available I'd like to tell why so many of us have become disappointed with the study. When the feasibility/quarter study was announced it appeared that public input would be an important part of the process as shown on the web page for MDT, it linked to this particular document. This document says that there will be extensive community outreach and coordination with others partnering agencies but in reality the public input has meant that public comments have been entered into the planning record and ignored. The universal reply to comments was; "thank you for your comments they've been included in our study record." That's true but unless you as Commissioners have the ability, the time, the interest to dig into that record you're not really going to know all of the details associated with this study and why we're so disappointed. I found out that the evaluation criteria to address community values were not going to be included I presented information to the planning team and I said here's an example of criteria that could be used and it would be useful for the Board of County Commissioners in their discussions. It turns out that just like the other comments it was just blown off and said thank you for your comments. The part about the Target Range Neighborhood Plan not being considered is really fundamentally wrong because the community impacts are what matter to the people and those community impacts are not evaluated in this study. The key finding from the neighborhood plan was the survey said; how important is it for you? The rural character of the community was very important to 88% of the people, somewhat important to 11% so that's 99% of the population came up with that and it's a statistically valid survey that does represent the feelings of the community. I'm gonna run out of time...it's unfortunate that as Don Loftsgarden stated in his testimony, the selection of the evaluation criteria is the most important factor in producing a fair and accurate planning study that was not done despite the efforts of the public to be involved in the study process so you don't have the information you need. Thank you.

Bob Schweitzer: I live out on Big Flat. I sent you copies of my remarks by the internet so you should have them in your file, never the less I would like to go through this. You are faced with an important decision that has the potential to forever change the character of nearby neighborhoods in ways that are contrary to the very plan that you have approved. Even the fact that you are now faced with this action leave many of us wondering; is there a valid purpose to neighborhood planning in Missoula County? If you choose to go forward with the recommend in the Maclay Bridge Planning Study the next step will be an environmental impact statement. The outcome of such a study could be to keep the bridge we have rather than build another bridge across the Bitterroot floodplain. The cost for that step has not been revealed by the study but as good administrators I'm sure you've thought about it, could you please tell us? Though this cost is not a direct county expense it is something we as tax payers have to pay for. Rehabilitation could add to the character of the neighborhood as well as to the uniqueness of Missoula. It would underwrite the investment people have made in their homes and their neighborhoods as wise decisions. As responsible administrators are you now going to tell us that we need this bridge so badly that you are willing to gamble the value of neighborhood homes? Do you recognize that the cost for an EIS could rehabilitate Maclay Bridge and upgrade it to 36 ton capacity and build a separate pedestrian, bicycle crossing? Please deny the recommendation in the Maclay Bridge Study Report. Thank you.

Frank Muth: I'm a Consulting Bridge Engineer and I'd like to point out a few observations here. The traffic that presently uses Maclay's Bridge, it's unique in that it's not a bridge that's used to move commodity it's a bridge that's used to move people from a bedroom community. Consequently this bridge doesn't see the pounding and the deterioration that a bridge on a farm-to-market road would receive. Through trusses like this in the eastern part of the state are a deterrent for moving columbines and moving the big farm machinery, we don't see that being moved here. It would be interesting to see of the 2,600 cars a day what the population; how many trucks, how many...I suspect that the traffic that goes on that bridge is a garbage truck, a school bus and lots of cars. In the Planning Study it talked about functionally obsolete and deficient, now AASHTO does recognize that there are situations where and I've rated a lot of bridges as functionally obsolete and deficient and that has to do with the passing of truck traffic and calmers. If you go to the northeast part of this Country there are a lot of covered bridges AASHTO has funded a good number of the rehabilitation of the covered bridges so it's going to be a hard ticket to sell when you say that there is absolutely no Federal money available for the rehabilitation of the Maclay Bridge. The Maclay Bridge I've been on it I'd like to point out that there was testimony earlier about the accretion of sand and gravel in the easterly most span, I wouldn't challenge those people to go down to Kona Bridge and look at the northern most span on the Kona Bridge. There's river dynamics things upstream cause the rivers to move that bridge sight probably hasn't been maintained or nothing has been done to alter or to correct any deficient flows in 60 years so I better quit now. The only other thing; by putting a Kona style bridge on South Avenue I know we don't log anymore but some day we're going to log again. They're going to have a timber sale coming off of Blue Mountain or O'Brien Creek and the temptation might be very easily to go across this bridge to Seeley Lake to Pyramid one of the remaining saw mills.

Chair Landquist: The public comment portion is now closed. We'll let staff address issues.

Erik Dickson: I think there are a couple things that I would like to address. The first thing is the accidents. When this process first started and MDT identified the crash cluster at the west end of the bridge there where residents also bringing our attention to the reported accident histories on some of the surrounding roads and there's always the comparison to the Kona Ranch Road and that style bridge brings higher speeds, higher accident rates more serious accidents. After we got that information from MDT I went through looked at the information that's available to the county from MDT safety girl. What I found that of the roads in the area, River Pines Road had over the 13 year accident period that was available for all of these roads River Pines Road had the highest accident rate at 5.8 accidents per million vehicle miles. Big Flat Road had a combined accident rate of 1.8 accidents per million vehicle miles and Blue Mountain Road had 1.5 accidents per million vehicle miles. Kona Ranch Road was the lowest at .97 accidents per million vehicle miles. That's based on the information available to us based on the traffic counts that we have that I've taken over the years and I think it goes to show that there's a perception that wider and straight means higher speeds and more accidents. And yes I agree that the speeds are higher out there but this is a road that is 32 feet wide, has 12 foot travel lanes and 8 foot shoulders and based on an accident rate compared to...not the overall traffic but on rate per million vehicle miles, this is the lowest accident rate in this area. So I think it's important to note a lot of claims have been made that there's going to be more accidents, more intense accidents but from the information we have available it appears that wider and straighter is working in this instance.

Another thing I'd like to address ~ Mr. Curdy asked a question about where the 655 additional dwelling units was identified on page 33 of the neighborhood plan, it says; if all the remaining undeveloped residential land in Target Range was developed with the current zoning there's a potential for 655 new dwelling units. I'd just like to point out the fact that it is identified in the Target Range Plan which was again then incorporated into the traffic demand model which predicted the traffic volumes showing the increase on the east side of the Bitterroot River.

I guess another thing I'd like to address is the proposed design of what's been classified as the intermediate rehab option that was proposed by Frank Muth. While yes it does solve part of the problem, we could increase the load capacity to handle all the emergency response vehicles in the rural fire department fleet but that only solves part of the problem. Right now part of the Target Range Neighborhood Plan a very brief statement says; in order to improve air quality they want to reduce the number of vehicle miles driven. One way this is 4/10 of a mile out of the direct travel to get to the same intersection at River Pines and Blue Mountain Road so you have 3,000 cars a day assuming it's about a mile going out of travel. That contributes to more increased vehicle miles travelled which is directly against what the Target Range Neighborhood Plan wants and is recommending but also it provides a facility that encourages the possibility of public transit if Mountain Line ever found it necessary to expand their service to areas west of the river. It also encourages bicycle and pedestrian traffic by not having a conflict on the bridge and in going back to the design where a single lane rehab was proposed with a pedestrian bridge adjacent and upstream now you've introduced the sight hazard at the west end of the bridge because that pedestrian rail is going to be dense enough that it can't go past that 4" opening so kids and other obvious can't be pushed through the bridge. Now you're creating a sight hazard so people are gonna have to creep even farther around the corner before they can see oncoming traffic. Right now with the whole bridge open you can see from one end to the other and judge whether or not you should make your approach, that introduces another sight hazard where we already have an accident cluster identified.

Another part of the rehab option that I'm concerned with is in the cost estimate; there's a line item detail for all the materials for the tied arch addition to the bridge but there's no cost listed for the installation of all the material, just the materials only. Whereas with the pedestrian bridge the materials are listed separately from the installation cost if we were to consider the rehab option as a viable option I think there's elements left out. My opinion you would need to paint the existing bridge, it's rusting and there are some other issues that I don't think are identified that truly address the issues of the main span itself. Yes we can put another layer of steel over the top and have parts of the

bridge from 1935, 1954, 1964 and now 2014, it's just more pieces, more pieces that are going to lead to increased maintenance cost and even right now there are problems with the deck that was installed in 2003. We've always had problems with the expansion joints we've replaced each end and still have problems with them, now there are significant portions of the deck on the main trust that are I think just coming lose from the corrugated steel. The asphalt surfacing is cracked and there's no good way to get down into that to fix it without spending a lot of time, a lot of money and having the bridge closed for several days at a time again. So I think some of those costs are not reflected in the rehab option for what needs to be done in order to bring everything up to a current standard that would allow the bridge to be in place for the next 50-75 years as a new structure would allow.

Commissioner Curtiss: Erik, I have one question related to the things that you are...if it's alright madam Chair?

Chair Landquist: Go ahead.

Commissioner Curtiss: It seems to me what I'm hearing you say and the public say is that the planning team didn't ignore this plan, we used in lots of ways but because the transportation section of this plan was not a real detailed it hadn't as Ms. Rupkalvis said earlier, there was really no community decision at the time so therefore there was no analysis or research regarding the bridge. So the transportation part of this is weak and therefore there wasn't really anything in here that you could use for the scoring criteria, is the way I picked up. Because you're scoring criteria was to address the things that we had identified in the scope of work that identify reasonable options to address safety geometry and environmental concerns and increase safety and efficiency for the traveling public. A lot of what this is doing is focusing on transportation related things so it's not that the plan was ignored you've referred to it several times tonight but the transportation portion of the Target Range Plan isn't very strong.

Chair Landquist: It was silent on safety; I think is the term she used.

Erik Dickson: I think if you look at the needs and objectives that were developed ~ we had four; obviously the first was address safety issues, second one was provide a long term river crossing and the fourth was minimizing impacts to the neighborhood. In my opinion that's three out of four that do attempt to address what is some-what identified in the neighborhood plan. Item #7 on page 39 of the Target Range Plan says this bridge is critical for Target Range and Missoula Valley residents to access recreational opportunities in the Blue Mountain, O'Brien Creek and Big Flat areas. What this plan does and I think it is somewhat also covered by the growth policy that more residents of the growth policy that responded to their survey listed the importance of preserving a natural environmental or repairing it ensuring access to recreational areas. The Target Range neighborhood has repeatedly included areas west of the river as being part of their neighborhood. If parts of that neighborhood are going to Target Range School and the Target Range School has become the default community center then I think that helps encourage continue access for a long time in the future for those residents to get from the Big Flat area to the school that their kids attend without going out of direction traveled, it's more efficient, it's as the accident rates show it's likely a safer route to have a straighter alignment that doesn't have inherent problems with approaches onto a bridge. And bridges shouldn't be designed as calming devices, they are there to get people across obstacles in a safe manner, I don't think you can go anywhere in the Country and say; we're going to put a bridge over here to slow people down. The Target Range Neighborhood Plan identifying the traffic growth related to residential construction and increased recreation opportunities has identified a page and half of mitigation measures that include traffic circles and lower speed limits and trip separated trails and all these things that they're willing to implement to address the residential growth but not growth from anything else. They've already identified the growth.

Chair Landquist: I think it's really important to note that #7 on page 38 in the Target Range Plan under bridges it does say, underneath what you read; Bridges, continue Missoula County Public Works maintenance and Maclay Bridge we have continued maintenance the bridge is critical for Target Range and Missoula Valley residents to access recreational opportunities in the Blue Mountain, O'Brien and Big Flat areas and then when Missoula County transportation proposes a bridge crossing at the Bitterroot River at the west end of South Avenue West. It's not like this was not in there, yes there is more and at this time the neighborhood the last sentence of that #7 ~ this neighborhood plan has not identified a need for a new bridge, not at the time that this was written but when was this written and the fact that we were waiting, this was already three years ago when this got finalized but it was clearly known during this process to the residents that were out there because I know Lewis was one of the planners working on it. He was making you all aware of the fact that this bridge was still nominated years ago on the Long Range Transportation Plan and the fact that it finally trickled up is what made the monies available to do this study so I don't think that this plan was ignored during this process. Even on page 7 under Transportation and infrastructure; every effort should be taken to mitigate growth and motorized traffic while enhancing the traditionalized styles and safety of citizen living within the Target Range area. That transportation alternatives must be undertaken to offset potential negative impacts associated with future development including efforts to reduce the number of motorized vehicles miles traveled to improve air quality. I think that that's also been looked at as part of this study. I'm just not going to buy into the fact that this plan wasn't used just because it didn't meet some of the scoring criteria's and was somewhat conflicting with the growth policy. If it conflicts with Missoula County Growth Policy, that's our fault for adopting something that conflicted as far as I'm concerned.

Commissioner Carey: For staff; page 38 of the final report of the planning study makes a statement that the cost of a major rehabilitation can be similar to the cost of the new bridge. I guess I have two questions ~ do you think that's true? And my sense is we don't have federal money to do a major rehab or a minor rehab from what I read here, has that changed somehow?

Erik Dickson: I think I understand your question. I don't believe that federal money would be eligible for a rehab as Lewis pointed out during the report that the off-system bridge program can be used for historic bridges and encouraged for rehab but this is not historic, it's historic to the neighborhood but it's not listed that we're aware of in a National Register of Historic places. It may be eligible but it's not registered, it's old and important to the community but it is not eligible for federal funding for a rehab. For one it's not listed as a historic structure as I think the table says that it doesn't address the substandard approaches and the substandard width. Those are not our standards those are federal standards that have been being developed since 1970's that are recognized nationwide so that if anyone from any part of the Country comes here they can identify the same issues, the same problems and hold it to the same standard. It's not a matter of...it's local standards that are blocking the ability to use federal money for rehab it's nationwide standard that we can't vary from if we want to use that money.

Commissioner Carey: The cost of a major rehab do you think...do you agree with the planning study report that it could be similar to the cost of a new bridge.

Lewis YellowRobe: I'd like to address that. The cost that's listed in this study is...I don't exactly remember what it is because I'm running out of steam here but that one time cost of about One Million Dollars or so, that's a one-time cost now and do the age of this bridge then that one-time cost in another few years I don't know when that next few years is; followed by that next few years, followed by that next few years so compounded over time what is the true actual cost of a rehabilitation because what's being looked at here is that one time rehabilitation effort that would have to be done again over and over and over again due to the age of the bridge. Bridges are inspected every two years. There might be something that and I don't want to get into the bridge inspection process but the next one might identify something or a high water event or there's all of those unknowns. That's one of other costs again compounded over time that's not necessarily included in this study but it is a consideration point.

Chair Landquist: Is there anything else that you felt the need to address from what the public questioned or made comments on Lewis?

Lewis Yellow Robe: I don't believe so Madam Chair, I think the staff had the opportunity to address the major issues that came up within terms of the planning study. Not only the county staff but the planning team as well, we really made every effort that we could to include as much comment as we possibly could. None of the comment was ignored or outright dismissed we really took the time to not only read this and analysis it but have a discussion with the planning team of staff from Department of Transportation and also with the county staff as well to give full consideration of all of the comments that came in through this. We took the public comment very seriously during this planning process.

Chair Landquist: Commissioners any other questions or comments?

Commissioner Curtiss: I'd just like to thank the planning team and the public for all the time that you put into it. The plan acknowledges that this pre-NEPA process is really above and beyond what often happens in regard to looking at whether or not an off-system bridge should be considered. I think we even went beyond that, there were two more meetings in this process then there are in most. We also ask the folks in Target Range to put forward a couple folks to go to Helena and choose the consultant, I think that was more than was needed. The County has 150 bridges, somewhere around that, that we maintain and have to replace and the most recent one that we used off-system bridge funds for was a bridge in Seeley Lake the one that's up Airport Road going past to the High School. In that case it was a bridge that needed repaired, the money was there, we didn't do a big public process because it needed a new bridge and the community was glad we replaced it. And we were able to add a pedestrian portion to that bridge that wasn't there before. We used bridge fund money, we used the Treasure State endowment program and other funds to replace bridges throughout the county and this was just a source that this one qualifies for that does use gas tax money. The gas tax money is collected whether there's a bridge waiting for it or not. Missoula County Commissioners are pretty conservative in asking for federal money to fund things in our community but gas tax money that's set aside for bridge to me is a good nexus and I don't feel a bit guilty about using that money if it's needed. This bridge was nominated in 2002, as you know and the pre-NEPA study is above and beyond as I said. Ms. Headapohl asked about our scope, well the scope and planning of this study was to identify reasonable options to address safety, the geometrics and the environmental concerns based on needs but also to increase safety and efficiency of the transportation system. One of the things that...I've been Commissioner a little over 12 years now and we've talked a lot about the need for an infrastructure transportation plan for the Target Range, Orchard Homes areas because there are very few streets that serve as arterials that go through the neighborhood, there has to be a lot of jiggling and jogging to happen. Because of that there's also not a clear safe route for kids and families to walk or ride bikes, we've done things like added the trail along Clements and the trail along South Avenue and that's good but it is rather meandering neighborhood. I think that the screening process was correlated very well with the needs and objectives of this study and the balance of the transportation needs of the community, the consultant, the planning team are all professionals and I think they were fair in options. I know that we have been accused of having money and looking for a project, that's not true we probably have some other bridges that could be replaced but this one has been on the radar for 20 years. The consultants and our planning team did have tremendous amount of discussion about comments that came forward and I don't think they brushed any of them off, even though in the report it might say thank you for your comments they were discussed in detail because staff would brief periodically about things that would come in and the discussions that they had had. Many of you attended those 18 planning meetings and heard their discussion. Part of the study was to evaluate the river crossing but also the surrounding transportation system; the system needs objectives, constraints, opportunities and the funding availability. I think it's pretty clear that a rehab of that bridge isn't going to be able to use this particular pot of money. There are floodplain issues, any time we put things in the floodplain there's an issue new bridges can be designed to keep those piers

out of the river. I think that the interesting thing in this past year and a half has been the fact that...we've joked all along that we must be doing something right because we have two very generally concerned groups that think we had a prepositioned already established so therefore we must be somewhere in the middle with that balance. The Target Range Plan really does have just that one paragraph about Maclay Bridge and I think it's because it wasn't on the radar at the time the plan was written because even though it's notes that it was in the Transportation Plan there wasn't a lot of discussion or analysis done through that plan. Target Range Plan also talks about growth and access to the recreational areas, the increase in traffic and a bridge can't be blamed for the traffic that's going to be generated because there are new houses in the area and your own plan recognizes that. We know that you've asked to be down zoned in a couple areas and once the commission gets through lots of things like the updating of our Subdivision Regs and our Zoning Regs then maybe we'll have time to get to that. A lot of the concerns that have been identified will be addressed in that whole next process if we go forward here, the increased traffic and the design would be to address speed and safety and traffic calming within the area. As Erik said, the bridge shouldn't be used to be the traffic calmer but that doesn't mean there can't be some things like that addressed. It was talked about the Target Range and Orchard Homes neighborhood being unique and that is true, all of our neighborhoods in this County are unique. All you have to do is ask the people that live in them. That's why they like to live in different neighborhoods. This study models future needs and that's our job is to look at the future needs and I often say, so if in 10 years or in 2 months a big cottonwood tree comes down and wipes out that bridge somebody's going to say, why the heck didn't the Commissioners plan for what to do here? So growth is going to happen whether there's a bridge or not and that's our job to plan for that. If we were building a bridge today we would not build it there. If you look at that river, that is not the prime location to build a bridge and in my mind the rehabilitation of the bridge, the amount of work that bridge needs to make it safe, add pedestrian stuff to it, make it last for any amount of time Erik talked about that is the equivalent of building a new bridge. I just don't think it's prudent for us to invest money, whether it be from gas tax or taxes, in to rehabbing an old bridge that we also now-a-days, I would hope wouldn't move a bridge that only reached half way across the river from one part of the county to the next and add on to it and hope that it served its purpose. It's true that accidents happen because people aren't paying attention or driving too fast or all of those things but as Erik said we try to look at accident clusters are quantified based on maximums per million miles driven so I think that give it that apples to apples instead of apples to oranges comparison. Rehabilitation does not address problems except maybe pedestrian crossing and the weight limit. I think the other thing to keep in mind is the Commissioners represent more than just those who attend and those who comment. Someone here today said that there are a lot of people in this county that don't even know that this is going on and they don't because it's not in their neighborhood and they didn't pay attention. Access to those public lands is one of the most important we hear throughout the county; access to trails, access to recreational areas and so we don't want to be bridgeless. You do say in your plan that the people that live in the Westside of the river are part of neighborhood.

Commissioner Carey: Commissioner Curtiss covered it very well as she always does. I'll just say that for a long time I've gone back and forth on this. One day I'll think about it and I'll think they have a good point on that side and I think that's maybe where I'll land. The next day it's different with new information that comes in but what's occurred to me recently is that if I'm gonna make an error in judgment it's going to be on the side of public safety, that's just the way it's gonna have to be for me. I think the staff; the planning study makes a cogent case for a new bridge. Why leave something that's potentially hazardous to public health and safety, why leave that in a place where it can do real harm to real human beings, not to mention the river and the wildlife and so on. Why leave that in place when there's an opportunity to create a better, safer structure? I'm prepared to call the question.

Chair Landquist: No, I need to talk. I'm so glad I'm not the only one that has been going back and forth on this. I've been wrestling this; I've been dreaming this because I've been going back and forth the whole time that this study has been going on. That's one of the reasons I have...I'm one of those sort of causeway Bitterrooters that does drive that once in a while and I've been driving it more than I need to because I needed to continue to get the feel for what's going on out there so as I come in from Lolo and I have the time, I would take that sometimes on the way going home, sometime on the way coming in, all different seasons so I can continue to kind of be one with the bridge and one with the area and see and experience for myself. It's not like I'd never taken it before, I had but I felt like I being the Commissioners that commutes from out of town I had the opportunity probably to take it more than anybody else and experience things. I also have a certain amount of experience in the ways of the water world, not only from being an owner of some creek side property out in Lolo but from the non-profit work I did before being a Commissioner as well. So I know the ways of rivers and migrations and things like that and I'm still not overjoyed with this study and the things that it has identified that I'm still waffling on. Ideally I'd really still kind of like a new bridge in the same location, a more modern bridge in the same location because I do think some stream restoration could probably change things and it would be less disturbing to the area off of South Avenue where the new location has been identified for the wetlands and all the other reasons and the traffic calming and the accident clusters. It's not like the bridge really caused the accidents and maybe there's some other things that we can do. I'm finding that the resolve in knowing that to move forward with the option we have, the opportunity we have for this funding, it's taken how many years to rise up to the top 20 years now?

Commissioner Curtiss: It was 2002 that it was put on the list last time.

Chair Landquist: There was something in 93 when it was first nominated too. That's a long time for something to finally trickle up and give Missoula County the federal dollars we need to move forward. We do have a responsibility when it comes to promoting safety and safe operation of things and the EIS that we'll have to go through may turn around and say just that ~ oh no this is way too wide for you to put here and there are some other options for you to keep it in the same location. Who knows what FWP and some of the other agencies are going to come up with. We as County Commissioners with the limited resources we have would be remiss to turn down the opportunity to utilize the federal dollars that this has been on the waiting list for all these years. We do have to look at the future long-

term, the 50-75 years which in Erik's words; health investment. That's the kind of sound investment I would want to do for my own home so therefore I can translate that into making that as a sound decision for the county too. The things I don't like about this, I said once before to the newspaper; the unintended consequences. Anytime we're dealing with a river access crossing the river people are going to do some really clever things that we didn't intend for them to do, just like they do now off of some of our rivers when they go to recreate and the parking zones and no parking zones that it creates. Those are some of the things we can try to plan for I think they did some of that when they did the Kona Ranch Bridge by having a little access there for people to access the river and park. Maybe this is an opportunity to do the same with a new bridge but then I have very big concerns about two dead ends where the Maclay Bridge is now. If the Maclay Bridge does have to come out then what kind of hazard are we creating by having two dead ends with a river through it for rescue and safety? I think some of the other things that haven't come out and by the time we get through the EIS some of the other safety concerns may come out. I know Missoula Rural Fire has gone through a long range plan for their service area. One of the sticky wickets now is where their main station is located and their other stations are located for when they're called out to service. As the City continues to annex and grow that Station 1, which is their main station on South Avenue, may need to be moved somewhere else or they may have to have another area on the other side of the bridge, which sort of negates some of the safety concerns that we're looking at for that bridge being where it's at now. I think time will tell some of these other things to get flushed out but in order to flush out those things we need to be able to move forward because that's the only thing that's going to give us the federal dollars and MDOT dollars to move forward with. While I'm not thrilled with this report it's a step forward and I think we have to take that forward step. With that Mr. Carey called for the question. Does somebody want to make a motion?

Commissioner Carey: Once again thanking the staff for your incredibly good work, we appreciate it very much. Thank you for coming to this meeting you good citizens of Missoula County. We do listen, we do care and sometimes we can't agree.

Executive Session

Commissioner Carey made motion that the Board of County Commissioners accept the Maclay Bridge Planning Study's recommendation to replace the Maclay Bridge with the South One Option and send a letter to Montana Department of Transportation to request continued bridge project developments. Commissioner Curtiss seconded the motion. The motion carried a vote of 3-0.

Commissioner Curtiss: I'm confident the public will continue to be involved as we go forward to address the safety.

8. OTHER BUSINESS

9. RECESS

Being no further business to come before the Board the Commissioners are in recess at 8:17 p.m.

THURSDAY, APRIL 18, 2013

BCC met in regular session; all three present. Afternoon: BCC participated in Audit Exit Conference, held in Admin 206. Evening: BC attended meeting of Open Lands Citizen Advisory Committee.

ADMINISTRATIVE MEETING

Task Order – BCC signed, dated April 18, 2013. Task Order #2 to contract between County (on behalf of Dept. of Grants/Community Programs and County Facilities Management) and MMW Architects, PC for next phase of project at 223 West Alder (construction drawings and oversight, and bid documents). Term/February 8 – December 2, 2013. Amount/not to exceed \$76,908. Originals to C&R & MMW.

Resolution No. 2013-062 – ML signed, dated April 18, 2013. Reimbursement Resolution relating to above proposed project at 223 West Alder, establishing compliance with Reimbursement Bond Regulations under the Internal Revenue Code. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Request/Letter – BCC signed, dated April 18, 2013. To Jacquelyn Smith, MT DOT, Helena, designating Erik Dickson, P.E. (County Engineer/Asst. Director of Public Works) as Environmental Certifying Official responsible for all activities associated with environmental review process to be completed in conjunction with development of approved transportation project Bike-Ped Path/Frenchtown MDT STPE 37(71). Original to Erik Dickson.

Request and Resolution – BCC approved request from CFO Andrew Czorny to purchase a new postal machine with a 4 MB board upgrade on current PC to support new machine. Amount/\$4,617 + \$20 per year software support fee.

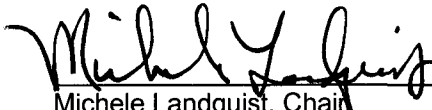
Resolution No. 2013-061 – BCC signed, dated March 7, 2013. Budget Amendment for Central Services showing Revenue from General Fund Cash in amount of \$4,617 for new postal machine [see above journal entry]. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Additional discussion item(s): 1) RAC/SRS Funds; 2) MACo Districts 10 & 11 Meeting; 3) Legislative update.

FRIDAY, APRIL 19, 2013

BCC met in regular session; quorum present. Most of day: JC attended Mental Health Board/CDC meeting, held in Missoula.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, APRIL 22, 2013

BCC met in regular session; quorum present. JC on vacation through Friday, April 26th.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) County Parks & Trails Program; Weed Management; 4) Arno Family Transfer; 5) Subdivision Regs update; 6) DARSZD update; 7) MOU May Meeting update; 8) Director's update.

TUESDAY, APRIL 23, 2013

BCC met in regular session; quorum present. JC on vacation through Friday, April 26th.

ADMINISTRATIVE MEETING

Contract – BCC signed. Between County Clark Fork Maintenance for mowing & maintenance service for Cottage Court Park, and Canyon View Park, in East Missoula. Amount/up to \$2,550 (\$950 for Cottage Court & \$1,600 for Canyon Village). Term/April 23 – October 31, 2013. Originals to C&R and Lisa Moisey/Parks.

Request and Budget Transfer – BCC approved County Parks & Trails Advisory Board's recommendation to additionally fund County Recreation Sponsorship Program (formerly County Scholarship Program) in amount of \$1,150.

Budget Transfer – BCC signed, dated April 19, 2013. Control #13-008 for Parks in amount of \$1,150 to additionally fund County Recreation Sponsorship Program. [See previous journal entry].

Change Order – BCC signed, dated April 18, 2013. #2 to contract between County and A&E Architects/Jackson Contractor Group for Courthouse Phase 2 Remodel Project. Order is for 31 bulletins and CCD issued since Change Order #1 (set forth on list attached to Order #2). Date of Substantial Completion: January 31, 2014. Amount/76,558.89; new base contract sum/\$5,218,818.75. Originals to C&R & Larry Farnes/Facilities.

Bid Award – BCC awarded bid (\$485,269.20) to Montana Materials (d/b/a L.S. Jensen) for reconstruction of Momont Road & Expressway chip sealing. Two other bids were received from Knife River and Western Excavating. Original to Greg Robertson/PW.

Additional discussion item(s): None.

WEDNESDAY, APRIL 24, 2013

BCC met in regular session; quorum present. JC on vacation through Friday, April 26th. Evening: BC and ML attended Potomac Appreciation Night, held at Potomac-Greenough Center.

Replacement Warrant - ML signed. Diane Rieter, Butte, MT, Principal for District Court Warrant #30230190, issued October 30, 2012 on County 7290 Fund. Amount/\$1,320 (for overpayment of fines/fees – DC-12-208)). Not received in mail. No bond of indemnity required.

CAO MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 08/CY2013 - Pay Date/April 19, 2013. Total Payroll/\$1,274,212.89. To County Auditor.

Contract – BCC signed. Between County (PHC) and Salish Kootenai ("S/K") College to conduct outreach services in S/K area to people with HIV, and education re: Ryan White Program. Amount/\$2,000. Term/April 1, 2012 - March 31, 2014. Originals to C&R and Andrea/PHC.

Contract – BCC signed. Between County (PHC) and University of MT, stating County will purchase .20 FTE of UofM Employee Dr. Ned Vasquez's services from UofM to see patients at PHC. Amount/\$18,765.78. Term/January 23 – June 30, 2013. Originals to C&R and Andrea/PHC.

Letter – BCC signed, dated April 24, 2013, to Steve Flood/BLM, Missoula Office, re: Chamberlain Ecosystem Assessment. BCC commends BLM on its willingness to undertake assessment of both public/private lands in Chamberlain watershed, which will serve as base line for a multitude of projects that will benefit County. Original to Mitch Doherty/CAPS.

Additional discussion item(s): 1) FY2013 General Fund Budget Review & FY2014 Preliminary Budget Parameter Recommendations; 2) Legislative Update

PUBLIC MEETING – April 24, 2013**1. CALL TO ORDER**

Commissioners Present: Commissioner (Chair) Michele Landquist, Commissioner Bill Carey

Commissioners Absent: Commissioner Jean Curtiss

Staff Present: Jamie Erbacher, CAPS, Jennie Dixon, CAPS

2. PLEDGE OF ALLEGIANCE**3. PUBLIC ANNOUNCEMENTS**

Commissioner Landquist reminded everyone about Logging Days at the Historical Museum at Fort Missoula and the 4-H Dogs event at the Fairgrounds along with a few other events. Check their websites for more information.

4. PUBLIC COMMENT

Jeffrey James Halverson: I've come here today to ask for your help. For the past two years the Missoula County Health Department and County Attorney Fred VanValkenburg's Office has persecuted me for helping disabled, homeless travelers and veterans by me giving them a free place to stay on my ranch called Orange Acres. Before purchasing the property I was told by the owners, realtors, the County Planning Office that the property was unzoned and suitable for commercial use and had been being used for commercial property. On July 28, 2008 Tom Barger of the County Health Department visited my property and inspected it. He told that I could not have my friends stay in trailers on the property but I could remove the wheels and have cabins and sheds with beds that were temporary and allow people to temporary camp within 300 feet of the bathrooms in my commercial building. In 2009 he wrote a letter to me saying I was a campground open to the public for rent, not just for my friends and family and that I could not allow people to stay overnight on my property for free. He told me I could not give hungry people food and I could not let them use my dishes and pans for free to cook. In November 2010 I was sued by Deputy County Attorney James McCubbin for \$1,000/day. I emailed you, the County Commissioners and asked for help but never received a response.

Chair Landquist: You can be sure we'll be looking into this for you.

John Knudsen: I've lived in my home since 1978 and I'm building a new house adjacent to my current home. I just received a Septic permit and I have a problem with the way that they count bedrooms in order to determine drain field that you need. I am married and my kids have left. I submitted to them that I have four bedrooms, I have in the basement a storage area with no closet, no egress. I feel it's unfair that they included this as a fifth bedroom, which added expense that I feel is unnecessary. I'm asking you to look at this. I feel it's a problem in the way that they count them.

Chair Landquist: John, you can be sure we'll be checking into your complaint but we don't normally address and answer people's complaints during this process. I can tell you that it's not just a Missoula County Health Department law that is looking at the bedrooms; they're going by Department of Environmental Quality (DEQ), the State law in how they calculate bedrooms. It does not jive with what the fire department looks at, at what constitutes a legal bedroom or what the realtors look at. I can tell you that over time say you have the four legal bedrooms that you're counting, the problem is over the years people start converting rooms and you're septic tank isn't sized for the use. They're trying to cover their bases because some years later people could come back and say; why did you permit it for this? This is one of those instances in something that I'm very interested in trying to work out with not only the State, our local Health Department, the realtors and fire department and to have some different basis. This won't help you in your situation because this will take time.

5. ROUTINE ADMINISTRATIVE ACTIONS

Bi-Weekly Claims List (\$1,321,643.04)

Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount of \$1,321,643.04. The motion carried a vote of 2-0.

6. HEARINGS (Certificate of Survey)**a. Arno Family Transfer – Gold Creek Road**

Jamie Erbacher gave staff report and asked Mr. Arno the standard family transfer questions.

Public Comment

None

Executive Session

Commissioner Carey made motion that the County Commissioners approve the request by Matthew and Melissa Arno to create three (3) additional parcels by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. The motion carried a vote of 2-0.

BOOK 013 PAGE 0224

b. Aldeen Family Ranch – near Condon

Jennie Dixon gave staff report and asked Mr. Andrew George Aldeen the standard family transfer questions.

Public Comment

None

Executive Session

Commissioner Carey made motion that the County Commissioners approve the request by Andy Aldeen to create three (3) additional parcels by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. The motion carried a vote of 2-0.

7. OTHER BUSINESS

None

8. RECESS

Being no further business to come before the Board the Commissioners are in recess at 2:05.

THURSDAY, APRIL 25, 2013

BCC met in regular session; quorum present. JC on vacation through Friday, April 26th. Morning: BC attended Kiwanis Volunteer of the Year meeting, held at City Center. Noon: BC and ML attended retirement lunch for Library Employee, Mary Marshall.

ADMINISTRATIVE MEETING

Contract – BCC signed, dated April 25, 2013. Between County and Peak Construction Inc. (d/b/a PCI Electrical) for low voltage work in Critical Operations Area (as part of Courthouse remodel project). Amount/not to exceed \$45,000. Term/April 1, 2013 – April 1, 2014. Originals to C&R and Chris Lounsbury/OEM.

Contract – BCC signed, dated April 25, 2013. Between County and Ivan's Roofing & Construction to replace roof at South Park Fort Missoula Regional Park Restroom. Amount/\$6,200. Term/April 25 - June 30, 2013. Originals to C&R and Lisa Moisey/Parks.

Bid Award – BCC awarded bid (\$273,000/\$45.50 per ton) to Knife River for Public Works' FY 2014 asphalt purchase for maintenance of existing paved roads. L.S. Jensen also submitted bid of \$302,700/\$50.45 per ton. Original to Erik Dickson/PW.

Additional discussion item(s): 1) Milltown State Park update; 2) Postponed/date tba: Proposed Settlement (Campbell vs. Missoula County/MT Land Project); 3) FY2013 Special Fund Budget Review & FY 2014 Preliminary Budget Parameter; 4) Legislative update.

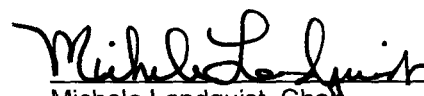
FRIDAY, APRIL 26, 2013

BCC did not meet in regular session. JC on vacation through this date; ML out of office all day.

SATURDAY, APRIL 27, 2013

Morning: BC attended Missoula Public Library Volunteer Breakfast, held at the Library.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, APRIL 29, 2013

BCC met in regular session; all three present. Morning: Steve Earle (representing County) attended Central Park Partnership meeting, held at Fairgrounds.

Replacement Warrant - ML signed. Lavonne Blunt, Missoula, Principal for Health Dept. Warrant #30230448, issued November 5, 2012 on County 2180 Fund. Amount/\$40 (for meals reimbursement). No bond of indemnity required.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Incubator Farm; 4) Bennett Family Transfer; 5) Garden City Harvest River Rd. Bond Project; 6) Parks & Trails Program update; 7) Subdivision Regs update; 8) Director's update.

TUESDAY, APRIL 30, 2013

BCC met in regular session; all three present. Morning: BCC attended briefing re: Milltown State Park by Roger Semler of MT State Parks, held in Admin 206. Afternoon: BCC attended retirement celebration for Clerk & Recorder Employee Kim Cox.

ADMINISTRATIVE MEETING

Addendum – BCC signed. To Contract between County and PHC for HB130 funding to partially fund Access to Therapy Program, which helps inmates transition to community to help prevent recidivism. Amount/\$17,984. Term/July 1, 2012-June 30, 2013. All other provisions remain unchanged. Originals to C&R and Kim Campbell/Grants.

Agreement – BCC signed. Renewal of West Central MT Drug Task Force/Local Drug Task Force Agreement for FY 2014 entered upon and by Missoula County Sheriff's Office, Missoula Police Dept. Missoula County Attorney's Office, Ravalli County Sheriff's Office, Mineral County Sheriff's Office, and Flathead Agency (Tribal Police). Partial funding for one deputy, one county attorney and paralegal in Missoula County. Two originals to Sheriff's Dept.

Agreement – BCC signed. Between County and Collins Planning Associates Inc. for the Missoula County Subdivision Regulations Reorganization Project. This new contract expands scope of services to include finishing a preliminary public review draft. Amount/\$29,930. Term/April 30, 2013 – January 1, 2014. Originals to C&R and Karen Hughes/CAPS.

Certificate of Completion – ML signed, dated April 30, 2013. For RSID 8489 Wye Sewer Project SRF/ARRA Loans: 1) SRF-10227 ARRA-A; 2) SRF-10228 ARRA-B; 3) SRF-10229; and 4) SRF-10184. Three originals to Amy Rose/PW for further handling.

Contract – ML signed. Between County (Fairgrounds) and Winterset Concert Events as booking agent for Matt Maher (opening act for Jars of Clay Concert) at the 2013 Western MT Fair on August 6, 2013. Amount/\$500. Originals to C&R and Steve Earle/Fair.

Contract – ML signed. Between County (Fairgrounds) and Matt Maher, as opening act for Jars of Clay Concert at the 2013 Western MT Fair on August 6, 2013. Amount/\$5,000. Originals to C&R and Steve Earle/Fair.

Contract – ML signed. Between County (Fairgrounds) and Winterset Concert Events as booking agent for Jars of Clay Concert at the 2013 Western MT Fair on August 6, 2013. Amount/\$2,250. Originals to C&R and Steve Earle/Fair.

Contract – BCC signed. Between County (Fairgrounds) and Brent Jordan to be 2013 PRCA Rodeo Announcer at the Western MT Fair on August 7 – 10, 2013. Amount/\$3,000. Originals to C&R and Steve Earle/Fair.

Contract – BCC signed. Between County (Fairgrounds) and Barney Sheridan to be 2013 PRCA Bullorama Announcer at the Western MT Fair on August 8, 2013. Amount/\$1,000. Originals to C&R and Steve Earle/Fair.

Additional discussion item(s): None.

MISSOULA COUNTY COMMISSIONERS' JOURNAL: MAY, 2013

BCC = BOARD OF COUNTY COMMISSIONERS

ML = Commissioner, Michele Landquist Chair

JC = Commissioner Jean Curtiss

BC = Commissioner Bill Carey

The following Claims Lists were signed during the month of MAY 2013:

Date Signed	Claims List Date	Who signed	Amount
May 1, 2013	April 30, 2013	BCC	\$3,136.88
			\$6,125.58
			\$3,658.57
			\$6,894.84
			\$7,975.54
			\$46,619.67
			\$2,287.76
			\$5,726.81
May 2, 2013	May 1, 2013	BCC	\$306,498.56
			\$1,009.41
			\$85.00
			\$1,887.85
			\$1,198.00
May 3, 2013	April 30, 2013	BCC	\$275.22
May 3, 2013	May 2, 2013	BCC	\$1,941.38
			\$353.11
			\$29,378.37
			\$15,467.36
			\$111,739.71
May 3, 2013 May 7, 2013	May 3, 2013 May 6, 2013	BCC	\$11,770.61
			\$2,208.15
			\$8,826.39
			\$65,840.35
			\$1,570.74
			\$1,700.00
			\$6,714.26
			\$14,643.21
May 8, 2013	May 7, 2013	BCC	\$37,166.49
			\$2,535.65
			\$2,041.20
			\$3,863.07
			\$1,150.00
			\$11,391.78
			\$4,148.73
			\$5,594.90
			\$832.00
			\$1,990.00
May 9, 2013	May 2, 2013	BCC	\$850.00
			\$87.00
May 9, 2013	May 8, 2013	BCC	\$3,842.23
			\$6,512.37
			\$1,030.33
			\$405.55
			\$6,580.23
			\$219.09
May 9, 2013	May 9, 2013	BCC	\$5,000.00
May 10, 2013	May 8, 2013	ML, BC	\$6,512.37
May 10, 2013	May 9, 2013	ML, BC	\$1,222,255.10
May 13, 2013	May 1, 2013	BCC	\$351.06
May 13, 2013	May 7, 2013	JC, BC	\$214.67
May 14, 2013	May 7, 2013	JC, BC	\$518.11
May 14, 2013	May 13, 2013	JC, BC	\$1,978.86
			\$16,923.77
			\$594.90
			\$15,274.00
			\$735,787.44
			\$706,189.70

May 15, 2013	May 13, 2013	JC, BC	\$5,679.32
			\$8,240.51
			\$1,112.63
May 15, 2013	May 14, 2013	JC, BC	\$7,831.21
			\$3,966.04
			\$534.21
			\$7,157.65
May 15, 2013	May 15, 2013	JC, BC	\$4,198.33
	PHC Amerisource ACH		\$80.00
	PHC Cardinal Health ACH		\$52,977.23
	PHC Cardinal Health ACH		\$64,365.20
May 16, 2013	May 13, 2013	JC, BC	\$51,865.20
May 16, 2013	May 14, 2013	JC, BC	\$31,730.57
May 16, 2013	May 15, 2013	JC, BC	\$72,720.02
			\$3,578.26
			\$12,848.97
			\$17,219.27
			\$1,355.20
May 17, 2013	May 8, 2013	JC, BC	\$2,763.55
May 17, 2013	May 16, 2013	JC, BC	\$6,344.35
			\$1,044.95
			\$8,667.77
			\$42,281.67
			\$13,116.83
			\$53,206.67
			\$985.72
			\$1,147.16
			\$934.00
May 21, 2013	May 21, 2013	ML, JC	\$2,113.41
May 22, 2013	May 20, 2013	ML, JC	\$128,636.05
			\$12,043.33
May 22, 2013	May 21, 2013	ML, JC	\$278,412.21
May 22, 2013	May 22, 2013	ML, JC	\$8,949.24
May 23, 2013	May 22, 2013	BCC	\$1,978.69
			\$37,185.61
			\$3,494.72
			\$339.49
			\$555.33
			\$27,394.77
			\$270.23
			\$2,127.88
			\$8,000.56
			\$5,820.53
			\$310.49
May 23, 2013	May 23, 2013	BCC	\$1,645.80
			\$2,110.52
			\$481.18
			\$5,808.75
			\$5,874.19
			\$2,301.37
			\$6,218.61
			\$348.00
			\$2,520.27
			\$50.00
			\$388.16
			\$16,512.27
			\$2,835.59
May 24, 2013	May 23, 2013	JC, BC	\$60,693.50
			\$4,687.88
May 24, 2013	May 24, 2013	JC, BC	\$1,172.53
			\$1,057.12
			\$178.06
			\$764.95
May 28, 2013	PHC Amerisource ACH		\$28,425.48
	PHC Cardinal Health ACH		\$45,948.94
May 29, 2013	May 24, 2013	BCC	\$1,304.25
			\$122,050.74
May 29, 2013	May 28, 2013	BCC	\$36,414.23
May 30, 2013	May 24, 2013	BCC	\$759.26

May 30, 2013	May 28, 2013	BCC	\$37,580.88
			\$66.75
			\$5,583.69
			\$2,587.81
			\$1,418.00
May 30, 2013	May 29, 2013	BCC	\$54.44
			\$63.50
			\$187.80
			\$45,781.50
			\$3,407.10
			\$1,250.00
			\$5,504.83
			\$74.47
			\$1,979.46
			\$11,282.59
			\$63,548.51
			\$1,433.78
May 30, 2013	May 30, 2013	ML, JC	\$8,159.09
			\$1,050.72
			\$35,686.54
			\$1,425.20
			\$3,876.94
May 31, 2013	May 30, 2013	JC, BC	\$6,631.37
			\$325.81
			\$315.00
			\$351.54
			\$11,310.99
			\$44.42
			\$574.91
			\$60.00

All Claims Lists were returned to the Accounting Department.

WEDNESDAY, MAY 1, 2013

BCC met in regular session; all three present. Late morning: BCC attended Grand Opening of Clark Fork River through Milltown.

CAO MEETING

Contract – BCC signed. Between County and WE Dust Control for FY2014 dust abatement. WE submitted lowest (and only) bid. Amount/\$126,022. Term/June 3 – June 28, 2013. Originals to C&R and Erik Dickson/Public Works.

Tax Form – BCC approved JC to sign 2011 IRS Form 8879-EO for Missoula County Comprehensive Medical Benefit Plan. Original to Hal Luttschwager/Risk & Benefits for further handling.

Letter – BCC signed, dated May 1, 2013. To Mike Tooley, Director/MT DOT, Helena, re: MDT's 2010 Maclay Bridge Planning Study. BCC concurs with recommendation that the South 1 alignment option be developed as a project. This will provide more efficient connectivity to neighborhood residents, etc.

Letter – BCC signed, dated May 1, 2013. To Honore Bray, Director/Missoula Public Library, congratulating the Library on its receipt of the 2013 Excellent Library Service Award (ELSA), which is chosen by the MT State Library Commission.

Additional discussion item(s): 1) Discussion and approval of FY2014 Budget Parameters postponed; 2) Legislative update.

NO PUBLIC MEETING HELD THIS DATE.

THURSDAY, MAY 2, 2013

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Contract – BCC signed. Between County and Architects Design Group for Construction Documents and Management to build two recreation areas (one for adults and one for juvenile inmates) at Detention Center. Amount/up to \$20,000. Term/May 7–November 1, 2013. This contract is a result of an ACLU law suit. Originals to C&R and Larry Farnes/Facilities Management.

Resolution No. 2013-066 – BCC signed, dated May 2, 2013. Budget Amendment for Detention Center in amount of \$20,000 for contract with ADG to build two rec areas [see above entry]. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Award – BCC approved request from CFO Andrew Czorny for a 60 month lease with Office Solutions for a Sharp Hercules MX-M1204 for the County Print Shop (which will now be located in the basement of the Admin Building). Amount/\$880.28 per month (\$10,563.30 per year). Original to CFO Czorny.

Bid Award – BCC awarded/ML signed bid (\$15,592.26) to Office City for furniture to complete the new Clerk & Records/Treasurer's office space in the Courthouse. Two other bids were received from Office Solutions and CDA. Original to Wes/Office City.

Additional discussion item(s): 1) Discussion and Approval of FY2013 Budget Parameters (postponed from 5-1-1023.) 2) Legislative Update


FRIDAY, MAY 3, 2013

BCC met in regular session; all three present. Morning: BC participated in conference call with Zac Brown, et al re: Student Coop Housing; and JC participated in conference call with MCCC re: Aging Services. Afternoon: BCC attended FY2014 Budget Kickoff.

Monthly Report - ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, John E. Odlin, Justice of the Peace, for month ending April 2013.

Letter – BCC signed, dated May 3, 2013. To City of Missoula/multiple residents who were affected by the 2011 flooding. County will soon receive DES/FEMA grant funding to purchase 3417 Kehrwald property, which will be razed by the Fire Dept. for training purposes. Property must remain in public open space in perpetuity. BCC welcomes comments about long-term ownership/management of this property.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, MAY 6, 2013

BCC met in regular session; all three present. Evening: BCC held Joint Public Hearing with City Council re: Garden City Harvest-River Road Farm OSBP, held at City Council Chambers.

Monthly Report – ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending April 2013.

Monthly Report - ML examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending April 2013.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) SWCC Small Carnivore Study Presentation; 4) EHD Air Quality Project; 5) Decker Zoning Request; 6) Hoover Shoreline Permit; 7) White Shoreline Permit; 7) Director's update.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Registers dated April 30, 2013. Amount/\$182,683.15. To County Auditor.

TUESDAY, MAY 7, 2013

BCC met in regular session; all three present. Afternoon: JC participated in Special Board of Health Meeting via teleconference.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 09/CY2013 - Pay Date/May 3, 2013. Total Payroll/\$1,290,579.15. To County Auditor.

Grant – ML signed continuation Western Region Juvenile Detention Sub Grant Application to MT Board of Crime Control for assistance with detention costs. Previous Grant #: 13-L05-91284. Amount/\$278,086 for Region (\$87,513 for Missoula County). Term/ July 1, 2013-June 30, 2014. Original to Gary Elliot/Sheriff's Office for further handling.

Tolling Agreement – ML signed. Between County and Gleneagle property owners (except Kenneth Knie, Michelle Knie and Mark Denton) in order to settle controversy without litigation. Two originals to J. McCubbin/Deputy County Attorney for further signatures/handling.

Lease – BCC signed, dated May 7, 2013. One-year Lease Agreement between County and Giant Associates, LLP for Crime Victim's Advocate office space at 500 N. Higgins. Amount/\$38,780 (funded from court surcharge fees and grants). Term/May 1, 2013-April 30, 2014. Originals to C&R, Lesser, and Cindy Wulfekuhle/GCP.

Letter – BCC signed, dated May 7, 2013, to A. Desch/Director, MT Small Business Development Center ("SBDC") Network, Helena, in support for MT Community Development Corp's application to host the SBDC in Missoula, Ravalli, Sanders and Mineral Counties.

Additional discussion item(s): County lien on Kehrwald acquisition.

WEDNESDAY, MAY 8, 2013

BCC met in regular session; all three present.

CAO MEETING – CANCELED (No Agenda Items)

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated May 9, 2013:

- 1) To Dylan Dreckshage, Missoula, denying his appeal to reconsider his request to refund motor vehicle taxes paid in error for vehicle #409785. Appeal denied because payment was made past the due date.
- 2) Approving request from Sharon Hicks, Missoula, to refund motor vehicle taxes paid in error on April 12, 2013.
- 3) Approving request from James Deutsch, Arlee, to refund motor vehicle taxes paid in error on February 14, 2013.
- 4) Approving request from Raymond G. Thompson, Missoula, to refund motor vehicle taxes paid in error on April 17, 2013.
- 5) Approving request from John D. Hogan, Missoula, to refund penalty/interest for taxpayer id #4564568.
- 6) BCC received Info re: MT DOR's review of refund status for Wallace M. Roberts, Missoula. Mr. Roberts will receive refund for taxpayer id #5818592.

PUBLIC MEETING – May 8, 2013

1. **CALL TO ORDER**

Commissioners Present: Commissioner (Chair) Michele Landquist, Commissioner Jean Curtiss, Commissioner Bill Carey

Staff Present: Jennie Dixon, CAPS, Cindy Wulfekuhle, CAPS, Hilary Schoendorf, CAPS, Deb Evison, Public Works, Steve Hutchings, Public Works

2. **PLEDGE OF ALLEGIANCE**

3. **AWARD PRESENTATION (State DES)**

Johnson/Kehrwald Flood Acquisition Award

Chair Landquist: The next thing we have is a presentation; this has been a long time in the works. We're glad on so many levels that this is finally starting to wrap up for us. Todd, did you want to say something first to lead us into this?

Todd Kliezt: Briefly, in 2011 the County experienced about a 10 year flood on the Clark Fork River which was a significant flood event down on the Tower and Kehrwald neighborhood. One of the homes down there was substantially damaged by that flood. The folks that live in that home were either going to have to rebuild that structure to be compliant with floodplain regulations or abandon the site. We were fortunate to be able to work with FEMA and our friends at Montana DES to be able to secure a grant from them to purchase this house outright. We turned this site to open space perpetuity. Kent Atwood is here from Montana DES.

DES presented the Commissioners with a check for \$119,000.00.

Commissioner Curtiss: I think it would be interesting for the public to know that part of the...we'll go through all of the steps as required but after we make sure there's no hazardous things to burn, like asbestos Missoula Rural Fire has agreed to...part of the match is their burning down of the building. We'll make sure the neighbors know what day the fire will start.

4. **PUBLIC ANNOUNCEMENTS**

Chair Landquist: Private well owners, the Missoula City-County Health Department, Water Quality District is offering at a reduced price, for a limited period of time ~ through May 31st, private well water testing. Special price is \$28.00; normal price is about \$50.00. Spring time is a good time to test for your water quality to make sure that there isn't a high level of bacteria or nitrates or arsenic in your water. If you've never had your water tested you might want to take advantage of the services. If you have and just want to check your water quality, this would be an outstanding time to do it. Again, this is only for private well owners not commercial entities with public water supplies.

5. **PUBLIC COMMENT**

None

6. ROUTINE ADMINISTRATIVE ACTIONS

Bi-Weekly Claims List (\$1,339,376.38)

Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve the Bi-Weekly Claims list in the amount of \$1,339,376.38. Commissioner Curtiss seconded the motion. The motion carried a vote of 3-0.

7. HEARINGS**8.****a. Bennett Family Transfer (Huson Area) Certificate of Survey**

Jennie Dixon gave report and asked Mr. Ray Bennett the standard family transfer questions.

Public Comment

None

Executive Session

Commissioner Carey made motion to approve the request by Ray and Mary Bennett to create one (1) additional parcel by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Curtiss seconded the motion. The motion carried a vote of 3-0.

b. CDBG Grant Application Submission (Poverello Proposed Replacement Facility)

Cindy Wulfekuhle gave report on behalf of Jean Harte who is out ill. The Poverello Center, a Missoula Non-Profit Organization has asked Missoula County to submit a grant application on its behalf to the Montana Department of Commerce for Community Development Block Grant Funds, or CDBG, as we refer to them. If the application for \$450,000 is successful the funds will be part of the approximate \$5,000,000 project to replace the existing Poverello Center, which lacks decent, safe and sanitary housing conditions, with a code compliant, accessible new building and soup kitchen to be located at 1106 West Broadway in Missoula. Construction of the new accessible building will allow the Poverello Center to continue to serve extremely low income persons with emergency housing, short-stay housing and transitional housing for veterans. Other sources of funds include the Veterans Administration, HUD's Economic Development Initiative and Community Development Block Grant Program, Missoula Redevelopment Agency, Montana Community Development Corporation for new market tax credits, the Environmental Protection Agency Brownfield Program, private foundations, the City and County of Missoula, the Poverello through the sale of its current facility and the generosity of donors through a capital campaign. The Department of Commerce's federal fiscal year 2013 CDBG Program allows homeless shelters and similar residential or temporary facilities where the primary mission of the facility is to provide for emergency housing to be eligible for funding within the competitive housing and neighborhood renewal category. Examples of these types of housing facilities are emergency shelters, transitional housing, homeless shelters, domestic violence shelters, youth shelters and group homes and shelters for individuals with mental health issues. The application will be ranked at the State level in a competitive ranking process that will include an evaluation of needs, local planning efforts, project strategy and design and benefits low and moderate income persons. Each year in the fall, Missoula staff conducts a Community Needs Assessment meeting to identify housing, economic development, public facility and public service needs in the City and County of Missoula. The Poverello Center's project has been on the list of priority needs in past years and ranked with high priority when discussed last fall at the community needs assessment meeting held August 28, 2012. The purpose of this second public meeting is to explain the project, its activities and funding, project design and to obtain public comment. Eran Fowler Pehan, the Executive Director of the Poverello Center, and John Wells, who is the project Architect will describe in more detail the project and answer any questions. I just want to add that comments can be given today, orally or we will accept them in writing through May 14th, 2013.

Chair Landquist: Cindy, since this is a hearing on this and you will still be accepting comments, how do we as a Commission oversee this as a hearing? We can ask for public comments, we can hear from people that are here but do we actually make a motion and take action on this?

Cindy Wulfekuhle: You would make a motion today to approve and submit and if there are comments that come in that would be a big red flag for this project, we would bring that back to you. Sometimes people just have questions after the fact, after they've had time to think about it a little bit and then as staff we usually can answer those without any issues.

Chair Landquist: Okay. I wanted to ask that because I'm just concerned for the public that may be out there watching in TV land seeing this and saying; gee you can make public comment but then the Commissioners are going to make a motion and take action. So people aren't confused and are able to make a comment and have it mean anything.

Cindy Wulfekuhle: There's still time before the application goes in so since this may be the first time that people are hearing about it, it does give a few more days at least to make comment.

Eran Fowler Pehan – Executive Director of the Poverello Center: I'll share a little bit with you about our relocation project and the programming that will reside in the building and then if you have specific building questions, as Cindy said, our architect John Wells is here with us. So we are currently working on a relocation project, we have been for in earnest for about three years

now. In April of 2012 we purchased 1106 and 1112 West Broadway, what's known as the former Trails End Bar, to build a right-sized replacement homeless shelter and soup kitchen. The new facility is not going to be dramatically larger than the current facility but it's going to be much more smartly designed, have lots of multi-use spaces so that we can serve the number of men and women who find themselves homeless today, with room for expansion if the need...as the need arrives as our population grows. The new facility will focus on our primary mission of providing emergency food and shelter, with additional programming for our veterans returning home from war. We'll have 26 beds specifically for honorably discharged veterans enrolled in Veteran's Administration grant Per Diem program that will allow veterans to reside with us for up to two years while they address underlying barriers to success and really work on getting employed and finding housing. We anticipate most veterans will stay with us for about six to nine months in that program. Then our really core basic services and we're just a shelter and emergency food. We will have a little over 100 bed spaces for men and women who find themselves homeless, that's about what we're sleeping on our busiest winter nights now and then again as I said we'll have lots of multi-use spaces to accommodate an overflow. We'll also have dramatically increased kitchen space and a slightly larger dining room. Right now we produce about 350 meals a day, about 11,000 meals a month, in a kitchen that's not much bigger than the one you probably have in your home, so that's really going to impact efficiency. Then another really important goal for us is to increase storage space. Right now we have to turn away thousands of pounds of donated food through Garden City Harvest at the end of their season, from hunters during the winter season because we just simply don't have storage space for it. That causes us to have to purchase a lot of really low quality foods in the winter time to get us through. So increased storage capacity will allow us to be more sustainable and efficient as an organization. It's also really important to note that the veterans programming, which I spoke about will bring in operational revenue right now that we don't already receive. So in addition to the slightly over \$500,000 we received in bricks and mortar funding for the new project we will receive up to \$360,000 annually in operational reimbursement from the Veterans Administration. So what this does for the Poverello Center in terms of sustainability is quite revolutionary so we're very excited about that and how that will allow us to continue meeting the need in Missoula without draining community resources that are already so stretched. In terms of timeline for the new facility; we just completed abatement on the old Trails Ends site, which was thorough and laborious. That building definitely needed to be cleaned up and so we'll be working towards demo in the coming months. We'll get that site nice and cleared and cleaned and ready for new construction. We're looking at breaking ground in August of this year. I'll just give you a really quick recap on the funding streams for the project and then turn it over to John and answer any questions you have. As Cindy pointed out we have a really diverse mix of local, federal and private funding for the project which I think really speaks to the wide array of support and necessity for an emergency housing facility in Missoula. We currently have raised just over 70% of the total project cost we have in hand. A lot of that comes from campaign efforts that we have been engaged in the quiet phase, private gifts from individuals. It also includes a \$285,000 grant from the Department of Housing and Urban Development, as I stated a \$500,000 grant from the Veterans Administration, and \$250,000 local City CDBG award. The remaining 30% we will be looking at State CDBG to help us fill that gap. We have about \$350,000 in private foundation applications that have already been submitted and are pending. Then we will be launching the public phase of our capital campaign shortly but we just have that last push to go so we've been very successful in fundraising to date.

Chair Landquist: Nice job, thank you for the work you do.

John Wells: A brief overview of the building; it's going to be a two-story with full basement facility, 22,000 square feet. Some cutting edge best practice design elements for a facility like this separating the different populations that the Poverello sees. The quality of the space that the clients will be living in is going to be strikingly different than the quality of the space they are currently in. The efficiency of this space; we're getting a lot more utility per square foot out of this building than the existing Pov. I was surprised to find out the existing Poverello Center was over 13,000 square feet but very efficiently designed and grew very inefficiently over time. We have focused on keeping things very durable, low-maintenance and long-lasting and not real fancy but I think it's going to serve the purpose for what it's intended for a very long time and we hope very much it will be a beautiful building and a credit to the neighborhood. There will be an adequate courtyard for the clients to spend their days in. This is something that is very important not just to the clients but to the community at large, when you have no place to go you end up being quite often inappropriately in other peoples private space or inappropriately in public space so they will have appropriate space for themselves. The soup kitchen as it exists is not only small but quite decrepit and it will be a nice, new modern kitchen. I think that there's not only a lot of clients but a lot of volunteers that spend time in that kitchen. We're very excited about that. That's a quick overview, happy to take any questions.

Commissioner Carey: What's the exterior going to look like? What's it made out of?

John Wells: We're working on the budget right now and we're at a point like all projects are where the hopes are here and the money's there, we're trying to make them meet. The external skin of the facility is some place where we can save money, if we have too. We are going to have an appropriate amount of natural light. We're focusing as much as we can of the natural light into the community areas, dining and classrooms and such. All the sleeping areas will have natural light, so that's something that's quite different than the existing facility with this connection to the exterior. So you'll see an express of those windows. The skin of the facility we're hoping to use some metal products that last a long time, low maintenance. There is some infill pieces where we're using, cement core, which is a very good, tough product that holds paint. Well, we're not

real excited about that because anything you paint, you have to repaint. We would have liked to have masonry on it. We're still collecting donations so if that right check comes in we might get some brick on it.

Chair Landquist: Might seem like an odd question but with all the different inadequacies that you're talking about the existing building, will the new building have Wi-Fi available for the clients to be able to use?

Eran Fowler Pehan: Yes and that's our favorite thing to say is that the new Pov. will not be the old Pov. We'll have a lot there that we don't currently have. We actually will have a pretty extensive education or literacy center so we'll have lots of things; computers, secure wi-fi for folks to access. We'll be teaching GED preparation courses, job training courses, resume writing course, things we'd love to do now but we simply don't have the space to do it. We really will have an interior space for people to engage in productive activity, which we don't have now which is why we see so many people milling around town because they have to leave the building at 7:00 every morning just so we can clean it because it's so crowded. Another thing I didn't mention which is probably a particular interest to you is that we will be expanding, doubling our Partnership Health Center Clinic in the new facility. We'll still have one provider and one nurse but we'll have two rooms which will allow them to serve double the number of people. Now they see anywhere up to 15 folks per day so that is a very high use of the clinic. And we also will be adding four medical rooms, folks coming to us as a discharge from the hospital and chronic health needs, it's a very growing number so we'll have the ability to take direct discharges from the hospital. Having Partnership Health Center there on site will be much more oversight for those folks and that was made possible through a very generous donation of \$200,000 from St. Patrick Hospital. So our ability to serve folks for medical issues will go up dramatically.

Public Comment

None

Executive Session

Commissioner Curtiss made motion that Missoula County submit the grant application submission on behalf of the Proverello. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

c. Zoning Request from Unzoned to C-I1 (Light Industry) Decker Investments ~ near the Wye

Hilary Schoendorf gave report. The applicants are requesting to zone the property in order to connect to sewer. The subject property is approximately 20 acres and is currently vacant. The property abuts Interstate 90 and Hwy 10 West and is approximately a ¼ mile from the Wye Intersection. The property is surrounded by commercial and industrial uses to the SW and East and vacant land to the North. The 2005 Wye-Mullan Plan designates this area as light industrial and light industrial commercial. The applicants are proposing to locate a multi-use truck facility which would include a truck mechanic facility, a dispatch area, a semi-truck wash and filling station at this location. Under the intent statement for the C11 zoning district, it states this zone accommodates warehousing and storage, transportation facilities, commercial uses with large land requirements. The proposed use would fall within this intent statement. In the C11 zoning district, the proposed use for a multi truck facility would be classified as a conditional use, which includes distribution and transportation facility excluding railroad facility. Conditional uses are approved administratively and they're subject to some additional chapters within the county zoning resolution Chapter 3 and Chapter 4, these Chapters have to do with parking, landscaping and screening. The subject property has two frontages, one on Highway 10 and the other on I-90 which would require a 50' setback and then 15' setbacks from the two other property lines. Any building permit would be reviewed for zoning compliance.

Chair Landquist: Can you go back to that picture real quick? What is that going through that property? Irrigation ditches or is it a road or what?

Commissioner Curtiss: It looks to me like it's the way they did the farming.

Hilary Schoendorf: It's not a road, I can tell you that. So staff recommends approval subject to a condition which states that the developer, the developer's representative shall submit an application to petition for annexation into the Missoula Urban Transportation District prior to the Resolution to adopt. However, at the planning status meeting on Monday there was some discussion about whether this parcel shall pay for public transportation services that it does not yet receive and possible whether there was a trigger that we could require the parcel to annex once those services are acquired. Unfortunately staff was not able to find a condition that would adequately service as a trigger so if this is something that the Commissioners do not want and then staff recommends just leaving it out.

Chair Landquist: You couldn't find a what?

Hilary Schoendorf: A trigger, a condition that would adequately serve as a trigger for when they should petition to annex.

Commissioner Curtiss: When the bus started going out there, there wouldn't be anything that our staff would automatically know that it was time to implement that.

Hilary Schoendorf: Our recommendation was based on these reasons but the zoning complies with the comp plan land use designation. There are emergency services available to the site. The site is located inside the wastewater service area and is served by public infrastructure. This was unanimously recommended approval from planning board with staff's condition.

Commissioner Curtiss: Is the reason that they need to zone is because it will be able to hook up to the city sewer?

Hilary Schoendorf: Yes.

Jason Rice, Territorial Landworks: I'm the Project Manager and Engineer. Paul Foresting is the planner and he's out of town so I'm just representing on the zoning right now. I know a little bit more about the future intent of the property so I might be able to help on the Urban Transportation District issue. I think the staff has done a great job getting us ready for this. The unfortunate part of all this is triggers, we wanted to build a building, had to figure out how to put sewer out there. Sewer happens to be within 200' so they have to hook up to sewer. City of Missoula has an ordinance that says; if you want to hook up to our sewer you have to zone. These guys actually are already located out there, kiddy corner across from this on Hwy 10. The service they have is office for their dispatchers; it isn't open for the public. The cost of hooking to the sewer is probably about four times as much as it would have been to put a drainfield in but they had to do it. We really want to limit their expenses considering that they are trying to expand and bring more jobs to the area, they could have gone another ¼ mile down the road and purchased a different piece property had they known all these hurdles. What I was going to offer as a trigger is they have more land than they need. We developed this plan with the idea that they're going to subdivide it off is I think their hope.

Chair Landquist: Do they access the property from Hwy 10?

Jason Rice: Yes they do. That's the other one is the setbacks because interstate 90 is obviously a limited access so I wasn't considering this through lot. Their goal is...they're paying a lease right now so in order to help this whole thing get funded they need to get into their new building so they can stop paying the lease on their other building and then do something with the land. Our plan is to try and get them going, they've been astounded at the cost of some of the things they had to do. They actually wanted to put in a third building for purely wash and because the cost has gotten to be so high they scaled their project back just because of the expenses so in the future they still hope to put in a wash building as part of it. There's also future permits that could trigger any of this stuff too, we really respectfully request that that be removed. We didn't see any findings of fact or any other criteria in the zoning review that triggered or referred out to this that would make them valid so we'll make them invalid by getting rid of it. And the planning board also brought the question and I think the answer was basically they would have to pay into the tax system so there was no service available for it. There's a lot reasons not to do it, considering what their load is on the system considering they're already there and they're not needing the bus system, we just prefer not to have to do that at this point and time.

Chair Landquist: I'm just trying to figure out a way to make it fair and equitable compared to decisions we've already made in the past and making that requirement and now moving forward, it is a hardship to ask people to pay into something in a district...to be a part of a district when you're not even able to receive services from that district yet. What would be the trigger and what would be fair and equitable? I understand Mountain Lines reasoning for wanting to expand their revenues that come from their districts because that allows them to then use those monies to help them grow. Maybe...I'm just throwing this out because I'm not a really big fan of these either, which is why I'm having trouble getting the words but similar to what has been done regarding sidewalk, SID's, RSID's right of refusal. Like maybe when the bus has finally enough growth, whether it be housing or industry to warrant the bus service to go out there, that that would be a trigger and Mountain Line would certainly let us know.

Commissioner Curtiss: You're talking about a waiver of right?

Chair Landquist: Yes, waiver of...refuse to protest. Maybe we could craft some language like that that would work. That would be a selling point even to the other piece of property that eventually may be separated from this; possibility to be on the bus route. Once you're in that district do you get to ride the bus for free because you're paying into that?

Commissioner Curtiss: No

Chair Landquist: It just means that the bus will be coming through your area? Okay, I needed clarification on that.

Commissioner Curtiss: It doesn't mean any of that.

Jason Rice: It doesn't even mean it will be coming through your area.

Chair Landquist: In that area, I know WGM brought something a long time ago similar in the same area and we put that...

Commissioner Curtiss: This is the bus service that got cut when they increased the service downtown.

Chair Landquist: So how do we come up with something to make it fair and equitable not only now but as we move forward? Maybe that...how do you pronounce it?

Commissioner Curtiss: Waiver of a right to protest the annexation into MDUTD in the future when service is available.

Chair Landquist: Yes. Maybe we can do something like that?

Commissioner Carey: Jason, what is the cost of being part the district?

Jason Rice: That's one of the unanswered questions that I can't find an answer to even on their website or anywhere.

Commissioner Curtiss: I think it's based on your property value.

Hilary Schoendorf: I called Michael Tree yesterday afternoon, I left him a message but I haven't heard back so I don't have an answer to that one.

Jason Rice: My fear is if it's a percentage of the value of the land, their obviously putting in a nice improvement so now they're going to get penalized for that, for a service that they don't use. It's not even the fact that they're remote even if they were closer to town it would be harder to take because there's just not...it's not manufacturing so there's no workers coming there every day. They're in the county but their getting some city services so they're paying city impact fees and they're paying for a county building permit, so you have both sides going here. We reminded them they're not paying a sales tax on all their equipment and the materials that they buy.

Chair Landquist: From my perspective I'm trying to understand all the different moving pieces; Mountain Line's predicament as they want to move forward and grow and provide services and it is a good service. I'm trying to look at the dollars and cents that people pay. I'm also looking at the ones that we've approved, there was one just a few weeks ago and we didn't think of it and yes, they're in that district and they're a little further out even. So how do we as moving forward not only today but as we continue to move forward, how do we try to make that fair and equitable? The only way that I can see to make it fair and equitable is not to make it applicable at this point and time but make it applicable when it does make sense by having the owners of that give up their right to protest.

Commissioner Curtiss: Hilary, did staff talk about this at all?

Hilary Schoendorf: We didn't talk about this.

Commissioner Curtiss: The trigger then would be Mountain Line, they be the ones who would decide when it was time to ask.

Hilary Schoendorf: I think so; if they decided and that could be then they waive their right to protest.

Jason Rice: This is something else that's interesting to bring up; you're getting the city and county talking a little bit more on the sewer service area would maybe a good thing too. I actually noticed in the planning board minutes they said why aren't we doing a bigger picture of zoning? Where ever the sewer goes, if the city's going to require zoning to go with hookup, I don't know why we're not triggering a zoning process to ride with the sewer; otherwise everybody's coming through piece meal. This is where time is also of the essence because it was even down to the point where it was suggested and it was a good suggestion by the planning office was; contact some of the neighbors and maybe roll them in because the fee would be the same. Our client said time is more important to me right now; this compared to all of the other fees is pretty small, let's just get it done. I agree that if we're going to have these two ordinances and conflicting we have County Health that says you have to hook to public sewer, public sewer in other words, if you just put in front of your property triggers zoning so essentially if you ever want to do anything with your property you plead your right..

Chair Landquist: When you want to hook it up.

Jason Rice: Correct. So the zoning should really be following any of the sewer.

Commissioner Curtiss: Problem is when you get out here the people across the street are commercial, you're going to be industrial, what do we zone it as in areas that are a little less defined at this point and time? We did this when we went out Mullan with the sewer, we did their Wye/Mullan plan shortly after that and could take all that into consideration.

Jason Rice: I understand that, it's just one of those ones where even this one it's following the comp plan and growth policy so I guess that would be the best...

Commissioner Curtiss: In the past the property owners 40% could overturn zoning so we didn't waste a lot of time trying to zone where people weren't saying they wanted to be.

Jason Rice: I agree and our method was going to be; hey by the way did you know when you want to take advantage of the sewer it's going to require zoning so if you think you're going to, we can help you. Time is the essence too and that's the other thing I see with this is maybe not even the expense if it was only \$50.00 a year, \$100.00 year, it's going through this other process. They

actually have already submitted for building permit in anticipation of this process and like I said they want to be into this building by August so we're really moving and so this is just another process. We'll be talking about how that can even occur because if the protest period comes and goes and somebody protests, we still have unzoned land that would technically have a zone compliance. So I don't know why we would wait for the protest period I guess is my point, I don't know why we couldn't just sign off understanding that either or would work. That's not an issue for you guys to worry about but that's something we're trying to do is get this thing moving because we're really beating weather here is what we're trying to do.

Commissioner Curtiss: I can't resist saying on the record that I find it interesting that the City can impose impact fees where they did do provide services. You're going to pay for the sewer through the sewer fees.

Jason Rice: I would have to agree with you and I tried to make a run at getting them removed but apparently they dug their heels in on DeMarois and theirs was much larger than this one.

Chair Landquist: Could you explain that to me Jean, the impact fees you were just talking about?

Commissioner Curtiss: I cannot explain it to you because it does not make sense to me. The City has...

Chair Landquist: So they're going to get some impact fees off of this?

Commissioner Curtiss: Lots of them.

Chair Landquist: Even though this is in the county but just because it's going to get hooked up to the sewer?

Commissioner Curtiss: Yes.

Public Comment

None

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners amend Attachment 1, Planning Boards recommendations under the recommendation for the condition to read: the developer shall waive the right to protest annexation into the Missoula Urban Transportation District in the future when service is available to the property. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

Commissioner Curtiss made motion that the request to zone the property legally described as Tract 1, COS 6341, Section 21, Township 13 North, Range 20 West to C11 Light Industry be approved subject to the condition of approval based on the findings of fact in the staff report and discussed here today. Commissioner Carey seconded. The motion carried a vote of 3-0.

d. Proposed Modifications to Missoula County Building Code Enforcement Program

Steve Hutchings gave report. Today is the seventh anniversary of the incorporation of the building code program; May 2006 is when the State certified the program.

We are proposing to increase the size of the exemption for buildings that don't have to have building permits. Currently detached accessory storage structures that do not exceed 120 square feet of floor area are exempt from having to have a building permit. They would still be subject to any other requirements to the county, any land use, flood plain and electrical permits, what have you. We are proposing to increase the exemption up to 200 square feet and that is actually in line with the new code when the State adopts 2012 International Residential Code. We're also asking to increase the exemption on the height of the fences. Currently, someone could build a fence up to 6 foot and not have to have a building permit; we are asking to increase that to 8 foot. The reason for that is I had some engineering done just to see what it would cost or what it would take to build an 8 foot tall fence to code and it would have to have 4x4's that were in the ground 6 feet because you're talking 14 foot 4x4's to make a fence. The cost would be prohibitive so we're increasing...

Commissioner Curtiss: And I'd hate to dig that hole!

Steve Hutchings: We're asking to increase that and we're also asking to eliminate the agriculture exemption and in lieu of that create a new category for buildings and that is in the proposed ordinance...or resolution. Between 201 square feet up to 2,000 square feet of floor area the permit will be \$200.00; that will include planning review and just a flat fee of \$200.00 from our department to issue the permit. What that will do is allow us to review the plans to make sure the buildings are built and they are structurally adequate to resist any (inaudible). The building permit fees for the enclosed, detached, shop, storage type structures over 2,000 square feet will be calculated based at \$20.41 square foot. Then building permit fees for open, detached accessory type storage structures over 2,000 square feet will be based upon evaluation of \$13.86 square foot. Steve is showing photos of sheds up Seeley Swan area that have collapsed with the weight of the snow.

Deb Evison: What we're seeing is a lot of people coming in with kits that they're purchasing online, these are kits that they're purchasing from back east where they don't realize that they're going to be put in a seismic area or they don't understand what the snow load capacities are for where they're going to be constructing them. We have a couple where people have purchased these buildings and then we inform them that they need to make sure that it meets our engineering standards here and they try to get that information from those companies back east and they're in a big uproar about that because they're just not designed for this area.

Chair Landquist: I'm stunned because I have a friend who just like you said, purchased one of these as a kit, I don't know from whom but somewhere locally and they had some ideas of how to put it up differently. I was begging her; please go down and talk to our building people and make sure you know what the code is.

Steve Hutchings: We've basically cut our fees less than half up to that 2,000 square foot threshold. If you were to build one of those structures say 1,800 square feet, it would be roughly about \$700.00 for the building permit and then the plan review fee on that would be 20% of the \$700.00, plus the zoning fee. So the \$200.00 is very minimal and that would probably just barely cover the cost. We're not here to make a profit; we're just here to make sure things are built properly and safely.

Commissioner Curtiss: On our website do you have information available on how to secure these sheds during wind storms and such?

Steve Hutchings: No.

Chair Landquist: Do people selling those buildings let people know that these have to be anchored?

Steve Hutchings: I don't know if they're aware of all the potential problems or not. I know that there was one that we had a permit for out in Clinton and it was very specific on there that it was only good for snow loads up to 30 lbs. and the snow load out in the Clinton area is more like 50. I talked to the engineer who actually designed this one and he said, absolutely they can't use that in the higher snow loads, we have a different design for the higher snow loads. So the people had to do remediation on this one and it's just a little one, I think a 12x16 ~ 192 square feet.

Commissioner Curtiss: I think you guys should think about doing a program on MCAT that's informational. MCAT is there to do that kind of thing; they'll help you do that. I think it would be great information for the public to know whether you're building a greenhouse, a dog house, a chicken coop or storage shed, you don't want that to happen. You have some great examples, I know you do I've seen them. Things that have happen and if people were a little informed they might be able to avoid. It's a good venue to use.

Chair Landquist: I don't know if it's a question of talking to the people that are selling the buildings or like Jean said putting some information out there. They still have to comply with the land use permit, right?

Steve Hutchings: Correct, yes.

Chair Landquist: So maybe that would be one of the places we could make sure that information is available for the public?

Steve Hutchings: We could put something on our website basically giving people heads-up that all of these buildings are exempt. This would be recommendations. There's so many ways to anchor them down it doesn't have to be a big concrete foundation.

Commissioner Curtiss: Deb, could you go back to the definition of what this detached accessory storage structure is?

Deb Evison: Proposed definition for the 200 square foot. The proposed definition change would be the one story detached accessory structure used as a tool and storage shed, playhouse and similar uses providing the floor area does not exceed 200 square feet is exempt from building permit.

Commissioner Curtiss: Okay, how about the one that's 201 square feet?

Deb Evison: It would just be what we consider a detached accessory storage structure and it's based on whether or not it's open or not. So we have a different definition for whether or not it's enclosed. So if it's over 2,000 square feet, if it's enclosed then we would have this calculation fee.

Commissioner Curtiss: Because you're going to have more inspections for those kinds of things?

Steve Hutchings and Deb Evison: Correct.

Commissioner Curtiss: The stuff that you gave us earlier on as we had this discussion you had a more complete description that it include stick built pole barn kits structures, not insulated, it's not heated, it has no fabricated floor, it's not a garage, I think it should also say includes Ag buildings. It just needs to be more clear because there's still going to be people who think...just

because we took the Ag exemption piece out now they're going to think; good I don't have to worry about that at all now. I just think we need to be pretty clear of what we expect to be. Or the other would be to say only sheds are exempt.

Deb Evison: I think that was our intent that only sheds are exempt at this point if they're under 200 square feet and if they're over that, if they're between 200 and 2,000 then it's just the flat \$200.00 fee. It doesn't matter than what they're building.

Commissioner Curtiss: This isn't a garage though?

Steve Hutchings and Deb Evison: Correct.

Commissioner Curtiss: A garage is a whole other thing so that's why I think that it's important to define what it's not or what it is. Seems like it was easier to define what it was not. That it was insulated, that it was not heated, that it didn't have a floor whether it be concrete, wood, asphalt or paved. It's not a garage and I think it should also say it's not an Ag building. But it would include stick built, pole barn kits. Otherwise people are going to look on there and say I don't see my stuff so I must not need anything.

Steve Hutchings: We could include a definition portion in the proposed resolution. And I agree because based on some of the pictures that Deb had, obviously there are some people that thought they were building an Ag building and it really was a garage.

Commissioner Carey: Somewhere in there it mentioned playhouses, if we don't do anything about permitting that, I could see little kids playing in it and then maybe the roof falling in. Are they pretty much on their own if it's 200 square feet or less?

Commissioner Curtiss: And they have been except it was 120 square feet.

Steve Hutchings: The similar uses are where you always run into the grey area. And a structure you just can't get that many people in there, you just can't load a building like that with many people.

Chair Landquist: Jean, you have a few tweaks? I think we have the opportunity here to send a clear message and I guess one of the questions I have for you folks since the room is not loaded with people from the building community or the consultant community or the realtors. Has this stuff been presented to them? I know in the past we've made small changes and they said they didn't know about it. Has it been run by them?

Steve Hutchings: Deb and I met with the building industry association; we had about the same amount of people in the audience at that meeting as are here today. I think three builders actually showed up. We advertised in advance. We also met with the Missoula Organization of Realtors as well; a little better showing there but there were only five realtors at that. So we have made the attempt to try and get the information out.

Commissioner Curtiss: Did you send any information out to your regular builders that come in and get permits?

Deb Evison: We did not, but we did tell folks that come in and ask we let them know that this would be changing; this was something that we had proposed to change. I did hear personally from Nick Kaufman at WGM, as well as a few other people about the change that we're proposing and what it would entail and how it could affect certain projects. MOR did put the word out and I know at MDIA has a news list of their organization that they got the word out to those people, so we did have a few calls and questions about it. We were actually expecting more people here to show up.

Chair Landquist: Until they want permits like this and then they find out that things have changed they're going to come complaining. I don't know how to avoid that other than ~ that's what I was trying to do when I encouraged you guys that last time we spoke of this, to get out there and vet this with them.

Deb Evison: I would say in the last two weeks we probably had 2 or 3 Ag exemptions; people knowing that this was going to change came into our office and applied. So word is out.

Chair Landquist: Thank you that was probably one of my biggest concerns that the public knows that this is going on and let this show that we are trying to operate in a transparent and honest manner.

Public Comment

Andy Hayes: Some of you may know me. I'm not here to speak for Open Lands Committee, I'm on the Open Lands Committee, and I'm also a member of the Evaro, Finley, O'Keefe Community Council. I'm here to speak as a poor farmer trying to make a living on a couple hundred acres in Missoula County. I'm having a real hard time with the agricultural exemption portion of this and the fact that if I want to build a hay barn, a simple pole hay barn, which we have one or two on our land already or a pole equipment shed that has a dirt floor and it has open walls, now I have to come to Missoula County and get a permit for that and pay \$200.00. I understand buildings can collapse and I'm sure there's plenty of examples of buildings that have been inspected and

permitted that have also collapsed. I also know there's tons of information on building proper agricultural buildings on the internet and with you and Missoula County's help we can have better information. But I guess in the end I'm speaking against eliminating the agricultural exemption for agricultural buildings that are not inhabited. How much time do we spend in our hay shed? Only a few partial days a year putting hay in it. How much time do we spend in our equipment shed? I go there once a week and get a piece of equipment out. I don't have six kids in a playhouse, I have nobody there. To me it's going too far, I have some problem with the County and County Government trying to look over every single thing that every farmer does and I'm appalled at the fact that there isn't 20 farmers here, including Brett Deschamps and people that could speak louder and better than me.

Annie Hyser: Community Food and Agriculture Coalition. In response to your comment about how people found out about this; we found out that this was going through because somebody came in to get an affidavit for Ag exemption last week and found out that it was going to be disappearing and then emailed us and said do you know this? Do you guys want to make comment on it? I called and talked with Steve for a while and talked about some of the changes that are being made and what-not and he was very comfortable. Unfortunately, it's just not something that we can support. Read letter that was submitted from the Coalition.

The other thing that I wanted to add; I just pulled this up because it's not really so much about the fee; \$200.00 is like you said, less than half, right? But it's that when you submit an application you have to submit an impact fee application, a complete signed site plan check list, three copies of completed building plans, four site plans, two signed energy compliance certifications, a signed fair housing acknowledgment and certification and affirmation for a photometric drawing.

Steve Hutchings: Those are City requirements.

Chair Landquist: Okay for the record clarify what she just said.

Annie Hyser: I would love to know what it really does require because I'm really not that surprised that the building industry association didn't have a problem with this because in theory and with the Ag exemption a farmer could just build his or her own structure. With a building industry with having to go through a permitting process, they're going to have site plans; they're going to have to have a building plan theoretically. It's more about that you have the whole process; you have somebody coming out to the property to inspect the building. It's a more owner process in general to put up a simple greenhouse.

Chair Landquist: What would this require and at what cost?

Deb Evison: For the record; for a building that would be over 200 square feet but under 2,000 square feet it would require a site plan because that's always been required for your land uses or compliance permit. That's not something that we require as a building division, that's something that CAPS requires so that is something that has always and always will be required as one site plan. We also require one set of plans depending on the structure, if it's greater than 10 feet tall it requires engineering on that because of wind shear and then they would have to determine what the snow load is on that as well, that's it. We don't require res check because it's not a heated structure, we don't require any of the other things that she's mentioned. It would just be structural plans as to how it's going to be built as well as a site plan and that's it.

Commissioner Curtiss: I did go online and look at a couple other places in the country as to what they said in regard to agricultural buildings. Looks like most places are pretty strict about that it's really used for Ag. Clark County Washington, which is Vancouver, says an Ag building is a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. Not a place of human habitation or place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public. They make you sign a thing similar to what we have.

Chair Landquist: What's the penalty if you're caught changing it, does it say?

Commissioner Curtiss: I don't see any penalties.

Chair Landquist: I think some good points were made here. I don't think you can like my parents used to say; well you want your cake and you want to eat it too, yes I do! I do want Ag to be alive and well in Missoula County and making it more difficult for them, for Ag people just because there have been a few bad apples ~ I say nail the bad apples. I'm tired of paying the price for people that are breaking the law like it's nothing; I don't think it's fair to our Ag people that we take this away from them. I like some of what we've done on some of the other buildings as far as some of the smaller storage type buildings, making it possible to get some of those without some of the onerous restrictions. But I think safety wise we need to make sure that they're getting their appropriate snow loads and tacking their buildings down. I am one Commissioner that is still struggling with the Ag bit.

Commissioner Curtiss: We're the ones that told them to come up with some of it because we also didn't really like the fact that people were signing affidavits and putting things on their deed that said it was an Ag building and then they were using it for something else or sell it and somebody else wants to use it.

Commissioner Carey: Do you think hefty fines would help?

Chair Landquist: I don't know and maybe having this discussion here...I don't want our staff to feel like we're sitting here throwing them under the bus, that's not what we're trying to do. Maybe the fact that we are discussing this here might provoke a broader dialog on this and get people's attention? Then maybe perhaps, like what the City just went through with a topic they were wrestling with for weeks or however long it's been with the ADU's and they decided to go through three readings of it and worked on it in-between. Maybe with public input similar with what we have here today, maybe we'd end up with a better product? I don't think this is to anybody's benefit to tweak something and then go a week or a month from now say; I wish we would have done this or added that, we can't overly tweak a document I'm just thinking maybe more time. Just like Jean Curtiss was just showing what some other places were doing and I'm sure our County Attorney's will have to weigh in as to what's doable. I know that the Surveyors don't like things muddying up survey documents and I don't know where things go on a title that would fool-proof this. And I think the realtors for sure also need to get educated on this so that when they're taking a property that somebody wants to list with them, that they get their ducks in a row and understand what the person is trying to say that they have. And that the realtors and title companies know where to go to do their homework because I think that's...please don't hate me for this I'm talking to all of my realtor friends out there because I do have friends in the realty and building businesses, but there are others out there that don't know how to do their homework either and are perpetuating this problem and that's part of what we're trying to solve here too.

Steve Hutchings: Jean was reading that definition of Agriculture, that is verbatim the definition is in the building code we have. So our definition would be the same. Just so you know what they're talking about there; like say the Caras Nursery, those are Ag buildings that are open to the public.

Commissioner Curtiss: They're not exempt.

Steve Hutchings: Correct.

Commissioner Curtiss: So if you're going to build a greenhouse to grow things that you're going to sell at the farmers market, under the current regulations it would be treated differently then if you were going to build a greenhouse that you were going to have people come to your place to buy them.

Steve Hutchings: It's a pretty grey area there. There was a gentleman in our office just last week that was submitting for an Ag building, he has one Ag building on his property presently so he's submitting for a second one. What he does is he raises flowers to sell at the Farmers Market. Technically if he's just growing flowers in the greenhouse and cutting them, I don't think there's an issue but if he's doing any type of packaging, processing or something...is he working in there? That would probably be something for the Attorney's office.

Commissioner Curtiss: Well if you're growing something in the greenhouse, then you're working in there.

Steve Hutchings: But you're in there for a very limited time. The intent is that someone's not in there all day working, working a whole shift.

Commissioner Curtiss: To me the difference of whether it's you or whether you hire people to help.

Steve Hutchings: I agree. That's where it says it can't be a place where people actively work a shift or where people are employed. You could hire someone to work in your private greenhouse then you would basically go outside the realm of that being an exempt building then.

Commissioner Carey: I wonder if we could take a little more time to see if we could address some of the concerns we've heard.

Commissioner Curtiss: It might be that we don't want to...I think it's great to add this new category but I also think we may want to still have an Ag category. I also wonder do we have fines now other than the fact if you don't get a permit you pay double or something?

Steve Hutchings: We have probably fined no more than a dozen people in the entire seven years that we've been operating.

Commissioner Curtiss: Because we try not to have to do that.

Steve Hutchings: I don't want to be a cop. That's not our intent. Our intent is just to promote safe construction practices.

Deb Evison: If I may, the State does have a definition for Ag exemption in the MCA but it says that you have to have 160 contiguous acres under one ownership in order to qualify for it.

Commissioner Curtiss: But that's related to the tax code.

Deb Evison: No it's also related to building, as well.

Chair Landquist: So would that still apply if we implemented what you brought before us today, as far as the State's code for 160 contiguous acres? From Ag exemption that would go away?

Steve Hutchings: There is no acreage tied to the County's Ag and that was one of the other reasons why it's been abused.

Chair Landquist: But if that's the State Code, we haven't been following the State Code?

Steve Hutchings: That's for buildings that are in the State's jurisdiction. Local jurisdictions can make any of the codes that are exempt from State...for example, the State exempts pulp mills from their mines; builders on mine property, pulp mills, Ag buildings those are all exempt from the State building code. The only thing that's with the Ag building it has to have the 160 acres attached to it before they consider it the bona fide Agricultural used for exemption purchases from the building code.

Commissioner Curtiss: Most farms in Western Montana aren't that big.

Chair Landquist: I hope you can realize how much I am wrestling with this because I see this as sort of a double edge sword in some regards. As an Ag operation changes and a person wants to convert that building to something else, if it had been permitted and reviewed then it would be much easier to change that into something else and have it be safe. And I do know of someone in Missoula County who has a barn on their place and just not too long ago telling me, "oh we're going to convert this one to a little country store, etc." I said "really and how are you going to do that? And who are you going to see about getting permits for that?" I started playing devil's advocate with him and I was saying, "no, you better do some more homework before you put too much of your time and money into this project because you may find out you may not be able to convert your barn into a country store to sell the goods that you're raising here on your place." So some of the things that you showed us like the one that they built under an Ag exemption and now this person wants to come back and convert it to an apartment or whatever, so I can see the benefits but I can also see the negatives for the people that really, truly want to and need to build those Ag buildings and every little penny adds up in an Ag operation. I really, really do appreciate the time and effort that you guys have put into this and I know that we're kind of the ones that stirred this baby up but I think it needs a little more time. Hopefully there's more people that may see this or some other way we can get the word out to the Ag community or Ag people and to the MOR and MDIA and I guess I feel a little more comfortable with...not that I don't trust you guys, it's not that I don't trust you but the public needs...

Commissioner Curtiss: They're gonna say that they weren't informed.

Chair Landquist: They're going to say they weren't informed. This at least gives them another opportunity to know. We discussed it and it's kinda like last call at the bar.

Commissioner Curtiss: Madam Chair I would move that we recess the hearing.

Andy Hayes: Speaking of last call at the bar ~ I guess what I would say is the only reason I knew this was coming up is I happen to be on an email list from CFAC. I read the Newspaper, I read all the meeting stuff that's going on and I just think this has gone over the top of 90+% of our Agricultural peoples head. So I support you waiting and seeing if we can notify people better of this process.

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners recess the hearing and continue it at the next BCC Meeting May 22, 2013. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

9. OTHER BUSINESS

None

10. RECESS

Being no further business to come before the Board the Commissioners are in recess at 3:21.

Following Public Meeting:

Resolution No. 2013-068 – BCC signed, dated May 8, 2013. Resolution of Intent to zone an unzoned property located in Section 21, T 13 N, R 20 W, Tract 1 of COS 6341 (between Highway 10 and Interstate 90, to C-11 (Light Industry). Reviewed by Consolidated Planning Board on April 16, 2013 and Public Hearing held by the BCC on May 8, 2013. Original to C&R.

Letter – BCC signed, dated May 8, 2013, to J. Olson, Grants Bureau Chief, CDBG Program, MT DOC, Helena, in support of/endorsing a housing application for funding from the CDBG Program in the amount of \$450,000 for the building of a new Poverello Center, Inc. at 1106 West Broadway, Missoula. County and Poverello Center commit to provide the amount of matching funds as proposed in the application.

Resolution No. 2013-067 – BCC signed, dated May 8, 2013. Authorizing submittal of CDBG Application and Agreement to Certifications for Application to MT DOC for Poverello Center (see previous Journal entry). Original to C&R. Other originals to Jean Harte/GPC.

THURSDAY, MAY 9, 2013

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Application – ML signed DNRC Reclamation & Development Planning Grant Summary Form (on behalf of CAPS) for the Martina Creek Mine Reclamation, located in the Ninemile Watershed near Huson, MT. County is acting as fiscal sponsor for the work which also involves Trout Unlimited and USFS. County to retain 3% of grant for admin costs. Project term/Summer 2013-Summer 2014. Original to Nancy Heil/CAPS.


Letter – BCC signed, dated May 9, 2013. To D. Demaris/CDBG/Economic Development Business Resources Division, MT Dept. of Commerce, Helena, advising them that the MT Community Development Corp (MT CDC) has agreed to assume management of an EDA Revolving Loan Fund (RLF) on behalf of Pyramid Mountain Lumber (since former manager MAEDC has dissolved). MT CDC will also be managing the Kelly Logging (State CDBG funds and County program income) and AquilaVision (County program income) loans. Combined total of these three loans will meet the required \$600,000 EDA match requirement. Draft management plan agreements are forthcoming.

Additional discussion item(s): 1) Bitterroot RC&D; 2) Tiger Grant.

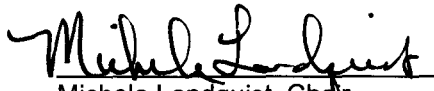
FRIDAY, MAY 10, 2013

BCC did not meet in regular session. ML and JC out of office all day.

Replacement Warrant - ML signed. Steven A. Schmidt, Missoula, Principal for District Court Warrant #30236943, issued April 4, 2013 on County 2180 Fund. Amount/\$139.13 (for Jury Duty/mileage). Not received in mail. No bond of indemnity required.



Vickie M. Zeier
Clerk & Recorder



Michele Landquist, Chair
BCC

MONDAY, MAY 13, 2013

BCC met in regular session; quorum present. ML out of office all week.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) All CC Meeting & Board Training update; 4) Rostad Dock Permit; 5) Erbacher, Klietz & Anderson – letter of appreciation; 6) Director's update.

Shoreline Permit – BC signed. #13-11 for Applicant Carl Rostad (& Nancy Luth) to replace existing dock with wooden floating dock attached to fixed shoreline dock at Big Sky Lake Estates, Lot 52. Original to Todd Klietz/OPG.

Resolution No. 2013-065 – BCC signed, dated February 14, 2013 (passed/adopted at February 13, 2013 Public Meeting; not signed at that time). To expend up to \$54,000 of City's portion of 2006 Open Space Bond proceeds for Grant Creek-NWF Project towards purchase of 27 acres and granting of conservation easement for extension of Grant Creek Trail. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

TUESDAY, MAY 14, 2013

BCC met in regular session; quorum present. BC and JC helped canvass the May 7, 2013 Special District Election. ML out of office all week.

Plat – Owner/Developers: Jonathan S. and Mara Veale. Veale Subdivision, two-lot minor subdivision of Tract 1B1, COS 5060, located in the NE¼ of Section 35, T 12 N, R 20 W, PMM, Missoula County. Total area = 2.37 acres.

ADMINISTRATIVE MEETING – CANCELED (No Agenda Items)

WEDNESDAY, MAY 15, 2013

BCC met in regular session; quorum present. Afternoon: BC and JC attended Fairgrounds Facility Tour and EDP Discussion. ML out of office all week.

CAO MEETING

Resolution No. 2013-069 – BCC signed, dated May 15, 2013. Budget Amendment for Weed Dept. showing Revenue/Expenditures in amounts of \$50,367, \$31,783, and \$16,000 for MT Biological Weed

Control Coordination, Aquatic Plant EDNA Study, and Lolo Creek Watershed CWMA. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Request – BCC approved request from Parks & Trails Advisory Board to grant a six (6) month extension to the Horseman's Council lease for Bird/Mammal Habitat Area at Big Sky Park. Original to L. Moisey/Parks.

Additional discussion item(s): None.

NO PUBLIC MEETING HELD THIS DATE

THURSDAY, MAY 16, 2013

BCC met in regular session; quorum present. Early morning: JC attended Forum Oversight Committee event, held at City Life Community Center. ML out of office all week.

Indemnity Bond – BC signed. Susie Mueller, Missoula, Principal for MCPS Warrant #27-261221, issued March 27, 2013 on Misc. Travel Fund. Amount/\$420.11 (for staff development). Warrant lost.

ADMINISTRATIVE MEETING

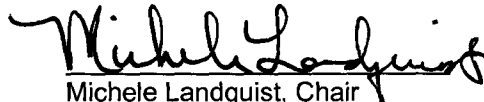
Request: Records Disposal/Transfer Authorization – BC signed. From Elections: 1) School voted/unvoted/unused ballots (5/8/2012); 2) Prov-verif./secrecy/affirmation (5/8/2012); and 3) Lolo School voted/unvoted/unused ballots (3/8/2012).

Additional discussion item(s): 1) Building Division Agricultural Exemption; 2) Proposed Medical Services at Detention Center; 3) Next Generation Broadband Grant Matching Funds.

FRIDAY, MAY 17, 2013

BCC met in regular session; quorum present. Morning: JC attended Mental Health/CDC meeting, held in Thompson Falls. ML out of office all week.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, MAY 20, 2013

BCC met in regular session; all three present. Afternoon: BCC participated in Rural Land Managers Memorandum of Understanding Field Trip to Milltown area.

Plat – Owners/Roger J. and Julie Hagglund. Wornath Orchard Tracts, Lots 11A & 11B, located in the SW¼ of Section 2, T 12 N, R 20 W, PMM, Missoula County. Gross and Net Lotted Area = 2.81 acres.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Parks & Trails Program update; 4) American Legion Ball field; 5) Planning Board discussion; 6) Transportation update; 7) MOU & Milltown State Park Tour – Final Document; 8) Director's update.

Transportation Ballet – ML voted/signed Ballot, dated May 16, 2013, FOR approval of new Route 34SP for remainder of 2012-2013 school year only. Route will transport special needs students in Lowell Elementary area. Document to Superintendent of Schools.

Memorandums of Agreement – BCC signed two (2) MOAs between County Parks and Trails Advisory Board and following for monetary awards from Spring 2013 Matching Grants Awards for park improvements:

- 1) Missoula Softball Association for up to \$4,000 to improve chain link fencing for ball fields at Ft. Missoula; and
- 2) East Missoula Lions Club for up to \$3,500 for park maintenance (mowing, utilities, porta potties, and miscellaneous expenses)

To Lisa Moisey/Parks.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Registers dated May 7 and May 14, 2013. Amount/\$77,126.77. To County Auditor.

Letter – BCC signed, dated May 30, 2013, to Larry Stickney, enclosing a framed pen/ink drawing of the County Courthouse, and congratulating him on his retirement and service to Missoula County for many years.

TUESDAY, MAY 21, 2013

BCC met in regular session; quorum present. BC at 2013 Montana Housing Partnership Conference through noon on Thursday, May 23rd, held at Holiday Inn.

ADMINISTRATIVE MEETING

Grant Program Documents – Following were signed confirming award of FEMA Hazard Mitigation Grant Program ("HMGP") funds to County to acquire/clear property at 3417 Kehrwald ("Kehrwald Project"):

- 1) Letter – BCC signed, dated May 16, 2013. To Kent Atwood, MT DES, appointing Todd Klietz as Missoula County's Applicant's Agent for Kehrwald Project.
- 2) Letter – BCC signed, dated May 16, 2013. To Kent Atwood, MT DES, accepting HMGP grant for Kehrwald Project. Total Project Cost/\$160,716; HMGP Funding=\$119,190; County Match=\$41,526.
- 3) ML signed. State-Local Disaster Assistance Agreement (HMGP) between State of MT and Missoula County for Kehrwald Project funding.
- 4) Resolution No. 2013-070 – BCC signed, dated May 21, 2013. Budget Amendment for GCP in amount of \$121,574 for Kehrwald Project. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Board Appointments – BCC made re-/appointments to following County Boards:

- 1) West Valley Community Council – Caryn Miske reappointed for new 3-year term (6/1/13-5/31/16).
- 2) Bonner-Milltown Community Council – Chuck Erickson reappointed for new 3-year term (6/1/13-5/31/16).
- 3) East Missoula Community Council – Colin Hickey appointed for new 3-year term (6/1/13-5/31/16).
- 4) MDA – Neal Leathers and Nancy Moe reappointed for new 3-year terms (6/1/13-5/31/16).
- 5) Greenough-Potomac Fire Service Area – Harry Grant appointed to fill an unexpired term to 2015.
- 6) Tom Green Memorial Park Advisory Board - reappointed Chris Behan, Greg Stahl, Bill Bevis, Dave Emmons, and Geoff Carlson for new 3-year terms (6/1/13-5/31/16).

Request – BCC approved a Big Sky Trust Fund grant match guarantee in amount of \$13,125 from CDBG Revolving Loan Funds to assist BREDD to contract with provider to conduct feasibility study outlining demand for/options to improve access to extreme broadband at affordable cost for Missoula businesses. Grant award total/\$26,250; City will provide same as County. Original to Cindy Wulfekuhle/GCP.

Change Order – ML signed. #3 to contract between County and Resource Data Inc. for help in getting Enterprise GIS set up and working. Order extends time frame of contract end from June 1, 2013 to time period June 1-30, 2014. All other terms remain the same. Two originals to Jim Dolezal/IS.

Contract – BCC signed. Between County Vannoy Enterprises, LLC for mowing/trimming services for County-owned lands within the MDP (not including County parkland). Amount/\$9,975. Term/May 24-September 3, 2013 (approx.). Originals to C&R and Barb Martens/Projects.

Letter – BCC signed, dated May 21, 2013. To Senator Sue Malek, Missoula, thanking her for her hard work during the 63rd MT Legislative Session, particularly for modified funding formula for accumulated 9-1-1 funds.

Additional discussion item(s): None.

WEDNESDAY, MAY 22, 2013

BCC met in regular session; quorum present. BC at 2013 Montana Housing Partnership Conference through noon on Thursday, May 23rd, held at Holiday Inn.

Replacement Warrant - ML signed. Flathead Community Health Center, Kalispell, Principal for PHC #30229925, issued May 2, 2013 on County 2274 Fund. Amount/\$105 (for DOS 4/17/13). No bond of indemnity required.

CAO MEETING

Form – BCC signed form to designate State Approved Chemical Dependency Service Providers that will receive earmarked alcohol tax monies for treatment/prevention services for period July 1, 2013 – June 30, 2014. 100% of funds (approx. \$155,000) will go to Western MT Addiction Services; The Indian Center did not submit an application. Original to Peggy Seel/OPG.

Board Appointment – BCC appointed Tim Wallace to serve as the new DirecTV Rep on the MDA Tech Advisory Committee. Mr. Wallace will fulfill an unexpired term to June 30, 2013, and will also serve a 3-year term which will run to June 30, 2016.

Disposal Agreement – ML signed. Between Republic Services and Seeley Lake Refuse District for disposal services for term May 2013 – May 2015. Original to Greg Robertson/PW.

Agreement – BCC signed. Between County and Woodhawk Manufacturing, LLC for the Lolo 901 District Telemetry/SCADA System Upgrade Project. Amount/lowest bid of \$178,594. Term/April 1, 2013 – July 31, 2013. INTERCAP financing approved; debt schedule covers FY14-FY18. Originals to C&R and Greg Robertson/PW.

Contract – ML signed. Between County and L.S. Jensen for chipseal/restriping of Expressway and reconstruction of Momont/Industrial Drives in MDP. Effective date: May 22, 2013. Funds have been budgeted. Originals to C&R and Greg Robertson/PW.

Resolution No. 2013-071 – BCC signed, dated May 22, 2013. Relating to RSID #8489 (Wye Area Sanitary Sewer Project); final levy of special assessments on property within the District for purpose of financing the cost of certain local improvements. Final assessments based on a cost of \$0.175 per sq. ft. of parcel; total costs to be paid total \$8,810,239.90. This closes the project. Originals to C&R and Greg Robertson/PW.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated May 22, 2013. Amount/\$8,378.24. To County Auditor.

Additional discussion item(s): 1) Public Works Departmental update; 2) NACo Annual Conference voting credentials.

PUBLIC MEETING – May 22, 2013

1. CALL TO ORDER

Commissioners Present: Commissioner (Chair) Michele Landquist, Commissioner Bill Carey, Commissioner Jean Curtiss

Staff Present: Greg Robertson, Public Works

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

Chair Landquist announced that the Fair Premium Books are out, please check dates for entries if you plan to enter.

4. PUBLIC COMMENT

None

5. ROUTINE ADMINISTRATIVE ACTIONS

Weekly Claims List (\$3,210,342.68)

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners approve the Weekly Claims List in the amount of \$3,210,342.68. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

6. PROCLAMATION: UM Retirees' Day Commissioner Carey read Proclamation

6. HEARINGS

a. RSID 8489: Proposed Levy of Special Assessments (Project substantially complete, including all incidental costs)

Greg Robertson read staff report. The purpose of this hearing is to consider any further final public testimony and consider the resolution as presented.

Public Comment

Senator Dale Mahlum: We are a participant of the sewer that Mr. Robertson is talking about and I would like to compliment Mr. Robertson for what he has done for getting the sewer out there, at a very competitive price, it's good for the people that live out in that area. Greg, you should put your hands up and say 'touch down' I got a good thing going. Thank you very much.

Commissioner Curtiss: One of the reasons we were able to come in...well, we got a good bid from a bad contractor who went bankrupt. But the ARI that money did make a big difference in bringing the cost down on this. You all paid into this. Thank you.

Commissioner Carey: I'd like to concur with Senator Mahlum not only for the work that Greg's done on this particular project but for the way he's grown his department over the years and the service he's provided Missoula County, we're very appreciative. Greg, thank you.

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners sign the resolution relating to the Rural Special Improvement District #8489 with the final assessments. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

- b. Recommendation from Missoula County Fairgrounds Advisory Committee to Adopt

2014 Update to Western Montana Fair Enhancement & Development Plan

Steve Earle gave staff report. I'm presenting this on behalf of the Fairgrounds Advisory Committee; there are several members here today. They have spent the last three meetings discussing this in detail. There has been at least two and I'm thinking three different opportunities for public comment regarding two different drafts and then a final draft of this memorandum which will update the enhancement and development plan, which is a five year plan for the fairgrounds in terms of enhancement, development and planning. The way this plan works, it's a revolving five year plan. The current plan starts with 2013 and goes out for five years but 2013 will be gone on July 1st and in order for us to get our enhancement request into the County and their budgeting process, we need to have this plan updated preferably by June 1st. The committee was very efficient this year and got it done at their last meeting.

Public Comment

Kimberly Dudik: Representative of the County of Missoula and the State Legislature and I'm here asking that the Commissioners do not take the recommendation to destroy the race track. I appreciate all the work that's gone into it by Mr. Earle, as well as the Advisory Committee. I believe that there's a substantial public outcry against destroying the Fairgrounds horse track and that this community, while it's had its extensive public input, I don't think all that input has been fully incorporated in the development plans for the Fairgrounds. I don't see this as an either/or situation; that you have to have either a multi-purpose facility or a race track. I think both can happen on the large slough of land we have and I would encourage this community to please consider that. For some history; horse racing started in Missoula County in 1876, that's actually before the City of Missoula was incorporated as a City. Missoula City didn't come into existence until 1885. In 1914, that's when the current race track was established, it was the first structure built on the Missoula County Fairgrounds. It's the oldest one there and everything that came up afterwards was surrounding that race track because it is the lynchpin of the Missoula County Fairgrounds. If this committee chooses to no longer incorporate that, it will be destroying a substantial history of Missoula County what makes our county so unique and individual. There are not many historic race tracks left. This race track will be 100 years old next year but instead of having a 100 year anniversary we're considering demolishing it and doing away with it. That would not allow us as residents here to enjoy the fairgrounds and the race track as they currently exists but also takes that away from future generations. Instead of demolishing the race track I would ask that we figure out how we can use that as a boom to our economy and use it as a way to attract tourists here and to attract other events. Currently it's already used for numerous events like the monster truck races there are rodeos that are held there, concerts held there, as well as other meetings. And there's no reason that we cannot follow suit as what's happen in other states, where we use that as a cultural and significant land mark and use that as a way to have people come to our City and appreciate what we have to offer here. There are not many of these race tracks left in our State and I don't see that it serves the people of our City well to do away with it and just have another dime-a-dozen event center put up there. There are already event centers throughout Missoula as well as throughout the State that can house these large events. Although it's commendable that we want to do that, we need to be able to balance that with people who still do not want to give away our history. I have two small children, they are two and four and I used to go to the race tracks when I grew up, I was in 4-H and I had sheep and pigs and bunnies and just about every animal. And I went to the horse track, I was old enough to be there of course, but when I was little I went there and it was because of the history of what we have. I sit on the same track that existed in the pictures in 1930 that we have in the application for recognition on the National Register of Historic Places, I stand on those steps and I've gone there with my children. We should keep that in our town, it's existed since 1914. On the actual application for recognition on the National Register of Historic Places it states that as the first improvement to be built at the grounds the race track is a very important contributing structure, it's position influents all future development...all development. The Fairgrounds are recognized in the National Register of Historic Places and to do away with the lynchpin of that recognition and the development of it truly does a disservice to that historic nature of that land. I would ask that although it has been to recommendation and there's been a lot of work that's gone into the planning that would do away with that, I ask you to please consider other options. It's not an either/or situation and we can make all residents of Missoula County happy with the development of that land, if we can figure out how to do it equally. I ask you for that. Please don't destroy this, once history is gone it's never replaced, it never comes back. Please consider something else. Thank you.

Senator Cliff Larsen, District 50: I want to thank you for your attention to planning efforts for Missoula County Fairgrounds. As a rural resident and someone who really appreciates agriculture, I know that one of your Mission Statements to the Advisory Committee was; don't forget this is about agriculture ~ not about hockey, it's not about soccer, first it's about agriculture. I appreciate the fact that you're really trying to embellish some of those elements as we go forward with our County Fair. I will leave some formal comments for you but I want to read one paragraph into the record. This really I believe clarifies how I view the use of the Fairgrounds and the race track and certainly all the activities on the fairgrounds that we currently have, seem very compatible to me. It's just as I, as a country boy, really resist the idea of turning this facility into something that's really more of a broad scale enterprise then really remaining focused on agriculture. I serve the Montana Legislature in District 50, as you all three know; in fact one of you is my constituent and I have a lot of relationships with the three of you over time. I've tried to be a good citizen and support my County and I think I've done a good job at that. By all means I

listen to you every time I get a message, I listen to Mr. Bickell virtually every day of the session, I saw his name, and I still like him in spite of sort of a flowing neon name there every single day! We had 962 bills passed and I think about 700 of them had something to do with the County. I do appreciate your attention to serving the people in the County and it's very important. I understand that your Advisory Committee must consider all options for our Fairgrounds property. I participated in a number of efforts over the years looking for potential and logical uses of our Fairgrounds and the property. I'm a strong advocate of planning of this nature; I would have not succeeded in business if I didn't plan ahead logically. Until a final plan is embraced with funding and extensive community buy-in I have a suggestion and this is something that I've spoken to you about in the past; let horse racing organizations race horses and increase county revenues through increased income from sharing with the annual fair concessionaires, including the beer garden. History has shown increased profit sharing with the concessionaires, with horse racing; less profit sharing income without horse racing. In closing let me say; if we have a race track and long range plans dictate removing of the track for a good and logical and well-funded enterprise, then why not allow racing until you're ready to build something new and better. And of course, remembering horse racing is agriculture. Thank you for your time.

Dale Mahlum: Thank you for the opportunity to come before you today. I would like to give you just a little history of what's happened and then some of my thoughts. One of the things I have here it says Montana's Horse Racing runs deep, this goes back to 1864 when they ran horses and races down the streets of Virginia City. They also had a place called race track, which is on the way to Butte and that was used to primarily run Indian races against the white people's horses, at that time. So we know, like Representative Larsen said, it's been here a long time. One other thing that happened years ago and a guy by the name of Marcus Daily, I think we all remember who Marcus Daily is. When he got sick he had to sell his horses, he had a personal sale of his horses. The majority of these horses were thoroughbred breeds, they were sent to New York aboard special cars and each car had a person taking care of each of the horses in there. Each of these horses sold for about a Million dollars, it was the largest disbursement sale in 1900's in the World. Let me talk for a moment, if you would please about our current, what I call dilemma of getting rid of the race track which we have now. First of all, I'm in favor of those sort of things that we have at the Fairgrounds, I think the hockey is wonderful; it brings in funds for the Fairgrounds, not only that it's good for the young people of our community. I have a problem with the Events Center if the Events Center wants to go out in the middle of the race track, which some propose to do. The reason I have a problem with this is because I serve with Kevin LaTrell and six other people on the Event Center and we were looking for a place to put it. To me I think the Events Center is a wonderful idea, I just think Missoula should have an events center but I think it should be a place where you can get to it easily. The people in Missoula know how to get to the Fairgrounds but a lot of these people who come to an events center will come from Washington, Idaho, different places, they will be driving in. John, Brady and I, we looked real hard and we found a place right on the freeway, which is on some of your county land, I think it would be a great place for it because you can see it real easy. It's right by the airport turnoff Blvd and you go right down there, there's all kinds of Hotels, there's a lot of eating establishments there, it's easy to get to. Getting to the Fairgrounds is like going through a maze if you haven't been through there before, it's difficult from the freeway to find your way in there. I'm not against it, I think it's a great thing to have, the thing about it to me now if you lose the race track, you're losing part of your identity of who you are in our community. The race track brings in a lot of people during a certain time of the fair. But if you're going to lose the race track then what are we going to lose next? Are we going to lose the rodeo? What's gonna happen to us? We're an agriculture community, although I must admit that a lot of our agricultural land went into homes but we still have a lot of agricultural land out there. We've got to remember we are agriculture. We've got these young kids, the 4-H's, they can enjoy the projects they're into and we want to make sure they have an opportunity to go to a fair where they can show off their goods, show off what they got, be proud of what they have. I think it's very, very humiliating to them if we do something to discourage their grounds for them as far as they're concerned. I think you three people up here really want to make sure that our heritage continues on. I'm just really want to impress upon you my thoughts about heritage because as I grow older, and I'm getting older, I want to make sure that my kids and my grandkids have an opportunity to come to the fair and see what it has been. As far as losing a race track and I told you once before we have some problems out there with the barns. I don't think that's a problem because what we can do with the barns is you can go to the Southside Lions or somebody and say okay you're going to get barn A, you're going to get barn B; they're going to go out and they're gonna redo the barns for you, they're going to clean them up and put a big sign on it saying 'sponsored by the Southside Lions'. It doesn't cost us anything to do and it's a project for them. I'd ask you to please make a decision that's good for the future of our community. Thank you.

Chuck Leonard: I'm a citizen of the County. Questions ~ #1; Steve, you said that an economic impact study was done regarding horse racing and the fairgrounds. You know this is a complicated issue and there's a lot of controversy about this so I think it would be important to make. Whatever the committee used as the figures to make the economic impact should be a matter of public record.

Commissioner Curtiss: It is.

Steve Earle: The statement I made was that we looked at economic pros and cons relative to horse racing; I did not say that an economic impact statement was done.

Chuck Leonard: Okay I stand corrected then. Whatever figures were used to make that statement then, I think should be a matter of public record. Jean, you and I have had discussions about this and couldn't come to agreement, so it's a complicated area.

Commissioner Curtiss: They are all part of public record.

Chuck Leonard: I tried to look for the January 28th meeting, I couldn't find it so it would be nice if that's was easier to find. My 2nd question is to ask the Commissioners if there's a written conflict of interest policy with regard to membership and voting on the Fair Board Advisory Committee.

Chair Landquist: Yes. Are you thinking because I sit on that committee?

Chuck Leonard: No, it's not you or any other member in particular. I read it was a 10-4 vote and if this indeed does come, I've heard a number of people speak to this that if it's a choice between the race track and an event/ice hockey arena, then there are people who potentially have the perception of having a conflict of interest. If that's the case, this should be revisited.

Commissioner Curtiss: They're not the ones making the decision. These three people right here are and we don't have a conflict.

Chuck Leonard: But you're going to take the vote of the advisory committee under advisement, correct?

Commissioner Curtiss: We'll take that under advisement, that's what we asked them to do.

Chuck Leonard: So again, I just question how you take the committees advice? That I guess is up to you, but I guess I would raise the issue that if any members of that committee potentially have a conflict of interest that it would be nice to have a matter of public record or somehow inform us about that if we're going to have a decision about that.

Commissioner Curtiss: All of our Boards are asked to disclose if they have a conflict of interest.

Harvey Hergett: President of the Board of Directors for the Missoula Area Youth Hockey Association. I would like to say I appreciate the work that the Advisory Committee has put into this. We've given several presentations about what we would like around the concept of ice sports to this Advisory Committee and I applaud the discussion that they're making right now. I'd like to go on record saying that we support the decision to not have the race track in the future. And support the decision for a multi-use events center. Now with that being said I'd like to say I grew up on a ranch here in Montana, my family ranched farm. I'm an agricultural person; I was an FFA member as a kid so I definitely have an agricultural background. I support the whole concept having agriculture as a main focus for the Fairgrounds but I also feel that this idea of a multi-use event center is a good concept for the City of Missoula. The reason behind that is we struggle in this community to have a venue where we can have larger concerts, something besides the Adams Center, which isn't always available to us. We struggle to get High School State Tournaments in this community. We rarely get Basketball, Volleyball, and Wrestling Tournaments. In the past when the Adams Center at the University has put in bids for those they've had to cancel because of some of their playoff games and we don't have that opportunity a lot in this community. I've heard a lot that horseracing brings a lot of economy into the community, I think it's a fairly short lived economic boost and that the idea of a multi-use event center ~ that could house some of these things and would be a year around boost to the economy of Missoula. The ice rink has offered to be a primary tenant in that. Part of what we have asked is that if we are going to move to a multi-use events center on the Fairgrounds, we would consider placing a sheet of ice inside of that event center so that folks like the Missoula Maulers or the hockey team here in town have a better venue to play in. It would also provide us a venue for youth organizations to have State tournaments and stuff in a nicer venue. We think that helps make an events center concept economically viable by having a major tenant involved there and that would be the ice rink. In closing, I just want to say that as a Board of Directors for the Youth Hockey Association we actively support the concept of having an events center on the Fairgrounds. Thank you.

Marsha Holland: I sit on several Boards and Committees that are interested in supporting the events center concept of Missoula. I think for some of the same reasons Mr. Hergett just said, so I won't repeat those. But my only comment is on the process. I've been trying to come to any of the Missoula Fairgrounds Advisory Committee Meetings when the agenda is any discussion of the plans of what we're considering today. I may have misunderstood Mr. Earle, but I thought he said that it was approved at the last meeting, which was Monday, but when I checked in the paper the....

Chair Landquist: That was a month ago I think.

Marsha Holland: I just wanted to make sure that I didn't miss an opportunity last Monday to come and indicate that there are other non-profits in town that would support that same concept.

Cindy Johnson: I live in the Orchard Homes area. I have a letter from Jessica Grant that lives out of (inaudible). I am a Member of the Turf Club and have worked at the Fairgrounds doing the pari-mutuel ticket sales and stuff for quite a few years and I've been to the races in Kalispell and Great Falls and there's just something about Missoula, there's so much more excitement in the air. There are people that come to my window that were from out of State that planned their vacation every year to come here for the Fair to go to the horse races. The last year that we had had it for the five days they said they wouldn't come back, they wouldn't plan their vacations for

Montana. They talk about the economic impact but these people that have the horses around Montana and around Missoula area, they make an impact on the economy every month because they buy hay, they buy everything around Missoula, going to the feed stores, vending the fair. They're here going to the Motels and everything else. It isn't just for the Fair. They used to have training all summer at the track, that brought in all of that because we had people that were trainers and all those people that came and worked there too, brought all that economy into the Missoula area for the whole summer, so this wasn't just an impact that was just during that week. I am in support of keeping the race track and I don't think that it should be an either/or situation. Thank you.

Torin Dixon: I came here for another agenda item but enjoy the conversation. I'd like to comment that I moved here 19 years ago with my family from a big city and one of the things that we greatly enjoyed right away was going to the rodeo, to the horse racing events and one of the reasons why we continue to live here is because of the rural environment here. I think it's very important that the County provide facilities for youth sports, youth events and it's very obvious we need a multi-purpose events center for other events; basketball tournaments and other types of things. But I also agree there could be another location for that, another venue for that and maintain the charm and rural atmosphere at the Fairgrounds; continuing to have the rodeo, continuing to horse racing events and not lose the heritage that makes us part of Missoula and Montana. Thank you.

Jason Sheer: I am a member of the Fairgrounds Advisory Committee. I'm also the son and a grandson of a Montanan and I really appreciate the comments of my friends and neighbors who value horse racing, it's a beautiful sport. I don't think it's an issue of horse racing vs. events center, nor is it an issue of an events center or horse racing vs. hockey. It is an issue about community impact and community benefit. We have spent more than a year trying to hear from our community; what use would you put this Fairgrounds to? And we heard from no group more than we heard from those who are interested in horse racing, often small groups of people who gave very passion, emotional respond to the idea of losing horse racing. We challenged them on a number of fronts, one around viability. Where is horse racing? Are we taking something away or are we recognizing that something doesn't exist? And are we asking ourselves do the taxpayers in this county deserve to have such a large piece of property put to a use that will either serve them in generating revenue or serve them improving the quality of life in Missoula in such a way it would be worth the sacrifice? This is an issue about funding that is needed for our Fairgrounds to help ground fleshling seed, there's excitement, there's conversation, in some places there's a small amount of (in auditable) There is a little bit of flagging at some concrete pylons and some pavements and it looks like something might happen. It's starting to happen, it's hopefully and people have been talking about it. We need resources to make that a reality and we need to accept that...correct me if my facts are wrong...horse racing, a beautiful sport I'd love to take my kids to that I enjoyed as a kid has been active for public consumption approximately 7 days in the last 10 years. That is not a community benefit that is appropriate to a 25 acre partial of land that is beautiful and central to our city. We just simply need to ask ourselves what use might be put that land to that does more for Missoulians?

Executive Session

Commissioner Curtiss: I just want to comment that Commissioner Carey and I toured the Fairgrounds; Michele has represented us on the Advisory Committee so she's been out there a lot more and she was out of the office last week. I'd like to thank the Advisory Committee and especially Mr. Earle for all the improvements that we see on the grounds. I agree with Mr. Sheer that there are some seeds that have been planted there and there's been some great progress; the new gates the colorful booths, the old cars that no longer work are gone. The parking along and the trees that have been planted by the hockey rink are great. When we hired Mr. Earle this job, his direction from this Board was to work with an Advisory group and figure out how to make these 46 acres that belong to the public, in the center of our community sustainable. We aren't sure why he took the job because it was a big one but we appreciate that he did. I think that any decision that we make today does not kill horse racing; horse racing has unfortunately died a slow death as Mr. Sheer just said. In the last 10 years we raced 7 days. It is not because the Commissioner did not say we couldn't race, it's because nobody wanted to take the risk other than one gentleman, one vendor that raced for a few days and lost money, as the County had. We had decided when we quit running the racing, when the county quit running the racing, that it wasn't the best way to spend tax payer dollars to lose money on horse racing; if it was a viable thing there would be tracks all over the place. This is not unique to Missoula County, the viable of horse racing across the Country is in question, in small places if you don't have some sort of gambling facility next to it, it really struggles. It's not our fault and we can't fix it. You can't enjoy horse racing if it can't pay for itself. Even though the track now gets used for other things, it's not designed to be used for those other things. As Mr. Earle pointed out to us as we were walking through the area that gets used for the rodeo, it's not a rodeo arena; it just gets fenced off and used as a rodeo arena. The existing facilities on those historic race tracks, that whole historic race track needs a ton of improvements and a ton of money for something that might happen a few days out of the year. We are the ones that spend your money, deciding where it should be spent. For one thing State Law doesn't allow us to invest in racing facilities so it would have to be figured out in other ways. I grew up on a farm and I had a horse and it was the fastest horse in the valley so I know about horse racing because I could have beaten you. My dad never said that was part of Ag of our...it was just called hay burners. The new facilities that are envisioned on this site will support Ag in a much better way, I think. Right now when it comes time for the kids to show their 4-H and FFA animals, we're putting them in facilities and tents and things that were not really designed for that. We can do better. I understand the emotion and the passion

and the history. We have 46 acres as we said in the middle of town and over 20 of it are tied up in that track, as you walk those grounds you realize how much is there and how it could be used to still honor agriculture and still honor our history but get used in 365 days a year, which is what we challenge them to do. Central Park Partnership that Steve worked on with the other public facilities in the neighborhood of the Fairgrounds, I think is great; figure out how we all work together. Things like taking down barbwire on the top of the fence and saying 'come on in', instead of stay the heck out. When we were there the other day, I don't know how many people walked through the Fairgrounds from one side to the other, at least three groups went through - that's what should be happening on these Fairgrounds. I think that the Advisory Committee has made a well thought out recommendation. I appreciate all the time and energy and listening that they have done to the public's comments.

Commissioner Carey: I agree with Commissioner Curtiss. I just say the choice in my mind is not between...and I think the Advisory Committees mind, is not a choice between a race track or an events center. That's not really what we're dealing with; I think we're dealing with a once viable industry of horse racing that's no longer viable. I think we just have to accept that and move on. Senator Mahlum raised a legitimate point of view that perhaps the events center would be better built along I-90 and I think we have to take a look at that. I don't have the benefit of an Ag background but I love to watch horses run and so on and I wish there was a way for us to still be involved with it but to me it just wouldn't be financially responsible to prolong this. So I support the Advisory Committees recommendations.

Commissioner Landquist: People may have already seen that Mr. Earle designed a new logo for us. The Fairgrounds has become an events center already, we may not have a huge building that we house all these events in but there's a lot going on at the Fairgrounds in any building, on any given day and time now at this point. We have to be grateful and thankful that we may not have a huge building like some places but we already have an events center here in Missoula Montana and there may be others that come along after and build something similar to what some other cities have, some grand event center off the interstate and that's just dandy if they can do that but we're already headed down that road of making those grounds sustainable and that's something that I've been hearing since I've become a Commissioner and listen to the pros and cons of what was going on at our Fairgrounds. That is important when you're responsible for managing a large piece of land with buildings on it, paying the insurance on them and all those things that go along with it that they're paying for themselves. That's taxpayers money that's going into these grounds and facilities and so it makes sense that we'd want them to be sustainable and kind of paying for themselves instead of bleeding us all dry. We do have to consider that community benefit and impact as we move along and that community investment. We do have community investment in it already, others wanting to invest more and we need to make decisions that will help foster the confidence to people out there; our taxpayers and other private investors. That the short and long terms goals of the Fairgrounds are something you can depend on in perpetuity and we're not gonna just at the drop of the hat say; oh no never mind bring horse racing back, forget the money that you gave us to build this that and the other thing, or sponsor this building...so we have to be able to have some continuity and predictability in the decisions we make going ahead. Even providing for horse racing in the short-term, we tried that and thinking it might give us some money - it didn't go, it didn't fly. It doesn't offer us that predictability. The folks in support of horse racing keep saying we're getting closer, we're closing, give us another year we'll bring something to you may be here, or maybe there. I support Ag and I have nothing against horse racing if horse racing's really gonna make a comeback; go buy some land somewhere and make a horse track and make it come back but having horse racing here for 7 days out of the year but really it's maybe only 3 maybe 5, that's not very sustainable. It's still seasonal at that whereas we've got some county land that we can look at maybe doing something, and we are doing stuff with those buildings 365 days a year, we have those possibilities. I really do like horse racing enough, my dad retired out there in New Jersey by Mammoth's Race Track, a beautiful facility. Even that's seasonal and not making it. So it's not like I don't understand horse racing and the people and animal that horse racing did support and may still be able to support. But I still have to look at all the other possibilities and it's not just hockey, there's a whole lot of ice sports involved with the ice that is out there. We've learned so much along this information journey that we've been on that certain events can't be planned 2-3 years out which requires some things 2-3 years out because of related sports venues that may be needed at the University. We've listened for the 5 years that I've been on this commission now; it has been a huge informational journey, pros and cons. You could relocate the Fairgrounds here or there, wherever, there's always some other big mitigating factor as to why; cost is one of those things, trying to purchase land that's not in the floodplain that's accessible and so on and so. We do have this jewel property in the center of town. And yes, some people still complain that is in the center of town and it's hard to get in and out of with your animals. Well we're looking at ways to make that travel into and through the Fairgrounds easier and more accessible. We're going to work through all these things but I have to say in the end after 5 years of hired consultants, 5 years of being involved in listening to all these pros and cons, in order to move forward there's one big decision that has to be made and that's to look at those grounds and figure out how to move forward, how to get the buy-in that we need and make some difficult decisions. I have to hand it to even some of the people that support ice -maybe over horses; they've been very candid and very objective in trying to listen to everybody's input. Most of the horse people that I've been talking with have tried to be pretty objective too but I understand the emotional factor to it too. The committee has worked really hard to beat the bushes asking people to come to us with your ideas; this is over and above; hiring the consultant that had several years of public process and public meetings. Beating the bushes, getting people to come and talk to them and explain what your needs and wants are for those Fairgrounds. This is not a decision that has been made without trying to gather all the input that we needed to.

Commissioner Carey made motion that the Board of County Commissioners approve and sign the updated Fairgrounds Enhancement and Development Plan. Commissioner Curtiss seconded the motion. The motion carried a vote of 3-0.

Commissioner Curtiss: We will not be providing horse racing in the short-term, as it will not foster that landscape of predictability that long-term investment requires. Until we can finally say that we're not just gonna let the track sit there and crumple waiting for horse racing to come back or to let horses race in the middle, we can't move on. That's a lot of land that's needed there, a simple thing as having a concert in the center and needing to get people across a dirt track keeps us from being able to use those grounds like they need to be used for the public. I think we need to make sure that the public understands that's what this decision is.

- c. (continued from May 8, 2013) ~~Proposed Modification to Missoula County Building Code Enforcement Program~~ (*postponed to a later date tbd*)

8. OTHER BUSINESS

None

9. RECESS

Being no further business to come before the Board the Commissioners are in recess at 2:43.

Following Public Meeting – BCC signed the updated Missoula County Fairgrounds Enhancement and Development Plan ("EDP") for FY 2014-2018. Approved by BCC at May 22, 2013 Public Meeting, and approved at April 22, 2013 MCFAC meeting.

THURSDAY, MAY 23, 2013

BCC met in regular session; quorum present. BC at 2013 Montana Housing Partnership Conference through noon, held at Holiday Inn. Afternoon: BCC met with Pat O'Herren and Greg Robertson re: access issues.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 10/CY2013 - Pay Date/May 17, 2013. Total Payroll/\$1,302,840.30. To County Auditor.

Request – BCC reviewed/approved expenditure of up to \$2,500 (\$2,250 from RSID 902; and \$250 from Parks Budget) for Verbenone Packets for Tom Green Natural Area, located in Rattlesnake area, and other park areas as identified by Parks Board and staff. Original to Lisa Moisey/County Parks.

Budget Transfer – BCC signed. Control #13-010 for Parks in amounts of:

- 1) \$25,624.28 to move a FY13 Cash in Lieu of Parkland deposit into Park Construction Reserve Fund; and
- 2) \$7,623.09 to correct budgeting figures in Fort Missoula Consultants Line and Big Sky Park Improvements.

Original to Teresa Graham/Accounting.

Contract – BCC signed. Between City-County Health Dept. and Pruyn Veterinary Hospital for primary services as outlined in Section 2, and for the compensation specified. Term/July 1, 2012 – June 30, 2014. Two originals to Julie Mohr/Health Dept.

Contract – BCC signed. Between City-County Health Dept. and Schumann Veterinary Services, Inc. to provide surgical sterilization for Animal Control shelter animals, as well as privately-owned animals, for the low income spay/neuter clinic program. Fees set forth in Exhibit A. Term/July 1, 2012 – June 30, 2014. Two originals to Julie Mohr/Health Dept.

Resolution No. 2013-072 and Related Bond Documents – ML signed, dated May 23, 2013. Relating to \$35,000 Solid Waste System Revenue Bond, Series 2013 (for Seeley Lake Refuse District Office Water/Septic Project); authorizing the issuance, awarding the sale and fixing the terms and conditions thereof, and creating special funds and accounts and pledging certain revenues as security therefor. MT DOC INTERCAP loans received in 2011 (\$35,000). Project is complete, and final cost is under budget at \$28,464.65. Debt Schedule to be applied to FY14-FY19. Original to C&R; copies to CFO, PW.

Contract – BCC signed, dated May 16, 2013. Between County and Working Dogs for Conservation Foundation, to search for targets (Dyers Woad) on face of Mount Sentinel in Missoula, under supervision of Marilyn Marler. Amount/\$11,500. (Other funding also from City of Missoula, UofM, MT Noxious Weed Trust Fund, Working Dogs, and County Weed District). Term/June 1 – October 1, 2013. Originals to C&R and Weed Dept.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Registers dated May 23, 2013. Amount/\$19,816.85. To County Auditor.

Grant Agreements – ML signed. Eight (8) Noxious Weed Trust Fund Project Grant Agreements between MT Dept. of Agriculture, County Weed District and "Project Funding Recipients" as follows for period June 1, 2013 – June 1, 2014:

- 1) MDA #2013-058: Working Dogs for Conservation Foundation, to increase search for targets (Dyers Woad) on face of Mount Sentinel. Amount/\$5,000; (Project total/\$11,500);
- 2) MDA #2013-057: Clearwater River Yellowflag Iris Eradication Project. Amount/\$5,000; (Project total/\$14,810; matching funds from County, DNRC & MT FWP).
- 3) MDA #2013-002: Environmental DNA for Eurasian Watermilfoil. Amount/\$24,283; (Project total/\$52,201).
- 4) MDA #2013-054: Missoula County New Invader Task Force. Amount/\$2,000; (Project total/ \$6,360).
- 5) MDA #2013-056: Lolo Creek Watershed Weed Management Area. Amount/\$16,000; (Project total/ \$39,914; shared by landowners/Forest Service/MT FWP/Plum Creek – over 664 acres).
- 6) MDA #2013-005: Missoula Conservation Lands Restoration Research Project (Missoula Open Space Weed Research); effectiveness of sheep grazing on Dalmation Toadflax/Leafy Spurge. Amount/\$9,968. (Project total/ \$18,550).
- 7) MDA #2013-004: Leave No Weeds (Missoula County program for 5th graders). Amount/\$3,200. (Project total/\$8,079).
- 8) MDA #2013-055: Ninemile Remount Weed Management Area. Amount/\$14,000. (Project total/ \$28,000; shared by landowners and Forest Service – over 450 acres).

Two originals to Bryce Christiaens/Weed Dist. for further signatures/handling.

Letter – BCC signed, dated May 23, 2013, to Ray LaHood, US Transportation Secretary, Washington, DC, requesting that the US DOT support our grant application for the Missoula to Lolo non-motorized trail project.

Letter – BCC signed, dated May 23, 2013, to MT's Congressional Delegation (Senators Baucus and Tester, and Rep. Daines), regarding several topics related to forest management and asking for their assistance in developing new federal legislation that will improve forest health, protect valuable water/wildlife resources/human lives and development, and provide funding sources for federal payments to counties across the US.

Letter – BCC signed, dated May 23, 2013, to Allen Bjergo, Chair, BitterRoot Resource, Conservation & Development Area, Inc., ("BRC&D") Hamilton, respectfully withdrawing Missoula County's participation from the board of the BRC&D, because its mission has shifted to sponsoring non-profit groups. The BCC supports BRC&D's work and thanks them for assisting non-profit organizations in our region.

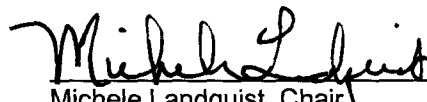
Additional discussion item(s): None.

FRIDAY, MAY 24, 2013

BCC met in regular session; all three present.



Vickie M. Zeier
Clerk & Recorder



Michele Landquist, Chair
BCC

MONDAY, MAY 27, 2013

COURTHOUSE AND ADMIN BUILDING CLOSED FOR THE MEMORIAL DAY HOLIDAY

TUESDAY, MAY 28, 2013

BCC met in regular session; all three present.

Replacement Warrant - ML signed. Missoula Landfill, Missoula, Principal for Public Works Warrant #30229925, issued October 25, 2012 on County 5411 Fund. Amount/\$2,300.10 (for Sept. 18-30). Not received in mail. No bond of indemnity required.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Parks & Trails Program update; 4) Director's update.

ADMINISTRATIVE MEETING

Bid Award – BCC awarded bid (\$139,847.17 – with guaranteed buy back for \$103,881) to Titan Machinery for a new excavator. One lower bid was received from Modern Machinery, but bid did not substantially conform to bid specifications. Original to Greg Robertson/Public Works.

Resolution No. 2013-073 – BCC signed, dated May 28, 2013. Budget Amendment for Special Projects in amount of \$400,000 showing Revenue from Cash Reserves for Airport East GA Apron project. For total disclosure, expenditures included in formal FY13 Operating Budget/ Revenue Estimates for County. Original to C&R.

BOOK 013 PAGE 0253

Letter – BCC signed, dated May 23, 2013, to Mark Slayden, Missoula, responding to his e-mail requesting Quiet Zones at all railroad crossings adjacent to residential housing. MT Rail Link noted federal regulations (as well as safety and liability issues), and don't believe establishing such zones are warranted at this time.

Additional discussion item(s): None.

WEDNESDAY, MAY 29, 2013

BCC met in regular session; all three present.

CAO MEETING

Separation Agreement and Release – BCC signed, dated May 29, 2013. Between County and Michael E. Barton, Employee. Due to dissolution of OPG as a city-county office, Mr. Barton is laid off from his position as Chief Planning Officer; last day of employment/December 21, 2012. County to pay Mr. Barton's salary/group insurance through Friday, June 22, 2013, and final paycheck will be on June 28, 2013 (to include unused vacation and sick leave). Original to C&R.

Agreement – BCC signed. Between County (Weed District) and Jed Dewey to re-monitor approx. 35 sites (MT DNR, BLM, MT FWP, Plum Creek Corp., etc.) where biological control insects were released at least five years ago. Term/June 10–December 1, 2013 Amount/\$6,640. Originals to C&R and Bryce Christiaens /Weed District.

Memorandum – BCC signed, dated May 29, 2013 [discussed/approved May 22, 2013]. To Karl Englund, Attorney for County Deputy Sheriffs Association ("CDSA"). BCC acknowledged receipt of two grievances dated May 8, 2013 re: 1) selection of Officer Paige Pavalone as Public Info Officer for Sheriff's Office; and 2) concomitant removal of Officer Jason Johnson as PIO. BCC directs County's COO and HR Director to meet with CDSA to attempt to negotiate a resolution to both grievances.

Additional discussion item(s): Legislative wrap-up discussion.

NO PUBLIC MEETING HELD THIS DATE**THURSDAY, MAY 30, 2013**

BCC met in regular session; all three present. Afternoon: JC attended retirement celebration for Pam Parks-Westberg, held at Iron Horse Restaurant.

ADMINISTRATIVE MEETING

Contract – BCC signed, dated May 30, 2013. Between County and D, Lower Construction for Fairgrounds Culinary Building structural renovation. Amount/\$36,727. Term/May 31 – July 15, 2013. Originals to C&R and Larry Farnes/Facilities.

Resolution No. 2013-074 – BCC signed, dated May 30, 2013. Authorizing Hal Luttschwager, County Risk Manager, to close First Interstate Bank Account #31311961 (Missoula County Self Insurance Account). Proceeds to be deposited in County Risk Management Fund. Original to C&R.

Agreement – ML signed. Noxious Weed Trust Fund Project Grant Agreement between MT Dept. of Agriculture and County Weed District for Biological Control Survey #MDA 2013-003. Amount/County's match is \$3,567; total project cost/\$7,134. Term/June 1 – October 31, 2013. Originals to C&R and Bryce Christiaens/Weed Dist.

Request – BCC approved request from CAPS/Parks to submit an application for FY13 US DOT TIGER Grant for funding to complete the Missoula to Lolo non-motorized pathway. Grant Match to be provided as in-kind services from County Public Works for trail design/engineering (\$300,000 and \$100,000 cash). Original to Lisa Moisey/Parks.

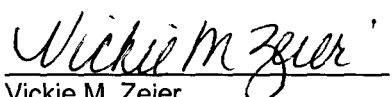
Letter – BCC approved letter from Lisa Moisey/County Parks, to W. Applegate, Commander, American Legion Hellgate Post 27, Missoula, rescinding County's Notice of Intent to Terminate Lease with American Legion ("AL") for baseball complex at Big Sky Park (letter issued January 28, 2013). AL and Missoula Mavericks ("Mavs") will now manage/maintain the baseball facility on County land; AL will continue to sponsor the Mavs as an AL Program through 2013/2014 baseball seasons. County will reorganize lease upon expiration in Oct. 2014. Original to Lisa Moisey.

Additional discussion item(s): None.

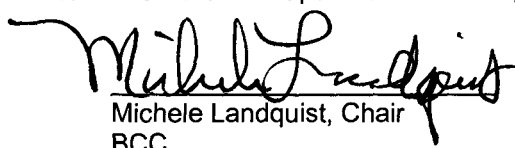
FRIDAY, MAY 31, 2013

BCC met in regular session; quorum. JC/BC attended retirement celebration for Ed Franceschina, held at the Health Dept. ML out of office all day.

Letter – BC signed, dated May 30, 2013. To Senator Cliff Larsen, in response to his letter to Mr. Carey re: horseracing at the Western MT Fair, and the Commissioners' vote to not pursue horseracing in the future.



Vickie M. Zeier
Clerk & Recorder



Michele Landquist, Chair
BCC

MISSOULA COUNTY COMMISSIONERS' JOURNAL: JUNE, 2013
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BCC = BOARD OF COUNTY COMMISSIONERS

ML = Commissioner Michele Landquist, Chair

JC = Commissioner Jean Curtiss

BC = Commissioner Bill Carey

The following Claims Lists were signed during the month of JUNE 2013:

Date Signed	Claims List Date	Who signed	Amount
June 3, 2013	June 3, 2013	JC, BC	\$3,261.40
June 3, 2013	June 3, 2013	BCC	\$3,589.28
			\$5,684.21
			\$10,885.13
June 4, 2013	May 29, 2013	BCC	\$166.91
June 4, 2013	June 3, 2013	BCC	\$9,911.40
			\$443.67
			\$5,881.19
			\$2,252.67
			\$38,669.60
			\$665.22
			\$2,040.75
			\$10,000.00
			\$3,768.71
			\$20,351.15
			\$568.12
June 5, 2013	June 3, 2013	BCC	\$311.54
June 5, 2013	June 4, 2013	BCC	\$370.96
			\$128.66
			\$2,000.00
			\$6,711.84
			\$1,982.98
			\$6,277.65
			\$67,166.16
			\$10,957.24
			\$13,109.18
			\$4,107.08
June 5, 2013	June 5, 2013	BCC	\$1,096.90
			\$906.94
			\$3,829.00
			\$100.57
			\$3,490.59
			\$751.64
			\$30,820.42
			\$2,908.56
			\$3,310.31
June 6, 2013	June 6, 2013	BCC	\$22,222.78
			\$2,478.00
			\$4,939.39
			\$578.11
			\$3,204.70
June 10, 2013	June 6, 2013	BCC	\$10,252.88
			\$1,242.00
			\$7,476.44
			\$9,766.98
			\$400.00

June 11, 2013	June 6, 2013	ML, BC	\$12,196.95
			\$1,260.34
June 11, 2013	June 10, 2013	ML, BC	\$24,326.26
			\$545.50
			\$37,351.64
			\$119.21
			\$1,317,221.31
June 11, 2013	June 11, 2013	ML, BC	\$80,000.00
			\$9,762.11
June 12, 2013	June 6, 2013	ML, BC	\$19,306.33
			\$166,428.00
June 12, 2013	June 10, 2013	ML, BC	\$43,349.16
			\$9,222.87
			\$20,931.94
			\$15,622.83
June 12, 2013	June 11, 2013	ML, BC	\$13,925.55
			\$10,507.51
June 12, 2013	June 12, 2013	ML, BC	\$5,253.09
			\$12,976.83
			\$2,308.25
			\$555.92
June 13, 2013	June 12, 2013	ML, BC	\$5,604.34
			\$33,767.78
			\$4,682.32
			\$664,197.47
			\$8,476.57
June 13, 2013	June 13, 2013	ML, BC	\$172.26
			\$11,192.55
			\$280.22
			\$1,509.44
			\$49.00
			\$531.42
			\$267.50
			\$511.72
			\$266.44
			\$166.26
			\$5,590.51
			\$334.93
June 17, 2013	June 14, 2013	BCC	\$19,550.82
			\$10,887.66
			\$36,705.88
			\$106,484.83
			\$729.45
			\$6,177.52
			\$1,586.62
June 18, 2013	June 17, 2013	ML, BC	\$17,957.94
			\$1,201.14
			\$8,078.29
			\$361,479.93
			\$8,969.41
			\$4,956.97
June 18, 2013	June 18, 2013	ML, BC	\$496,524.63
			\$19,766.24
June 18, 2013	June 18, 2013	BCC	\$11,129.60
			\$4,605.89
			\$1,066.80
			\$226.25
			\$3,203.43
			\$35,123.10

			\$9,083.25
June 19, 2013	June 14, 2013	ML, JC	\$15,382.75
June 19, 2013	June 19, 2013	ML, JC	\$2,971.21
			\$21,193.09
			\$13,506.02
			\$16,173.66
			\$988.20
			\$1,659.74
June 20, 2013	June 19, 2013	ML, JC	\$1,944.39
			\$2,045.79
			\$13,434.41
			\$25,172.40
			\$9,322.25
June 20, 2013	June 20, 2013	ML, JC	\$18,526.51
			\$1,089.69
			\$24,189.85
June 25, 2013	PHC Cardinal Health ACH		\$33,558.94
June 25, 2013	PHC Cardinal Health ACH		\$76,812.58
June 25, 2013	June 20, 2013	BCC	\$30,543.01
			\$2,408.93
June 25, 2013	June 21, 2013	BCC	\$140,489.86
June 25, 2013	June 24, 2013	BCC	\$22,931.49
			\$21,109.47
			\$14,748.60
June 26, 2013	June 24, 2013	ML, BC	\$13,447.46
			\$9,165.70
			\$3,715.31
June 26, 2013	June 25, 2013	ML, BC	\$2,778.71
			\$301.05
			\$125.00
			\$1,408.25
			\$71,832.53
			\$44.42
			\$2,970.38
			\$9,594.55
			\$827.83
			\$5,058.78
			\$6,128.12
			\$945.00
			\$6,800.56
			\$239.08
			\$33.38
			\$75.00
			\$1,662.78
			\$347.38
			\$1,178.00
			\$1,470.00
			\$504.68
June 26, 2013	June 26, 2013	ML, BC	\$19.23
			\$5,794.78
June 27, 2013	June 26, 2013	BCC	\$7,087.80

All Claims Lists were returned to the Accounting Department.

MONDAY, JUNE 3, 2013

BCC met in regular session; all three present. Evening: ML attended meeting of Seeley Lake Community Council.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) 2013 Land Stewardship Award Recommendation; 4) Subdivision Regulations Update; 5) Director's update.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Registers dated May 31, 2013. Amount/\$7,562.53. To County Auditor.

Letter – BCC signed, dated June 3,, 2013, to Ray LaHood, Secretary of Transportation, USDOT, Washington, D.C., supporting the MT DOT's Transportation Investment Generating Economic Recovery (TIGER) Grant application for the I-90 Milltown Bridges Project.

TUESDAY, JUNE 4, 2013

BCC met in regular session; all three present in morning. Afternoon: BCC participated in *Main Street Montana Project Missoula Business Roundtable*, held at UofM UCenter.

ADMINISTRATIVE MEETING

Lease – ML signed 60-month lease with Redstone Leasing for Sharp MX-1204 production copier to transition print shop away from older technologies and move operation into Central Stores area of the Admin Building (199 W. Pine). Cost/\$880.28 per month (\$10,563.30 per year). Originals to C&R and CFO.

Form 50070 – ML signed Disclosure of Lobbying Activities Form for the YWCA Ada's Place and SHARE House 2012 Continuum of Care/Supportive Housing Program grant applications (\$100,201 for Ada's Place and \$147,498 for SHARE House). Original to Melissa Gordon/OPG.

Board Appointments – BCC made re-/appointments to following County Boards:

- 1) Seeley Lake Community Council – Duane Schlabach appointed BCC-appointed member for new 3-year term (6/1/13-5/31/16).
- 2) County Parks & Trails Advisory Board - reappointed Jim Dayton and Sue Brown for new 3-year terms (7/1/13-6/30/16).
- 3) Library Board – Margaret Wafstet reappointed for new 3-year term (7/1/13-6/30/16).

Additional discussion item(s): 1) Grant Creek Trails Association; 2) Max Wave 310 Permit

WEDNESDAY, JUNE 5, 2013

BCC met in regular session; all three present. Late afternoon: BCC attended All County Community Councils Networking Session, held at the Courthouse Gazebo.

Monthly Report – ML examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending May 2013.

Monthly Report - ML examined/approved/ordered filed Monthly Reconciliation Report for Justice Court 1, John E. Odlin, for month ending May 2013.

CAO MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 11/CY2013 - Pay Date/May 31, 2013. Total Payroll/\$1,286,880.05. To County Auditor.

Request – Per April 2012 variance to County Purchasing/Contracts Policy, BCC approved prequalification process for Courthouse Renovation Phase 3 subcontractors. Jackson Contractor Group will conduct prequalification subject to County oversight. To Auditor.

Agreement – BCC signed. Between County (PHC) and Lewis & Clark City-County Health Dept. for local case management assistance to Ryan White Part C Early Intervention Service clients in Lewis & Clark County area. Amount/up to \$3,000. Term/April 1, 2013 – March 31, 2014 (as long as funding continues past May 31, 2013). Originals to C&R and PHC.

Agreement – BCC signed. Between County and Monture Creek Land Management, Inc. to treat noxious weeds along MT DOT right-of-ways. Amount/up to \$26,000. Term/May 30 – 25, 2013. Originals to C&R and Weed Dept.

Board Appointment – BCC appointed Alternate Kathryn Doney to serve a new 5-year term as a Regular Member on the Library Board. Ms. Doney's term will run July 1, 2013 – June 30, 2018, at which time she will be eligible for reappointment to a new 5-year term.

Additional discussion item(s): None.

NO PUBLIC MEETING HELD THIS DATE

THURSDAY, JUNE 6, 2013

BCC met in regular session; all three present. Afternoon: BCC participated in presentation of new Weed Office Facilities at Fairgrounds.

Monthly Report - ML examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending May 2013.

ADMINISTRATIVE MEETING

Resolution No. 2013-075 - BCC signed, dated June 6, 2013. Budget Amendment for GCP (Dept. of Grants & Community Programs) in amount of \$31,723 showing revenue from Encourage Arrest OVW Grant and expenditures thereof. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Contract - ML signed. Contract #513022 between City-County Health Dept. and DEQ for Air Quality status sign in Seeley Lake. Amount/\$40,000. Term begin/October, 2013 and ongoing. Two originals to Julie Mohr for further handling.

Proclamation - BCC signed, dated June 6, 2013. Proclaiming David and Kathryn Owen of The Swan Valley as recipients of 2013 Missoula County Land Stewardship Award, and thanking them for their outstanding efforts in caring for natural resources in County and for providing citizens with opportunity to learn from their success.

Letter - BCC signed, dated June 4, 2013. To CHAMPS Proposal Review Team, in support of Missoula County's grant application for Cities Combating Hunger Through Afterschool and Summer Meals (CHAMPS) funding. Original to Rebecca Morley/Nutrition Services.

Letter - BCC signed, dated June 5, 2013. To Cris Jensen, Director, Missoula International Airport, approving budget request to allocate up to \$400,000 in Industrial Tax Increment Financing (TIF) funds towards the East GA apron rehabilitation/expansion project. Approval is contingent on \$400,000 match from Neptune/NorthStar, a \$414,000 contribution from the Airport, and that TIF funds are used as last in/first out funding for this project.

Additional discussion item(s): 1) Denton Litigation update; 2) Gleneagle RSID; 3) Subdivision Regulations Revisions update.

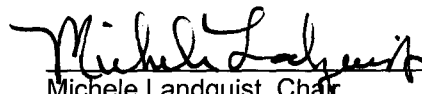
FRIDAY, JUNE 7, 2013

BCC met in regular session; all three present in morning. Afternoon: BCC attended MACo Districts 10 & 11 Meeting, held in Admin B14.

Indemnity Bond - ML signed. Beth Huguet, Missoula, Principal for A/P Warrant #27259557, issued February 14, 2013 on Misc. Federal Fund. Amount/\$118.77 (for mileage). Warrant lost.

Larchmont Claims - BCC signed, one (1) Signature Page for A/P Invoice Registers dated June 4, 2013. Amount/\$31,095.73. To County Auditor.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, JUNE 10, 2013

BCC met in regular session; all three present. Afternoon: ML attended City Club Luncheon, held at the DoubleTree.

Community and Planning Services Update - BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Ockler Family Transfer/Boundary Line Relocation; 4) Community Council Boundary Issues; 5) Director's update.

TUESDAY, JUNE 11, 2013

BCC met in regular session; quorum present. BC & ML met with Annie Hewscher of the County Food & Ag Coalition. JC ill/out of office.

ADMINISTRATIVE MEETING

Plan - BCC approved/signed Missoula County DUI Task Force Program Plan for FY2014 (July 1, 2013 - June 30, 2014). Plan also includes budget and membership, and was submitted to State Highway Traffic Safety Bureau, MT DOT, Helena. Annual budget/\$98,000 (from Driver's License reinstatement fees paid by convicted impaired drivers). Originals to C&R and Lonie Hutchison/MCCHD.

Request – BCC approved awarding a one-year contract to the Missoulain for legal printing, with an option to renew for another additional year (Missoulain bids substantially lower than from Missoula Independent). Term/July 1, 2013-June 30, 2014. To Auditor.

Board Appointments – BCC reappointed the following Members to the Missoula Aging Services Governing Board for new 3-year terms (July 1, 2013 – June 30, 2016): 1) Burke Townsend; 2) Renee Hofeldt; 3) Barbara Blanchard; and 4) Diane Beck.

Letter – BCC signed, dated June 11, 2013, to Carol Fox and Members of the Upper Clark Ford Advisory Committee, Natural Resource Damage Program, Helena, in strong support of the proposed 2013 Milltown Grant Modification Proposal, which would help in providing public access to the restored confluence.

Additional discussion item(s): None.

WEDNESDAY, JUNE 12, 2013

BCC met in regular session; quorum present. JC ill/out of office.

CAO MEETING

Request – BCC approved expenditure of \$595 from Parks Fund to hire Shadow Asphalt, Inc. to re-stripe (prior to July 30, 2013) emergency parking area, ADA parking spaces, and garbage storage areas in parking lot at Fort Missoula Regional Park. Original to Lisa Moisey/Parks for further handling.

Agreement – ML signed. Cooperative Law Enforcement and Support Agreement between Missoula County (OEM) and MT DNRC (Southwestern Land Office) to document effort to enhance emergency resources in connection with wildland fires on DNRC direct protection lands and provision of reimbursement thereof. Originals to C&R and Chris Lounsbury/OEM.

Request – BCC received missive from Mark Mizner-Welch, Seeley Lake ("SL"), on behalf of SL Chamber of Commerce, requesting SL Refuse District supply/remove/dispose 12 ninety-gallon trash totes for their 4th of July parade. Although this is outside the scope of the District (and for which there is no budget), BCC referred matter back to Greg Robertson so he can speak with both Allied and SL Chamber.

Board Appointment – BCC appointed Andy Mefford as 3rd Alternate on the Zoning Board of Adjustment to serve a long-vacated unexpired term to December 31, 2014, at which time he will be eligible for reappointment to a new 2-year term.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Registers dated June 11, 2013. Amount/\$25,221.33. To County Auditor.

Letters – BCC signed two (2) Memorandums (dated June 10th and 12th, 2013) to Elizabeth A. Best, Esq., regarding two missives received on May 23, 2013 in which she advanced the grievance of two County employees to step 2 of the grievance policy for non-union employees. Both grievances are denied by the BCC because they do not provide any detail or substantiation of the alleged violations that would allow the BCC to determine the factual basis for the grievances (as well as not identifying the policies that were violated/misinterpreted).

Letter – BCC signed, dated June 11, 2013, to Senators Max Baucus and Jon Tester, Washington, D.C., in support of SB 255, the North Fork Watershed Protection Act of 2013, and its goal of protecting public lands and water quality. Withdrawing future mining, oil/gas drilling, and geothermal development on USFS land will help to protect this important segment of the Crown of the Continent.

Additional discussion item(s): 1) Bear Creek Road; 2) Speed Limit change on Highway 83 (Clearwater Junction); public comment is being solicited through Seeley and Swan Valley Community Councils.

PUBLIC MEETING – June 12, 2013

1. **CALL TO ORDER**

Commissioners Present: Commissioner (Chair) Michele Landquist, Commissioner Bill Carey

Commissioners Absent: Commissioner Jean Curtiss

Staff Present: Jennie Dixon, CAPS

2. **PLEDGE OF ALLEGIANCE**

3. **PUBLIC ANNOUNCEMENTS**

Chair Landquist: Fort Missoula Fourth of July Celebration. Respectfully be mindful of fire dangers and your fireworks.

4. **PUBLIC COMMENT**

None

5. **ROUTINE ADMINISTRATIVE ACTIONS**

Bi-Weekly Claims List (\$2,941,510.65)

Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount of \$2,941,510.65. The motion carried a vote of 2-0.

6. HEARING

Ockler (Lloyd & Nora) Family Transfer & Boundary Line Relocation – Conifer Drive in Huson
Jennie Dixon gave report and asked the standard Family Transfer Questions.

Executive Session

Chair Landquist made motion that the Board of County Commissioners approve the request to create one (1) additional parcel by use of the family transfer exemption and a boundary relocation based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Carey seconded the motion. The motion carried a vote of 2-0.

7. OTHER BUSINESS

None

8. RECESS

Being no further business to come before the Board the Commissioners are in recess at 1:42.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated June 17, 2013:

- 1) Approving request from Sara (Sally) Johnson, Missoula, to refund real property taxes for tax years 2008-2012 for taxpayer id #3549101.
- 2) Approving request from Joyce Lawrence, Swan Lake, to refund overpayment of taxes for tax year 2012.
- 3) Approving request from Donald/Margie Gilder, Missoula, to refund real property taxes for tax years 2008-2012 for taxpayer id #0718457.
- 4) Approving request from Mark Gorseth, Missoula, to refund penalty/interest for taxpayer id #1974208.
- 5) Denying request from DMV Nationwide, Delray Beach, FL, to refund motor vehicle taxes and fees. Military member must enter military from Montana to be eligible for exemption.

THURSDAY, JUNE 13, 2013

BCC met in regular session; quorum present. JC out of office, but participated via conference call with Forestland Advisory Committee.

ADMINISTRATIVE MEETING

Agreement – BCC signed Subordination Coordination Agreement for City and County loans to Homeword (\$80,000 each) for purchase and rehabilitation of multi-family apartment building at 1805 Phillips. County is subordinating its loan to primary mortgagor (MT Board of Housing).

Additional discussion item(s): None.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated June 17, 2013:

- 1) Approving request from Sara Johnson, Missoula, to refund penalty real property taxes for tax years 2008 through 2012.
- 2) Approving request from Joyce Lawrence, Swan Lake, to refund overpayment of taxes for tax year 2012.
- 3) Approving request from Donald/Margie Gilder, Missoula, to refund penalty real property taxes for tax years 2008 through 2012.
- 4) Approving request from Mark Gorseth, Missoula, to refund penalty/interest for taxpayer id #1974208.
- 5) Denying request from DMV Nationwide, Delray Beach, FL to refund motor vehicle taxes/fees (on behalf of Jean/Joshua Lee). MT Law requires Application of Military Registration be presented at time of registration, as well as individual must enter military from Montana to be eligible for exemption.

FRIDAY, JUNE 14, 2013

BCC did not meet in regular session; quorum present. JC ill/out of office.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

SATURDAY, JUNE 15, 2013

JC participated in 2013 Partners Tour of Bonner & Milltown.

MONDAY, JUNE 17, 2013

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Shoreline Permits (Bennett, Anderson, Barbian, Beckley); 4) Director's update.

Shoreline Permit – ML signed. #13-12 for Applicant Daniel J. Bennett to construct a boat rail, install a lift/shore station, and place a buoy within Placid Lake Shoreline Protection Zone at 940 Placid View Place, Seeley Lake (Lot 7). Original to Todd Klietz/OPG.

Shoreline Permit – ML signed. #13-15 for Applicant Chris Anderson to install floating dock and removable lift/shore station within Seeley Lake Shoreline Protection Zone at 6042 Boy Scout Road (Seeley Lake Villa Sites Block C). Construction was initiated without permit; applicant submitted penalty fee. [See letter signed June 18, 2013]. Original to Todd Klietz/OPG.

Shoreline Permit – ML signed. #13-16 for Applicant Kent Barbian to replace an existing dock within Big Sky Lake Shoreline Protection Zone at 180 Access Road, Seeley Lake (Tract J8 of Schmaus Addition). Original to Todd Klietz/OPG.

Shoreline Permit – ML signed. #13-17 for Applicant Robert Beckley to construct a fixed wooden dock within Emerald Lake Estates Shoreline Protection Zone (Lot 19). Original to Todd Klietz/OPG.

Memorandums of Agreement – ML signed two (2) MOAs between County Parks and Trails Advisory Board and following for monetary awards from Spring 2013 Matching Grants Awards for park improvements:

- 1) Lolo Community Park and Little League for up to \$5,250 for irrigation project; and
- 2) Frenchtown High School for up to \$4,000 to resurface track and improve surrounding area with sprinklers/grass/trees.

To Lisa Moisey/Parks.

TUESDAY, JUNE 18, 2013

BCC met in regular session; all three present. Early morning: BCC accompanied Greg Robertson on Site Visit to Bear Creek Road. Afternoon: JC attended Substance Abuse Review Team meeting, held in Admin 206.

ADMINISTRATIVE MEETING

By-Laws – BCC approved/signed, dated June 18, 2013. By-Laws for County Parks & Trails Advisory Board (formerly known as County Park Board), created July 10, 2012.

Request – BCC approved expenditure of \$3,400 from the Parks Fund for bleacher replacement project at Westside Little League, Big Sky Park. To Lisa Moisey/Parks.

Request – BCC approved expenditure of \$36,000 in East Missoula Cash-in-Lieu Funds, and \$10,000 in Parks Funds as contribution to the East Missoula Lions Park Playground Project. To Lisa Moisey/Parks.

Special Use Agreement – BCC approved/signed between County and Weedbusters Biocontrol, LLC to collect knapweed biological control insects from certain County Parks in exchange for Weedbusters' commitment to release biological control insects in certain County Parks. Two originals to Lisa Moisey/Parks for further signatures/handling.

Lease Agreement – ML signed. Between County and Frenchtown Elementary School ("FEM") for lease of .26 acres on which existing well was installed in 1992 to supply water to FEM. Lease expired in October 2012; annual rent was not paid for many years (and has been forgiven). New lease is for 10 years at rental rate of \$1 per year (paid in advance by School District). Originals to C&R and Auditor.

Change Order – BCC signed. #1 to contract between County and A&E Architects/D. Lower Construction for time/materials for relocating existing electrical in conflict with new construction at Culinary Building/Fairgrounds. Amount/\$2,875 (for total base contract sum of \$39,602); final completion date of July 15, 2013 for all building repairs. Originals to C&R and D. Lower Construction.

Agreements – BCC signed four (4) agreements, dated June 18, 2013, for pass-through grant funding to make curriculum purchases for their agency (via Amendment #1 to Task Order 13-07-5-31-035-0 (MIECHV ID)) between MCCHD and the following for term July 1, 2013 through June 15, 2014:

- 1) Child Start (Head Start) for \$2,295.
- 2) Greater Missoula Family YMCA for \$4,139.80.
- 3) UofM – Educational Research & Services, Co-Teach, for \$3,350
- 4) Missoula County Public Schools for \$9,950.

Originals to Julie Mohr/MCCHD for further signatures/handling.

Task Order – ML signed. #14-07-4-31-172-0 to contract between MCCHD and MT DPHHS for Immunization Program to assist with insurance billing practices. Term/July 1, 2013 through August 30, 2014. Amount/\$12,600 quarterly.

Task Order – ML signed. #14-07-5-01-032-0 to contract between MCCHD and MT DPHHS for Maternal and Child Health Block Grant Program (Home Visiting Services). Term/July 1, 2013 through June 30, 2014. Amount/\$136,948 in five divided payments between 8/15/13 and 7/15/14.

Amendment #1 – ML signed. To Task Order #13-07-5-31-035-0 to contract between MCCHD and MT DPHHS for MIECHV ID (for various County projects for support of Early Childhood Systems). Provides additional funding of \$52,470. Term/November 1, 2012 through September 29, 2013. Total contract funding/\$152,470.

Task Order – ML signed. #14-07-5-21-085-0 to contract between MCCHD and MT DPHHS for Missoula County WIC Program (Farmer's Market Nutrition Program). Term/July 1, 2013 through June 30, 2014. Amount/\$1,930.

Task Order – ML signed. #14-07-5-51-117-0 to contract between MCCHD and MT DPHHS for Community Medical Center Children's Special Health Services. Term/July 1, 2013 through September 30, 2013. Amount/\$300 per child for first seven children seen, and \$50 for each additional child seen on each clinic day (approx. 10 clinic days yearly).

Letters – ML and Juanita Vero (Chair/Open Lands Citizen Advisory Committee) signed three (3) letters, dated June 18, 2013, expressing thanks and appreciation from the BCC and OLC to the following for their participation on the Land Stewardship Award Program Selection Committee: 1) Bob Schroeder for Conservation District Board; 2) Mike Thompson for MT FWP Region 2; and Lindsey Bona-Eggeman for Missoula County Weed District. To Kali for further handling.

Letter – BCC signed, dated June 18, 2013. To Christopher Anderson, Missoula, denying his request for waiver of penalty fee associated with his installation of new floating dock and shore station at his property on Seeley Lake (6042 Boy Scout Road). His project is not considered repair/maintenance to an existing structure, and therefore not exempt under County Shoreline Regs.

Additional discussion item(s): None.

WEDNESDAY, JUNE 19, 2013

BCC did not meet in regular session. Morning: ML visited Blackfoot Challenge Drought Response/Irrigation Efficiency Demonstration Site (East of Clearwater Bridge). Early evening: ML attended retirement celebration for Dave Ball, Sheriff's Office. BC out of office through Friday, June 21st.

Indemnity Bond – ML signed. Jennifer Richard, Florence, MT, Principal for A/P Warrant #27233345, issued June 2, 2011 on County Computer Service Fund. Amount/\$69.11 (for mileage). Warrant lost.

Indemnity Bond – ML signed. Paul Ritter, Helena, MT, Principal for A/P Warrant #27219237, issued July 28, 2010 on County 178 Fund. Amount/\$765 (for Health Insurance Premium refund). Warrant lost.

CAO MEETING – Canceled (Quorum unavailable)

County Payroll Transmittal Sheet – BCC signed. Pay Period: 12/CY2013 - Pay Date/June 14, 2013. Total Payroll/\$1,321,402.91. To County Auditor.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Register dated June 19, 2013. Amount/\$16,096.08. To County Auditor.

NO PUBLIC MEETING HELD THIS DATE

THURSDAY, JUNE 20, 2013

BCC met in regular session; quorum present. Noon: ML attended County Local Board Meeting, held at 1801 S. Higgins. BC out of office through Friday, June 21st.

ADMINISTRATIVE MEETING

Contract – BCC signed. Between County and Correctional Health Partners for Detention Facility Medical Services. Compensation set forth therein. Term/June 30, 2013 - June 30, 2016. Two originals to Sheriff for further handling.

Settlement Agreement – BCC signed. Cause No. CV 12-155-M-DWM, Laina Chief Goes Out, et al v. Missoula County, et al (relating to access to outdoor recreation for all prisoners in Housing Unit 2 and Juvenile Detention Center). Resolution of case involves construction of a fenced/monitored area for recreation. Four originals to Hal Luttschwager/Benefits for further handling.

Grants and Community Programs Fiscal Year 2013 Budget Amendments – BCC signed, dated June 20, 2013. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

- 1) Resolution No. 2013-076 – Revenue of \$286,000 from Glacierland (FS) and MT DEQ; Expenditures in amount of \$311,197 for wood stove change out program (funds not carried over from FY12 to FY13 budget).

- 2) Resolution No. 2013-077 – Safe Havens Grant. Expenditures of \$258,872 for Crime Victim Advocate Program.
- 3) Resolution No. 2013-078 –Revenue of \$35,315 from Municipal Court Fees; Expenditures of \$35,375 for Crime Victim Advocate Program.
- 4) Resolution No. 2013-079 – Energy & Brownfields enhancement. Revenue of \$36,492 from General Fund; Expenditures of \$56,492 (Match revenue of \$20,000 included in FY2013 budget).

Budget Transfer – BCC signed, dated June 20, 2013. Control #13-013 for Grant & Community Programs in amount of \$1,102.73 to correct coding/put in missing account code for Missoula in Motion/termination pay. Original to Teresa Graham/Accounting.


Bid Award – BCC awarded 2013 gravel bid to Far West Rock Products for 10,000 tons of ¾" crushed gravel to enhance certain roads in Nine Mile area. Amount/\$104,000, from Dust Abatement budget. Term/July and August, 2013. One lower bid was received from Knife River; based on material tests of two sources and location of each supplier, bid was awarded to Far West. Original to Erik Dickson/Public Works.

Additional discussion item(s): Maclay Bridge update.

FRIDAY, JUNE 21, 2013

BCC met in regular session in afternoon. Morning: ML/JC assisted at United Way Day of Action, held in Bonner Park. BC out of office through this date.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC

MONDAY, JUNE 24, 2013

BCC met in regular session; quorum present. JC at Seeley Lake/out of office all day. Afternoon: ML attended Decker Trucking New Terminal Facility Groundbreaking Ceremony (Old Hiway 10, near Wye).

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Double Arrow Rural Special Zoning District; 4) Babbitt Family Transfer (Clinton); 5) Gonstad Family Transfer (Clinton); 6) Canyon River RCA: a/ Minor Plat Adjustment, b/ Condition Amendment, c/ Phasing Plan Amendment; 7) Update.

TUESDAY, JUNE 25, 2013

BCC met in regular session; all three present in morning. Afternoon: JC left for Helena for MACo Meeting in evening. Evening: ML attended Missoula College Community Forum, held at City Council Chambers.

Replacement Warrant - ML signed. NCO Financial Systems, Dublin, OH, Principal for Payroll Warrant #30217111, issued February 3, 2012 on County 7910 Fund. Amount/\$253.72 (for Richard's loan payment). Not received in mail. No bond of indemnity required.

ADMINISTRATIVE MEETING

Contract – BCC signed, dated June 25, 2013. Between County and Missoulia for legal printing for term July 1, 2013 through June 30, 2014 (with option to renew for an additional year). Rate Agreement set forth therein. Originals to C&R and Auditor.

Contract – BCC signed, dated June 20, 2013. Between County and Mountain Valley Plant Management for Blackfoot/Clark Fork Noxious Weed treatments and AIS monitoring. Amount for various projects/ \$18,532. Term/July 1, 2013 through September 30, 2013. Originals to C&R and Bryce/Weed District.

Request – BCC reviewed/authorized re-submission of Revised FLAP (Federal Lands Access Program) for Phase 1 of Missoula to Lolo Trail. Est. project cost/\$3,683,971; proposed County contribution/\$557,692. Original to Lisa Moisey/Parks.

Letter – BCC signed, dated June 25, 2013. Re: MT DOT's evaluation of interim 55 mph nighttime speed limit study on MT Highway 83 (Seeley-Swan Valley Corridor). BCC concurs with findings/recommendation to re-instate statutory 65 mph speed limit in those areas having daytime speed limit of 70 mph.

Additional discussion item(s): MDT right-of-way agreements.

WEDNESDAY, JUNE 26, 2013

BCC met in regular session; quorum present. JC out of office all day at MACo Meeting in Helena.

Indemnity Bond – ML signed. Taina Curry, Missoula, Principal for A/P Warrant #16013543, issued June 6, 2013 on County Payroll Fund. Amount/\$150 (for substitute wages). Warrant lost.

CAO MEETING

BOOK 013 PAGE 0254

Amendment #1 – BCC signed, dated June 26, 2013. #1 to Agreement between MCCHD and Virginia Tribe to provide facilitator services to Missoula Best Beginnings Council. Provides additional funding of \$200 (to extend number of hours contracted) for a total amount of \$5,200. Contract Term/January 1, 2013 through September 29, 2013. Two originals to Julie Mohr/MCCHD.

Deed – ML signed. Permanent Highway Easement Deed, dated September 19, 2011, granted to Missoula County for the Petty Creek Road project. Original to Steve Niday for further handling.

Additional discussion item(s): None.

PUBLIC MEETING – June 26, 2013**1. CALL TO ORDER**

Commissioners Present: Commissioner (Chair) Michele Landquist, Commissioner Bill Carey

Commissioners Absent: Commissioner Jean Curtiss

Staff Present: Jennie Dixon, CAPS

2. PLEDGE OF ALLEGIANCE**3. PUBLIC ANNOUNCEMENTS**

Chair Landquist reminded everyone that the Historical Museum at Fort Missoula will hold its annual 4th of July celebration.

4. PUBLIC COMMENT

None

5. ROUTINE ADMINISTRATIVE ACTIONS

Bi-Weekly Claims List (\$2,769,783.94)

Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount of \$2,769,783.94. Chair Landquist seconded the motion. The motion carried a vote of 3-0.

5. HEARINGS (Certificates of Survey)**a. Babbitt (John) Family Transfer**

Jennie Dixon gave staff report and asked John Babbitt the standard family transfer questions.

Executive Session

Chair Landquist made motion that the Hearing remain open for County Attorney review. Concern is this may have to go through subdivision review. Once reviewed by the County Attorney's a date to continue will be announced. Commissioner Carey seconded the motion. The motion carried a vote of 2-0.

b. Gonstad (Suzanne) Family Transfer

Jennie Dixon gave staff report and asked the standard family transfer questions.

Executive Session

Chair Landquist made motion that the Board of County Commissioners postpone a decision until evidence that the road name change has been filed. Commissioner Carey seconded the motion. The motion carried a vote of 2-0.

7. OTHER BUSINESS

None

8. RECESS

Being no further business to come before the Board the Commissioners are in recess at 2:11.

THURSDAY, JUNE 27, 2013

BCC met in regular session; all three present. Late morning: ML/BC attended Running W Ranch Phase I Open House. Afternoon: BCC participated with CAPS and Collins Planning Associates (consulting company) in discussion re: Subdivision Regulations Reorganization.

Indemnity Bond – ML signed. Meghan Ekstrand, Missoula, Principal for Lolo School Dist. #7 Warrant #27654, issued June 20, 2013 on County Payroll Fund. Amount/\$271.91 (for wages). Warrant lost.

ADMINISTRATIVE MEETING

Request – BCC reviewed/approved extension of contract with Rocky Mountain Capitol Consulting for advocacy work in Washington, D.C. [The ongoing contract contains mid-year annual renewal clause that extends contract until end of this calendar year.] Original to Amy/Public Works.

Resolution No. 2013-080 – BCC signed, dated June 27, 2013. Expending \$200,000 from City's portion of 2006 Open Space Bond proceeds for Garden City Harvest/River Road Farm Project towards purchase of 3.25 acres and granting of conservation easement to City. Joint Public Hearing held May 6, 2013.

Agreement – BCC signed. Between County and MetWest Inc., d.b.a. Quest Diagnostics for PHC on-site Laboratory services. [Two RFPs received; MetWest determined most qualified and lowest cost]. Amount/\$184,768. Term/July 1, 2013-June 30, 2015. Two originals to Jeff Seaton/PHC.

Offer Addendum – ML signed. Amendment to Addendum B to Buy/Sell Agreement, signed April 9, 2013. For purchase of a certain amount of excess land to be determined through a minor subdivision process of Lot 1B, Block 4, MDP – Phase 1B, Missoula, being a portion of that approximate 4.56 acre lot, as platted. Buyer to pay ½ of engineering/surveying costs of minor subdivision up to a maximum of \$11,755. Buyer shall pay additional cost of approx. \$1,300 to engineer/surveyor (DJ&A) in order to include Lot 1, Block 4, MDP – Phase 1 within minor subdivision plat. Original to Barb Martens/Special Projects.

Request: Records Disposal/Transfer Authorization – ML signed. From Clerk & Recorder: 1) Birth Request Letters/Forms (1/1/2003-6/10/2010); 2) Death Request Letters/Forms (1/1/2003-12/31/2009); 3) Military Discharge Request (6/29/2008-7/8/2008); 4) Terminated UCC Filings (1/1/89-12/31/2003).

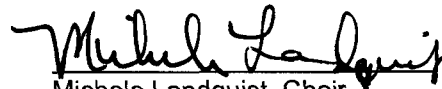
Additional discussion item(s): Grants/Community Programs Organizational Structure.

FRIDAY, JUNE 28, 2013

BCC met in regular session; all three present.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 13/CY2013 - Pay Date/June 28, 2013. Total Payroll/\$1,343,123.59. To County Auditor.


Vickie M. Zeier
Clerk & Recorder


Michele Landquist, Chair
BCC