

## MISSOULA COUNTY COMMISSIONERS' JOURNAL: JULY 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 JULY 2013:

Date Signed	Claims List Date	Who signed	Amount
July 2, 2013	July 1, 2013	BCC	\$525.50
			\$166.50
			\$539.23
			\$1,744.34
July 3, 2013	July 2, 2013	JC, BC	\$165,360.00
			\$2,250.00
			\$232.00
July 8, 2013	July 3, 2013	ML, BC	\$36,963.70
			\$2,966.65
			\$248,791.40
			\$31,785.19
			\$3,224.63
			\$336.63
			\$1,446.35
			\$223.25
			\$153.15
July 8, 2013	July 8, 2013	ML, BC	\$10,138.04
			\$2,969.44
			\$16,484.78
			\$2,306.79
			\$5,322.03
			\$2,299.02
			\$6,125.07
			\$2,750.00
July 9, 2013	July 8, 2013	ML, BC	\$837.60
			\$2,783.29
			\$94,668.47
July 9, 2013	July 9, 2013	ML, BC	\$18.25
			\$32.57
			\$86.67
			\$41.97
			\$67,508.54
			\$350.00
			\$9,494.29
			\$377.33
			\$1,299.33
			\$10,297.16
			\$32.72
July 10, 2013	July 9, 2013	ML, BC	\$27,036.13
			\$25,817.57
			\$30,382.91
			\$36,124.92

July 10, 2013	July 10, 2013	ML, BC	\$611.72
			\$1,010.73
			\$383.62
			\$32.17
			\$19.08
			\$34.54
			\$81,371.00
July 12, 2013	July 8, 2013	ML, BC	\$90.47
July 12, 2013	July 10, 2013	ML, BC	\$74,789.00
			\$2,314.04
			\$5,180.47
			\$2,558.91
			\$750.00
			\$1,302,521.87
			\$263.75
July 12, 2013	July 11, 2013	ML, BC	\$106,960.71
			\$134.00
			\$244.64
			\$9,113.08
			\$35,325.63
			\$924.00
			\$250.00
			\$155.63
			\$859.40
			\$32,673.46
			\$3,936.02
			\$441.00
July 16, 2013	July 15, 2013	BCC	\$3,297.83
			\$11,841.32
			\$631,625.99
			\$9,364.01
			\$186,991.79
			\$1,180.68
			\$4,369.69
			\$4,750.00
			\$212,876.66
July 17, 2013	July 16, 2013	BCC	\$146.80
			\$202.46
			\$1,274.20
			\$3,071.70
			\$3,266.20
			\$1,966.40
			\$600.00
			\$567.61
			\$350.00
			\$200.00
			\$187.15
			\$206,049.19
\$174.95			
July 10, 2013	PHC Cardinal Health ACH		\$39,727.17
July 10, 2013	PHC Cardinal Health ACH		\$43,157.83
July 5, 2013	PHC Cardinal Health ACH		\$170.00
July 17, 2013	July 15, 2013	BCC	\$245,323.25
July 17, 2013	July 17, 2013	ML, JC	\$105,464.61
			\$28,139.34
			\$4,089.59
			\$1,504.95
			\$1,323.57

[July 17 <sup>th</sup> cont'd]	[July 17 <sup>th</sup> cont'd]	ML, JC	\$763.00
			\$281.73
			\$71.86
			\$170.00
			\$26,229.28
			\$845.53
			\$880.00
			\$209.00
			\$2,135.25
			\$25,772.69
July 22, 2013	July 19, 2013	BCC	\$8,292.59
			\$5,718.70
			\$4,032.85
			\$5,580.67
			\$87,359.89
July 22, 2013	July 22, 2013	BCC	\$11,109.67
			\$10,541.62
			\$3,285.77
			\$2,377.39
			\$420.00
			\$939.80
			\$16,627.45
			\$1,751.67
			\$946.16
July 23, 2013	July 19, 2013	BCC	\$27,882.55
July 23, 2013	July 22, 2013	BCC	\$341,893.38
			\$888.00
			\$25.00
			\$800.24
			\$297.04
			\$4,835.13
July 23, 2013	July 16, 2013	BCC	\$6.50
July 23, 2013	July 23, 2013	BCC	\$102,355.00
			\$90.00
			\$10,636.20
			\$1,905.98
			\$20,270.89
			\$50,528.00
July 24, 2013	July 23, 2013	BCC	\$644.73
			\$7.00
			\$54.04
July 24, 2013	July 24, 2013	BCC	\$69.08
			\$4,919.87
			\$12,945.47
			\$1,462.37
			\$1,027.85
			\$4,805.34
July 25, 2013	July 24, 2013	BCC	\$27,280.49
July 25, 2013	July 25, 2013	BCC	\$47.55
			\$35.00
			\$35.28
			\$29,195.42
			\$1,355.77
			\$13,283.47
			\$17,647.18
			\$6,436.07
			\$99,523.61
			\$7,010.73
			\$3,858.17

July 29, 2013	July 29, 2013	BCC	\$1,598.65
			\$89,902.58
			\$6,740.43
			\$10,048.61
			\$3,022.28
July 29, 2013	July 29, 2013	ML, JC	\$195.00
			\$97.04
			\$75.00
			\$265.89
			\$1,173.58
			\$6,517.50
			\$23,439.40
July 31, 2013	July 25, 2013	BCC	\$7.94
July 31, 2013	July 29, 2013	BCC	\$1,489.09
July 31, 2013	July 30, 2013	BCC	\$2,177.78
			\$2,497.00
			\$182.63
			\$250.00
			\$51,495.52
			\$17,977.37
			\$4,050.00
			\$110.82
			\$60,077.52
July 31, 2013	July 31, 2013	BCC	\$3,408.42
			\$505.60
			\$2,243.97
July 25, 2013	PHC Cardinal Health ACH		\$41,945.74
July 25, 2013	PHC Cardinal Health ACH		\$54,731.52

All Claims Lists were returned to the Accounting Department.

#### MONDAY, JULY 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) Hiatt Development Park Water Supply for Firefighting Condition Amendment (see Letter to Jeff Smith/WGM, September 20<sup>th</sup> Journal Entry); 4) Clearwater Junction Phasing Plan Amendment (see Letter to John Richards; July 23<sup>rd</sup> Journal Entry); 5) Director's update.

Letter – ML authored/signed, dated July 1, 2013. To Maclay Bridge Alliance, Missoula, stating her comments are direct result of wording from the Target Range Neighborhood Plan (re: "...County Transportation plan proposes a bridge crossing the Bitterroot River at the west end of South Avenue..."). Discussions continue with MT DOT address Maclay Bridge.

#### TUESDAY, JULY 2, 2013

BCC met in regular session; all three present.

#### ADMINISTRATIVE MEETING

Grant Award – ML signed. FY 2012 Dept. of HUD Homeless Assistance – Continuum of Care Program Grant #MT0015L8T001205 to Missoula County for Western MT Mental Health Center's SHARE House program. Total grant award/\$147,498; \$3,687.45 for administering grant. Term/January 3, 2013 – January 2, 2014. Three originals to Melissa Gordon/Grants for further handling.

Contract – BCC signed, dated July 2, 2013. Between County and LKF Data Entry Services to re-key data for verification purposes from legal documents recorded/filed in Missoula County Clerk & Recorder's office. Amount/up to \$31,000 annually. Term/July 1, 2013 – June 30, 2016. Originals to Shyra/C&R.

Resolution No. 2013-081 – BCC signed, dated July 2, 2013. Adopting Compensation Schedule for FY2014 for elected officials, effective June 23, 2013, as recommended/adopted by FY2014 Compensation Board. Increases include: 1) 1.5% to base rate of each elected official; and 2) additional 1% longevity increment on anniversary date of each elected official's appointment. Original to C&R.

Contract – ML signed. #14-07-3-01-010-0 between County and DPHHS for PHC & Montana Cancer Control Program (screening services for prevention/early detection of cancer). Amount/\$83,710. Term/July 1, 2013 - September 30, 2014. Three originals to Andrea/PHC for further handling.



Contract – BCC signed. Between County (PHC) and Flathead City-County Health Dept. for case management assistance for Ryan White Part C Early Intervention Service clients in Flathead County area. Amount/4,000. Term/April 1, 2013 – March 31, 2014. Originals to C&R and Andrea/PHC.

Contract – BCC signed. #13-07-4-51-011-0 between County and DPHHS for HIV Prevention Services at PHC. Amount/\$25,872. Term/January 1 – December 31, 2013. Three originals to Andrea/PHC for further handling.

Contract – BCC signed. #13-07-4-51-104-0 between County and DPHHS for HIV Medical Case Management Services at PHC. Amount/\$50,000. Term/July 1, 2013 - June 30, 2014. Three originals to Andrea/PHC for further handling.

Board Appointment – BCC appointed Maureen Fleming to fill an unexpired term to September 30, 2014 on the Fairgrounds Advisory Committee, at which time she will be eligible for reappointment to a new 3-year term.

Board Appointment – BCC appointed Jeff Mathis to fill an unexpired term to June 30, 2015 on the Aging Services Governing Board, at which time he will be eligible for reappointment to a new 3-year term.

Additional discussion item(s): None.

**WEDNESDAY, JULY 3, 2013**

BCC did not meet in regular session; quorum unavailable.

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 June 2013.

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 June 2013.

CAO MEETING – Canceled – No Agenda Items

NO PUBLIC MEETING HELD THIS DATE


**THURSDAY, JULY 4, 2013**

**COURTHOUSE AND ADMIN BUILDING CLOSED FOR THE 4<sup>TH</sup> OF JULY HOLIDAY**

**FRIDAY, JULY 5, 2013**

BCC did not meet in regular session. All three Commissioners out of the office.

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

**MONDAY, JULY 8, 2013**

BCC met in regular session; quorum present. Noon: ML & BC attended City Club Luncheon (Governor Bullock, guest). JC out of office through Friday, July 12<sup>th</sup>.

Monthly Report - ML examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending June 2013.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) 5950 Wildcat Road BLR – Request from neighbors to discuss approval; 4) Lot 60 Dinsmore Orchard Homes #4, Zoned ZD #9 – Variance Request; 5) Double Arrow Rural Special Zoning District briefing; 6) Director's update.

**TUESDAY, JULY 9, 2013**

BCC met in regular session; quorum present. JC out of office through Friday, July 12<sup>th</sup>.

ADMINISTRATIVE MEETING

MOU – BCC signed, dated May 20, 2013. Memorandum of Understanding between City and County of Missoula for 2013 Edward Byrne Memorial Justice Assistance Grant (#2013 H4566-MT-DJ). Total amount/\$55,221; City to pay County \$22,088 for part-time property clerk position; City to use balance of \$33,133 for purchase of portable breath test units/radar & lidar units/tasers & cartridges. Three originals to Sheriff for further handling.

Resolution No. 2013-082 – BCC signed, dated July 9, 2013. Budget Amendment for Auditor in amount of \$11,370 showing revenue from Cash Reserves and expenditures thereof for Veterans Burial Allowance. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Policy – Pursuant to passage of SB77, BCC approved revised County Purchasing and Contracts Policy to include: Increases threshold for bids/RFPs/RFQs to \$80,000 (other than architects/engineers/ surveyors); and other changes to add flexibility to the policy.

Contract – BCC signed. Between City-County Health Dept. and Lincoln County for Registered Dietitian Services for high risk WIC participants in Lincoln County. Amount set forth therein. Term/June 1, 2013-September 30, 2014. Two originals to Julie Mohr/MCCHD for further handling.

Amendment #1 – ML signed. To Task Order #13-07-5-21-014-0 to contract between MCCHD and MT DPHHS for additional funds in amount of \$30,000 from redistribution of money underspent in USDA region. for WIC Program for Missoula and Granite Counties. Term/October 1, 2012 through September 30, 2013. Three originals to Julie Mohr/MCCHD for further handling.

Board Appointment – BCC rescinded May 2013 appointment of Tim Wallace to serve as DirecTV Rep on MDA Tech Advisory Committee (due to new position with company); BCC appointed John Irvin as DirecTV Rep to replace Mr. Wallace for his term that will end June 30, 2018.

Additional discussion item(s): Trail Projects.

### WEDNESDAY, JULY 10, 2013

BCC met in regular session; quorum present. JC out of office through Friday, July 12<sup>th</sup>.

#### CAO MEETING

Contracts – ML signed, dated July 24, 2013. Between County and MT Dept. of Commerce for Big Sky Economic Development Trust Fund Program funding for Category 1 Job Creation Grants awarded to County since January 2013 for following:

- 1) #MT-BSTF-1-13-11. Amount/not to exceed \$900,000 for ALCOM, LLC. Term/January 17, 2013-January 17, 2015.
- 2) #MT-BSTF-1-13-12. Amount/\$75,000 for Recovery Center Missoula. Term/February 5, 2013-February 5, 2015.
- 3) #MT-BSTF-1-13-13. Amount/\$221,600 for Hunting GPS Maps (ABN of MT Mapping and GPS, LLC). Term/April 11, 2013 through April 11, 2015.

2014 Budget Enhancement Request – Dated July 9, 2013. For BSTF Job Creation grants from MT DOC (noted above) in total amount of \$1,196,600. Three originals to Kelly/BREDD for further handling.

Resolution No. 2013-083 – BCC signed, dated July 10, 2013. Zoning an unzoned property (Decker Investments Property, adjacent to I-90 and Highway 10 West, near the Wye), legally described as Section 21, T 13 N, R 20 W, Tract 1 of COS 6341 to C-11 (Light Industry). Public Hearing held May 8, 2013. Original to C&R.

Contract Award – BCC awarded contract for road striping of eight roads in Lolo and Seeley Lake to Highmark Traffic Services. Highmark will honor contract unit prices they have with MDT. Amount/\$20,000 from Traffic Contracted Services. Term/July 22 – August 23, 2013. Balance of annual striping budget (approx. \$45,000) will be carried over to FY15 for other chip seal projects. Original to Erik Dickson/Public Works.

Grant Award – ML signed. State of MT, BOCC Subgrant Award (#14-L05-91574: Western Region Juvenile Detention – Special Conditions). Assuring counties won't be reimbursed for youth detained in accordance with MCA 41-5-1304(1) or 41-5-1501(1). Total grant award/\$278,086; \$87,513 to Missoula County. Original to Gary Elliott/Sheriff.

Letter – BCC signed, dated July 10, 2013. To John Richards, Herb Richards Construction Company, Bozeman, re: their letter inquiring about the property County is leasing from MDOT. BCC restated the County is only a lessee of the State, and directs any future lease-related inquiries to the MDOT.

Additional discussion item(s): None.

#### PUBLIC MEETING – July 10, 2013

##### **1. CALL TO ORDER**

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

##### **2. PLEDGE OF ALLEGIANCE**

##### **3. PUBLIC ANNOUNCEMENTS**

Commissioner Curtiss is in Washington DC for the Let's Move Program with First Lady, Michelle Obama. This is an honor for Missoula County.

JULY 01 2013

## 4. PUBLIC COMMENT

None

## 5. ROUTINE ADMINISTRATIVE ACTIONS

Bi-Weekly Claims List (\$850,391.20)

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount of \$850,391.20. Chair Landquist seconded the motion. The motion carried a vote of 2-0.

## 6. HEARINGS

- a. Citizen Initiated Zoning District #9 Setback Variance Request (Gerald Zieg)  
Jamie Erbacher gave staff report.

**Greg Martinsen:** My Client, Gerald, stated that he intends to get all permits and will be ready by September 1<sup>st</sup> to proceed.

**Jack Zieg:** I live very close to the property. I'm not objecting to fixing this, the only thing I'm objecting is this a one-time situation where this is just referring to this house or is it going to effect the entire lot structure there for future building on it? If this is a one-time situation its fine with me but if it's going to go further and it's going to set a precedent to the rest of the building on this property, then I do object to the set-back.

**Chair Landquist:** From the looks I'm getting from people I think it's probably a one-time thing because the buildings are already there. Do you want to speak to this Greg?

**Greg Martinsen:** The applications and approval are specific to only that structure. They won't deal with anything else Jack.

**Jamie Erbacher:** You, as the Commissioners, do have certain criteria that you have to approve a variance with and for; those include that it can't be contrary to the public interest, where only special conditions little enforcement would result in unnecessary hardship. For each individual structure they would have to prove that they have an unnecessary hardship. If someone came in with a new building it would be the required 15 foot setback.

**Commissioner Carey:** Was it built as a home initially with the basement and all?

**Jamie Erbacher:** It's been taxed as a home for several years.

**Jack Zieg:** They were going to remodel that house for his daughter but they decided to build a new house on Hybirda Street so then they stopped. They put a new roof on it and a new fireplace; he did put a lot of work into it. When they built the new house they just stopped and let it sit. From what I understand now, Gerald's brother wants to move down there from Utah and move into this house.

**Chair Landquist:** Seems like the family wants to keep it in the family.

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve a variance for the property legally described as Lot 60 of Dinsmore's Orchard Homes No. 4 to allow a 6.8 foot reduction in the side yard setback for the existing structure located on the west property boundary which is to be used as a home, subject to the following conditions. This approval is based on the findings of fact and conclusion of law found in the staff report and the public hearing. Chair Landquist seconded the motion. The motion carried a vote of 2-0.

With the following conditions:

1. A new approach permit and address will be required for the proposed driveway.
2. All required permits including zoning compliance, well, septic, electrical, plumbing and mechanical shall be obtained prior to any work being completed within the structure.
3. The applicant shall work with the Public Works Building Division to determine if a building permit is required.

**Chair Landquist:** What mechanisms does the County have to make sure that these conditions are complied with?

**Jamie Erbacher:** We do have our code enforcement person so if we see that construction is happening, or if the Building Department sees that construction is happening, we can put a stop to work on it. From there, they would have to get their appropriate permits.

**Greg Martinsen:** Anytime you apply for a building permit in the county you have to go through the process to make sure you have an approach permit existing, or get a new one. You have to go through all the stuff for sanitation. You have to get approval from Todd for floodplain. Everything's covered if you have to go get a permit, if you start building without a permit your representatives will come knocking on the door. So yes, it will all happen.

**Chair Landquist:** Thank you. I'm just thinking because of the fact that it already looks like it's existing and thinking back to a couple weeks ago when we had the request for family transfers; one had been an approved subdivision for rent or least but there had been conditions with that. Then there was no follow-up on the county's part to make sure those conditions were met. Some years later it comes before us for something else and we say wait, you never met these other conditions. So now I guess the hair on my neck stands up a little bit approving something with conditions, wanting to make sure the county has things in place now.

**Jamie Erbacher:** I think having the County Building Department helps a lot. They're driving around consistently, they see things happening they...they're pretty good; they know what they're doing. They can put the stop work on, and then from there all the permits can be obtained.

- b. Shoreline Regulations Boat Dock Size Variance (Steve Page – Diamond L Bar Lakeshore Tracts, 7368 Lindbergh Lake Road, Lindbergh Lake)  
Todd Kleitz gave staff report.

**Chair Landquist:** This is the sort of thing we want to encourage wherever possible; having one dock instead of two.

**Public Comment**

None

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the shoreline permit contingent upon the removal of the existing dock and pressure-treated cribbing from the shoreline protection zone and that this oversized dock will remain as the only dock serving Lots 42 & 43. Chair Landquist 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 1:56.

Shoreline Permit – ML signed. #13-13 for Applicant Stephen Page to remove one existing dock (and leave one remaining) at 7368 Lindbergh Lake Road, Lindbergh Lake (Parcels 42 & 43). Original to Todd Kleitz/OPG.

**THURSDAY, JULY 11, 2013**

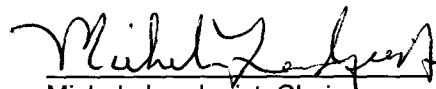
BCC did not meet in regular session. ML attended HRC Board Meeting in Hamilton most of day. JC out of office through Friday, July 12<sup>th</sup>.

ADMINISTRATIVE MEETING – Canceled – No Quorum Available

**FRIDAY, JULY 12, 2013**

BCC met in regular session; quorum present. JC out of office through Friday, July 12<sup>th</sup>.

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

**MONDAY, JULY 15, 2013**

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Pre-season fire briefing; 4) Grizzly Bear Conservation Strategy Overview; 5) Double Arrow Rural Special Zoning District briefing; 6) TPCC Agenda Overview; 7) Director's update.

**TUESDAY, JULY 16, 2013**

BCC met in regular session; all three present. Evening: BCC participated in Public Hearing held in Seeley Lake re: Double Arrow Zoning.

ADMINISTRATIVE MEETING

Resolution No. 2013-085 – ML signed, dated July 16, 2013. Approving Pursuing and Negotiating a Lease-Purchase Financing and Associated Documentation with First Security Bank and Dorsey Whitney for the Courthouse and Annex Renovation Project. (Assumption of \$8 million of lease financing for a 15-year period. Originals to C&R and Dorsey Whitney.

Resolution No. 2013-084 – BCC signed, dated July 16, 2013. Budget Amendment for County Parks & Trails/CAPS to take three amounts for a total of \$29,782.37 from Parks Cash in Lieu and Park Construction and County Parks Reserve Funds to put into correct revenue line items for Park Construction Reserve, County Parks Land Improvements and Contracted Services. For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Budget Transfer – BCC signed, dated July 16, 2013. Control #13-015 for Health Dept. moving \$6,050 from 541 Sewer Refunds to 821 Transfer to Tech Fund (omitted in FY13 Budget). Original to Accounting.

Additional discussion item(s): 1) Fair Tickets; 2) Frenchtown Superfund Listing update [see Letter to US EPA, July 18<sup>th</sup> Journal Entry].

NO AFTERNOON PUBLIC MEETING HELD THIS DATE

PUBLIC MEETING AT SEELEY LAKE COMMUNITY HALL – 6:00 p.m., Tuesday July 16, 2013

1. **CALL TO ORDER**

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

**Staff Present:** Mitch Doherty, CAPS, James McCubbin, Deputy County Attorney

2. **PLEDGE OF ALLEGIANCE**

3. **PUBLIC ANNOUNCEMENTS**

None (no recording)

4. **PUBLIC COMMENT**

None (no recording)

5. **HEARING**

Double Arrow Zoning – Seeley Lake Community Hall

Mitch Doherty gave presentation and staff report.

First suggested revision is to include a statement that clarifies the responsibilities of DARLOA with regards to their Covenants. Next is the inclusion of a height definition that is based on planning boards recommended change to the height measurement. There is also a suggestion to remove the home industries reference in the non-conforming use section. There are several suggested revisions to the defensible space language, including removal of language that requires maintenance of lawns. Staff also suggests the board consider revised defensible space table that clarifies the requirements of each zone. And finally if the board of County Commissioners wishes to act on planning board's recommendation to apply the defensible space standards to all parcels, staff suggests including language that would allow a minimum of three years for all properties to be brought to compliance. In closing and this is the shortened, condensed version, Staff recommends that the Double Arrow Rural Special Zoning District (DARSZD) be approved as amended by planning board and as amended during the hearing this evening. The full recommended motion is included in the Request for Commissioner Action (RCA).

Thank you for your time.

**Chair Landquist:** You've heard Mitch's report and probably have hard copies. This is the public portion of the hearing; we need to know what your thoughts, ideas and suggestions are. How many people that are here tonight would like to get up and say a couple words? By a show of hands, okay there's not too many. We'll give three minutes each but if more of you decide to start talking then I may have to narrow it down to two minutes each.

**Jack Greenwood:** Member of the Seeley Lake Community Council. I'm gonna read a letter that the council wrote and sent to you. (PDF Letter) Commissioners received the letter but I want to read it because not everyone has heard it. I'm not for or against; we just have some concerns about the process.

**Teresa Lacey:** I was originally for zoning. I thought that we needed protection from restrictive land use provisions that we came up against in the 2010 plan. Now I am against it as the zoning document now stands. I'd like to ask whether you guys have driven and seen some of the unique aspects of our community; to include the wildlife, the home sites and water features?

**Chair Landquist:** Yes.

**Commissioner Curtiss:** Yes, we all have.

**Teresa Lacey:** I would like to request that you allow no less than one month for comments from the time that a final version of the zoning plans are available. The most recent version was posted Monday of last week and considering that over half of the people that own lots up here live away from this area or out-of-State; I think that more time needs to be allotted. At the planning meeting which I attended, they said that even though this was on the letter...it said that this was a hearing, that you may very well be making your final decision tonight. I'm wondering if that is your intention to make a decision or if this would probably be a process that moves on?

**Chair Landquist:** That's quite often the way we do things.

**Commissioner Curtiss:** Depends on what we hear. Teresa could I ask you one question?

**Teresa Lacey:** Yes.

**Commissioner Curtiss:** Are you against the zoning or you're against the timeline?

**Teresa Lacey:** I'm against the zoning as it reads now. I believe that for one thing the 20 page document appears to me is linked to the much larger general county document. I'm very confused about the types of requirements that would be put on maintaining our roads and higher building codes that are in that document. I don't believe that very many people have connected those two documents together. Most of the people that I've talked to, if they've seen anything at all they've just seen that 20 pages, that is very specific to our area.

**Commissioner Curtiss:** So you know that your roads are private?

**Teresa Lacey:** Some of our roads are private and some of our roads are public.

**Commissioner Curtiss:** And the building codes apply even if you don't zone. Building codes apply county wide.

**Teresa Lacey:** There has been some discussion that even if new roads aren't built, that just the maintenance of the roads would be a higher standard then we have now, as far as getting permits for our annual grading and filling pot holes and things along those lines. There's a lot of questions still out there. And a lot of conflicting ways that people are reading things, such as the propane tanks. A lot of people have said that no, the propane tanks wouldn't be effective, the ones that are already here. Some people read it that anything within a wildlife urban interface would have to be buried. There's just a lot of places in there that one person says that they believe it goes this way and another says it goes that way.

**Chair Landquist:** Mitch are you prepared to address anything that Teresa just mentioned regarding road maintenance and the propane tanks?

**Mitch Doherty:** Sure. The propane tank standard is an 'and/or', it's buried 'or' located 25 feet from your driveway. It's an 'or' situation, it's not buried and located away from your driveway; there's an 'or' in there.

**Teresa Lacey:** There's 3 different points in that section. The first one concerns roads and driveways, the third one said anything outside of a wildlife urban interface, which we don't have any outside wildlife...

**Mitch Doherty:** So it doesn't apply.

**Teresa Lacey:** So anything that's not closer than 25 feet doesn't have to be buried no matter where it is?

**Mitch Doherty:** No, it's an 'and' or an 'or'. You have the option to either locate your propane tank greater than 25 feet away from a driveway 'or' bury it right next to your driveway, if that's what you would like to do.

**Teresa Lacey:** What about how close is it to any structures?

**Mitch Doherty:** I don't believe there are any standards in there about structures. I'd have to look again but I'm pretty sure we're talking about roads. There's an 'or' in there; so it's buried 'or' located away from the driveway.

**Teresa Lacey:** It's very confusing.

**Chair Landquist:** The structure part of it, I know the companies that serve the propane have regulations there.

**Ron Schulfer:** Land owner on Double Arrow Ranch. Tonight I'm going to speak as a land owner. As a land owner I'm not disappointed in the DARLOA Board of Directors. I am however disappointed in the trust philosophy that seems to have been eroded. As the Board of Directors entered into this process a couple years ago it was said this would be a collaborated effort between Missoula County and the Double Arrow Ranch Landowners Association. As a land owner I heard Pat O'Herren from Rural Initiatives address our land owners on at least three occasions and say that the county wants to respect and protect our covenants and our way of life, and if things are not so we can back out at any time. As a land owner I went to all the meetings, both open and work sessions, that was my prerogative and I choose to do it. Choosing not to do it would have been (in auditable). I heard and understood the process. Any land owner could have done the same thing. It was made clear that the process would be to develop a zoning draft and then present it to the public for comment at two public meetings; i.e. the process we're in now. I saw and heard as a land owner a lot of activities to draft a proper document for review. I felt good the collaboration was working. Then a funny thing happened on the way to the forum. The planning board issued a draft, June 18<sup>th</sup>, of the DRSZD that did not and does not meet with the land owner's expectations. Some outcry has ensued. No good deed goes unpunished. As a land owner, tax payer and voter, I respectfully ask the Commissioners to review all the comments, including staff, those that were made by the DARLOA Board in writing, digest the words and provide us with a collaborative document as opposed to is now perceived as a bureaucratic directive.

**Bruce Bourne:** I personally don't care either way because it doesn't affect me but I do care about some of the stuff that's in there, primarily the stuff that relates to the fire wise...how you're going to maintain your property and what the building structural requirements are going to be. I see that as a problem. First of all, I've lived up here 28 years and I built my own house up here, I'm one of these do-it-yourself kinds of people because I believe a lot of people in this room have the ability to do a lot of their own work and sweat equity is one of the ways Montana's afford better places than we can afford. It bothers me when I see restrictions being put in place that cost people money, that put timelines on things and we tend to do things on our own time around here. I honestly believe that you don't need to babysit this particular issue because I think it's in people's best interest to maintain their property in a manner that's going to protect their homes. I also believe that the insurance companies are going to get smart at some point and start offering incentives to people that construct their houses out of the appropriate materials, and maintain their properties in a manner that going to help protect their homes against wildfire. So I believe that it's actually up to the individual home owner and it's up to relationships that exist between them and their insurance companies to try to provide a safe environment for that house. I don't believe it's the County's job to try to set something that's a mandatory requirement and then try to setup some kind of a housing police force to come out and measure the lawn and count their trees and do those kinds of things, I just think it's totally inappropriate for our area. I'm against the requirement that they have to do that.

**Teresa Cahoon:** I live on Double Arrow and I'm against the zoning. We have covenants, we have an ACC committee, we have a fire committee, and we have a road committee. I don't think we need you. I agree totally with Bruce that we don't need you to babysit us, if we need to do more work in the fire for defensible space then we do that as a DARLOA, not with the county. So I'm completely against that and the same thing with the building? I see you come in and when you guys....I've lived here my whole life, houses aren't falling down, we don't need all those building codes that you brought in, and they cost probably \$10,000-\$15,000 on top of our home. Just for you extra additions.

**Commissioner Curtiss:** It's more like \$1,500 - \$10,000 is exaggerating.

**Teresa Cahoon:** No, you're dead wrong. Have you tried the contractors? They add extra money for all your things that you add, so it is about \$10,000-\$15,000, I build houses on the side. I'm not interested in more rules and more stuff from you and then 10 years down the road you add some more stuff and it's already this thick if you read it, it's very confusing. So in my mind, my suggestion is take a copy of our covenants, put it in your file and shut the drawer and leave us alone. (Outburst from crowd - cheering)

**Chair Landquist:** No, please, I'll clear this room right now. That's the first and last outburst we're gonna have. I asked you and warned you from the beginning. We're not going to feed fuel to everybody with yah or nay whether you agree with them or not. Please let that be the last outburst whether you agree or disagree, it's just not fair to someone that might want to speak the other way.

**Larry Anderson:** I'm a home owner on the Double Arrow. I'd just like to echo what some of the previous folks have stated and I'll let you know my position on this when I'm done with my comments. I agree with a lot of the land use planning that has gone here and I realize the staff has done a very difficult job and extensive job of this working on this project. But I also recognize this subdivision was originally platted back in the 70's and the covenants have been updated and it's worked well for over 40 years. It's a very active home owners association and while I may not agree with all their decisions, I think they are committed to making the Double Arrow Ranch a quality subdivision that addresses the needs of the rules and regulations and also their neighbors. In this zoning, in this particular project appears to be a solution to a problem that doesn't exist. I would like the staff here to list examples of what specific solutions are being proposed in this zoning request that are not addressed in the home owners covenants and the way the board deals with those situations. I would like to have them do that this evening so we could all hear what specific problems are being corrected by this zoning designation tonight. I would also like to give the Home Owners Association representative a chance to respond to address those situations as well. If this is an improvement over to what the Home Owners Association is doing to the subdivision then I'm whole heartedly in support of it but if it's just another rule and regulation and somebody checking something off their to-do list, then I'm opposed to it. And I would like the Commissioners not to make a final decision tonight; I think that's a recommendation of the planning board and other folks that have spoken. I've just completed a construction project on a garage that I built; I had to comply with the Missoula County Building codes, which added to the cost of the project. When I put in my drainfield I had to comply with State and local water quality requirements. I had to comply with plumbing codes, electrical codes and all the other codes so I don't think there's a lot of substandard building going on in this particular area. I would much rather work neighbor to neighbor to do something they asked me to do or not do something I proposed to do because they have to live with the same situations. And with all due respect I would rather have that neighbor to neighbor exchange then have any etiquette come down from the Commissioners and just to comply with a letter of the law. I think the HOA can do that and I think that if there's some way to designate this as a special district that would not be zoned because it's capable of handling its own affairs until there's some overwhelming situation developed that would require the county to step in to enforce those rules, then I think that we should be left to our own devices. I think they've done a good job, I'm proud to be a land owner here. I'm also concerned about...I've taken advantage of Grants to create defensible space around my property, that was in conjunction with foresters that knew what they were doing and folks from the DNRC that were in compliance and I'm afraid that new rules will come out and create more restrictions in what I've already placed on my own and I don't like the idea of creating non-compliant lots.

**John Strimford:** I live on Double Arrow; I've lived there for 12 years now. I the statements I have are based on what Mitch Doherty had to say. Fire mitigation and defensible space, I looked into that myself this year, had a local logger come and review it, and gave me a bid. The Clearwater Resources Council, they would basically cover ½ - half for me was \$2,500. I'm unfortunately now on

disability and that's my monthly payment. My wife and I have been working hard on our property to make it defensible as best we can. The cost of underground propane tanks, not sure if anybody's looked into that have they? I used to work for two propane companies here locally and then I had my own heating and repair business until my health wouldn't let me do it. The rule of thumb was 10 feet from any structure with a propane tank, above ground. Underground tanks, you can't just take that same tank and stick it in the ground, it takes an entirely different tank with different filling apparatuses. It also has to be coated with a tar material to be put in the ground it has to have anecdote on it. I'd like to know how many of those tanks get checked each year, guarantee you none of them do. That's something to consider. I'm against the zoning because first of all when it first came about, it sent my head spinning because I couldn't understand it all. Put it in plain English so I can understand it. We've all gotten along quite well over the years, taking care of our properties, taking care of our homes properly according to our land owners association. Why do we need to change all this now? One last thing – understanding of the zoning and why do we really need it.

**Chair Landquist:** I might add that Missoula County didn't initiate the zoning process, they were asked by the board of your HOA. We are just acting on the request.

**William Cruce and my wife Roberta:** I'm sure that name rings a bell to 99% of the people in here because we have written letters to every board involved, put letters, editorials into the pathfinder as well. Let me just start out by saying; we are in total disagreement to this proposal...we want it killed. We appreciate the position that you Commissioners are in and that you only did what our Board asked you to do. We feel that the board has erred, even to the point of breaking Montana State Law by not giving adequate notice to the land owners of what all this would involve. Now let me speak to you in terms of how this is going to affect us and why we are in such disagreement against this thing. We bought in late July of last year and we're from Missoula so we are very aware of all the neighborhoods and the communities like the back of our hand. We looked at hundreds of homes. I lived in the upper Rattlesnake for years; this is not the upper Rattlesnake. The Double Arrow Ranch is a heavily, let me emphasize, a heavily wooded forest. The land owners do not realize what the present draft in this present form right now is going to do to your timber – you're going to lose half of it! Do I know what I'm talking about? Yes, I talked to a board member who said absolutely Mr. Cruce you're reading it right. Half of the trees on the Double Arrow Ranch, mature, healthy, green trees would have to be cut in order to come into compliance with this ridiculous draft in its present form. In addition to that; wild grasses, wild flowers are gonna have to be mowed down to the extent to where they won't be able to reseed, is that what you people want? If that isn't bad enough, this propane tank stuff we've been talking about – we have another home in Mesa, Arizona we leave for in the winter time. Think about that for a moment; here's our tank buried in the ground, 5 feet of snow on the ground and here comes our gas supplier, he doesn't even know what a tank is, let alone where the fuel thing is. So our house is going to freeze up while we're in Mesa because he can't keep propane in it to keep our boiler going.

**Commissioner Curtiss:** Now you realize we just said they don't have to be buried?

**William Cruce:** Yes but that's now. Here's something else you people aren't considering; once this thing gets out of the HOA and gets into an outside commission that has control over our 3,000 acres, they can change the rules any time they want to.

**Commissioner Curtiss:** No, that's not true.

**Chair Landquist:** Not without a major process. You already said you're totally against it.

**William Cruce:** Let me say one last thing; this is after speaking to lawyers that are also owners on the Double Arrow Ranch, if this thing goes through, I assure you law suits are going to be filed.

**Larry Krueger:** I live on the Double Arrow Ranch. The first time I heard about this change to the zoning is when I received a letter from the County, which I really appreciate. Otherwise, I didn't hear anything about it; it was totally a void to me. A lot of us aren't public speakers and I'm one of them, I get a little nervous. I would like to see the people that don't have computers or able to come up here and speak, to have a vote at the door when we leave to show exactly how many people want it and don't want it. I don't want it, I want it thrown out because it's just nonsense. I bought my land to live in the country, not in the city. To be mowing 2 acres of property is an awful lot of property to be mowing. I've said what I wanted to say so I'd like to see a proper vote taken so that people can...or the board can really see what is going on and how many people really want it.

**John Meyer:** My wife and I are absolutely totally against this. My wife and I purchased our home at the end of 2010 and although not perfect, had all the potential to become the dream retirement home with creek frontage, golf course nearby, lodge and restaurant within walking distance and yes lots of beautiful established shade trees; trees that shade our home in the summer and protect it in the winter. We have worked nonstop fixing those things that needed fixing and preparing the home for the day we retire full-time in Seeley. When we purchased our home, we spent a great deal of time reviewing the covenants and asking questions that would specifically would affect our plans for the future. We felt satisfied that not only were the covenants fair but we had the protection of the voting rights of other Double Arrow land owners and that any issue that may affect our future plans would be in the common sense hands of many. We are very disillusioned by the fact that this appears to not be the case and that we really don't have a vote on an issue that drastically changes our plans and literally ruins the character of our home and takes the shine off our dream. We have gone from being in love with our community here in Seeley to wondering if we made a huge mistake in choosing Missoula County as a place we retire. We anticipate a drastic reduction in the value of our home if these restrictions pass and know that trying to sell is going to be tough, if not impossible. As prospective buyers looking for a semi-rural property like ours are not going to choose one that has



more restricted requirements that are found in many Montana cities. We feel the proposed zoning requirements are not only unreasonable but are ultimately damaging to the area. We respectfully request that a final decision be delayed and that those residents affected would be allowed to participate in the process and decisions of these rules and regulations that will immediately affect their homes, lives and financial well-being.

**Joyce Stocking:** Homeowner and lot owner on Double Arrow Ranch, I bought the first lot in 1995 and I purchased a home in 2011. I purchased both pieces of property because I was very happy with the covenants and the rules of building, fire protection and I felt even more-so in 2012. Then all of a sudden on the telephone pole appears zoning – my ears go up and I tried to wade through the website; the Commissioners website and the County website. I think I'm fairly intelligent but I got nowhere. As it stands now, I'm absolutely against this zoning and I'm very comfortable with the regulations of the Double Arrow Landowners Association as we stand, we've had no problems with them.

**Gene Schade:** I'm a land owner and I live on Double Arrow. I'm against the zoning as it is written and presented. Originally we were told that the landowners would be able to vote on it - that changed. Now it's presented to three people to vote on our future. We never received, me personally, and my wife never received the May 17<sup>th</sup> letter. What I'd like to know, if this zoning goes through, who will enforce this zoning? And how will that enforcement be paid for? Does this mean you're going to raise our taxes to enforce the zoning you're presenting to us? The land owners need more time so I ask you not to approve the zoning tonight.

**David Richardson:** I'm a land owner at Double Arrow. I've never been informed of any of this, I live out of State. The first I've heard of this was just yesterday when my family and I flew in for a few days. I'm a little bit lost and behind with what's been going on. I've been presented with some documents showing some of the anticipated costs for following through on this, especially what concerns me is with...as I'm reading this some of the larger lot owners that my cost could be upwards to \$75,000 to go through this permitting process. I understand the predicament you folks are in and I greatly appreciate you coming here tonight for us. I ask first and foremost, I bought this property because of the Double Arrow Ranch Landowners Association and that being the land owners setting our own rules and regulations that concerns us. I respectfully submit to the committee tonight that you give us time to re-evaluate our current chair people of the DARLOA and give us opportunity to vote them out or make changes and make agreements of how we want to go forward with this. I'm seeing this today, I'm being railroaded into spending a great deal of money and it certainly will affect my decision whether I wish to continue on and build on this property. If this follows through and as I see this coming forward with these high costs, I want to sell and move outside of this area. Second question I had; there was a brief discussion earlier about anticipated costs; I believe you had stated a number what you thought all this permitting would cost us?

**Commissioner Curtiss:** I guess I need to know what permit you're talking about; to build a house?

**David Richardson:** Everything that's involved within these rules and regulations that we're fixing to set forth here.

**Commissioner Curtiss:** I was only referring to the average cost to build a house. That would be building code fees.

**David Richardson:** So to meet all these requirements you're anticipating....

**Commissioner Curtiss:** So you're talking about if you have a larger piece of property and if you did the fuel mitigation, is that what you're talking about?

**David Richardson:** Everything that I've seen written in here as far as drainage compliance, fire retardant, fire retardant plants.

**Commissioner Curtiss:** I'd be interested to see what you have because we have the same letter you have.

**David Richardson:** This was submitted to you already by Scott Kennedy. I ask that you grant us time because so many of us have not even heard of this yet. I was just aware of this yesterday when I flew in. I ask that you give us time to revisit our landowners association, give us opportunity to make our decisions how we wish to go forward and not burden you with this process. Let us take care of this, give us a year's time or so be it to rectify this.

**JoAnne Wallenburn:** My husband and I are full-time residents in Double Arrow, we also own a second lot. I'd like to say that we're here tonight because following the land use plan of 2010 enough people were afraid of what you three or your successors could do to us in the next land use plan and that they decided it was better to deal with the devil you know, which is zoning rather than the one you don't know which is what happens in the land use plan 10 years from now. Based on that the DARLOA Board, I will acknowledge, did request the zoning. However, I believe they exceeded their scope of authority as a board of a non-profit corporation. They neither informed nor consulted the land owners when they did so and evidence of this from the time the land use plan was approved until the spring of 2013 not a single word about the zoning appeared in our primary means of communications, which is a newsletter that goes from the association to the members. In reading the rules about the zoning process, everybody knows me, I'm all about the rules. You're supposed to consider the special characteristics of the Double Arrow and what I haven't heard much of tonight is the lands that exceed 25%. Primarily and these are not my lands down low, these are the ones that

07/01/2014

are up high, they're the ones that the only reason people would buy them and want to build them and endure a 30 minutes on unfinished roads is to have the view. So I really have a problem with the restrictions in there about building on slopes greater than 25%. I asked Mitch to prepare for you a blow up of the map of steep slopes so that you can see that nearly all of Double Arrow is greater than 25% slope. I am on the Fire Safety Committee; I'm also the local Grant Administration for fire fuel mitigation grants. I can tell you the fire plan was recently completely and while it shows that there's still over 50% of lands that need fire fuel mitigation in the Double Arrow we have completed mitigation on over 2/3, of the 1/3 that's left we have about 1/3 of those in the quad with waiting applications and we have grant money to do them. We don't need anybody to tell us to do fire fuel mitigation but I will agree with the gentleman that spoke earlier, the standards that are being followed for the fire fuel mitigation grants are not as restrictive as the ones that are in place. So all the lots that have already been done were done to a lesser standard than what's in place in this zoning thing. My other concern is enforcement; I asked about getting some language in this plan about the common areas and their permitted use. I was told that that really belongs in the subdivision regulations, so I asked who's responsible for enforcing those? Well, the County. Well when we went to the County with problems with the use of the common areas, we were told we had to sue ourselves, we had to sue DARLOA. I don't see where adding another layer of legal rules on top is gonna stop us. Last, we have an ongoing election, ballots are mailing in the next two weeks. Three of the seven are gonna be turning over, I would wait until we have a new board and have a chance to regroup as an association.

**Kevin Wetherell:** Land Owner and Real Estate Broker. I sold property in the Double Arrow for nearly 20 years. I'm against the zoning. I'm not in favor of it, even as amended. I became aware of this process, I live here, I sell real estate here and I became aware of this on May 17<sup>th</sup>. DARLOA is functioning well currently to maintain positive qualities, the visual qualities and the esthetics. And the quality of life has been well preserved by the DARLOA Association. In the process of showing properties through Double Arrow over the years, everyone...and many of you had this same response as we looked through that it's a very nice subdivision, it's well kept, the esthetics, the quality, the wildlife, the trees, the water, that's what everybody's here for. A lot of them purchased here to live in the forest, not in a landing strip, or not in a wheat field. I'm concerned because there's...I believe there's a substantial negative impact on valuations and desirability's of these properties, if this goes through. Cost of construction will increase dramatically by the new requirements. You would need a vegetation management plan, can you imagine? You'll also need a Missoula County building permit, a well permit, a zoning compliance permit.

**Chair Landquist:** You need those anyway right now.

**Kevin Wetherell:** No you don't.

**Chair Landquist:** Yes you do.

**Kevin Wetherell:** You need a zoning compliance permit? And a vegetation management plan?

**Commissioner Curtiss:** If it's not zoned, it's a land use permit.

**Kevin Wetherell:** You don't need a vegetation management plan.

**Commissioner Curtiss:** Unless you subdivide

**Kevin Wetherell:** We're not subdividing. You need a DARLOA Application. And the possibility is there for the need to require sloping engineering. There's a letter on the record I believe that discusses that. Those numbers get big really quick and we all know from experience with county agencies, they're not accommodating. Everybody says; "oh you're grandfathered, it's all alright." It's all alright until you need to apply for it and then it's a problem. I think the Double Arrow landowners are in a better position to understand their lands and be respectful of their lands as it stands. Everyone knows, everyone understands, everyone's respectful – you can see that when you drive through Double Arrow. Everyone says; boy this is a nice place and they tour around other towns, check out other subdivisions and they come back here and buy because you guys have something of value, its desirable. My understanding is part of this was to do away with non-conforming lots and non-conforming uses. This process actually creates a lot of non-conformance. There are a lot of homes right now that are desirable looking homes that exceed the height limitation. There are homes that are within the setbacks of the riparian and so forth. I urge you to do away with the zoning. Let's do away with this thought and let's let the Double Arrow Landowners run this process and continue to run the ranches they have.

**Scott Kennedy:** I have several properties on Double Arrow Ranch. I am against the zoning as it stands, I am not for it. You have my letters of record, I've got two letters so I won't address those but I'd like to address the membership here. Some of the items of expenses that will be required on your new lots; Typographical mapping and I want staff to take these into consideration and correct me if I'm wrong so that we can get clarity. Grading and drainage plans on the steeper lots and those longer driveway roads - driveway road engineering, on slopes that are greater than 25%. The vegetation management plan, I think that was discussed. You'll have to have a fire approval plan from the county, a lot of the lots that have been cleared already do not comply with what is gonna be enforced. You'll have additional specific permits, variances, non-conforming issues; you'll have to deal with all that with the county engineers and staff. I'm not sure what you'll have to do with DEQ for compliance on non-conforming lots. A lot of these setbacks are gonna effect where you put septic tanks. Wells – I have one lot in particular that it will effect. The houses on the rivers and streams, 100 foot setbacks, this is taking away your value – this is why they bought these lots. I'm also a real estate broker; I've

been selling it for 25 years. The construction – that's just the construction cost prior and I'm estimating between 20,000 & 70,000; 20,000 on a simple lot. You're still gonna have to have a topo as I read it, Those are \$3,000-\$5,000, on the steeper lots they're \$10,000 and there's a letter from PCI that addresses that issue. And whatever other compliances and where your house is located, where you well is located, everything is gonna have to be mapped out. That's why I oppose it right now, not just for myself but for the home owners.

**Larry Thompson:** My wife Sandy and I have been associated with the Double Arrow since 1977 and we're both opposed to the zoning plan. Our current status is retired and are full-time ranch resident. We have selected the Double Arrow for our permanent home so that we can live in the forest; obviously we are aware and except the risks that are associated with such a location. The issue of zoning has caused a great deal of concern, as you've seen tonight, by not only me but many, many of the current land owners. Some aspects of your proposal may have merit but the extreme and mandatory fire mitigation requirements are completely out of line and must be removed from the proposal. And as much as the DARLOA board has elected to proceed with the zoning concept for little or no timely communication with the land owners, that they are supposed to be representing. I feel, at a minimum, any final decision should be delayed until the board has a good understanding of what the owners want. A voting process is the obvious way to go.

**Jim Normark:** I'm on the terrible DARLOA Board of Directors; I was also Chair of the Fire Safety Committee until last week. I'm going to speak as a land owner this evening. I'm gonna reference some of the things from the Board. First, I'm gonna say that the Board initiated the zoning effort in an effort to adopt the land use plan for the three rural zoning district designation to ensure that we don't have to go through this land use plan and risk having even more of our lots non-conforming when the next some-what arbitrary process goes through. That was the primary reason that we approached the County and we've had a very good working relations with Rural Initiatives, now Community and Planning Services and I'd like to thank them for their help. Second, I'd like to address the notification. I think the record pretty well speaks for itself; you have nine pages of excerpts from various DARLOA minutes, newsletters and other types of communication that go out to our land owners. Since 2010 we can't make people read what's going on but it seems to me that common sense would say that if you own a piece of property, you'd want to take care of it and understand what's going on with the board that you elected to represent you. We certainly would of welcomed any input; we had 23 people at our last board meeting, I think if we added up all the board meetings in the last three years we wouldn't of had that many people in total in all of those. That said, the board did provide you a letter dated July 11, 2013. As the zoning document stands now, the board does not recommend adoption of it as written now. We did send some recommendations for you to consider, to make changes that we believe would be acceptable. We also ask that you delay your vote from this evening to give some time for you to take home the public comment, think about it a bit and allow for even more folks to write in or whatever they want to do. We need to do this right. We know from the land use planning process, we had to fight tooth and nail to get where we are today and we would like to certainly keep that because I do believe that part protects the land owners. The parts that we recommended to take out primarily are the things that we've heard objections to tonight. The board asks these to be taken out. A lot of the stuff under the WUI regulations and particularly let the existing Missoula County building standards and codes be the driving force that we already have. Health and sanitation already takes care of the septic piece. There are other agencies that are already doing some of this; in addition, I'd like to make the comment too that even if this zoning goes through it does not affect our ability to enforce our covenants. It will not allow anybody to subdivide their lots into smaller portions because that's prohibited by our covenants and those still stand. In summary, I thank you for the effort, I thank you for coming here tonight. I hope that we can get some constructive comments other than we don't like it, let's get a solution rather than just throw the baby out with the bath water.

**Mike Haley:** I'm opposed to the zoning. I'm a year-long resident up there as well. I'm not well informed; I guess I'm one of the complacent ones by choice haven't been that informed, I commute and work in Missoula and come and do what I do. I clean my lot and stuff like that, I thought at first this whole zoning the big issue was about fire reduction, which I'm for, I think that makes sense obviously with the fires and do that some myself. With the beetle kill and stuff like that there's enough trees that die all time, so I just cut down the dead ones and leave the ones that are living and it still thins it out quite a bit so definitely some of the restrictions I was looking at would, like we said earlier, take out far too many of the timber. I burn wood, I'm not opposed to wood but even like the firewood stacks that I have, they would be too close under the restrictions. My house is made out of wood; I keep wood in my house I burn with wood. People that live by the oceans with typhoons, they have inherent risks with water, same like what's been said here tonight with fires. It's not gonna....ashes were falling from the Jocko fire over here, the forest goes up and it wants to burn whatever it's gonna burn. It's not going to make a difference with the 25 or whatever the distance of footage is, I don't think. Also I was a little confused as to...it appears to me that most everyone is opposed to it, voicing it, unless we take a vote to know for sure. It seems like a select few are imposing their expectations of how they want something to look on everyone else and if you...I read just recently some editorials and that's about all the information I have that I gathered. It said that Missoula doesn't come and impose the zoning on anybody unless they are invited so if so many of us seem to be against it, then we're trying to talk you out of doing something we don't want in the first place. That must mean there's just a handful of people, I don't even know who they are or where the board members are and what their stance is, I should know who they are and I don't, I've been here long enough to know but I know who's on the Road Committee and a few of those folks. Also I was going to say that I did come home one evening and Clearwater Resource was up there and they walked up my lot with me and they said it looked good, and that they would pay half if I didn't do my own work. That sounded like a win/win for me anyhow. The amount they're offering me – I got twice as much from neighbor to do

half as much work. I did less work and got more then what they were...it wasn't a lot of money but it's not a problem because I was planning on doing it anyway. Whether or not it meets their...when they come back and look at it I don't know but cutting down the dead, like everyone has said that's the sensible thing to do.

**Tim Hoag:** I have lived on the Double Arrow since 1989, when I bought my property I was okay with the covenants but I'm not okay with any more rules or restrictions. The Double Arrow has an ACC Committee and a roads committee and a fire safety committee. I think we have a nice place to live and are doing a good job all by ourselves. I don't think we have a zoning problem. My idea of zoning always was either residential or commercial, that was what zoning was where I grew up. You didn't want a mechanic shop next to your house, which nobody on the Double Arrow can do as it is now. We are platted residential subdivision. To go ahead and put these WUI rules in with zoning is not a good idea. We do not have any county maintained roads on the Double Arrow that I'm aware of. We pay our own way on that and many other things, if it's not broke, don't fix it. I'm against the zoning.

**Gary Miller:** I'm President of First Valley Bank. I'm up here more talking about the financial part of it. There's got to be a feeling of trust and the trust that I'm hearing and that I also witness and saw is not there. The first time...I built my house in Missoula County on Sunlight Lane in Missoula outside in the County; I went through \$3,200.00 of fees and had 8 inspections because I built it myself, from top to bottom. When the county came in here and was talking about the building permits and stuff and bringing that in, the dollar amount the individual said was \$750.00 and I sat there and starred at him. I've gone through these things, I've been in financing for 35 years, I'm gonna go back to that. Whenever bureaucrats get a hold of something they're gonna simplify it and it turns into this. This is what you have to do now in the banking industry when you do a mortgage loan and it's "simplified" and it adds cost.

**Chair Landquist:** That's some sort of checklist I take it?

**Gary Miller:** Oh yeah! Oh yeah! It's a checklist. And it gets very expensive, Title companies raise their costs, banks raise their costs, builders have to raise their costs, everybody builds rates are cost. Now your plan in here, I can see those are called soft costs, you can't add that to a property value. You are looking at anywhere between a minimum of 5, which I doubt, to about 25%, depending on the size of the lot and the house. You take 10 people, do the math, how many of those people are going to be out of this picture because they don't have that cash, that soft cash to come up and pay for this stuff up front? You have FHA, which requires 3% down; a lot of people struggle to make that, well that's okay. You have the first time home buyer, where you can step in and you get 100%, you have to go to some classes and you might have to put a little money in but you might get a grant. Where are they going to come up with the soft cost because you're gonna have an appraisal on the house and these soft costs do not increase the value of the property as you heard here. So how many people of that 10 are not going to qualify? Now you look at people that come here and do have the money and they're looking at plans, where they don't have to go through that high of a soft cost charge vs. here where you have a very high soft cost charge. Where are they going to go? The thing that confuses me as you as bureaucrats of Missoula County is, I went to a seminar in Big Sky, we don't have any industry growing in this town, administrative we do, this came from Mr. Burke. We're not growing here; one place you can grow is in taxation, where do you get the taxation? (Property taxes) Where do you get property tax? People build houses but if you're going to stop 3 to 4 of those people out of that, I don't know where Missoula County's gonna go.

**Kurt Glidewinn:** My wife and I are here tonight, we live up in the Double Arrow, we bought property 10 years ago up there. When we signed up to buy the property, there was some regulations, we had no problems, we understood them and we love our home. I am against the zoning but I have a question, I'm curious. How many people in here tonight are against the zoning?

**Chair Landquist:** Are you going to take away my thunder? I have a bunch of questions I want to ask everybody. Put your hands down, I don't want to see yet.

**Kurt Glidewinn:** Here's my question; if you decide to rezone the Double Arrow are you doing that because you want to? Or are you doing it because the majority of the land owners want you to?

**Commissioner Curtiss:** Well the majority isn't here. If you have 700 lots, they're not all here.

**Chair Landquist:** That's a good question but I would have to agree with Jean. I went and asked staff a question earlier, did we have a sign in sheet and he said yes. So hopefully everybody that's here signed in, if not please pass the sheet around and sign in.

**Kurt Glidewinn:** You spoke earlier that tonight you might make a decision. How can you make a decision when the majority of the land owners DO NOT want this zoning? They do not! And until there is a sheet with every land owners name on it and their check alongside of the yes or no, I don't believe you can make a good decision. And here's the problem; if you do decide and the majority is against and I'm saying out of 680 land owners I bet there's 500 against or more, you're going to have a tuff time with a lot of people that are gonna be fighting you tooth and nail every step of the way. Real quickly I want to tell you one quick story. This seems to be rushed; I don't know what the rush is. I will tell you, four years ago I wanted to build a garage and you know, the garage was right up against the property line of my neighbor. I went to the neighbor and I said, you know what, hey guys you know I don't want to buy anymore real estate and I don't want to sell any but let's just take the line and rotate it along its center; I'll give you 50 feet of mine and I'll take 50 feet of yours. Well they were in agreement, it was great, no problems. Should have been a week long session, call a couple people from Missoula, let them come out and do the work that needs to be done, do the math and

have the job done - 3 ½ years later and \$9,000.000. Up until just recently I had to actually pump both of my neighbors' septic tanks to get the county of Missoula to finally sign off, and they were still not going to do it. This is Kellogg at PCI. 3 ½ years and \$9,000.00 to rotate the property line 50 feet that was it – it was unbelievable. So I gotta tell you what, if that's what we're looking at here every time we want to do something, my God this is ridiculous! I'd rather be dealing with my neighbors than the people...do you live here? Do you have our homes here? Probably not, my point exactly! I'll deal with my neighbors; I really don't want to deal...with all due respect with you in Missoula. Opposed.

**Chair Landquist:** I think we have one more person or so that what to talk but then I do want to ask some questions of people and do some show of hands type things. I also want to give Mitch the opportunity; I know he's taken really good notes to address some of the things that he's heard. Did we get the sign in sheet figured out? Okay so everyone make sure you're signed in, I want everybody to be accounted for at this meeting.

**Douglas Richards:** Thank you very much for having us here and for you taking your time to come up here. I understand there are a lot of things at stake here. 10 years ago my wife and I decided we wanted to move to Montana and we came to Montana and did a lot of looking around; we went up through the Lolo area and through the Bitterroot, Condon to wherever. We happen to come up here and took one look at this community and said this is where we want to spend the end of our lives. It's beautiful here; we've got a neighborhood of people that stick together, that's pretty obvious at this point of time. They stick together for good reason, they're all here for the same reason, they're here because they live here, they like this place, they want to be here and they got here because it is beautiful and nobody was placing a lot of restrictions on us. The beetles came, we couldn't fight them, but by God we can fight from here on in, and we will. My point is and I'm not trying to show disrespect to you folks. On the 17<sup>th</sup> of May you folks sent us out a document and I photo copied it to do a mail out, mail back in. There's one thing in it that really bothers me and I think that probably most of you have read this and it's probably put a little chill up your backsides also. It says the zoning regulations must be – you're aware of this document I'm sure – made in accordance with the growth policy and design to. Okay, a growth policy, secure safety from fire and other dangers, I don't know what the other dangers are – the bears or whatever. We are and have been and will be dealing with these things, one on one. Everybody in here, I know Kurt right there, he hired the wind to come down and blow all the damn trees away from his property, he lives on a prairie, he used to live in the jungle. The public health, public safety and general welfare and this is the hook; facilitate the adequate provisions of transportation, water, sewage, school, parks and other public requirements, my God can't we take care of own? I thought we were doing a pretty good job. I see a lot of faces here I see at every ball game, at every football, basketball, baseball, whatever sport is going on and whatever community problems are, these people are part of it. They live here, they fight for it and we love it. We thank you for listening to us and we hope you take our feelings as a whole body into regards when you make your decision. We thank you very much for being here.

**Brian Paige:** Opposed to zoning that you're proposing. I have put in several comments that hopefully you read already. I did attend the June planning board meeting, made my objections known there that the planning staff and the board did at least adjust some of the things, some of my objections were slope requirements and those things. So I appreciated the board actions to adjust some of those. I wanted to highlight at least two areas in the existing comments that I had in the suggested revisions that the staff has put out for you to adopt. One of them is in the stacking of firewood, I understand what the desire there is, you're trying to reduce the risk and I do understand as the fire crews come up and they're trying to defend your house, one of the first things they have to do is pitch all that wood out as far as they can get it and it takes time to do that. I think something along the lines of the dates that were recommended make sense to me, I'm not sure that or any other time a fire restriction is in place and my comments went down the line of...if you stack your firewood on the 1<sup>st</sup> of October, closer to your home, and then another fire restriction is put in place are you supposed to restack it outside, whatever appropriate distance it has to be? And then when the first of the snow start flying you got to bring it back in? It doesn't make sense to me to do that, you're trying to mitigate risk not eliminate risk, at least I would hope that would be the goal of the Commission. So that's the first part of what I wanted to highlight. The second part is Zone D. I have a 10 acre lot, you want me to mitigate that entire lot? We're talking thousands of trees in that area that I'm in. You don't do that, you build a defensible space, a reasonable one, somewhere in around 60-100 feet and then you work your way through that over time to thin the rest of your property. Otherwise you're going to have pretty good blow down and as I think a lot of people in the first part of June here or in the middle of June can testify, we're still gonna have blowdown here. You need to have those root systems, give them time to develop on what you thin. So having us to thin our entire property within 3-5 years, I know Mitch's recommendation or the board's recommendation is 5 years and the planning staff was 3; if you continue the way you're going down with what you have written. The other thing I wanted to was put the Attorney on the stand here to give us an answer. From what I understand with State law, if you folks go ahead and approve the zoning tonight or whatever the appropriate language is, you put out an intent to adopt these. My understanding is you have to publicly post that and as soon as you publicly post that, like in a newspaper, the land owners have 30 days to respond to that and in that response if they say we don't want this, if you get 40% of the land owners. We have 740 some odd land owners, I believe, 40% of those say we don't want this in writing to you whether email or in a letter, you guys have to quit doing what you're doing for a period of one year. So that's our only, as far as I know, our main way of stopping this, if 40% of the land owners don't want to do this. Is that true?

**Chair Landquist:** I think that's correct, isn't it James?

**James McCubbin:** That's basically an accurate summary of the law. I'm trying to pull up the right section.

BOOK 01 JUL 2013

**Brian Paige:** So all I'm trying to point out is there is a process for the community, the land owners to say, we appreciate all the work you've done on this and I appreciate all the work that the planning staff has done, Mitch and others. I think some of this is a little too far, especially for most of the land owners here. I would agree and echo most of the things that have been said tonight. I recently heard a six word statement that a lot of Montana's use when they're native here. Six words - Don't tell me what to do. So I'm not saying that...I understand what you're trying to do and you're trying to mitigate risks for us.

**Chair Landquist:** My daddy taught me the five P's, although he used six P's but I'll just use the five; Prior Planning Prevents Poor Performance.

**James McCubbin:** For people's reference, the code section where that provision of law appears is Montana Code Section 76-2-205 and it's Subsection 6. That is available online on the Montana Legislature website if you go to MT.gov you can search for Montana Code.

**Brian Paige:** And I did it, so I do know it's possible.

**Nancy Braun:** Landowner on the Double Arrow Ranch, I love it here. I respectfully thank you for being here and with all due respect for you and all the work that's gone into this project, I really feel that the Double Arrow has done a wonderful job with the covenants, etc. etc. It seems to me that this zoning was asked for by the board without our approval or knowledge. Again, I know how much work went into this process but is there just a possibility that we could respectively thank you for the work and...

**Chair Landquist:** Send us on our way?

**Nancy Braun:** Well you know. I know how much work has gone into this and well intentioned, I think that would be a nice option.

**Joe Moore:** Land owner and home owner since 2003. I just want to say that I'm opposed totally to the zoning. I think it's important that we have continuing education and I think the board...I was at that 2010 meeting when I was invited to seek some information and get some assistance from Missoula County but I also think continuing education is something we need to do. I don't think we need to have Missoula County involved in this particular incident here. Giving over that control is just beyond what I moved here for, and what I think most of us are here for, so just voicing my opinion to say I'm against it. I appreciate all your work, I do appreciate that. Obviously we're all Missoula County residents but enough is enough so thank you.

**Chair Landquist:** I swear some of you can tell us in the nicest way to go away.

**John Richards:** I've been here since 1971, I was one of the original land owners, I was the project manager that built the Double Arrow Ranch. I'm totally against the zoning and the timeline. I would request the County Commissioners take a vote of the land owners of the Double Arrow Ranch as the board represented they would do when they brought this zoning proposal forward. The Board of Directors doesn't want it now so there's something wrong with it. I would like to know who made the recommendations in the draft and who came up with the standards. How many non-conforming houses and lots; these are questions that I would like answered. How many non-conforming houses and lots is this zoning proposal gonna make on the Double Arrow? In the presentation it said that the zoning effects gravel pits. My understanding is that the zoning is for residential, my gravel pit is adjacent to this, I purchased in 1986 at substantial costs and I've got much more invested now. The permit for the gravel pit expires in 2060, if I don't renew it.

**Commissioner Curtiss:** But your gravel pit is not drawn in that line, right?

**John Richards:** It's not drawn in the line but the presentation said it will affect gravel pits and I want to know...

**Commissioner Curtiss:** No gravel pits within the line.

**John Richards:** Okay but it said it would affect gravel pits. I want to know how this zoning is going to affect my gravel pit, I'm adjacent.

**Commissioner Curtiss:** It won't.

**John Richards:** Then I want that in writing.

**Commissioner Curtiss:** Gravel pits are only affected in Montana law if they're within a residentially zoned area. So you're outside.

**John Richards:** Okay. Does the County Commissioners have any real cost estimates for the cost to the existing dwelling owners and future dwellings to be built. These cost estimates need to be real so that you guys can base your decision. I believe those costs to implement this zoning to the existing dwelling is going to be in excess of \$10,000 per dwelling. And I believe the future dwellings are going to be in excess of \$50,000 because of all the regulations that are in there now and I think there's other that have testified to that too. But I want the County to take some real cost numbers and put them out there.

**Chair Landquist:** In looking at the cost numbers, John are you talking about the County's fees? Or other fees?



**John Richards:** No I'm talking about the cost to these people...the cost of you zoning this to these people - real dollars. A vote of the land owners is what you need to make a decision.

**Chair Landquist:** Okay.

**John Richards:** The other thing is how many lots – you have the sign-in sheets, you can determine how many lots are represented by these people here tonight. I would say this is probably the largest gathering of land owners since 1973.

**Caroline Humphries:** I'm a land owner with my husband Rich and I'm opposed to the zoning. I do have a couple of questions. The first time we really dug into the issues, my question was; how did we get from the DARLOA Board asking for our CC&R's to be put into some sort of zoning plan to the plan we have today which appears to include significantly more than those CC&R's currently include? That's one of my questions. Secondly, I thought that I heard from Mitch that the recommendations to the Commission are in your documents but some of things I thought I heard him say based on the slide presentation, I didn't actually find in the document that we all had access to this evening. Is there another document with additional changes that you're recommending?

**Mitch Doherty:** Sure. So the way the process worked was we started with a May 3<sup>rd</sup> draft that was included in the link that was sent to the property owners, that was the first draft. We took that to planning board, planning board made recommendations based on that draft. After planning boards meeting the June 18<sup>th</sup> draft was released and that included an underlined strike-out with planning board's recommendations.

**Caroline Humphries:** Is that what we have on the back table?

**Mitch Doherty:** I can't see from here, looks like it probably is. If you look at the footer there, does it say 6/18?

**Caroline Humphries:** It says 6/18 planning board recommendation.

**Mitch Doherty:** Okay, so that's the planning board's recommendation to the County Commissioners. Since that time staff has looked at those recommendations, looked at public comments that we received, had many conversations with folks on the phone and via email and come out with further staffs suggested revisions to that document. That is Attachment E which was also located back there this evening and is included in the Request for Commission Action that's on our website.

**Caroline Humphries:** Okay and that's the one dated July 8<sup>th</sup>?

**Mitch Doherty:** Yes.

**Caroline Humphries:** And that's the latest one?

**Mitch Doherty:** Yes.

**Caroline Humphries:** Okay but I thought I saw on a slide that you eliminated Zone D?

**Mitch Doherty:** That was a slide that I was presenting what we were hearing for comments from the public. We were receiving comments that folks wanted to see Zone D removed. So it wasn't a suggestion from staff to the Commissioners that was what I was presenting the Commissioners of what we have been hearing from the public.

**Caroline Doherty:** It was just a little confusing because you had a lot of really great information but it went by so fast it was like...I'm sure a lot of other people might of misunderstood some of the great information that you did provide. But thank you and thanks a lot for coming up here.

**Chair Landquist:** If you're standing there to speak – you already spoke and I'm not giving people a second chance. If I give you 10 seconds, I have to give everybody else 10 seconds. No.

**David Wallenburn:** I live on the Double Arrow, I have two lots adjacent to each other and I have a house on one of those lots. We all know that the Montana Legislature has directed that the Counties develop a land use plan, that's in that 76-2 that the Deputy Attorney mentioned earlier. It doesn't really say anything in there that that needs to be followed on by zoning requirements, so there's nothing that really says that specifically has to be done, at least that I can find in that statute. DARLOA was setup in the 1970's, as we've heard earlier. It is a very active HOA for the people that live here you know that, for the people that just come in the summer time and have property here, you know that. For an example, contrasting example, I would invite you to drive down to George Town Lake Estates and see what kind of mess that place is in, that's the other extreme if you don't have an active HOA. I forgot to say at the beginning I am opposed to this, it may not sound like it at times but I am opposed to the zoning. So we have an active HOA, contained within that we have covenants that have been around for a long, long time. No chickens, no signs, no doorbells, I'm making that last one up okay. You can have a doorbell. County and State Codes, we all have to comply with. There's the county subdivision rules that are on top of that and DARLOA has very active committees, I've served on some of them. We've got the Fire Safety Committee, we've heard about the Roads Committee. The ACC Committee, which are the chicken people, they're the ones that are responsible for making sure that you don't have chickens. So my point is, we have a very active organization and we've got committees that are involved in that. And I'll get to my offering of a solution here in just a moment but I would like to point out to some of the people that may not necessarily live in DARLOA that that same

Montana Code 76-2, where they had to send out the notice of a 300 foot boundary, that area can be encroached upon and continue to expand. So I would just ask you, if you don't live in DARLOA but you live adjacent to it, seriously consider what's going to happen here if zoning comes in to one place into Seeley Lake here. It's inevitable that taxes are gonna rise, license fees are gonna rise, all that, we all live with that. If it's gonna come to this that someday zoning is gonna be setup in here, what I would ask first is that work with the HOA and the committees to let them strengthen what we're working with right now so we're self-monitoring our self and we're not relying on outside entities and information. Then to follow on to that is that we don't need to be in a hurry for this, I would just recommend that we wait or that you wait, allow the proper time for the input and everything. Again, we know taxes are going to rise, license fees are gonna rise, but we're not going to vote for that today, we just know what's going to happen in the future. I'm not exactly sure what's driving this but I would just ask that we kind of throttle back here just a little bit and give it some more time so that we get input from all of the citizens, both on the ranch and in the surrounding community.

**Commissioner Curtiss:** Just to clarify, one of the reasons we decided to try and have a meeting this time of year is because many of your folks are only here in the summer.

**David Wallenburn:** That's good, I appreciate that.

**Mike Barcee:** I live on the ranch, we bought in 1985, my wife JoAnn and I. We are very much opposed to this zoning. In that time we have had our lot thinned twice. We're in between 38 and 42 truckloads off of our place. We're not in compliance with your regulations and we will never be in compliance. I thin as trees die. If you keep your thinning process the way you are, I personally have had five blow-downs this year. And I've taken close to 42 truckloads off. I only have 7 1/2 acres; a lot of people have more. Therefore, I think you should take that into consideration. I also went through the forest stewardship program, my lot is a tree farm, I finished that course, they approve my lot and I've taken more trees out since then...10 truckloads. In my way of thinking, this is just...we didn't move here until 2003 but I had it thinned twice, professionally. This is something that's going a little overboard. There's a lot of people that own here that don't live here. I have a friend that owns here and is in Chattanooga Tennessee, he doesn't know what the heck is going on, he didn't hear about it at all, I emailed him and he said; what's up?

**Chair Landquist:** Did he really say "what's up?"

**Mike Barcee:** Yes. He's quite a Christian boy.

**Chair Landquist:** How is he managing, how is he...just one example of an out-of-state landowner, how is he managing his property? Are you doing it for him?

**Mike Barcee:** No, he's got a property management group. Now one of the other things that I wanted to say was since these people are...a lot of them are out-of-state that aren't getting information, I don't care what the Board says. I've tried to get information and it's not there. You get on the website and things are deleted and everything's missing all of a sudden or whatever. But as far as I'm concerned this is part of the Crown Jewel of the Continent and you're trying to take the jewels out of the crown.

**Chair Landquist:** That's not our intent Mike, but we're listening to you guys.

**Don Dunagan:** My wife and I moved up from Washington State a couple years ago and bought in Double Arrow. This is a community we were looking for; a quiet, small laid back community where everybody was friendly with everybody and it's been working out great. We've been putting a lot of improvements on our property and trying to make it as nice as we could. This kind of took me by surprise I gotta say and I'm just wondering a couple of things. Looking around at everybody and listening, it sounds like everybody is here not because they want this; it's more because they don't want it. Now what I'm wondering about, if we have a vote and everybody says they don't want it, can we still get railroaded into this? And if we do, won't there be a big can of worms open and maybe a lot of lawsuits filed?

**Commissioner Curtiss:** If the Commission voted to pass the Resolution of Intent to zone as Mr. McCubbin just stated, you all...everyone who owns a lot would have a right to protest. If you protested that would be – if 40% protest that's the end of it.

**Don Dunagan:** Thank you.

**Commissioner Curtiss:** We don't come back because people...if we hear that people don't want zoning, we don't come back in a year, believe me. We're here because we were told you wanted it.

**Virginia Reilly:** My husband and I have lived on Double Arrow since 2000. We own a second lot also so that makes us two votes, if we get to actually vote on this. I'm totally against this; I don't want to see more restrictions. It's almost like it's not broken, why should we have to fix it? We've got the best roads I've seen in the 13 years we've been here. Every one of our neighbors, with one exception who lives in California and won't talk to me, has done mitigation as far as fires. We've even offered to buy their lot; they won't sell it to us so we've got a disaster of a lot. What would you do with that? If you get the zoning through is someone going to come out and say okay, this has to be cleared up? We've tried for 13 years to get it cleared up; I don't think you're going to have any better luck than that.

**Commissioner Curtiss:** Mr. McCubbin could address what our authority would be if it was zoned and someone didn't comply.



2006 01 11 0021

**Chair Landquist:** And you tried through the HOA?

**Virginia Reilly:** The HOA, when we got a grant to clear our lot the first time, we tried with them. When we cleared our lot the second time we did it and then the beetles helped us really well the third time. And I think it should be noted that there are more of us in here that own more than one lot. So there are probably a lot more homeowners that are represented here.

**Chair Landquist:** Thank you that's a good point. So out of curiosity, everybody that's here owns at least one lot in Double Arrow, right? Raise your hand.

**Audience:** No, there are a lot of community members here.

**Chair Landquist:** Okay so raise your hands if you're actually a lot owner, just a single lot owner.

Okay, raise your hands if you own more than one lot.

Now, those of you that own lots –lot or lots and are against zoning, would you be against zoning no matter where you lived? Is that one of the big pieces of the puzzle that you bought, was no zoning? Okay, so it's not like you're against "zoning", you're against this particular zoning, at this particular time. Does the WUI thing have a big part to do with it? I heard that really loud and clear tonight. So if WUI was a big, big piece of this, the wild land urban interfacing, the fire code.

**Commissioner Curtiss:** Fire mitigation stuff.

**Chair Landquist:** Fire mitigation stuff – raise your hands if that was a big piece that went against your...

Is it because of the cost that you heard the information about...cost?

Is it because you feel like you weren't informed enough along the way?

Okay, all of the above so far.

**Commissioner Curtiss:** I wanted to know – how many of you were involved in the land use plan in 2010? 2006-2010. Because what we heard loud and strong in that conversation was; the Double Arrow Land Owners Association (DARLOA) was very concerned about how do you continue...not have us impose something that didn't match your covenants because there was one point and time where there was some land use that would have been a little more dense, so we did follow your covenants for density and this does too.

**Chair Landquist:** I'm also curious, there are some folks here that aren't part of the Double Arrow but are here as local citizens, can you give me some idea why you're here? Are you just fearful? You'll have to come to the mic.

**Nathan Bourne:** I'm a land owner in Missoula County. One of my concerns is what does the County intend to zone? Do you guys see the County coming along and zoning land in the valley?

**Chair Landquist:** The whole county?

**Nathan Bourne:** The whole county. There's two ways this zoning comes about, correct? County initiated and land owner initiated.

**Commissioner Curtiss:** There's actually three – there's also another piece that's called citizen initiated which is what's happen like around Lake Inez, Lake Placid.

**Nathan Bourne:** Isn't that land owner?

**Commissioner Curtiss:** But this one is land owner initiated from DARLOA.

**Nathan Bourne:** Okay, so part of the land owner initiated zoning is that the land owners vote on this. What my concern is; this went from a land owner and you can read in the meeting minutes that the DARLOA posted on comments, this went from a land owner, land owner, land owner, land owner, we're gonna get to vote on this, we're gonna get to vote on this, we're gonna get to vote on this to a County initiated and that's when you started involving the County and the County is putting money into this. All of these concerns should be taken care of if you would follow the citizens initiated zoning. The citizens get together and come up with what they want, they come to you and they say we've got a petition signed with 60% of our land owners; we would like to be zoned. That's basically a rubber stamp meeting for you guys because if you've got the support of the land owners, then it doesn't become this people saying they weren't informed. So as a solution for you guys; I would recommend that you take this out of county initiated and put it back to land owner initiated. I don't care if Double Arrow wants to zone, that doesn't bother me at all, if they want to have it up there. Where it starts to concern me is where the county starts incurring costs; there's enforcement cost, there's cost to the county. That's my tax dollars, so that's when it becomes a public issue. The land owners should have this put together and your consideration should be; what is the cost to county? What is the cost to the rest of us tax payers for this? And work that out with the land owners. So again, I would suggest you put this back as a land owners, charge them the fee that's associate with that and have them go through the process of getting their land owners to sign petitions and come back to you with something that you guys can't possibly be able to go through all the details in one meeting and line things out and correct things and vote on this and say yes, this is how we're going to do it. That's something that should have been done and the land owners should have been involved in that. So that's from a community members stand point, that's where I'm coming from.

**Chair Landquist:** That's nice, you're on the outside looking in, so to speak. I appreciate that Nathan.

**Commissioner Curtiss:** Just to be clear though. The zoning still has to meet the Missoula County Zoning Resolutions, which say that you have to address certain things, it can't just be; we don't want any bears on the street on Tuesdays. It has to address the public health and safety, the fire issues, overcrowding of land, providing for roads. That is required when you do zoning; it has to address those issues.

**Chair Landquist:** I think what she's trying to say is even citizen initiated zoning isn't just that black & white, there's certain criteria have to be met.

**Nathan Bourne:** But that is met by the land owner, that's not met by the county. They should have that worked out when they bring it to the county and present it and say this is what we're intending to do. That should already be addressed and they should already have 60% of their land owners behind that plan so that you guys don't have to sit up here and listen to people arguing about line items in the plan. It should simply be we support it because we do or not, not a do we want to bury propane tanks. That's not really...that should all be settled better.

**Chair Landquist:** I really want to get to James to answer a question and I want to get to staff.

**Klaus von Stutterheim:** I'm here part of the community and a member of the Community Council – you asked why the rest of us were here. The reason why I'm here is because when I first heard about this, I heard one person saying well we weren't really consulted and I thought well there's always one who doesn't pay attention but it became obvious to me as I heard this over and over again that there's a very large section of the people that live in DARLOA who feel that they have not been consulted. Now the board's protestation, not to the contrary, maybe they've done everything they could but it's clear that a lot of their constituents feel eliminated or excluded from the process. Whether they should have been paying more attention I think is irrelevant because this is not some trivial thing about a color of a street sign, this is a very profound change in perhaps the value of their property, the way their property looks and it seems to me that given the fact that many of them feel disenfranchised, I don't see how you could, with due respect etc. and a member of the council who's supposed to advise you on stuff, I don't see how you could possibly approve the zoning plan tonight, that's the reason I'm here.

**Chair Landquist:** How many of you are here tonight that live here full-time? Residents of DARLOA, sorry. How many of you live here seasonally, or come visit seasonally? Could you come up to the mic then, I want to ask a couple questions. I don't want to put you on the spot but I want to know how you're getting your communications and how we're missing people. Do you get your tax bills?

**Commissioner Curtiss:** Sometimes the tax bills go to the financial institutions rather than your home.

**Tammy Gladwinn:** My husband Kirk was up here speaking. Our main residency is in Florida, right outside Tampa and we never heard anything. We bought our property in 2003, built in 2004 and we've been coming up every summer, we come up in the wintertime at Christmas. They used to send out a newsletter, someone had decided to stop the newsletters and to just go with a website. I just found out about the website. We had a little Fourth of July party and I was informed of the website, so we had no idea. I went to go and actually register...well actually Kim Long had told me that she would sign me up and then I was told that we had to register. So then they told me that I had to put out all my public information and so forth, which I refused to do that, I wasn't going to do that.

**Chair Landquist:** Just to get on their website?

**Tammy Gladwinn:** To get on the website I had to put all that on there, which I didn't do.

**Chair Landquist:** Okay so there's some problems going on there.

**Tammy Gladwinn:** Then we found out about all of this, actually I would have to say it was through the newspaper that we...with the articles in the newspaper and the pathfinder that we started finding out about this. Then from there, on the Fourth of July party we started asking. We're totally opposed to this. We could have purchased our property anywhere and we drove all over Montana. We chose this area for the beauty, the land, the animals. It's ridiculous. Honestly I have to tell you we have home owners in Florida, in Tampa, and we've had less problems and we don't have issues like this going on then what we do when we come up for vacation, it's the last thing we wanted.

**Commissioner Curtiss:** So you didn't get the letter mailed by the county?

**Tammy Gladwinn:** No and we get the mail.

**Chair Landquist:** How many more people? There were a few other people that said they were from out of town and come visit here to their properties and never heard anything about it. I want to try to figure out a way of identifying you and getting you to sign so that we can have some correct information, the county. We don't sell or do anything weird with our information that we get but it's important that we know how to reach you. Because I yet do not know the conclusion of this meeting so on the sign-in sheet did we ask for people to print legibly and ask for their address?

**Tammy Gladwinn:** We bought our property like I said in 2003, we built in 2004 and with DARLOA they had all of our information. They had our address, our phone numbers our address in Florida, our email, everything. When I was told that I had to register upon their website I was actually told that I had to register and put my information in there so that they knew for sure that we were a land owner. Now they already had all the information because we were getting the newsletter in the past. I

shouldn't have had to be told to go on and register if I want to find out information on this. Do you see what I'm saying? They already had that, they already knew that we were a land owner, so it's one more step. For the elderly people that maybe don't have internet access or didn't even know that there was a website – come on, what happened to the newsletters to inform everyone?

**Chair Landquist:** What I'm going to do is put a piece of paper over there and I want before you leave, I want the out-of-town people, I want your name, your Double Arrow address – lot # or whatever you go by and your current contact info because this has got to stop.

**Tammy Gladwinn:** If you legally were able to come in here because you were invited, if you are uninvited are you able to leave, legally?

**Chair Landquist:** We could if we wanted to make a quorum out of it, but we had to take a vote now because it's a public hearing and we made a public thing out of it. So yes, we could.

**Tammy Gladwinn:** You could leave if we asked you?

**Commissioner Curtiss:** We rented the building for the night. (Audience laughing)

**Ann Kimble:** We purchased three lots up here in 1998. My husband John and I currently own a lot with a house on it, actually several buildings and an undeveloped lot. No, I do not get my notices through the mail because the post office doesn't forward them. We have lived here full-time until the last 5 years and then we've been spending our winters in Arizona. The post office does not forward our tax slips and I presume they did not forward the communication that you sent. I saw a notice posted on a tree on Double Arrow Road; I didn't know what it was. I drove by it for about 3 days, so I stopped my car, I got out of my car, it was posted higher than I am and so I was unable to see what it said – that's how I found out about this and also through the newspaper, so mail does not get forwarded.

**Commissioner Curtiss:** So you're correct we don't forward tax bills but if you let us know you have a winter address then we'll mail it directly to your winter address. Just so you know.

**Ann Kimble:** I can get my tax things through the internet, so I don't have to worry about that. This I did not receive.

**Chair Landquist:** Frank, I have a few questions for you. Based on ironically enough the Commissioners had a presentation from the Bitterroot National Forest on Monday and they were sharing with us some of the policies that are going to be in place now with forested areas and who takes care of what, and who does what calls where and that residential structures would not...oh you're smiling, you heard this, huh?

**Frank Maradeo:** Yes I did.

**Chair Landquist:** ...would not be a priority. I would like someone in your profession, you being it because you're here and now, to please in 'fireman's terms' tell us all what that means, especially for the Seeley area. Because the last time I was in Seeley was just like a month ago, I came to one of the council meetings and there were some folks very upset about; Seeley's going to burn, we are going to burn and what are you going to do about it? Since one of the sticky-wickets here of the WUI part of things being put into this zoning thing, I'd like to hear what you have to say and give you an opportunity to talk to folks.

**Frank Maradeo:** During 2007, Chief Waldron the Chief at Frenchtown at the time, we knew we were going to have a bad couple of days. So what we did was we called the Seeley Lake Fire Department is part of the Missoula County fire protection association and also we're covered under the state wide mutual aid agreement. I made a phone call to Scott because I was gonna be really busy and within an hour we had 12 fire engines and 45 fire fighters in route to Seeley from Florence, Missoula Rural, Missoula City. Their purpose in life was to protect structures and that is their whole purpose in life so we could focus on evacuations and life safety. Our bottom line is life safety. I hate to say it this way but the purpose for fuel mitigation and all of that is to save your lives and keep our people safe. Our firefighters are not disposable tools in a tool shed, they have families also. Yes it's true that the forest service and this came and I heard this from the Bitterroot actually through the MCFPA, is just saying that you know what, we're wild land firefighters and we will not protect structure, that's what the local agencies are for. Well I don't know if you've been to our station but how many homes are on Double Arrow? That's kind of stretching our resources a little thin. So the best thing we can do is ask for you to evacuate, ask for you to mitigate your property as best you can and let us try to do what we can to save your property. It's really going to be hard and it was hard in 2007 and I said this to a lot of groups that the only thing that saved this town was the weather died down, it was no magic that we did or no heroic efforts on our part – the wind died down and that's the only thing that saved this community. Plus, I have to say that I have to give you guys credit that when we said evacuate, I'd say about 85%-90% of you did. Some of you didn't come back until the Spring of 2008, which amazed me, I was stunned by that! When you pull the plug to evacuate people, the next thought in your minds is, when can we bring them back? Our primary concern is life safety, of course your property. A lot of this is going to fall on local agencies. Now does that mean the Seeley Lake Fire Department is gonna have to protect all of Double Arrow? No it doesn't mean that, it means that Frank is gonna have to make a few more phone calls then just the one like he did in the past. In fact that's what I just had to go to is our big water tender is in Superior helping out those people because they came and helped us. Hopefully in the next couple weeks we won't have a fire where we need that water tender, but we'll get it from somebody else, it's just a domino effect. There are resources out there. Like in

2007 we had Jacko and there were a lot of Frenchtown engines here and within 3 days they had the Black Cat, so we had to cut them all loose because that's where they belong. To make a short answer to a long question, Michele, we have to be better prepared for that. Again, I don't want to preach this too far because I know it's a touchy subject; a lot of it is up to the homeowner. Ask the people at Lake Inez who had their structures...and Placid Lake who had their structures triaged. One sheet of paper and the first two questions – if you answer no to either one, we're driving on, we ain't got time.

**Commissioner Curtiss:** Could you state the three questions, please?

**Frank Maradeo:** Trees too close to the driveway? One-way road? If you answered trees too close to the driveway, you just move on to the next house because you have to do 140 homes in an hour, you ain't got time to walk around and locate your eaves and all that stuff.

**Commissioner Curtiss:** And we're not putting our fireman in danger.

**Frank Maradeo:** Absolutely. I'll pass one story on...In San Diego California a few years back they were interviewing a home owner who lost his house because the firefighters wouldn't go in his driveway because he had down trees and all that stuff. He said, "Then what's the point of having firefighters if they're not going to risk their lives to save my property?" I heard that and I looked at the TV and the next morning it was on one of the fire department websites, the same video. If you people are going to be like that, I'm really going to be mad at you. They're all volunteers so let's not forget that and they all have families to go home to. Another thing is that when we evacuated you people, we evacuated our volunteers, they got their families safe and they all came back to our station. Some of them were sleeping at the Clearwater Junction weigh station, think about that, that's dedication right there.

**Chair Landquist:** I believe we had asked a legal question of you, do you remember what it is?

**James McCubbin:** Okay so I've got kind of three categories of legal issues that I picked up, I don't know if you want me to comment on all these but I'll tell you the three categories that I've got. 1) What's county enforcement entail? 2) I don't know if this is a question from the Commission or not but there does seem to be a little bit of confusion on citizen initiated zoning vs. county initiated zoning. 3) Notice for these proceedings and mailings and that kind of thing. Would the commission like me to address each of those?

**Chair Landquist:** Yes.

**James McCubbin:** Okay, so I'll just do them in turn as they came up. In terms of enforcement Montana Code does provide pretty broadly for enforcement of zoning. Now I'm talking mostly about, what I call part two zoning – county initiated zoning but I think this essentially applies to citizens initiated zoning as well. Violation of zoning is a misdemeanor; technically it's punishable by a fine up to \$500 or imprisonment up to six months, although I'm not aware of anybody ever doing jail time for a zoning violation. More commonly zoning is enforced through civil actions to abate the zoning violation, require the property owner to come into compliance with zoning, whatever that entails and it depends on the violation. So that would be a civil court case with injunctive relief typically from a judge. So those are the two ultimate ways that legal enforcement occurs is it can be criminal or civil or if there was a really bad case it could actually be both. Before any of that happens, before any zoning violation or any other regulatory violation in the county gets to the County Attorney's office, it gets vetted by county staff. Most of the time if we have a zoning violation, we also have some other violation. A lot of violations, regulatory type violations that we have cross between different departments. For example, a building permit violation is usually also going to be a sanitary violation, things like that. A zoning violation is usually gonna be a building permit violation, if you're talking about a building that was constructed in violation of zoning, it means they didn't get the zoning compliance permit, which means they're gonna be in violation of building codes also. So there's a lot of cross-over in terms of when you have one type of violation, it usually means there's other kinds of violations. So County staff works together on those things, communicate with each other among the departments, whatever regulations are implicated those the county staff responsible for implementing and enforcing those regulations then reach out to the property owner and try to do their best to communicate with the property owner. A lot of times violations that we have...I don't know 80-90% are just out of people just not knowing that there were the regulations there that they had to comply with and so then communication will usually resolve the vast majority of violations that we have and the property owner brings the property to compliance and that compliance issue goes away. Minority where people either knowingly violated or just refused to come into compliance, staff will engage in further efforts to try and communicate with people and get them into compliance. Basically it only gets referred to the County Attorney's office if county staff gets to the point where they just aren't getting anywhere with the property owner and have nothing else that they can do, then they talk to me or my Supervisor, Marnie. Then we evaluate the case, see what the evidence is and if the evidence supports the fact that there's a violation, then we file a lawsuit, basically. Occasionally we'll pursue if criminal. So that's enforcement, does that cover it for the Commissioners?

So citizen initiated zoning and county initiated zoning and if I slip – citizen initiated zoning is referred to by planners and land use attorneys a lot of times as part-one zoning because it's in part one of this chapter and county zoning is part two zoning. Citizen initiated zoning is a little different than the gentleman, I forgot who it was now, sorry, who described it. Mr. Bourne, right? I think you got it mostly correct but citizen initiated zoning does start with a petition process. So there's a petition that's signed by a percentage of property owners, I can look it up if we need to know the percentage. So there's a formal petition that goes around that property owners then bring to the county and say,

we want to form a zoning district and that is what the petition is for, it's to form a zoning district. Usually people that petition to form a zoning district that way will also have proposed regulations that accompany that. But the petition process does not actually enact regulations; it merely establishes a zoning district. Once that zoning district is formed regulations are then adopted by the planning and zoning commission. So in citizen initiated zoning the citizens don't actually vote on or petition on what the actual contents of the regulations will be, they merely establish the district, then the planning and zoning commission establishes the regulations. Historically, it might be 100% of the time in Missoula County that regulations are what came in with the petition in terms of what people want but that's legally required. The planning and zoning commission has the power to adopt regulations and to change regulations and there is no protest provision on part one, citizen initiated zoning, in terms of the regulations. County initiated zoning is what it says; it's initiated by the county technically. As a matter of political reality, I'm not aware of Missoula County or any other county pursuing county initiated zoning without first hearing from property owners; hey county, we want you to do zoning here. That doesn't make it citizen initiated zoning formally, it is still technically county initiated zoning and that is my understanding of what has occurred here. As far as I'm aware there was never a part-one citizen initiated zoning petition for the zoning that's under consideration tonight. My understanding again, and I wasn't there and I'm sure Mitch will jump in if I'm getting this wrong but is that there was a request or some communication from DARLOA saying there's interest in zoning, would the county be interested in moving forward. Then there was a period of informal communication and then finally it went to planning board.

That sort of leads me into the final thing and that is notice of proceedings, mailing issues and so forth. As far as I'm aware and I just re-reviewed the code to try and make sure, there is no legal requirement for there to be any mailing in terms of zoning procedures. The planning board has to have a meeting, not even necessarily a formally published hearing, just a meeting to form recommendations for the County Commission. The County Commission has to have a hearing, which this is. The only real difference between a public meeting and a public hearing under Montana Law is the notice given and that's just legal notice in the newspaper two weeks ahead of time. All those legal requirements were complied with, in addition to that, the county through CAPS, mostly Mitch, did send out the mailing. That's a pretty significant cost that the county took on that is not legally required. I think it's very unfortunate if the mailing didn't get to everybody but we use the owner's address of record that we've got in county records so I'm not sure what happen, what went astray. Could be any number of things but my understanding is that Mitch used the best information that we've got in our databases and sent out a mailing to everybody he could think of, which is basically all the property owners and people within...basically the adjacent owners. I hope people do appreciate – that's an extra step that staff took with the County Commissioners approval to spend that money, that's tax payer money that went out to try and do our best to get notices out. Doesn't mean everybody got notice, doesn't mean it's a perfect process but it's a heck of a lot more than just sticking it in the newspaper and two weeks' notice and we have a hearing, and boom you got zoned.

**Chair Landquist:** Because generally that's all that's required, right?

**James McCubbin:** Yes. I think that covers the issues that I noted. I'm available if the Commission has any more questions.

The adoption of zoning is essentially two-step process; if there would be an adoption of zoning, the Commissioners would first adopt a resolution of intent to adopt zoning. Attached to that would be all the zoning regulations that they intent to adopt. Once that is passed, the property owners have an opportunity to submit a protest pursuant to the current statute. That protest provision – I hate to summarize things so I'm gonna read it: For 30 days after first publication of this notice, of the resolution of intent, the Board of County Commissioners will receive written protest to the creation of the zoning district or to the zoning regulations from person owning real property within the district who's names appear on the last completed assessment role of the county. Within 30 days after the expiration of the protest period (after we've received any protests, if we get any), the Board of County Commissioners may in its discretion adopt the resolution creating a zoning district or establishing the zoning regulations for the district.

What that means; (me talking not the statute) is that after the protest period the Commissioners have 30 days in which to finalize the zoning, if they're going to do so. After that period of time, the process is over if they don't act, the zoning proposal is dead. That's actually been affirmed by the Montana Supreme Court, that happened in Gallatin County a few years ago, they didn't act within that period of time so it went away.

The protest period is a period of 30 days after the County Commissioners send out notice that they have passed a resolution of intent.

**Chair Landquist:** So if we say yes to this tonight, then we have to do that resolution of intent – that goes out and then 30 days from that.

**James McCubbin:** So if the vote tonight by the board were to adopt the zoning – pass a resolution of intent to adopt the zoning. You would have 30 days to protest from the date that the notice goes out, so it would be 30 days plus a couple days before we get the notice out. Statute goes on to say: However, if 40% of the real property owners within the district who's names appear on the last completed assessment role....

**Commissioner Curtiss:** What that means though, if there are two people's names on the tax list or if there are six people's names on the property – they all have to sign or it's not a valid protest.

**James McCubbin:** Yes, it has to be all of the owners of a given parcel. So if 40% of the parcel ownership protests then the County Commissioners cannot finalize the zoning. That is what the statute currently provides, that if 40% protest within that 30 day period, then it kills the zoning. If there are two people that own one parcel, both people have to sign the protest.

**Commissioner Curtiss:** For those of you that didn't hear the question from this gentleman up here – if you own more than one lot, you get more than one vote.

**James McCubbin:** When we get protests on zoning, I have to go and look at case law resource interpreting this, it can actually become fairly complicated when we have multiple owners with one lot, owners with multiple lots and then further complications when you get family trusts, incorporations and things like that. Tallying the protests can sometimes be challenging and I can't give you a real final answer on that until we know how many protests we have and then evaluate it. It's pretty rare to have a protest that comes in where it's a close enough call that those issues really matter, so there's not a lot of case law interpreting it because it tends to be, either you clearly don't have enough protest to make a difference. If you count them all up and some of them look invalid but there's only 20%, it's kind of who cares.

I'm just looking at the statute, I'm not looking at cases, I'm not looking at Attorney General opinions. What I can tell you is that if protests came in and it was anywhere close to 40%, we would scrutinize it very carefully and I would do thorough research to make sure we're counting them properly. That's the best I can tell you right now.

**Commissioner Curtiss:** James, there's one question to clarify. Are there special forms that have to be sent in? And do we accept email?

**James McCubbin:** There is no special form. I think we would accept but we have to be able to verify that it actually came from the right person. That can get into questions of is it a valid protest or not. If you want to be sure that your protest is a valid protest – if there's going to be a protest, the best way to do that is to send in a written letter with signatures, notarized is going over the top but it wouldn't hurt. Identify your property descriptions, the owners names and with signature and date. And stating I protest to the proposed zoning.

**Chair Landquist:** I'd like to move on from here for a little bit because I'm looking at the time. I want to give Mitch the opportunity to address some of the things that you all had to say. Maybe he could lead off with some questions I have, I want to know the number of mailings that the county reached out to, and of that number how many were returned? Some folks said that this creates nonconforming lots and nonconforming houses so I want to know what those numbers are and how this zoning addresses them.

**Mitch Doherty:** The number of mailings – with multiple land owners when we took our original list...sorry, with owners that own multiple lots that basically reduces our number of mailings down from the base of lots that are in Double Arrow. In my presentation I said there's 746 lots in the Double Arrow, we mailed out 694 letters and of that, I don't have an exact count but I would say approximately 60-70 were returned. Mostly within the first week or two, all sorts of issues; unreadable address, temporarily away, unable to forward, everything you could think of that the post office could put on there, probably. So, a majority of those were readdressed with the same address or if they were returned to us with a forwarded address, we would include that forwarded address and forward those back out. So when I'm saying 60-70 returned, we sent out probably about 50 more letters, if we were able to find a new address and of those, even some of those came back. That's what we're looking at for numbers there. I didn't bring the stack but I kept the stack of envelopes to see who didn't receive one, I have everyone's address, if it's incorrect give me a call and I'll check it. If you didn't get a letter I'd love to hear from you and I would love to check your address in our files and see if it truly didn't get to you or if it got to your neighbor or something like that. It's important that we notice people.

**Chair Landquist:** The mailings were my first questions, then followed by how many nonconforming lots or nonconforming houses does this create and how are we dealing with that?

**Mitch Doherty:** The number of nonconforming lots was included in the presentation. If adopted as is based on the density shown on this map here, the 1 per 1, 1 per 2 and 1 per 5 – 1 dwelling unit per 5 acres. That would create 10 nonconforming lots out of 746. That's the number of nonconforming lots. Nonconforming structures, buildings, things like that; I don't have a number for the number of nonconforming houses or structures that would be created. One thing I would like to note though is that these...if this was adopted as is, these would become legal nonconforming structures, lots, buildings, what have you. If the zoning was enacted as is, there's no sort of requirement that would require folks to come into compliance with these standards. The buildings would be able to remain as is, the county would not come to your house and say; you do not meet the 30 foot setback, you need to move your house. That would not happen – we need to make that very clear. There's a grandfather clause for nonconforming structures. When we were at planning board June 18, a dozen folks from the Double Arrow were there, the planning board recommended to the County Commissioners at that time that the WUI standards, the defensible space standards in particular, should be applied to all partials, even if there's an existing structure, they would need to comply with those defensive space standards. Now that's just a recommendation that was not included in the original document that was not the intent DARLOA. When we were working back and forth with the standards, the intent was to apply the zoning standards to new construction or any sort of relocation of a structure, alteration, things like that. So to clarify; if you own a home and it doesn't meet some of these standards here in the proposal the county would not come knocking on your door to make you meet those requirements. The one exception being, that if the Commissioners acted on planning board's recommendation to include the defensible space requirements for all parcels with existing structures.



**Commissioner Curtiss:** So if they sell you wouldn't be able to add on and make it less conforming and if you did lose 50% of the house in a fire, you'd have to replace it to meet the new standard.

**Mitch Doherty:** Correct. And if you sold the house, that's not going to require coming into compliance on these standards. They're grandfathered in.

**Chair Landquist:** Commissioner Curtiss do you have some questions that stood out from you that you want clarified during this hearing?

**Commissioner Curtiss:** No, just make one statement; about three weeks ago I had the opportunity to fly over this valley and when you take off from the airport here, you fly over the Double Arrow. I just hope that you guys do take the fire wise stuff; I know that it sounds like a big imposition but fire wise is serious and I would hope you have good insurance because I hope Frank never puts anyone in danger to save you...

**Teresa:** I have a question – I opposed it twice on the website and once at the Commissioners about the legality of the insurance, whether insurance policies would pay off if you put this into zoning law – may I speak that?

**Commissioner Curtiss:** Zoning doesn't apply to insurance companies.

**Teresa:** They said that our...I called the agents here and they said that if you put this WUI as a requirement it is then part of law and that it is possible that insurance companies would not have to pay off on your homeowners policy if this is actually part of the law. I opposed that to the planning commission, they said they couldn't answer it and I put it in both of my letters in writing and I haven't heard it addressed yet.

**Chair Landquist:** James, any guesses on that?

**James McCubbin:** Let me go back a moment in discussion on replacement of homes if they're burnt down, otherwise accidentally destroyed. The gentleman in the audience was correct, it's not a 50% rule as written in the proposed zoning regulations that you have. Provides any nonconforming use that is unintentionally destroyed for example by fire, may be rebuilt but only to the same manner and extent that it existed before its destruction. That's on attached B2, page 20 this is the June 18 planning board recommendation draft but there was no amendments from before, and I don't think that's changed over time. Thank you for pointing that out sir. It is a common thing in other zoning districts to have what we call the 50% rule, so I think that's an understandable confusion.

In terms of insurance, it depends on the insurance policy. Insurance is a contract between the homeowner and the insurance company so it depends on what the terms of your insurance policy are. So I cannot give you a blanket answer opinion as to what that would be. What I can tell you is I am familiar with a number of general insurance forms that include disclaimers, if you will, if the cause of a casualty – casualty being the loss that's subject to insurance – is caused by an illegal act of the property owner then the insurance can deny coverage. That's a fairly common provision but it's not in every policy and those provisions even among policies are different.

**Chair Landquist:** Okay, we've taken a lot of public comment and now I want Mitch to have the opportunity to hit on some of the things that he thinks might need to be corrected for the record that he heard here today.

**Mitch Doherty:** I have a long list but I'm going to hit a few highlights from the public comment we heard tonight. The first thing I'd to talk about is the process that the county's been involved with, with DARLOA up until this point. That process and it was in my presentation, it was initiated in December of 2010 after the adoption of the Seeley Lake regional plan. That letter came to the county requesting to initiate zoning on the Double Arrow Ranch. We take requests like that to the Commissioners, get it on our work plan with their approval and we begin to then work with DARLOA back and forth, multiple drafts are passed between our office and DARLOA between 2001 in January and up until April/March 2013. So that's that part of the process.

The second part is the notification that went out on the 17<sup>th</sup> to all the landowners that initiated the public process that got you all here tonight. We took that draft that we worked with DARLOA to create to the planning board. The planning board is an advisory board to the County Commissioners, their decisions...they hold a hearing but what they do is they make recommendations to the County Commissioners. So the Commissioners don't always agree with all of their decisions and their recommendations and they make their own decisions and it's the final decision. We were at planning board on the 18<sup>th</sup> of June, we're here tonight it's July 16<sup>th</sup>. Back it up, my letter went out on May 17<sup>th</sup>, that's two months that we've been involved in the public process and I think State law requires us 15 days to put that notice out in the paper. I feel pretty confident we've gone out above and beyond State law to get folks here tonight and get folks involved.

One thing I've been asking for since the beginning of this public process is to get comments with substance to them. And I appreciate people's opinions on opposition or people being in favor of zoning but when we're working through these types of processes, it's important to have comments with substance to them. I don't like zoning and these are the parts of this document I don't like. I'm in favor of everything, those are important things. I've had some really great folks I've been working with back and forth and those are incorporated in the staff's suggestions tonight and staffs suggestions to the planning board. I'd encourage folks that I've looked at this document to submit comments to our office with substance to them. Pull out points of the document that you don't like. Point to specific sections of the documents that you think need work. We always are willing to accept and consider

the comments that say I'm opposed to zoning and that's absolutely fine but when we're working through these processes it's important to have comments with substance to them. That's kind of the process part I wanted to talk about a little bit and clear the air.

We've already talked about the notice. Mr. Anderson asked the question of me; what's the problem that's being solved here? Well there isn't a problem, we're acting on behalf of a request for DARLOA, I'm not certain there always has to be a problem but that's why we're here tonight, we're acting on a request from DARLOA. In the zoning document the intent was too full to codify existing covenants that residences of the Double Arrow live under and the second part was to enact portions of the Seeley Lake regional plan from 2010 that apply to the Double Arrow Ranch. So that's the problem that doesn't exist.

**James McCubbin:** An additional point there, zoning is not designed or intended to address problems. It's intended to prevent problems. Seriously, because zoning is required to recognize existing nonconforming uses. So if you have a problem, if you have a bunch of neighbors that put up stuff that you don't like and you want to zone it to make that stuff go away, you can't do it. Zoning can never make a problem go away. Zoning is a proactive planning effort to decide what a community is going to look like in the future. It does not address existing problems and it really can't. The most you can do is have something like the 50% rule; we started talking about it a little while ago, which very, very gradually could bring things into conformance with new laws. Basically because there's a requirement in law that you have...that you recognize existing uses as being able to continue, which is an important protection of the law. So you don't just pass zoning and enforce people to tear down their houses and build something new with a white picket fence when they don't want to or something. I think that's an important clarification. That doesn't necessarily mean that you want zoning or don't want zoning, I just saying zoning will never address and active problem. It can't legally.

**Chair Landquist:** Okay Mitch, continue. We're not taking questions and stuff; we're letting staff address some of the things that need to be addressed.

**Mitch Doherty:** Okay, another point that sticks out to me and I agreed to bring a map and I have it somewhere electronically, I don't have the mindset right now to find it and I'm thinking it's easier to find a hard copy. It revolves around the slopes on the Double Arrow Ranch for Ms. Wallenburn. Ms. Wallenburn thinks that a large portion of the ranch has slopes over 25%. I'd just like to let everyone know that our most recent map that we made, on behalf of your request, shows that 17% of the east side of this district has slopes over 25%. Throw in the west side that number is probably gonna go down. So just to clear the air, its 90-whatever %, it's 17% of the east side of this district has slopes over 25%. I would also add that looking at steep slopes and some of the regulations that are in there, we had some really great comments from some really active residents in the ranch and so we've been able to tweak regulations at planning board. They made recommendations to the Commissioners and some of those issues were addressed. It's one more example that I was getting at earlier of having good comments from folks where we can make changes to documents that improve the regulations. The two other notes I had was citizens Vs. County initiated zoning, I think that was well covered. The part about the grandfathering clause and the built vs. unbuilt parcels, I think folks need to recognize both absentee land owners and land owners that live there full time, folks that don't have structures and folks that do. The majority of these standards apply to people that don't have any structures on their property yet. I think it's really important that if you have a house on the Double Arrow or a garage and things like that, everything's grandfathered if it doesn't meet the regulations. I want to make that very clear to folks. Those were the highlights I had from my notes. I have other things in here I'd be happy to address to folks if they ever want to give me a call and chat about things.

**Commissioner Curtiss:** I just want to make one point since we have so many of you here tonight that you need to understand that why you have covenants in place, there are some larger lots on this property, in this association that are 10 acre lots, 20 acre lots, right now with you covenants in place, if someone with one of those lots came to the county with a proposal to subdivide, and they could meet our regulations for septic and wells and roads and all of those things, we would likely approve it. Because the covenants don't apply to us and they are between you – they only apply if you sue each other. We would have to make findings of fact and conclusions of law to say that they didn't meet our regulations. It's the only authority that we have, covenants aren't our authority, they're yours. So that is the reason why in 2010 and I saw there weren't very many of you that were real involved in that discussion when we did the Seeley Lake Plan, that is the reason that DARLOA came to us immediately after we adopted and said, we need to zone to implement our regulations and the things that were adopted in the Seeley Lake Plan. That's why we're here tonight. So just you know, your covenants aren't going to protect you from those kinds of things.

#### (Comments from the audience)

**Chair Landquist:** Your Homeowners Association didn't give you the opportunity to vote about the zoning, is that what you're referring to?

One of the problems I'm having and looking ahead at our calendar, we wanted to get through this process during the summertime when some of the absentee landowners were here for the summer visiting at least and could participate in the public process. As we look into this is July, we look into August and September and we've got meetings all over across the board scheduled out months in advance. Jean and bill have a thing up the Crown of the Continent to go to and various other things. What I guess I'm is if we decide to delay and looks like we will, we may not get to this until the late fall. Some of you all will be gone so it's real important for those land owners that aren't here tonight; you guys need to help make sure that we have a way of getting notices to everybody that didn't get



notices. You all said over and over how you stick together and take care of one another, I'm gonna hold you to that. What do my fellow Commissioners want to do? Do you want to make a decision tonight or do you think we need to wait and let people wrap their heads around this a little bit more? Commissioner Carey please say something.

**Commissioner Carey:** For the last three hours or so I've \_\_\_\_\_ that there isn't any way it would make any sense to try and adopt this tonight. Clearly the community is opposed to it, clearly if you want something done, you're going to have to learn to work together and decide what you have in common that you want to seek from the county. I don't think the irony is lost on everybody here as we're responding to a request from the community.

(Audience disagrees)

That's part of the community, they're supposed to be speaking on behalf of the larger community okay so there's a certain irony that we get a drubbing coming here because folks have asked us to engage in the process. I'm fine with saying – go meet together amongst yourselves, work something out if you can. If you can't, I'm sure most of you feel you can live without it. I don't see any point in doing anything but recessing this hearing, if that's the proper legal thing to do. What I'm asking our Attorney to comment about is the technicality of this is a public hearing; do we want to recess it? Do we want to just say that's it, it's closed and it's done?

**James McCubbin:** You have a few options obviously you could vote to either just kill this tonight, you could vote to pass a resolution of intent to do something and that doesn't have to be the same as what the planning board recommended. If you want to wait on making a decision, what I'd recommend you do is close the formal hearing because we can't really continue it unless we have a date certain that we can continue it to. Like I said earlier, the only real difference between a public hearing and a public meeting under Montana Law is the notice that's given. So if you have a public meeting later, which you would have to do, you would have to have a notice meeting to reopen your deliberations. People would still have an opportunity to comment on that, you can say; we don't want to hear your comment and say the same thing you said before. It's still part of the same process but you would have to accept any new written comments, any new verbal comments if people attend that meeting. Our normal notice for a meeting is probably a lot less than what we would do for this, I presume because we have people not directly in Missoula and so forth. So what I would recommend if you're going to defer and decide on this later, is to close the hearing at this time but with the understanding that you will have to have a public meeting and that public comment would need to be accepted at that meeting.

**Commissioner Carey:** And at that public meeting we could just say that's it, we're done we haven't heard anything, the community is still divided.

**For purposes of moving ahead here, I would make a motion to close the hearing and not take any action on this tonight.**

It's my personal view that the next time we see each other, the folks here in this community would be coming to us with something they agree upon or we wouldn't be seeing you at least in this kind of format.

**Chair Landquist:** Closing the public portion of this.

**Commissioner Curtiss:** **I second the motion to close the hearing.**

**Chair Landquist:** I guess before I allow us to vote on the motion; yea I've had a little fun here tonight, a few jokes and stuff but this is serious stuff. This is your property values and I get that and of you all worked hard to achieve what you bought into here and retired here, living here full-time, all these wonderful things. I get it and I also... I don't want to be on a soapbox but I feel obligated to share with you the heart burn that I have about property ownership and zoning. As a County Commissioner I'm sorry to bore my fellow Commissioners because I know they've heard this little soap box decision before. As a citizen before I was a Commissioner I was never a fan of zoning, I live a mile up Hwy 12 out of Lolo on some acreage and I like my space and my land and I'm conscientious and I take good care of it and I don't want government telling me what to do or how to live. And I didn't feel like I needed zoning, yeah there's some covenants on the property but no Homeowners Association, the covenants have been broke a zillion times up and down the creek, in the area that I live. But predominantly nobody's harming one another and stuff but I know that I'm conscientious enough to not do anything on my property that would detrimentally effect somebody else's property. That's why I could honestly with all confidence and everything say I don't want zoning, don't tell me what to do, I don't need zoning. But I saw it happen to friends that live in the --- Gulch area and since I've been a Commissioner I've seen it happen over and over and it's really painful and there's very few Homeowners Associations that really do function well and really get it. You can't tell me, please don't take real personal offense to this, that DARLOAs working beautifully and I heard so many of you say; we like our covenants that's what we bought and you did, but your Board of Directors is not acting the way you wanted to if they're not attending to making sure that they're being transparent with you just like we're trying to be transparent with you and sending out the proper notices and your newsletters, etc. I don't wish this on you but sooner or later your HOA may fail you like some of the others that have happened across the county, or never got formed even on some of these subdivisions. It's really painful for me as a Commissioner when I get the phone calls and I can't help somebody protect their property values and their major investment because they're living off of covenants and a little bit of zoning would go a long way. That's what we're trying to achieve here and that's what made me a believer of zoning. We're trying the light brush touch of zoning, if we missed the point on this, give us another chance, let us come back, we'll see what we

can....I get what you were saying about the WUI stuff and the kind of trees that you grow here and what they are susceptible to. Maybe we need to go back to the drawing board on some of this but please allow us to help you and your HOA protect your property values. There's nothing more frustrating for me or us as elected officials, or for the people we serve when we say, we can't help you, you have to sue your neighbor because that's what covenants to. It pits neighbor against neighbor and quite frankly on and off the record, that sucks, that makes for lousy neighbor relations.

**Okay so there's a motion and a second on the floor that we're going to close this hearing and have no action tonight. The motion carried a vote of 3-0.**

Now we have to figure out where we go from here. I think the community needs time to wrap their heads around some of what they've heard. I think you can feel free to continue to give us some comments but please like Mitch said and like some of the people did do here tonight, tell us how you feel and tell us how to make it right. Give us some hard suggestions and we're gonna have to look at the calendar and figure out when we can even schedule another meeting because things for us get scheduled for us several months in advance and then the weather turns lousy. We did want to really try to reach as many people as possible. When's your election again for the DARLOA Board?

**Audience:** The end of August. But the nominations have already been finalized.

#### 6. OTHER BUSINESS

None

#### 7. RECESS

Being no further business to come before the Board the Commissioners are in recess at 9:21p.m.

### WEDNESDAY, JULY 17, 2013

BCC met in regular session; all three present. Afternoon: BCC held Service Award Ceremony for those County Employees celebrating milestone anniversaries with the County.

#### CAO MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 14/CY2013 - Pay Date/July 12, 2013. Total Payroll/\$1,358,549.88. To County Auditor.

Letter – BCC signed, dated July 17, 2013. To Dr. Chris Servheen, USFWS, Missoula, in support of the Draft North Continental Divide Ecosystem Grizzly Bear Conservation Strategy (GBCS). BCC are committed to supporting conservation efforts of this species, but do have questions re: management standards for the MT DNRC, and suggest more specific management standards.

Additional discussion item(s): 1) Public Works Departmental update; 2) MEP Contract.

#### NO PUBLIC MEETING HELD THIS DATE

### THURSDAY, JULY 18, 2013

BCC met in regular session; all three present.

Indemnity Bond – ML signed. Jolanda Hritsco, Missoula, Principal for Frenchtown School Dist. #40 Warrant #26076645, issued June 10, 2013. Amount/\$912.43 (for June salary). Warrant lost.

#### ADMINISTRATIVE MEETING

Grant Extension – ML signed. Modification for MT DES Grant Award (FFY12 EMPG # EMW-2012-EP-00057-S01). Grant is extended to include a fifth quarter running July 1 – September 30, 2013, for an amount of \$23,374. Total grant award w/extension/\$137,907. Two originals to DES.

Letter – BCC signed, dated July 18, 2013. To US EPA, CERCLA Docket Office, Washington, D.C., in support of former Smurfit-Stone site's potential listing on the Superfund National Priorities List.

Additional discussion item(s): None.

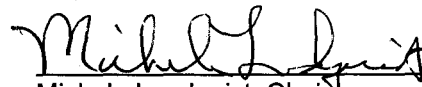
Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated July 19, 2013:

- 1) Approving request from Bob Summerfield, Missoula, to waive penalty and interest charged for taxpayer id #5872103; however, they denied request to refund \$30 insufficient fund fee.
- 2) Approving request from Robert Bohiken, Seeley Lake, to refund overpayment of taxes for taxpayer id #5825348.
- 3) Denying request from William Timothy/Go-Fetch, Missoula, to refund penalty and interest for taxpayer id's #80521761, 80515677, 80520453.
- 4) Denying request from Kensington Square LLC/John Giuliani, Missoula, to refund penalty and interest for taxpayer id #1272005.

## FRIDAY, JULY 19, 2013

BCC did not meet in regular session. JC attended Mental Health Board/CDC meeting, held in Polson. ML out of office all day.

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

## MONDAY, JULY 22, 2013

BCC met in regular session; all three present. Morning: BCC were briefed on status of Gold Creek Fire.

Replacement Warrant - ML signed. MSUIP, Helena, Principal for Woodman Elementary School Dist. #18 Warrant #11005771, issued June 3, 2013 on County Claims Clearing Fund. Amount/\$395.08 (for 2<sup>nd</sup> Quarter Unemployment Insurance 2013). Not received in mail. No bond of indemnity required.

Community and Planning Services Update - BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Shoreline Permits (Pierce, Junkermier, Tingey); 4) Director's update.

Shoreline Permit - ML signed. #13-14 for Applicant Dan Pierce to remove old floating dock and replace with new one at 200 Renzim Court, Seeley Lake (Streit's Inez Lakeshore Sites. Original to Todd Kliezt/CAPS.

Shoreline Permit - ML signed. #13-18 for Applicant Jason Tingey to install prefabricated 32' aluminum dock and cement retaining wall at 798 Place View Place, Placid Lake (South Shore Tracts, Phase 5, Lot 11). Original to Todd Kliezt/CAPS.

Shoreline Permit - ML signed. #13-20 for Applicant Junkermier to replace existing dock at 8198 Lindbergh Lake Road, Lindbergh Lake (Lot #74). Original to Todd Kliezt/CAPS.

Letter - BCC signed, dated July 18, 2013. To U.S. EPA, Washington, D.C., requesting that the former Smurfit-Stone site be included on the Superfund National Priorities List (Docket ID No. EPA-HQ-2013-0200).

Form - ML signed Quarterly Reimbursement Form for Emergency Management Performance Grant (Dept. of Homeland Security/FEMA Grants Program Bureau Disaster and Emergency Services Division). Total requested this quarter/\$59,723.80; total reimbursed to date/\$110,492.40; remaining funds/\$4,040.60.

## TUESDAY, JULY 23, 2013

BCC met in regular session; all three present. Early evening: ML attended Parking Audit-Technical Assistance Workshop, held at Fairgrounds.

Indemnity Bond - ML signed. Regan Reneau, Missoula, Principal for Frenchtown School Dist. #40 Warrant #26058006, issued June 27, 2013. Amount/\$140 (for Per Diem). Not received in mail.

ADMINISTRATIVE MEETING

Resolution No. 2013-086 - BCC signed, dated July 23, 2013. For the Swan Valley Fire Service Area ("SVFSA"): 1) Correcting Resolution 2013-039 (to remedy error in number of open Board Member positions from two to one); and 2) rescinding Resolution 2013-048, as it is not necessary. Originals to C&R.

Form - JC signed, dated July 23, 2013. IRS Form 720-V (Quarterly Federal Excise Tax Return) for Sponsor Tax on Health Plan Benefits. Total amount/\$1,742. Original to Heidi/Benefits.

Letter - BCC signed, dated July 23, 2013. To MT DOC, Quality Schools Grant Program, Helena, offering support for Lolo School District's consideration for a Quality Schools Grant, as the District is dealing with student safety, overcrowding, and school access. [Note: BCC discussed July 23<sup>rd</sup>, but signed July 29<sup>th</sup>.]

Letter - BCC signed, dated July 23, 2013. To John Richards, Seeley Lake, approving phasing plan amendment for Clearwater Junction subdivision (per Attachment A therein). Conditions of Subdivision Approval also attached (Attachment B therein). Final plat submittal deadlines are extended as follows: 1 Phase 1, July 11, 2016; 2) Phase 2, July 11, 2018; and Phase 3, July 11, 2020.

Additional discussion item(s): Update from Missoula Food Bank.

## WEDNESDAY, JULY 24, 2013

BCC met in regular session; quorum present. Morning: ML attended Parking Audit-Technical Assistance Workshop, held at Fairgrounds.

CAO MEETING

Contract – BCC signed, dated July 24, 2013. Between MCCHD and Granite County for the provision of certain public health nursing services. Amount/not to exceed \$45,758. Term/July 1, 2013 through June 30, 2014. Two originals to MCCHD for further handling.

Contract – BC signed. Between MCCHD and Shodair Children's Hospital (Regional Metabolic Clinic) for Registered Dietician services. Amount/tbd on monthly invoices to the Hospital (as set forth therein). Term/July 1, 2013 through September 30, 2014. Two originals to MCCHD for further handling.

Letter – BCC signed, dated July 24, 2013. To Carol Fox, Natural Resource Damage Program ("NRDP"), Helena, supporting the Confluence Project at Rock Creek, currently under consideration by the NRDP Citizen Advisory Council and Trustee Restoration Council. Project would protect lands/habitats at mouth of the Rock Creek watershed, and Missoula County has already contributed \$400,000 in open space bond funds.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Registers dated July 23, 2013. Amount/\$124,806.05. To County Auditor.

Additional discussion item(s): 1) MCDSA Grievance; 2) Review for FY2014 Preliminary Budget Hearing.

PUBLIC MEETING – July 24, 2013**1. CALL TO ORDER**

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

**Staff Present:** Greg Robertson, Director Public Works, Dale Bickell, Chief Administrative Officer

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

Historic Fort Missoula Old Wild West Fest, August 3<sup>rd</sup>-4<sup>th</sup> ~ family friendly event.  
Missoula Aging Services, volunteers are always needed.

**4. PUBLIC COMMENT**

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Bi-Weekly Claims List (\$4,314,321.89)

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount of \$4,314,321.89. Commissioner Curtiss seconded the motion. The motion carried a vote of 3-0.

**5. HEARINGS****a. Seeley Lake Refuse District Budget & Annual Assessment**

Greg Robertson gave report. The purpose of the hearing is to consider adopting an assessment for the district wide assessment per parcel of \$150.00 annually. This has not changed in a few years. In looking over the budget with some changes that we made in the previous year, this is more than adequate for the coming fiscal year. No increase in assessments is anticipated or proposed. The purpose of the hearing again is to take any sort of public testimony, which we will incorporate into Request for Commission Action (RCA), along with the Resolution that we have to forward to the State.

**Chair Landquist:** How much is that a year?

**Greg Robertson:** \$150.00 per parcel annually.

**Commissioner Curtiss:** For parcels that have dwellings on them. If you have bare property you don't have to pay it.

**Greg Robertson:** Correct. The way the district has been structured, it is equivalent of 10 cubic yards of waste that can be hauled, per individual before additional costs and for most families that's more than adequate.

**Commissioner Curtiss:** The one difference though is they have to get it to the refuse district themselves, there's not a truck that's picking it up.

**Greg Robertson:** That's correct. We provide the transfer site and recycling facilities on site.

**Chair Landquist:** That's still quite a bargain because there was quite a few years that we hauled our own garbage to the dump site and it's still not cheap. And the refuse district really does a little bit more than that too as far as recycling and stuff.

**Greg Robertson:** We now have a full recycling program through Pacific Recycling with a contract for them, which is due and will be forwarded to you shortly, but it's paying for itself.

**Chair Landquist:** Do they do appliances there too that have Freon in them?

**Greg Robertson:** Yes. The operators at the transfer site are all certified to remove the Freon and dispose of equipment properly.

**Chair Landquist:** At no additional fee?

**Greg Robertson:** Right.

**Public Comment**

None

**Greg Robertson:** We will bring you the final Resolution early next week for your consideration.

**b. Missoula County FY 2014 Preliminary Budget Hearing**

Dale Bickell gave report. It appears Missoula County is finally immersing from the recession. The recession did hit Missoula County harder than most counties in the State; we were in there longer and deeper than most other counties. But the Bureau of Business and Economic research at the University is now reporting that they had an actual growth rate in non----- earnings in 2012 of 2% and they're projecting 2.4 annual growth rates for 2013 through 2016. So we're not rapid growth by any stretch, it's a welcome relief to the recession that we recently had. Additionally Missoula County is starting to do a lot better in employment; we've recently passed the head of the statewide average. The Department of Labor is now reporting Missoula County at a 5.2% unemployment rate versus 5.5% state wide and 7.6% nationally.

The final results of the preliminary budget will change based on the actual certified property values and as we get more information in the hearing. This presentation is available.

**Public Comment**

**Terry Jensen, CASA (Court Appointed Special Advocate):** Thank you all for our proposed funding, if they stay that way it will go a long way towards helping us reduce our waiting lists for CASAs. A little bit goes a long way in our tiny little organization, so I really appreciate everything you guys do for us.

**Chair Landquist:** Could you tell everybody what CASA is?

**Terry Jensen:** CASA stands for Court Appointed Special Advocates. We recruit, train, supervisor and support community volunteers who work on behalf of abused and neglected kids in the court system. So we train them and they get to work with the kids and parents and Child and Family Services and attorneys and all sorts of people to make sure that kids best interests are represented when they've been removed from the homes.

**Dannette Rector, Big Brother/Big Sisters:** Thank you for supporting all the youth programs in our community and especially for supporting Big Brothers and Big Sisters. We're very thankful that you support our organization and that you believe in our mission and the work that we do here in Missoula. I also wanted to let you know that today we have 52 children on our waiting list and unfortunately probably 48 of them are little brothers. So this funding, that we will receive, will be used to find more big brother and big sister volunteers to match with those children. It will be wonderful because many of these children have waited a long for their big brother, their big sister and this will be such a nice event in their life and it does make a difference. Earlier today before I came here I was at a luncheon with two individuals that had been part of our program; one is a current big brother who has been matched for three years, he's a young professional from our community. He is married but at the time he became a big brother he was just this big brother and his wife and they now have a two year child. When he was matched with his little brother, who was 8 at the time, the little brother was referred to the program because he was getting into trouble and he was failing in school. Now this little boy is 11 years old and he's turned into a very nice adolescent. On his last report card that just came out, his grades were A's and B's and probably the most important thing is that this big brother has given him the encouragement over these last three years. He's accepted him for the individual that he is and during that time he's helped build that young child into this - what we will think will be a very nice young man in the future. The other individual is a professional from our community also, he's a very young gentleman in his mid-50's that's raised his own children and he was a big brother for 10 years. The match continued until his little brother graduated from High School and went away to school in Spokane. His little brother today is 28 years old, married, has a child of his own and he's a cardiac tech at a hospital in Portland. They talk to each other every week, this is one of those relationships like we'll find in our program, and we have many more that continue these relationships long after they leave Big Brothers and Big Sisters. This gentleman said to me this afternoon that probably the most wonderful thing of course that has happened in his little brothers life but the fact that every time they talk at the very end of the conversation that little brother, who is now a young 28 year old, father himself will thank him for being part of his life. There isn't a week that goes by that I don't run into somebody in this community that's been involved in our program; either a parent that's had a child, somebody that's been a former little, a former big or has served on the board of directors. I just want to say that we're very fortunate in this community that we have such wonderful, wonderful people that give so much to the children and the elderly in our community. We should be very proud of Missoula and again I thank you for all of your support.

**Heidi Wallace, Director of NCBI in Missoula:** I am here as well to thank you for your incredible support of our youth through our respect clubs, after school program. This year we're at Lolo Elementary, it's our 2<sup>nd</sup> year doing the club at elementary school and it's just been incredible. It's our highest enrollment at Lolo and their leadership and confidence has really just skyrocketed and that is largely due to the fact that our middle school respect club students have been facilitating that elementary club. So they are getting those peer connections, peer mentors and we definitely know that's going to help their transition into middle school, as well knowing they already have a really supported space at the middle school. One exciting thing that happened this year is we expanded our in school program where we trained every 5<sup>th</sup> grader in Missoula County Public Schools. We were at nine schools training 500 fifth graders and that was really successful. We used our middle school respect club students to co-facilitate those trainings; it was focused on leadership and all-life skills but also transition to middle school. We had our awesome middle schoolers on the panel for all the 5<sup>th</sup> graders and the students could ask anything they ever wanted to ask about middle school. All the comments from the 5<sup>th</sup> graders were how thankful they were that students from the school came and told them what it was like and the questions they asked were some you would assume would be questions and some were really hilarious so that was a really good experience. It's just awesome to provide those leadership opportunities for the middle school respect club students, they're getting that peer mentoring from high school students and so it's really creating a pipe-line of leadership but also strengthening those connections. We just want to thank you and any time you want to come to respect club, you're more than welcome to check it out.

**Dana King-Fisher, Missoula Indian Center:** I'm the alcohol substance abuse program and tobacco use prevention program coordinator. So I just wanted to talk really about the tobacco use prevention program, it's a state funded contract that we get from MTOP. Tomorrow we're having our coalition meeting from 12:00-1:00 at the Missoula Indian Center and also we're having our fifth annual 'come celebrate our culture' at Caras Park on September 26<sup>th</sup> so I want to invite everybody there. We recently hired a new Executive Director, Leann B. Johnson. I'm really happy to be here, my first time. Thank you.

**Skip Rosenthal, Western Montana Addiction Services:** Thank you for the continuing support to the prevention levy fund to keep project success alive in the schools. We're still active in five High Schools; Willard, Big Sky, Sentinel, Hellgate and Frenchtown, we're active in those schools. At the end of the year I met with administrators from each of those schools just to say; okay you know we're in there, are you sure we're there? You know us, do you like us? And to the person, they all knew a lot about the program, they integrated it in the school, they loved having a substance abuse counselor in the school to make referrals to, I think it's making an impact. The only short fall they can say is we wish we had more of them. Regardless of that I really appreciate you guys – \$140,000 this year and for 10 months next year we'll have those programs available in those schools. Thank you.

**Kathy Wheat, Office Manager of Watsons Children Shelter:** Our Development Coordinator is on vacation so I'm here. I'm here to thank you for the grant that you've given us this year with a little bit of an increase from last year, which we really appreciate. We have been serving record numbers of children, many toddlers the last two years. We had over 130 children in 2013 and we expect this trend to continue. So your grant is supporting our food budget. Thank you.

**Vicki Dundas, Health Department:** I'm transitioning over to supervision of the foster child health program. I just want to say thank you as well for helping us with the foster child home grant. We're currently seeing 56 kids in foster care right now and this grant will help us sustain that and possibly increase those numbers. Unfortunately there is a need to increase those numbers. The programs have been very successful, Department of Family Services and CVS really appreciates our help and the nurse coordinating the health care for these foster kids as they go from foster home to foster home helping the foster parents understand their health care needs and making sure all the medical records are where they're supposed to be. It's been very helpful to the kiddos, thank you.

**Cindy, YWCA:** We have two grants included in this budget; one is for emergency housing program and it's funding the only staff coalition in that program by emergency housing through motel rooms that we lease and through vouchers that we give out in emergency situations for homeless families in Missoula. We literally couldn't operate that program without this grant so thank you very much. Then our second grant is for our pathways domestic violence shelter again it's funding a staffing position and what that allows us to do is we use volunteers at the shelters as well. We have 40 volunteers but we need paid staff and we leverage those paid staff by having them help supervise some of those volunteers, recruit them and train them. Then obviously our paid staff can still provide 24/7 services. You have been funding us for a long time and we really appreciate it and depend on it, even though we have certainly reached out to other funding resources, it's a crucial piece of our budget. Thank you.

**Michael Tree, Mountain Line:** We have the \$20,000 grant that historically has been in your budget and is currently in your budget moving forward in this budget cycle. I just want to thank you for that contribution; it goes to specialized senior disabled transportation, which is your curb to curb service. So far this calendar year, just the first six months we're up 18% on that ridership, so it's growing...the need and the folks are truly appreciative of that specialized service, without it they have great difficulty getting around. So thank you for having that in your budget.

**Teresa, Director of the Parenting Place:** Child abuse prevention organization that you've supported for many, many years with our parent education piece and the children's programs that

accompany that. And that's what we have on the table this year as well. One of the things that I think in the past years I've mentioned and I think that it's worth mentioning again, is that when we talk about prevention, the very primary prevention where we're actually working with families before issues arise that call for a need for intervention of some sort with the Department of Family Service or the Department of Corrections or any of those systems that are going to end up costing us more money in the long run. I just want to reiterate that for every dollar that we decrease prevention we are going to pay for that ten-fold on the other end. So I just wanted to mention that again. The other thing that I think has come up several times that over the course of my work in this organization, duplication of services has come up time and time again and I think that it may be time for a community conversation about that. I think we all talk about it but I think there are things behind the scenes that people don't understand about duplication of service and what that means and how that might actually look. There might be an assumption that there's duplication of services within our community when maybe with the right explanation and with the proper perception of what's being provided for families we can really look at that in terms of – it's not really duplication of services, it's a safety net type of coverage for families. So I'm wondering if the County Commissioners might consider having a community conversation with a larger group of programs that are offering similar services with the Commissioners, yourselves and if any other folks that might be stake holders in this. So I'm just gonna put that out there. But again, every year I have to say thank you because without the funding that we get from you we would not be able to do the work that we're currently doing and it's so, so critical to our community. Thank you.

**Shari Strachan, Executive Director of Mountain Home Montana:** I want to thank you annually for your support over the years. I'm so pleased to be able to be here today to represent Mountain Home and to express our gratitude for your support in the past and for your consideration again during this budget review. The work that we do over at Mountain Home is really reaching the most vulnerable of all the homeless families that we're seeing in Missoula and that is simply really because they are the youngest. So I want to thank you for supporting the young mothers and babies. This grant goes to case management for these young woman, we provide a customized plan for them to achieve independent living. Our staff over at Mountain Home are really their parents, they are trained professionals and their not only able to provide that professional level of coverage with the clients but also to show by example how to be a good parent, so we're able to monitor. We're small but a mighty operation and we appreciate your support. I would also like to give a nod to the grants and community programs, the contract with United Way Outreaching Program. I express my support for that as well. I used to work over at United Way, I was the Director of Operations for 10 years and I know that along with the United Way and the other homeless provides that this reaching home plan, there's a lot of hope placed in the future of our community based on the values that are expressed in our plan. Thank you.

**Chair Landquist:** Thank you for taking the time out of your busy day to come here and share with us how the money is spent and what it means to your organization. As we said early to some of the others that were here, thank you very much for the work that you do to make Missoula a better place to live and for filling those voids in corners that we can't do ourselves. You provide valuable service. We're glad that we can help in some way to make it happen.

**Commissioner Curtiss:** We're fortunate to have such quality organizations here that care about the people and that's why we choose to not recreate anything but rather use the existing organizations.

**Chair Landquist:** We keep winning that one of the best places to raise children award as a result of all the different organizations that come together to help make Missoula a better place to live. We do care about our young people realizing that they're going to us in the future...and we need us.

## 7. OTHER BUSINESS

None

## 8. RECESS

No further business to come before the Board the Commissioners are in recess at 2:03.

### THURSDAY, JULY 25, 2013

BCC met in regular session; all three present. Noon: ML attended Convention & Visitors Bureau Annual Awards Luncheon, held at Hilton Garden Inn.

#### ADMINISTRATIVE MEETING

Resolution No. 2013-088 – BCC signed, dated July 25, 2013. Emergency Proclamation – Wildland Fire Season 2013, declaring that an emergency exists in Missoula County effective July 23, 2013. Original to C&R.

Resolution No. 2013-089 – BCC signed, dated July 25, 2013. Declaring 2013 Stage 1 Fire Restrictions on all private land in Missoula County, effective at 00:01 a.m., July 31, 2013, for 90 days. Campfires, smoking and fireworks are prohibited. Exemptions noted therein. Original to C&R.

Agreement – BCC signed, dated July 18, 2013. Between County and Missoula Art Museum for 2014 CBO Funding. Amount/ \$195,000. Term/July 1, 2013 – June 30, 2014. Originals to C&R and Jean Harte/GCP.

01 JUL 2013

Change Order – BCC signed. #3 to contract between County and A&E Architects/Jackson Contractor Group for accumulated group of bulletins and ccds related to Courthouse/Annex remodel. Amount/ \$193,247.06 (for new total base contract sum of \$5,412,065.86; final completion date for this Change Order is April 7, 2014. Originals to C&R and D. Lower Construction.

Resolution No. 2013-087 – ML signed, dated July 25, 2013. Relating to financing of certain proposed project in amount of \$200,000. [Project set forth in previous journal entry - Change Order #3 with A&E Architects and Jackson Contractor Group].

Originals to C&R and Larry Farnes/Facilities Management.

Memorandum – BCC signed, dated July 25, 2013. To Carl Ibsen, County Sheriff. BCC understand that he convened a review board on July 24, 2013 to inquire into several disciplinary matters. BCC requests that he meet with the Commissioners to discuss any actions before any formal/informal disciplinary measures are taken by this review board. Original to Steve Johnson/COO.

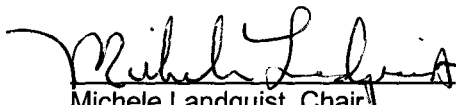
Memorandum – BCC signed, dated July 25, 2013. To Karl Englund (Attorney), and T.J. McDermott (President) of Missoula County Deputy Sheriffs Association, relating to grievances filed on May 8, 2013. BCC believes it is time to resolve this matter, and declines to hear the grievances. However, the BCC invites the Association to make a counter proposal to the County's July 1, 2013 settlement proposal. Original to Steve Johnson/COO.

Additional discussion item(s): 1) Beckwith Railroad Crossing; 2) Trail Project Prioritization; 3) Orchard Homes Levy Maintenance.

**FRIDAY, JULY 26, 2013**

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

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

**MONDAY, JULY 29, 2013**

BCC met in regular session; all three present. BCC spent most of day interviewing candidates for Fair Director vacancy.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Drew Creek County Park Fuels Reduction Project; 4) Stewardship Award Presentation (logistical info); 5) Double Arrow Rural Special Zoning District Discussion; 6) Director's update.

**TUESDAY, JULY 30, 2013**

BCC met in regular session; all three present. Early afternoon: BCC attended outing to view Mill Creek Fire Site.

**ADMINISTRATIVE MEETING**

Resolution No. 2013-090 – BCC signed, dated July 30, 2013. Assessing \$150 to each lot, tract or parcel of record within the adopted Seeley Lake Refuse District service area boundary for one year (for revenues of approximately \$262,000). Treasurer will place the assessment on 2014 property tax bills. Public Hearing held July 24, 2013. Original to C&R.

Closeout – ML signed Certification of Agreement Closeout for Missoula County's FHWA Reimbursable Agreement No. DTFH70-09-E-00018 (Miller Creek Road Reconstruction Project). All bills have been paid; County has received full reimbursement for out-of-pocket expenses. Original to Greg Robertson/PW.

Board Appointment – BCC appointed Matt English to fill an unexpired Alternate term to June 30, 2017 on the Library Board, at which time he will be eligible for reappointment to a new term.

Letter – BCC signed, dated July 30, 2013. To Jim Morton, Executive Director, Human Resource Council, Missoula, thanking him for providing information relative to the 2014 and 2015 Community Services Block Grant Work Plan and Budget. The BCC supports this endeavor and commends him and HRC for the good work they do on behalf of those who need assistance.

Additional discussion item(s): 1) Administration Building Security; 2) Fair Director Candidates.

**WEDNESDAY, JULY 31, 2013**

BCC met in regular session; all three present in morning. Afternoon: BCC traveled to Swan Valley for Land Stewardship Award Ceremony.

CAO MEETING – Canceled – No Agenda Items

NO PUBLIC MEETING HELD THIS DATE



MISSOULA COUNTY COMMISSIONERS' JOURNAL: AUGUST, 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 AUGUST 2013:

Date Signed	Claims List Date	Who signed	Amount
August 1, 2013	July 23, 2013	BCC	\$495.00
August 1, 2013	July 31, 2013	BCC	\$22,045.00
			\$3,504.22
			\$1,555.60
			\$7,882.00
			\$77,254.85
			\$168,543.88
August 1, 2013	August 1, 2013	BCC	\$3,390.99
			\$3,101.38
			\$33,855.73
August 2, 2013	August 1, 2013	JC, BC	\$2,795.47
			\$3,817.41
			\$1,750.00
			\$1,654.27
			\$20,869.54
			\$500.00
			\$72,650.73
			\$746.00
			\$1,734.98
			\$67.59
			\$8,062.38
			\$55.65
August 2, 2013	August 2, 2013	JC, BC	\$12,316.18
			\$750.00
August 5, 2013	August 2, 2013	BCC	\$57,941.00
August 5, 2013	August 5, 2013	BCC	\$695.00
			\$1,956.73
			\$4,772.84
			\$444,262.73
			\$13,053.26
August 7, 2013	August 6, 2013	BCC	\$1,218.85
			\$119.30
			\$200.00
			\$2,874.04
			\$1,152.37
			\$39,852.78
			\$193,303.22
			\$75.00
			\$3,437.50
			\$32.72
August 8, 2013	August 7, 2013	JC, BC	\$20,353.62
			\$2,093.07
			\$6,338.86
			\$9,149.13
			\$945.00
			\$29,914.76
			\$3,068.61
			\$17,530.56
August 8, 2013	August 7, 2013	JC, BC	\$652.75
			\$652.75

August 8 <sup>th</sup> (cont'd)			\$3,603.55
			\$4,472.41
			\$628.28
			\$117.00
			\$77.65
			\$30,887.03
			\$6,921.15
			\$8,379.00
August 8, 2013	August 8, 2013	JC, BC	\$77,953.36
August 9, 2013	August 8, 2013	JC, BC	\$14,922.01
			\$7,145.19
			\$3,151.00
			\$1,580.00
			\$253.26
			\$235.00
			\$69.75
			\$5.25
August 12, 2013	August 8, 2013	ML, JC	\$10,115.00
August 12, 2013	August 10, 2013	ML, JC	\$5,338.99
			\$11,210.00
			\$27,360.00
			\$6,536.00
			\$8,170.00
			\$9,661.48
			\$6,838.48
August 12, 2013	August 12, 2013	JC, BC	\$4,455.66
			\$26,013.75
			\$1,006.85
			\$453.57
			\$1,387.69
			\$316.20
			\$932.41
			\$9,712.25
			\$24,098.81
			\$12,063.60
			\$283.73
			\$38,311.19
August 13, 2013	August 13, 2013	ML, JC	\$5,225.00
			\$243,500.00
August 13, 2013	August 14, 2013	ML, JC	\$1,219.58
			\$2,319.08
			\$64,329.55
August 14, 2013	August 14, 2013	ML, JC	\$1,120.00
August 14, 2013	August 12, 2013	ML, JC	\$2,818.61
August 14, 2013	August 13, 2013	ML, JC	\$45,405.50
August 14, 2013	August 14, 2013	ML, JC	\$7,615.61
			\$1,580,808.75
			\$242.04
			\$7,753.41
			\$254.87
			\$107.68
			\$2,624.38
			\$111.00
			\$750.00
			\$103.62

BOOK 01 PAGE 0029

August 15, 2013	August 14, 2013	ML, JC	\$6,395.03
			\$1,294.00
			\$65,652.72
			\$4,568.70
			\$2,995.47
			\$1,417.99
			\$47,924.41
August 16, 2013	August 7, 2013	JC, BC	\$1,591.09
August 16, 2013	August 12, 2013	JC, BC	\$799.14
August 16, 2013	August 14, 2013	JC, BC	\$3,794.68
August 16, 2013	August 15, 2013	JC, BC	\$6,401.98
			\$7,965.48
			\$8,317.91
			\$23,669.43
			\$442.24
			\$24.70
			\$101.99
			\$144.00
			\$161.00
			\$50,802.00
			\$32,426.62
			\$3,535.00
			\$19,944.56
August 19, 2013	August 16, 2013	JC, BC	\$16,018.31
August 9, 2013	PHC Amerisource ACH		\$170.00
August 10, 2013	PHC Cardinal Health ACH		\$38,630.41
August 10, 2013	PHC Cardinal Health ACH		\$58,187.46
August 16, 2013	PHC Amerisource ACH		\$2,001.00
August 20, 2013	August 16, 2013	JC, BC	\$20,419.51
August 20, 2013	August 19, 2013	JC, BC	\$210,917.01
			\$46,866.81
			\$18,584.09
			\$11,388.00
			\$11,284.87
			\$4,947.44
August 21, 2013	August 20, 2013	BCC	\$3,780.11
			\$814.35
			\$8,667.76
			\$518.50
			\$93.00
			\$22.75
			\$2,360.36
			\$639.56
			\$4,162.74
			\$1,419.81
			\$6,637.50
August 22, 2013	August 20, 2013	BC, JC	\$3,821.08
August 22, 2013	August 21, 2013	BC, JC	\$1,899.78
			\$183.00
			\$393.25
			\$335.43
			\$45.56
			\$245.00
			\$1,429.48
			\$6,315.34
August 22, 2013	August 21, 2013	BCC	\$2,770.29

01 AUG 2014

August 22, 2013	August 22, 2013	BC, JC	\$13,772.62
			\$99.95
			\$23,901.87
August 22, 2013	August 22, 2013	BCC	\$7,179.70
			\$5,075.88
			\$18,285.03
			\$22,815.73
August 23, 2013	August 23, 2013	BCC	\$150,727.62
August 27, 2013	August 26, 2013	BCC	\$23,277.72
			\$25,008.20
			\$156,561.71
August 28, 2013	August 26, 2013	BCC	\$37,482.53
			\$79,894.24
August 28, 2013	August 27, 2013	BCC	\$26,941.00
			\$2,538.33
			\$3,063.85
August 29, 2013	August 28, 2013	BCC	\$16,315.20
			\$2,731.89
			\$1,887.99
			\$1,773.89
			\$29,067.45
			\$1,337.50
			\$608.31
			\$20,016.50
			\$3,522.25
			\$3,461.13
			\$140.50
			\$59,971.91
			\$72.46
			\$323.00
			\$737.11
August 30, 2013	August 28, 2013	JC, BC	\$41,226.02
August 30, 2013	August 29, 2013	JC, BC	\$4,228.14
			\$20,521.14
			\$19,795.78
			\$7,019.17
			\$32,081.56
August 30, 2013	August 30, 2013	JC, BC	\$18,951.28
			\$447.00
			\$35,476.48
			\$9,747.32
			\$6,753.05
August 23, 2013	PHC Amerisource ACH		\$62.67
August 26, 2013	PHC Cardinal Health ACH		\$38,264.23
August 26, 2013	PHC Cardinal Health ACH		\$58,685.62

All Claims Lists were returned to the Accounting Department.

#### THURSDAY, AUGUST 1, 2013

BCC met in regular session; all three present.

#### ADMINISTRATIVE MEETING

Contract – BCC signed. Between County and Mountain Valley Plant Management to treat by hand all actively growing Yellowflag Iris plants along Clearwater River between outlet of Salmon Lake and confluence with Blackfoot River. Amount/\$15,000 (from County); DNRC (\$2,000) and MT FWP (\$4,000). Term/August 1 – October 31, 2013.

Agreement – BCC signed Sub recipient Agreement between County and YWCA for a \$100,201 award under US Dept. of HUD FY2012 Homeless Assistance Grants. Term/July 1, 2013-June 30, 2014.

Agreement - BCC signed 2012 Continuum of Care Program Grant (#MT0003L8T001205) Agreement between County and HUD for above grant funds to be used for Ada's Place. County will receive \$2,385.50 for administering grant. Originals to C&R and Melissa Gordon/OPG.

Agreement - BCC signed Sub recipient Agreement between County and Western MT Mental Health Center for the SHARE House Continuum of Care Program Grant (under US Dept. of HUD FY2012 Homeless Assistance Grants competition). Amount/\$147,498; County will receive \$3,687.45 for administering grant. Term/January 3, 2013-January 2, 2014. Originals to C&R and Melissa Gordon/OPG.

Bid Award - BCC approved bid award (contingent upon written concurrence by MDT) to Western Excavating, as lowest bidder, for Frenchtown Trail (Frenchtown Elementary School to Beckwith Street). Amount/\$333,674.35. To Greg Robertson/Public Works for further handling.

Bid Award - BCC approved bid award to Sirius Construction, as lowest bidder, for project to renovate former print/maintenance shop at 223 Alder into office space for Grants Dept. Amount/\$835,241 + \$80,000 for contingency. Project Begin/August 2013; End/March 2014. To Cindy Wulfekuhle/GCP for further handling.

2014 Budget Enhancement Request - BCC approved. FY2014 request from CAO Bickell on behalf of GCP for \$43,062 to fund portion of debt service for renovation project at 223 Alder (see above). FY2015 & 2016 amounts requested will be \$86,123; FY2017 will be \$43,062.

Contract - BCC signed. Between County (PHC) and MMW Architects for remodel of the Alder Street building. Amount/\$440,000. Term/July 16 - December 11, 2013.

Contract - BCC signed. #14-07-4-51-104-0 between County (PHC) and MT DPHHS for HIV Medical Case Management Services and Outpatient Medical/Dental Insurance Co-pay Assistance for persons with HIV. Amount/\$45,000. Term/July 1, 2013 - March 31, 2014. Three originals to Andrea/PHC for further handling.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Registers dated July 31, 2013. Amount/\$7,860.95. To County Auditor.

Letter - BCC signed, dated August 1, 2013. To Chris Partyka, Environmental Coordinator, Lolo Nat'l Forest ("LNF"), Missoula, in support of the Supplemental Environmental Assessment for the Colt Summit Project (which appears to meet procedural requirements of Nat'l Environmental Policy Act). BCC also commends LNF for putting this comprehensive document together that addresses concerns re: impacts to lynx and lynx habitat.


Additional discussion item(s): None.

**FRIDAY, AUGUST 2, 2013**

BCC did not meet in regular session. For most of the day, BC participated in Five Valleys Land Trust Summer Work Party, held at FVLT Offices. ML was also out of the office all day.

County Payroll Transmittal Sheet - BCC signed. Pay Period: 15/CY2013 - Pay Date/July 26, 2013. Total Payroll/\$1,320,506.54. To County Auditor.

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

**MONDAY, AUGUST 5, 2013**

BCC met in regular session; all three present.

Indemnity Bond - ML signed. James F. Harkins, Missoula, Principal for MCPS Warrant #225749, issued May 17, 2013 on Payroll Fund. Amount/\$66.52 (for wages). Warrant lost.

Indemnity Bond - ML signed. James F. Harkins, Missoula, Principal for MCPS Warrant #226074, issued May 31, 2013 on Payroll Fund. Amount/\$198.56 (for wages). Warrant lost.

Community and Planning Services Update - BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Konecny Shoreline Permit; 4) Director's update.

Shoreline Permit - ML signed. #14-01 for Applicant Anthony Konecny to replace existing platform and walkway with dock at Hwy 83 N. (M.M. 22½ Lake Inez). Original to Todd Klietz/CAPS.

**TUESDAY, AUGUST 6, 2013**

BCC met in regular session; all three present. Late morning: BCC participated in judging Fair Booths at the Western MT Fair, held at the County Fairgrounds.

BCC 01 Aug 2013

ADMINISTRATIVE MEETING

Request – BCC approved request from CAPS/Parks to expend up to \$3,000 from RSID 902 to contract with All Rain Sprinklers to hand treat noxious weeds in Tom Green Memorial Park. Project will begin Summer/2013 and end Fall/2013. This continues implementation of recently approved Integrated Weed Management Plan.

Amendment #2 – ML signed. To Task Order #13-07-5-21-014-0 to contract between MCCHD and MT DPHHS, for additional WIC funds in amount of \$20,000 for a Demonstration Kitchen Remodel (to teach cooking classes for WIC participants and other MCCHD programs) Term/October 1, 2012 through September 30, 2013. Three originals to Julie Mohr/MCCHD for further handling.

Task Order – ML signed. #14-07-3-31-083-0 to contract between MCCHD and MT DPHHS for continued implementation of MT Cardiovascular Disease & Diabetes Prevention Program. Term/July 1, 2013 through June 30, 2014. Originals to Julie Mohr/MCCHD for further handling.

Resolution No. 2013-091 – BCC signed [no date on document]. Designating the Director of the Missoula Dept. of Grants and Community Programs (CAPS) or his/her designee(s) as the Missoula County Environmental Certifying Officer as required by the U.S. Dept. of Housing and Urban Development. Officer will complete required environmental review of projects/activities funded in whole or in part by certain State or Federal sources.

Additional discussion item(s): None.

**WEDNESDAY, AUGUST 7, 2013**

BCC met in regular session; all three present.

Indemnity Bond – ML signed. David Griffin, Billings, Principal for Finance Warrant #30209460, issued August 26, 2011 on County 7920 Fund. Amount/\$5.25 (for abated tax bill refund).

Replacement Warrant - ML signed. Big Sky Communications, Hamilton, Principal for 9-1-1 Warrant #30239458, issued June 10, 2013 on County 1000 Fund. Amount/\$772 (for tech supplies). 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 July 2013.

CAO MEETING

Enhancement Request – BCC signed. Request from County Attorney. A total of 5% increase which includes the 2.5 that all employees are getting.

Letter of Support – BCC did NOT sign. To USFS/Northern Region One, Missoula, in support of the Crown of Continent FY15 Land and Water Conservation Funding. Pat O'Herren will arrange meeting with TNC.

Additional discussion item(s): None.

NO PUBLIC MEETING HELD THIS DATE**THURSDAY, AUGUST 8, 2013**

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

ADMINISTRATIVE MEETING

Contract – BCC approved/signed Notice to Proceed and Construction Contract between County and Sirius Construction for 223 W. Alder Renovation Project (for use by Grants and Facilities Management groups). Estimated cost/\$915,241 (\$835,241 contract; \$80,000 contingency). Term/August 19, 2013-March 31, 2014.

Agreement – BCC signed Agreement between City of Missoula, Missoula County and BREDD (Bitter Root Economic Development District) for the Next Generation Broadband Feasibility Study (in order to develop high-speed and capacity broadband services in the region). Approx. cost/\$50,000; funding from City of Missoula, County, and MT DOC Big Sky Trust Fund. Term/July 18, 2013-May 30, 2014.

Task Order – BC signed. #14-07-6-11-035-0 to contract between MCCHD and MT DPHHS for grant funding in amount of \$113,632 (Public Health Emergency Preparedness) to upgrade/enhance local capacity to respond to events. Term/July 1, 2013 through June 30, 2014. Originals to Julie Mohr/MCCHD for further handling.

Change Order – BC signed. #1 to contract between County, PCI and LS Jensen for Momont Reconstruction/Expressway Chip Sealing Project. Order contains additional improvements needed, set forth therein. Additional amount/\$26,555 (for new total base contract sum of \$511,824.20). Project End/January 2014. Originals to C&R and Contractor.

Contract – BCC signed. Between County and U of M Psychology Department to place student at PHC to conduct mental health intakes/problem focused therapy/referrals. Amount/\$8,232. Term/June 1, 2013-March 30, 2014.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Registers dated August 7, 2013. Amount/\$42,607.77. To County Auditor.

Additional discussion item(s): None.


**FRIDAY, AUGUST 9, 2013**

BCC met in regular session; all three present.

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 July 2013.

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 July 2013.

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

**MONDAY, AUGUST 12, 2013**

BCC met in regular session; all three present.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 16/CY2013 - Pay Date/August 9, 2013. Total Payroll/\$1,294,668.38. To County Auditor.

Replacement Warrant - BC signed. Mary Jane McAllister, Missoula, Principal for MCPS Warrant #227282, issued June 24, 2013 on Payroll Fund. Amount/\$557.34 (for wages). Not received in mail. No bond of indemnity required.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) FEMA Floodplain Maps – Update; 4) Painted Sky Subdivision; 5) Buildings for Lease or Rent Regulations; 6) Subdivision Regulations Update; 7) Director's Update

**TUESDAY, AUGUST 13, 2013**

BCC met in regular session; quorum present. BC out of the office through Friday, August 16<sup>th</sup>.

**ADMINISTRATIVE MEETING**

Resolution No. 2013-092 – BCC signed, dated August 13, 2013. Authorizing submittal of an application to the MT Dept. of Commerce for a Big Sky Trust Fund Grant on behalf of Nutritional Laboratories International. BREDD will be managing grant if awarded.

Resolution No. 2013-093 – ML signed, dated August 13, 2013. Reimbursement Resolution for design and construction costs for 223 W. Alder Renovation Project (for use by Grants and Facilities Management groups). Estimated cost/\$1,200,000. County will recover costs in a future long-term bond issuance.

Additional discussion item(s): Public Works Enhancement Requests.

**WEDNESDAY, AUGUST 14, 2013**

BCC met in regular session; quorum present. BC out of the office through Friday, August 16<sup>th</sup>.

Indemnity Bond – ML signed. Campus Quick Copies, Missoula, Principal for A/P Claims Warrant #27261875, issued April 10, 2013 on County Student Fund. Amount/\$75.65 (for posters). Warrant lost.

CAO MEETING – CANCELED (No Agenda items)

Resolution No. 2013-094 – BCC signed, dated August 14, 2013. Adopting Regulations for the Application & Review of Buildings for Lease or Rent under the authority of Title 76, Part 8, MCA, Missoula County. Fee established to be paid by landowner in amount of \$200. Original to C&R.

Resolution No. 2013-095 – BCC signed, dated August 14, 2013. Amending County's Building Code Enforcement Program (adopted by Resolution #2006-025) by increasing the size of certain (storage) buildings exempt from building permits and increasing the height exemption of fences from six (6) feet to eight (8) feet, effective immediately.



AUGUST 14, 2013

PUBLIC MEETING – August 14, 2013**1. CALL TO ORDER****Commissioners Present:** Commissioner (Chair) Michele Landquist, Commissioner Jean Curtiss**Commissioners Absent:** Commissioner Bill Carey**Staff Present:** Greg Robertson, Director Public Works, Steve Hutchings, Building Division Supervisor, Deb Evison, Public Works, Tim Worley, CAPS, Todd Klietz, CAPS Floodplain Administrator**2. PLEDGE OF ALLEGIANCE****3. PUBLIC ANNOUNCEMENTS**

Thank you to Steve Earle from the Fair for the original Monte Dolack artwork that we have hanging in our conference room. You can purchase prints of these. Each one represents the last 3 years of the fair and each one has something that represents the fair.

**4. PUBLIC COMMENT**

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Bi-Weekly Claims List (\$2,604,643.68)

**Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount of \$2,604,643.68. Chair Landquist second the motion. The motion carried a vote of 2-0.

**HEARINGS**

- a. (#1 of 3) Proposed Regulations Governing Review of Buildings for Lease or Rent as Required by 2013 Legislature (Multiple Buildings on a Single Parcel, Existing & Proposed)

**Tim Worley** gave presentation.

Background: Over the past couple of legislative sessions the legislature recognized the general problem with subdivision for lease or rent. Missoula County clearly was one of a hand full of county's that actual did oversee subdivision for lease or rent reviews, but I think even here in Missoula County, we would confirm that there was a certain amount of hardship that was incurred by taking small projects through subdivision review. I think the Attorney General confirmed the reality of subdivision review by a very simple situation, even having second homes on parcels where the second entity leased or rented the home that that actually constituted a division of land and actually constituted subdivision. But the legislature's goal over the past couple of sessions was to find a better way to conduct multiple building reviews on individual parcels and we think to a large degree that they found it through Senate Bill 324; which prescribes local regulations for building for lease or rent review, with a requirement that local governments adopt these regulations by the 1<sup>st</sup> of September.

I want to speak briefly just to the term "buildings for lease or rent" because I think it causes confusion. I think it's an intentional carry-over from the term subdivision for lease or rent. I think the legislature intentionally borrowed that term but they wanted to make sure that most multiple building situations on individual parcels actually occurred under a different section of Title 76, its 76 part 8, I believe. So when I use that term "buildings for lease or rent", I'm really talking about multiple buildings on a parcel and not strictly speaking that every single building on a parcel necessarily is leased or rented. RV Parks and mobile home parks are still reviewed under the subdivision and platting acts so that review will not change with the implementation of these regulations.

**Chair Landquist:** And by subdivision and platting act, that's mostly sanitary review?

**Tim Worley:** No. Subdivision and platting act is the planning side.

One thing that became fairly clear as Senate Bill 324 was making its way through the legislature, there was an equivalency between the term building and unit – in the definition that was moving forward, and it comes straight out of SB 324 that way if you just read the first clause. Building means a structure or a unit of a structure with a roof supported by column etc. So that assumption is built into the model regulations, it's actually built into the resolution that comes in your attachment C – it makes it very clear that unit and building are equivalent with these regulations. The trigger for review under these building for lease or rent regulation is either for buildings or units. It's a fairly straight forward review requiring a site plan that includes property boundaries, roads and geographic features. Review of these buildings for lease or rent projects is administered by Community & Planning Services but the ultimate decision is with the Board of County Commissioners. The Commissioners must deny or approve with conditions, within 60 working days of a complete application.

One majority vote example we have for you today is just a change in how storage units are reviewed. We don't think individual storage units within storage buildings should count towards that four threshold for review. We don't have anything that we would recommend that would require a super majority of the Board of County Commissioners to pass these regulations at this time.

There is one update that we would also recommend to the regulations and you'll see in that strike through, we have some adjustments to the regs. that we're passing on. One that we would pass on an addition to what we put together so far is that it's pretty clear that an assessment of impacts to the physical environment and human population are required by the senate bill and the way the state framed the narrative, it makes it sound like you could do an assessment of one or the other. But we would just recommend that the word 'and' be inserted in there instead of 'or', to make it clear that the assessment is to impacts to the surrounding environment and human population.

One really important part of SB324 is the series of exemptions that it provides from these multiple building reviews. One of the exemptions is the first three buildings constructed on or before September 1, 2013 – that's a pretty substantial exemption for existing buildings on the ground as the regs. come on the ground, as the regs. come online September 1. There's a whole bunch of out-buildings that typically fit into this category. Agricultural buildings are exempt. Buildings compliant with zoning are exempt. There's a question that's arisen, what kind of zoning meets the test that comes in SB324? In talking with the State and Attorneys close to the passage of SB324, from what we can tell the Missoula County Zoning Resolution seems to meet this test. Whether every part one zoning district within Missoula County meets the test as far as compliance with zoning, we not exactly sure. Some of what we call the ZD's, if they banned something like billboards, they probably wouldn't meet the test of the kind of zoning that would qualify as an exemption. That doesn't mean that there wouldn't be other building types that might be able to qualify for other exemptions.

**Commissioner Curtiss:** Tim, I think a few of our zoning districts allow for guest cabins. So that would mean it would be exempt, right?

**Tim Worley:** Yes, if it meets the test. It gets a little technical as far as what 324 says. The building has to be in conformance with applicable zoning regulations, pursuant to title 76, chapter 2, parts 1-3; providing that the zoning elements of section 4. Section 4 is actually the review criteria, in essence, of going through the buildings for lease or rent process. We think the zoning resolution meets...basically when you go through the zoning resolution you do a similar review, as you would going through this review. We'll probably have to take that on a case by case basis, just evaluating those ZD's when they come in.

Also buildings subject to the bed tax are exempt from review. Buildings not leased or rented as confirmed in a notarized declaration. I should note that as far as that notarized declaration is concerned; once somebody makes a notarized declaration saying I'm not gonna lease or rent this particular building, that is in perpetuity, it goes with the land, it's not something that can be pulled three weeks later at the convenience of the land owner. Once that decision is made, it's essentially permanent.

**Commissioner Curtiss:** So if someone else wanted to change that use, they'd have to go through a review?

**Tim Worley:** Right.

**Commissioner Curtiss:** Meaning it's exempt from any review if they sign that. But then if somebody else bought it and wanted to rent it, they'd have to go through a whole process for us to say that was okay before they could change it.

**Tim Worley:** I'd like to do now is go through a brief exercise, just detailing how these buildings count toward that fourth threshold that triggers the full building for lease or rent review. Also, I'd to take a look at the storage building scenarios that may play out with these regulations. (Presentation)

Per staff recommendation (attachment C) we would just count the buildings, not the units. For instance; three storage buildings would add up to 1, 2, 3 and we wouldn't care how many doors we see. That has its own liability – if we go for a more urban, suburban type of storage unit, you could have a massive building with lots of units in it that never counts toward review per the original staff recommendation. So there is a certain liability or risk I guess in just exempting individual units completely. It's something to consider. This would trigger review if these were all built beginning September 1 because you have 5 buildings and you have a total of 15 units. Regardless of what you choose to do with units, this would review if this was a newly constructed project beginning 1. But if you choose to completely exempt units per the original staff recommendation this would be something where you'd only count the buildings and not the units.

The option that we have added is perhaps to set a review threshold at 30 for the number of units just in storage buildings, not in anything else. Here's our alternative language I think that gets there, and in addition to this alternative language with 30 in it, we cleaned up a little bit just how we explain that storage units are also subject to review. We had some public comment that we could maybe make this clearer and we felt we've done that. Going back a little – if you set the threshold at 30 units, just for storage buildings this would trigger review by virtue of the number of units.

Synopsis of how we made outreach to the community. It was about May that the model regulations came out and so as we were wrapping our minds around those, we did reach out to both open lands community and the Missoula Organization or Realtors in late June, just to describe what the implications of the regs were and what our tact was going to be as far as our recommendations to you. We had some informational briefings and Q&A sessions, mostly here in B14 in Mid-July to try and explain fundamental building for lease or rent 101. We also held some public sessions in Orchard Homes, Seeley Lake and Frenchtown just to provide information for

those communities. The only meeting we didn't have any attendance was the Frenchtown meeting on August 1<sup>st</sup>. We had a special presentation at Planning Board on July 16<sup>th</sup> explaining the building for lease or rent regs. We posted legal notice on July 12<sup>th</sup> in accordance with SB324's requirements for postings in five places or more. We also published in the Missoulian July 28<sup>th</sup> and August 4<sup>th</sup>, per the requirements of SB324. And we sent a notice to our email list of over 700 individuals and we've had a presence also on our website regarding these regulations and our recommendations. Just a note, that you, as the County Commissioners, must consider public comment per SB324. We essentially had three public comments throughout this process.

In consideration to public comment staff recommends clarifying language about storage unit review and I think we've gone over that adequately.

We do have a recommended fee and this is part of Attachment C in the Resolution which is the very first couple of pages of Attachment C. We're recommending a \$200 review fee. One thing regarding storage units; in that Resolution section up front, it's been indicated to us it's important to pin down Findings of Fact as to why a change is made to the Regulations. And as far as the storage units and not counting the individual units or even raising the ceiling, or raising the threshold of review to 30 units, we feel as far as impacts to public health, safety and welfare storage units aren't places where folks reside. The number of daily trips to storage units. I confirm with Dave Gray who's the MPO transportation planner, the number of trips per day is minuscule compared to residential. You just don't have the immediate health and safety issues with storage units that you do with residential. Therefore, we think that that's a number that's malleable, that is the number of units that count toward review, or if you choose to not count units at all.

So if the Commissioners choose to actually change to the 30 threshold we just have some alternative language that we would plug into the resolution. Whereas the Board of County Commissioners have determined the review of under 30 individual storage units in residential commercial and industrial storage units shall not be required, etc., etc. based on findings of fact establishing that there would be minimal impact to public health, safety and general welfare. In conclusion, staff's recommendation is for approval and again these regs. would take place on September 1<sup>st</sup>.

**Commissioner Curtiss:** When does someone need to pay the \$200.00? If I'm building buildings that I know that are exempt, I need to get a building permit, if required and those kinds of things. But what triggers the fee?

**Tim Worley:** You only trigger the fee if you hit the threshold.

**Commissioner Curtiss:** You can come in and ask.

**Tim Worley:** Yes, you can do that. I think what happen typically under subdivision for lease or rent a lot of folks didn't know that they were required to go through that kind of review. And I think that's going to happen with buildings for lease or rent as well. I think the building permit review process is going to indicate which folks need to go through building for lease or rent. I think we'll find like with subdivision for lease or rent; a hand full of folks that are proactive and say, I want to do 10 buildings, I want to go through lease or rent. We actually have one person in the great Seeley area who up front may want to have a fairly substantial building for lease or rent project. Otherwise I think it's going to be the building permit process that triggers it.

If you can avail yourself of exemptions that don't require you to go through the full governing body review, you wouldn't be charged anything.

**Chair Landquist:** I was glad to see...and you didn't touch on it, you might want to; I was glad to see that there was a section in here regarding appealing. The same language is here; the applicant, if you are grieved by the final decision of the department or the local reviewing authority made pursuant to this section, blah, blah...you may request a hearing as provided. As well as I was really, really glad to see that as similar to regular subdivisions, that if you are maybe not the applicant, but you're the land owner with a property boundary that's contiguous to this tract that is being approved for subdivision for lease or rent – maybe you don't like how it's being used as that subdivision for lease or rent that you also...there's some provisions there for appealing.

**Tim Worley:** Yes and it looks like as far as appeal of the local governing body decision, as far as being an agreed party it meets the same definition that we use for subdivision.

**Chair Landquist:** Right and I was just glad to see that in there for something that's not going through the usual reviews and public notices and so on and a lot of places in the county without some zoning or enforceable covenants that they rely on us to implement state law and protect their peace and quiet and use of their property. I just wanted to point that out that I was glad that was in there. I'm looking for one of the other questions that was posed by somebody that I read in here from Seeley Lake regarding the road, their driveway. I know that there was a Resolution passed by Missoula County a few years back to say; if two or more residential units or dwellings using the same driveway that you have to name your road and then the numbers have to be done accordingly. How does this come into play with the buildings for lease or rent, can anybody answer that at this juncture?

**Deb Evison:** This was something that we'd actually wrestled with ourselves as folks are coming in and doing this. I think it still stands when they go to get their building permit, we would look at where their access is and whether or not you could how they could design it. If you can see both

homes from the county road, we wouldn't make them name their driveway but if they're stacked one behind the other where 9-1-1 would be running up and down, back and forth trying to locate a residence then we would require them to name their driveway and then readdress, then we would put that in the 9-1-1 database. Other than that, we're not going to make them do any other improvements to their driveway creating a road or anything like that because they are exempt from it. So that would be the extent of our reach would be if it's two or more dwelling units on a single driveway, if they're stacked one behind the other then they would have to name it. If they're visible from the county public road then they would not have to name their dwell access.

**Chair Landquist:** You did a good job on this and it was a complicated process that took up a lot of different staff people's time and energy so I'm really truly not trying to throw any kind of monkey wrench in it at this juncture but, what if you move? Is there anything we should do other than have the minutes from this meeting of what Deb just said regarding the road, is there anything we should do memorialize that bit on the road standard so it doesn't get lost?

**Commissioner Curtiss:** That's in our addressing policy is what I'm guessing.

**Deb Evision:** Yes, that's actually stipulated in our public works manual and we're going to be revising that this fall. So we're going to make sure that it's actually rock solid so there's not interpretation that can go awry with that.

**Tim Worley:** I think one thing I might add and this came up at our Seeley meeting on the 24<sup>th</sup>, people asked what the road standards were if you had one of these projects that came through – there are no road standards in these regs. What I think we'll typically end up doing is if somebody does trigger a review we will do an agency sort of review component to this. We can't subject to a 20 foot road standard or an 18 foot road standard. In some cases if it's a two tract in the wilderness, you might listen to public works recommendations for the building of the road to the development or something like that. But there's no regs. actually prescribed that would say how wide the road would have to be. But they are subject to other permits so yes, if there's a 9-1-1 related issue, if there's a fire code related issue, those issues might come up during the review process.

**Chair Landquist:** Thank you. I just felt like the question had been asked by someone, I thought it was a good question and I think we're (you all) are doing a good job I didn't want to have to see this come back for an amendment any time soon.

## Public Comment

**Deb Evison:** I want to thank Tim Worley and the staff at CAPS for all their hard work and dedication to this project; I know it was a pretty tough road. I would also like to get it on the record that our goal here and I think across the State is to help clean-up and make things easier for folks who want to grow and develop their businesses and do different things with their property. Some of the incidents I know we had some heartburn over the last 18 months about people who wanted to open up their coffee kiosks and things like that – this would allow them to do that. Expand their business; expand their trucking businesses and things like that without having to go through the process of subdivision, this would allow them to do that.

## Executive Session

Commissioner Curtiss: I agree that the word notwithstanding is confusing.

Commissioner Curtiss made motion that the Board of County Commissioners amend the proposal in Exhibit A, 5F to strict the word “notwithstanding” and insert “exempting”. Chair Landquist seconded the motion. The motion carried a vote of 2-0.

**Commissioner Curtiss:** Tim, I know you talked a little bit about if we wanted to do the 30 – oh that would become F right there then right? So you have exempt in there?

**Tim Worley:** That's sort of alternative B for you if....if you want to go with a 30 or even if you want to take the 30 out and just...

**Commissioner Curtiss:** So we can replace that F and A with that? I withdraw that motion and make a different one.

Commissioner Curtiss made motion that the Board of County Commissioners substitute 5F with the wording that's on the screen to read; All other buildings for lease or rent on a single tract of record, including four or more buildings/units, require review and approval by the governing body pursuant to the provisions of section 6 (insert new words) storage buildings require review and approval by governing bodies as follows; all residential commercial and industrial storage buildings that include four or more buildings or 30 or more units in a single building. Chair Landquist seconded the motion. The motion carried a vote of 2-0.

**Commissioner Curtiss:** And then we need to make a motion eventually to change the language in the Resolution or we can just direct you to?

**Tim Worley:** I think if you just approve the Resolution and attachment C as amended, you're fine. And we'll change the findings of fact in that one whereas, related to the 30.

Commissioner Curtiss made motion that the Board of County Commissioners adopt the regulations and the Resolution supporting the regulations as amended to attached C. Chair Landquist seconded the motion. The motion carried a vote of 2-0.

2013-01-01 to 2013-12-31

- b. Modifications to Missoula County Building Code Enforcement Program *(continued from May 8, 2013)*

**Steve Hutchings:** Resolution to amend Missoula County's Building Code Enforcement Program. We're asking to increase the exemptions from Building permit requirements for detached storage structures up to 200 square feet. Presently they are exempt if they are not over 120 square feet of floor area. We're also asking to increase the exemption for fences of any material from 6 feet up to 8 feet. We've had a lot of interest from the public in these exemptions, specifically the first exemption about the storage structures.

**Chair Landquist:** Essentially if someone wants to build a fence that's 8 feet high, they can do so with a permit?

**Steve Hutchings:** That's correct. Up to 8 feet. Presently fences up to 6 feet are exempt. We have a lot of people that request 8 foot fences because they want to keep the deer out or for privacy factors. There's not a public safety risk to having an 8 foot fence. I had some engineering done to see what it would take to build an 8 foot fence; it would essentially take 14 foot of 6x6's. Almost 6 foot in-depth in the ground, that would be necessary to handle the design loads that the building codes put on fences for wind and what have you. That just makes the price of a fence tremendously unaffordable, that's why we're asking for those increased exemptions.

**Commissioner Curtiss:** We did have a discussion about this at the May 8<sup>th</sup> meeting. Just to elaborate a little, the buildings that we're increasing the square footage of, right now you can have a 10x12 and this will be a 10x20, basically. It still needs to be outside the floodplain and shoreline regulations would still apply.

**Steve Hutchings:** Correct.

**Chair Landquist:** So you still have to get a building compliance permit too?

**Steve Hutchings:** For the detached storage structures yes. Fences - I don't believe CAPS Office is concerned about fences, even 8 foot or 10 foot.

**Chair Landquist:** But you still need to "call before you dig". I agree with what we're doing here but one of the things that I am concerned with is this exemption and people not understanding the use of anchors. I don't know if the people selling portable buildings to be moved if they let people know that some things still need to be anchored properly to the ground. How are we helping their neighbors not end up with a building in their yards? Similar to people with trampolines in their yards.

**Steve Hutchings:** I'm not sure how you can do that. One of the things about the permitting system is that you address those types of things when someone wants to build a structure. The outfit on West Broadway, not mentioning a name, they have engineering that goes out with their products and they have a chart saying up to this x-amount of size takes this many anchors. Usually they have a chart to determine what the requirements are. Carports also have requirements to anchor them down as well.

**Chair Landquist:** Your website ~ Public Works website, I imagine this will be up there on the site, as far as what things need permits for and such. Is there some way we can put an excerpt of an FYI to people so that at least that way we're trying to inform people, that even though you may not need a permit for this building, you should exercise common sense and still get an anchoring system in place.

**Steve Hutchings:** Sure. We'll put this on our website about being exempt and along with that we'll have a little asterisk or something to identify that you need to make sure that it's going to stay where you put it. The design standard in the building code is to design to resist a 90 MPH ~ 3 second gust. We've approached that a couple times at the airport but we've never exceeded that. It's basically a safety factor that's built into the code.

**Chair Landquist:** Thank you for the work that you've put into this. I know that we've looked it over and sent it back to the drawing board a couple of times and we really appreciate it.

**Public Comment**  
None

#### **Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners adopt the Resolution amending Missoula County's Public Building Code Enforcement Program by increasing the size of certain buildings exempt from building permits and increasing the height exemption of fences from 6 feet to 8 feet. Chair Landquist second the motion. The motion carried a vote of 2-0.

- c. Release of FEMA's Latest Digital Flood Insurance Rate Maps

**Todd Klietz** gave report and presentation.

We are here today to look at the new FEMA flood plain maps that were just given to us a few weeks ago, officially being presented to you today. They are the first maps in 25 years. Between 1974 and 1988 the FEMA flood plain maps were revised four different times. They started the mapping project in Missoula County in 2001 which was the first inquiry from the State Department of DNRC and

AUGUST 2013

officially kicked off in 2005. We believe this to be the last official revision before they are presented to you in a final format; probably in July 2015, is our best guess at this particular time.

People that will be speaking to you today are from FEMA, DNRC, DNRC's mapping contractor which is respect, and you may recognize Dan and Carrie, they've been with the project since the beginning.

**Mary Gibson, DNRC Flood Risk Map Program Coordinator:** Where we are in the mapping process is we released the maps July 25<sup>th</sup>. As you review them, as your staff reviews them, also mortgage and insurance companies see them and they'll pick up on any newly affected properties which are now are included in the floodplains area. They'll send letters out to those home owners and businesses which can be alarming because they'll say that they may require them to carry flood insurance now; a policy to protect that asset that they have the loan on. So you might be hearing from some of these people, it could be now, it could be later. We just want to make you aware of that. The insurance requirement is a concern because of the cost of the premium but if they sustain a loss, these folks might be glad that they have the flood insurance and of course that's what we're trying to map is the risk of a possible flood. So your role is really to make the maps available, which the staff has done by posting them and also I think making paper copies available. Right now we're in this 30-90 day period where you have a free time or additional time to review the maps, note anything that might need to be corrected or that you have questions or comments on. Eventually there will be an appeal period that starts that's an official regulated appeal period of 90 days and that cannot be extended. We're in town having a variety of meetings to get the maps in front of people and to explain their basis. Let me say a little bit more about the appeals; once the appeals are resolved you will receive a letter explaining how those were resolved and at that point and time the maps go into becoming final and you start your adoption process – the process to revise your Ordinance or Resolution and then to adopt the new maps.

**Carrie Higinbotham, Respect Consulting (formerly PBS&J and formerly Atkins):** What I plan on doing today is talking about some of the changes that we've seen on these maps. There are quite a few changes that have been made throughout the county but as Todd alluded in the beginning, these changes have been made to make the maps a better product. One of main goals of this project was converting the old paper, hand-drawn floodplain boundaries to a digital environment. A lot of people think that all we did was just take the lines that were on the old floodplain maps and put them on a new map – there's actually a lot more that goes into it. We start with a new base map, in this case its aerial photography. Where available we use update topographic data, for Missoula County we 1999 two-foot contour data for parts of the county and the city. So we overlaid that on top of the base map and then we also added the flood data from the effective maps. We made sure all of those aligned and that's how we produced what we're now calling a DFIRM, a digital flood insurance rate map. In addition to the paper maps, all of the GIS data that was used to produce this map is made available. The county GIS staff already has that data in hand.

With the maps and the GIS data there's also a report called the flood insurance study or FIS. We have updated this document to include recent flood information. This is also where you go to get accurate flood elevation information. What's shown in the FIS is actually more accurate than what is on the maps.

The last document that I wanted to touch is what is called the SOMA or Summary of Map Action. If there's a home owner that's within a mapped floodplain and they have elevation data showing that their structure is actually higher than the base flood elevation, at any time they can submit that data to FEMA and if it's approved, FEMA will send back what's called a letter of map amendment or a LOMA. It's a document that says; yes, you are in fact out of the FEMA floodplain. This document has not been finalized; it's still in the preliminary stages so we encourage county staff to review that and if they can provide additional information about a case to please let us know that and we'll make sure that it gets categorized correctly.

**Commissioner Curtiss:** So if they had to use an engineer to submit the letter and the information in the first place, that gave an elevation of where their house was, how do they end up back in?

**Carrie Higinbotham:** If there's a new study that was done in that area that it's changed the base flood elevation.

**Commissioner Curtiss:** So it could be because the river channel changed or something?

**Carrie Higinbotham:** The channel change, a new study that was done, and I'll talk about some of those areas in just a minute. For the most part, a good number of the LOMA's are going to be revalidated, which means they're in the out and still out category. One thing to note is that the base flood elevations are not new. The modeling is not new but the mapping has been updated.

Shawn McNabb from FEMA will be talking about how people can appeal this information. They would not be able to appeal the elevation or the modeling but they could appeal the mapping.

There are certified levee's within Missoula County. By certified I mean they meet FEMA's specifications. There are four; a levee on Grant Creek north of Interstate 90, the Orchard Homes levee, the area 3 levee and the area 5 levee. I believe the only one that's within the county is the Orchard Homes levee and that one has been certified.

There were several new studies that were done within the county. There was a new study on Butler and Laval Creeks. There was also a new floodway that was done on the Clark Fork River south of Frenchtown. It extends upstream, it starts at about the I-90 exit for Frenchtown and the new floodway extends downstream to where the current limit of detail study is shown on the current effective maps. We also incorporated what we call an existing data study near the Reserve Street Bridge. There was a new approximate study done along Lolo Creek. It started upstream at the Forest Service boundary and extends approximately 11 ½ miles downstream and ends near the current effective zone A.

In June 2012 Missoula County did send a letter to FEMA and in that letter identified four specific areas that they had concerns about. We were able to address those concerns in this release of the maps.

01 Aug 2013

The first was there were meanders along Lolo Creek that had not been incorporated into the floodplain. We were able to look at those areas, compare them to USGS topo maps, and in most cases we were able to now show that as floodplain. We also looked at the Clinton area where the railroad berm was acting as a non-levee embankment, new survey data was collected and that railroad embankment is no longer shown as providing protection. There's a similar situation on Nine Mile Creek.

Finally, there was what's called a zone x island that in the area of the new Clark Fork floodway that zone x island had partially removed on previous versions of these maps, we've now added that back in.

Sometime in the next 30-60 maybe 90 days there will be a publication in the Federal Register and once that happens the Commissioners will receive a letter from FEMA stating that the day 90 appeal period will begin after two newspaper postings and the dates of those newspaper postings will be listed in the letter that you receive. The date of the second newspaper posting is the official start of a 90 day appeal period. During that 90 days are when appeals and comments need to be submitted to FEMA. Prior to the start of the 90 day appeal period, we encourage people to look at the maps and start preparing any information that they're going to submit during the appeal period. You don't have to wait until the appeal period to start preparing data; it's just that 90 days is when you actually have to get the information to FEMA.

**Shawn McNabb, FEMA Region 8 Denver Office:** I'm gonna go through the appeals process real briefly here and talk about it a little bit in terms of what constitutes an appeal, what constitutes a comment and then also the LOMA process as well for the individual home owner.

The appeals process essentially is set up to provide you an opportunity to object to the map, whether that's through a comment or through an appeal. We'll go through the difference between those in just a moment. The big thing is bearing on how the study was done, how the information was brought into the digital environment, that's gonna vary on the data that is available for appeal. So when we're looking at the appeals process it really is a technical issue and this is normally going to include a large area. If the appeal goes through the process and is accepted and the new data accepted it's going to have an effect on the shape of the floodplain, so it's an actual change that would be shown on the map. These do need to be supported by scientific and technical data, so whether that's a brand new study, whether that's updated topography or whether that's challenging the methodology that was used to bring that information over from the paper world to the digital world. With the appeals they can only be submitted during that 90 day appeal period but as Carrie mentioned that doesn't mean they can't be compiled and put together now and submitted day one of that appeal period and then use that entire appeal period to submit more appeals, if you need to as well. So encouraged to look at the maps and go over them now so that when that 90 day appeal period does open, you're ready to go.

So there are two processes, two mechanisms to objecting to the map. We just went through the appeals process which only can be submitted during that formal 90 day appeal period. The other mechanism is the comments process and that's open now that opened when the maps went preliminary. Comments do include things like road names that are in correct, stream names that may be incorrect, jurisdictional boundaries that may be in correct. These are base map features they don't have an effect on the floodplain but there just to make sure that when the maps do go effective that all the information is for the base map. That would be more representative of a comment and not an appeal.

On top of those two processes, the appeals and the comments, there's also the letter of map amendment which we talked a little bit about that are reflected in the SOMA's as well. That's more of a localized single property owner process of looking at are they in or are they out of the floodplain. This is supported by survey data and it's processed against the current effective map so if a LOMA is submitted now it will be processed against the current ADA effective map but would be re-evaluated as that list, like Carrie said is in its draft format before the map goes effective to see how LOMA, if it's in and still in or out, what the determination is that would reflect on the new SOMA before we go effective.

After these community meeting there will be a little bit of an unknown time period that publication will happen in the Federal Register. Once that happens, there will be two publications in the local newspaper, a second publication the day of that second publication will open up that 90 day appeal period. Everything needs to be submitted by that 90<sup>th</sup> day. All those appeals go through Todd and then he compiles them and sends them to me at the FEMA office and then we redistribute to DNRC and to Respect and then all the appeals are looked at. Depending on the number of appeals that are submitted and the nature of those appeals, if they're highly technical, if there is a new model that's submitted, that appeal resolution period is going to vary so we won't really have a good estimate on how long that time period will be until we have all the appeals in. Once all the appeals are resolved we'll enter what's the letter of final determination and that will be issued and that will kick off the 6 month adoption period.

**Tiffany Lyden, DNRC:** I'm gonna talk about next steps and how that will affect the county and things that you can anticipate in the next two years. Those next steps are really how the maps get adopted and then what happens after they are adopted and they go effective. Shawn talked about the appeals and comments that come in will be looked at that and then be processed and evaluated and the maps will get revised based on what gets submitted during this appeal period. Once the final set of maps is developed that will be issued to you, FEMA will send you what's called the letter of final determination that says, here's the final set of maps. They don't go effective right then; they actually go effective 6 months from when they say they are final. That give you a time frame for you to adopt the maps and the way that the county adopts the maps and the city also, is that you adopt them as part of your floodplain regulations. So your floodplain regulations will reference the new maps with the new dates.



The date we're looking at there is probably the letter of determination that you'll get sent from FEMA will be maybe next January – January 2015, looking at maybe July 2015 as when the maps would go effective. We'll work with Todd on that but sometimes communities get a little bit stuck because that timeframe does go fast because you have a public process period and so we have to make that we're all on that same schedule.

The question comes up often is what happens if the community, the city or the county does not adopt the maps in time? There are some ramifications if the county does not adopt the maps. You're a partner with FEMA in this flood insurance program and so part of that is that if the county does not adopt the map, that has implications for people in the county that have existing flood insurance policies, those policies can't be renewed and new flood insurance policies can't be written. It does also have some implications if there were to be a disaster it could have some limitations on disaster assistance to properties that are in that identified risk area of being inundated by a flood.

Once the maps do go into effect, a couple of things to be aware of; if someone submits a letter of map amendment or another type of letter of map revision, those would be processed against the new maps – the 2015 maps. Anything that's submitted now gets processed against the existing 1988 maps. The other thing that will happen and could start to happen; property owners that own their home outright, probably won't see any change with the new effective maps. But if somebody does have a loan on a property and the bank still owns that property and that property is in a flood risk area, it's been identified on these maps as having a risk of being flooded, the bank under federal law has requirement to have that loan carry flood insurance. You may see letters that go out to property owners that may have been out of a floodplain and then now are mapped in a floodplain or properties that the bank has reevaluated that may have been missed in the past. DNRC our floodplain program is certainly willing if that's something that you think would be helpful to the residents we can provide some outreach or some informational meetings or something to help people with that process.

**Mary Jo Brady, FEMA Region 8 Office Montana:** How are the maps used; they're used in two ways. They're used for the community and their members, homeowners and property owners to learn about their flood risk and to understand what that flood risk is so that they can make an informed decision as to whether they want to purchase flood insurance. Then those folks that are identified to be in the high risk area will sometimes if they have loan as, Tiffany mentioned, that they have to carry flood insurance for the life of the loan, it's a federal law. The lenders use the FEMA maps to make a determination and what they're doing is using a picture and a shape, they don't have detailed information regarding those properties, they just see whether they are in or out of that shaded area. That's how the maps are used and then we provide them to the community to help everything in the community understand their flood risk and make informed decisions on how they want to manage that risk. Right now there are 229 policies in the county ~ 15% are mandatory purchase. We have an estimate of approximately 800 roofs, we only insurance buildings in this program, not land, not other things, just buildings. Out of approximately 800 buildings currently in the FEMA floodplain, as of right now, 122 policies that roughly translates into about 18% of those buildings that are at risk are actually insured.

**Commissioner Curtiss:** Can you insure something besides your home? Your barn?

**Mary Jo Brady:** You can insure anything and if you have a loan on that property, it will be insured. In this program a building is defined as two walls and a roof. So what's a flood in this program? It's two acres or two properties and that water has to run across the land. So the two acres, if you have flood damages on two acres you have a large acreage of land that you own, then you would want to take pictures to document that damage. Or two properties so it could be your house and my house, you are flood insured, I am not, we both sustain flood damages but your able to make a claim, where as I am not able to make a claim because I don't have flood insurance. So the two properties could also be your flood insured property and the city or county road in front of you, that's a second property that meets the definition ~ you can make a claim if you have flood damages. It does not require a disaster declaration to make a claim.

Historically there have been 77 claims in this community since we started tracking that information dating about 1978.

**Chair Landquist:** When you say 'this community' you mean Missoula County?

**Mary Jo Brady:** Yes. Only 32% of those claims were in the high risk area. 68% of the claims were outside the FEMA floodplain. So that begs the question; are the maps wrong? We don't think so but quite frequently you will see a real event that does vary from the FEMA maps. And why does that happen? Because we use certain assumptions, certain estimates and programs to develop the flood risk and reflect that on the map and real events can and do vary from those assumptions that can result in a different response of the water shed. Or you can have an event that is not even intended to capture by our program such as a levee failure or a farmer's canal that runs through the county and it over flows and it runs across the land, that property owner might sustain flood damage. So regardless of source, cause, ownership or frequency of the event, if you sustain flood damages and meet the criteria of two acres, two properties, and the water runs across the land you have flood insurance, you can make a flood claim. When we're seeing the claims being a higher percentage outside the FEMA floodplain, it indicates that there are other events that are occurring that did not match our assumptions for the program and the program is based nationwide so that we're consistent from place to place, we're using the same assumptions across the country. It just indicates that you do have flood events that occur that are not necessarily captured by our program. For instance, the highline tends to experience flash floods pretty frequently and the weather service part of their Facebook page and I'm getting regular notifications of flash flood potential and historically that is where their damages come from are flash floods.

One other thing I wanted to mention, and as Tiffany indicated, if you're under mandatory purchase and...how many postcards did you send out Todd?

**Todd Klietz:** 250

**Mary Jo Brady:** And that was for folks that were potentially out right now and going in so people that will see a change.

**Todd Klietz:** Correct.

**Mary Jo Brady:** For those folks the lenders and FEMA has no control over what the lenders are doing, we don't have access to their information but they do have to follow the federal law and require flood insurance if a property has a federally touched loan, which is the bulk of loans for single family homes and if it's federally touched then they'll have to come back in and require flood insurance. As the maps become closer to being effective, once the date is known, a lender might start contacting their property owners or their borrowers and saying hey, you need to buy flood insurance because you're going into the FEMA floodplain. And the borrower says, oh I don't believe that, I'm not going to do anything so the lender send out another letter and says you need to buy flood insurance. And if that's case ~ buy flood insurance. The alternative is that the lender will force place a policy upon that borrower which is very expensive and as the policy holder in the event of a claim, guess who gets the money? The lender because they're the ones that own the policy. So it's important to share that information if you have a conversation with somebody and they're talking about my lender is sending me these notices and I don't believe them. They have the opportunity as Shawn mentioned, at any time to pursue a letter of map amendment, that is an opportunity available at any time, it's never mandatory by FEMA but if they meet the criteria then they can be removed from the mandatory purchase. If that were to happen that they would submit a letter of map amendment and they meet the criteria, the determination from FEMA is for removal, they would take that letter, go to their lender and the lender would send a letter back saying; you're right, you are removed from the mandatory purchase. Then you would run as fast as you could with both pieces of paper to your insurance agent and say, I would like a refund. Not every LOMA application will result in removal but it's an opportunity to pursue that if a borrower is interested. That process measures to a 1/10 of a foot in elevation whereas the FEMA maps are much coarser in their level of detail that is why the process is available.

**Chair Landquist:** When you talk about a letter of map amendment, it's not like that's a service that's provided by FEMA or DNRC, that's up to the person that owns the land or the bank that wants the LOMA to happen. They have to hire a surveyor to do that survey work to provide that information that's then sent in to see if it qualifies?

**Betty Jo Brady:** Yes, that's correct. If they're successful in that effort, then they are relieved from the mandatory purchase. The lender might still say since they still technically own the building, they just let us live in it, that they might say you still have to carry flood insurance. But in that case you could expect that the rates would be cheaper because your risk has been identified to be less. So the lenders always have that option and so institute that requirement and so don't, we have no control over that. As I said, real events can and do vary; just because you're in the FEMA floodplain doesn't mean you will flood every time, just because you're out doesn't mean you won't flood. It just says; this is the highest risk occurring to the assumptions of our program, understand the limitations of that information and make some choices then make an informed decision as to whether flood insurance might be a good investment for you. Groundwater seepage is not covered by this program. Groundwater seepage isn't covered by homeowners or by flood insurance and the reason is that there is no way to map that risk.

**Todd Klietz:** Betty Jo, could you or Shawn perhaps touch on the numbers of roofs in the 1988 floodplain versus the 2013 draft floodplain maps?

**Betty Jo Brady:** There are approximately 800 roofs currently in the FEMA floodplain. There are maybe 700 buildings, roofs in the FEMA floodplain because the letters of map change can be multiple roofs or just land, we don't know. Right now that we've counted ~ what we did was we took the FEMA floodplain and we overlaid it on an aerial and we counted the roofs. Some of those buildings could actually be out of the FEMA floodplain the mandatory purchase requirements through the LOMA process and there are 127 of those but that's just a rough estimate. In the 2013 preliminary maps that you are looking at today there's roughly 760 roofs that are projected to be in the FEMA floodplain. Again, if you use the count of 127 for the letters of map change that number could be reduced but again the letters of map change could be for a single roof or could be multiple roofs or it could just be vacant land, I just counted the number of cases. There is a slight reduction in the new maps for the number of roofs that are in the FEMA floodplain but as Todd mentioned he distributed through the mail 250 postcards to alert those property owners that there may be a change in their flood risk and if they have any questions they can contact Todd.

**Chair Landquist:** When were those letters sent out Todd?

**Todd Klietz:** Last week.

**Chair Landquist:** So they were sent out in enough time for the people to attend one of these hearings that was held yesterday?

**Todd Klietz:** Hopefully. The postcards that we sent out were strictly to those that were not in the FEMA map floodplain before but are now. We did not send out postcards to people where they were in the floodplain and the boundaries may have changed a little bit on the new maps. Or if they were in the floodplain and not going to be in the floodplain anymore, we just notified the people that were not in the floodplain before and are now within the FEMA map floodplain.

000001 1053

**Chair Landquist:** So do we have an obligation for those people that were in the floodplain before and aren't now to notify them so that if maybe they are carrying flood insurance and they might choose not to carry flood insurance because they're not in the floodplain now? Don't we have some sort of obligation there?

**Todd Kietz:** There's a legal obligation and a moral obligation. Actually there's no legal requirement from FEMA to notify people when they actually go into the floodplain. We have done that and it would be a great idea if we could also notify the people that are coming out of the floodplain that well they will still have some risk, potentially some risk, they can at least, if they choose to carry flood insurance, they could get a reduced rate in it.

**Chair Landquist:** So I guess we need to figure out how we're going to handle that.

**Betty Jo Brady:** Now for those folks that are in and going out, there will probably not going to be very many but I don't know we haven't determined that. They most likely would have to go through a LOMA process to be relieved of the mandatory purchase because the lender is using the FEMA map and what happens during the lending process is that the lender will typically hire a third party called a determination company, which is somewhere off in Florida. They take the FEMA map but the problem is that they don't have the plat information and they don't know where the building is on the plat, so all they know for frame of reference is that the property is in or near the floodplain close enough that they will call it in until they have before information to demonstrate to the federal auditors that that building is actually outside the FEMA floodplain and so the property owner again has that option at that point and time whether there's a map change or not that happens all the time. The lender is going to be conservative because they don't have definitive information, all they have is a picture as an aerial, there's no elevation information that's associated with it. The LOMA process provides the detail the elevation information to allow the lender to say yes the criteria's been met, it's objective in its determination, it's not subjective and the documents can record that the property can be removed from the mandatory purchase requirement. You can give them a heads-up but they'll most likely have to pursue a LOMA in order for the banks to relieve them of that mandatory purchase requirement. But if you're close you might still want to carry it even if you're taken out.

**Larry Shock, DNRC Regional Engineer:** I would caution...I think it's a good idea to notify people that they're status may have changed and they may have come out of the floodplain. But I would caution sending out cards and letters saying that you're status has changed and you are out of the floodplain. I think it would be more prudent to have those people that you think have come out to come down to the office, maybe sit down with Todd or some of the staff, look at it on a cadastral in a higher magnification because I wouldn't want...I think you may be opening yourself up for liabilities if you were to say you are out. I think it would be prudent to advise them they may be out and to come down and check.

**Chair Landquist:** And that's what I would want to do. I just think that there's a lot of people that may not watch MCAT, may not get the newspaper, didn't get a notice in the mail and then hearsay being what it is and rumors being what they are, things just go a rye and go crazy. So I'd rather be more proactive and trying to let people know that the new maps are out and about and there's an adoption period and just trying to make sure that anybody out there living under a rock might get notified.

**Betty Jo Brady:** You might want to look at sending out some notifications that just say there may be a change to your flood risk determination and they can contact their insurance agency or contact Todd for further information. But they will probably have to pursue a LOMA process in order to document that their status has changed officially.

**Chair Landquist:** You covered a lot of what insurance covers, what it doesn't cover and so peoples drainfields and septic's when a flood comes regardless...you already said groundwater doesn't cover flood insurance but if a flood running over the land messes up somebodies...say their house is elevated and their house made it out find but their drainfield got saturated or whatever, does it cover things like that?

**Betty Jo Brady:** I can look at the policy and try and see how definitive it is on that. I'm not sure. My preliminary guess would be no because it's not part of the integrity of the building for it to function as a building. The logic is there that, for instance, if you have contents coverage, which is always optional. Mandatory purchase refers to structure and the structure covers the foundation and mechanical systems, electrical systems things like that. If you have an attached deck and you have chairs on that attached deck and you know that there's a potential for flooding so you have contents coverage ~ if you drag those chairs into the house and there's flood damage inside the house, then the chairs that were outside and now inside are inside the building that is insured and therefore you can claim that as damages. But contents are always depreciated. Flood insurance is slightly different than your homeowners. We only insure to the value of the policy, so we only insure the building, not the value of the land and it's the replacement cost of the building, not the market value of the building. It's important for folks to understand their flood risk and make an informed decision. The flood insurance policy and other information on the flood insurance manual is available on the FEMA website, anybody can download it at any time. We update it twice a year. And the rate schedule is in there also.

**Todd Kietz:** I did want to state again that we're thankful for all the work that the DNRC and FEMA has done over the last several years in revising the maps and making them more accurate. There is one point that I do need to share with you and that's on the Swan River, which is an approximate A floodplain meaning that it hasn't been surveyed, there's no hydrologic or hydraulic data behind the floodplain there. Showing an aerial photo from 2011 addressing the location of the Swan River/floodplain area. Between 2010 and the new version of 2013 it shows that we're basically back to

where we were in 1988, where about a mile or mile and a half of the Swan River actually isn't in the FEMA designated floodplain of these draft maps. When the river actually isn't in within the map floodplain that gives us pause as to what needs to happen there. It's an inaccuracy of the map, they're aware of it but that's how it sits today. I think you should be aware and maybe we can ask FEMA to address that.

**Steve Story, State Floodplain Engineer with DNRC, Helena:** This issue has come up before so we actually looked at this with FEMA, Todd had brought this to our attention previously. I think from a previous appeal or comment that was brought up. In the most recent update of the maps as he showed it got changed back. The primary reason it got taken back to the effective maps was that it appeared it looks like a map got cut (Looking at map, a note says 'limit of study'.) So what happen when they originally did the study and this was approximate mapping at the time, it appears they for whatever reason, they maybe didn't have enough information. But they did not include this part of which was probably a side channel at the time, maybe this was the main channel at the time and this might have been a side channel but they didn't actually map this flood risk through here. So basically for it to be identified we have to have data to include that flood risk, which we don't have. So it had to be taken back to the effective mapping. It's the study limit was there so basically we would have to restudy it to identify that risk through there with new study data. That's why it got taken back to effective.

**Commissioner Curtiss:** That doesn't make much sense when you can see it on the ground. That river...you would want both of those channels in there because how many miles down the road where the river has changed completely by Coal Creek Road.

**Steve Story:** Part of the issue is the FEMA...the mapping requirements are that we can't widen the floodplain because we're actually changing the floodplain data. So you're invalidating, we don't have data to support that it's that wide ~ we can't just change the width of the floodplain without some backup support data. So that's what's missing.

**Commissioner Curtiss:** So you don't show in an area that has the stream migration zone?

**Steve Story:** Basically if both of those channels were studied and we had a total width, we could adjust the channel, the left channel there such that it matched up with the migration of the river. We can make shifts to migration of the river as long as we maintain that floodplain width, for approximate areas. Otherwise it invalidates the data that was originally behind that study. That was why it couldn't be done here because there wasn't support data to show what that width might actually be.

**Commissioner Curtiss:** So you need us to pay again to have our surveyors go out and do some surveying? We've done quite a bit of that to make corrections so far.

**Steve Story:** Certainly you could provide better data for it to be looked at, to be restudied.

**Commissioner Curtiss:** Pictures of where the water is doesn't work? There's other areas that you showed on the maps that were way wider than that.

**Steve Story:** Again, it goes back to that width of this floodplain area for this approximate area, would invalidate that study. So there's not support, we don't have a way to defend it if it was appealed, to defend that width under the appeal process. It's basically that that part of the river previously wasn't studied and included in that channel. So we can't just include the channel now because it wasn't originally part of this study. It's like if you had a side channel...or if you had another stream coming in here that said edge of study right here that wasn't studied, we can't just add that in, it's kind of a separate segment of the river that can't be added in.

**Chair Landquist:** We don't have to embrace all of these maps. I guess the County's going to have to use common sense and ask for a redo on this one, I just can't see in good conscious how we can accept your recommendation on this one. Todd were there any others on their map revisions?

**Todd Klieztz:** Again, we just got the maps a week or so back so we just started our formal...we didn't get a chance to look at these before they came out. We got them on the 25<sup>th</sup> and we've been reviewing them, this is the most glaring one that we've seen to date.

**Chair Landquist:** But there's probably some other smaller ones I'll bet.

**Todd Klieztz:** Yes. There may be some other comments and that's what the appeals process is.

**Chair Landquist:** So we'll be engaged in the appeal process once again, unfortunately.

**Commissioner Curtiss:** I think we have pictures of the bridge when the river took it out.

**Steve Story:** I'll just comment on this that it's basically the only...we're not changing any of the boundaries here from what's effective, the '88 effective maps basically, it's gone back to what those maps showed.

**Commissioner Curtiss:** Why doesn't it state...you showed it wider before so why couldn't it stay that wide - that one?

**Steve Story:** Yes that's the way it was originally done and as it went through technical review that was caught by FEMA as an issue that needed to be corrected.

**Chair Landquist:** What was the technical review? Was somebody actually out in the field collecting some data and doing some surveying?

**Steve Story:** We changed that width so much and couldn't defend that change of the floodplain.

**Commissioner Curtiss:** So there's four properties down there in the bottom, those little skinny parcels that are effected by...they're really at risk and this map is saying they're not.

**Steve Story:** So without additional data – this could be a big island in here, we don't know. It could be two distinct channels through here and when they did this study unfortunately they didn't include this channel in this study.

**Commissioner Curtiss:** Who did the original study there?

**Steve Story:** I don't know who did that work. HTM? Back in the late 70's or early 80's, something like that.

**Greg Robertson:** This situation is very similar to the mapping I encountered on Grant Creek. In that, where it was mapped was at a location where the creek hadn't been and documented more than 100 years. In other words, when the so called approximate study was done it was wrong to begin with, it wasn't even close – like in some areas it was a mile off of where the channel had been historically for 100 years. This seems to be the same kind of thing; honestly this does not make a lot of sense to me.

**Chair Landquist:** It really seems unfortunate to me, we have an opportunity here to try to get it right and this is obviously missing that opportunity to get some of this right. That seems intuitively obvious. No wonder tax payers get upset when common sense can't be utilized with the eye, with or without glasses, I can actually see that without my glasses and I'm enjoying my glasses and seeing better. You can see that is intuitively obvious and that's something that we won't be able to accept unfortunately.

**Mary Jo Brady:** You said that the county bridge had washed out as a result of that flood event?

**Commissioner Curtiss:** It didn't wash completely out but it had to have quite a bit of repair, didn't it Greg?

**Greg Robertson:** Yes.

**Mary Jo Brady:** Was there FEMA assistance provided for the replacement of that?

**Chair Landquist:** The answer to that was that we didn't meet the threshold.

**Mary Jo Brady:** Was there a floodplain development permit pulled for that work that was done on the bridge?

**Greg Robertson:** Yes. All permits were....any in-stream work we do requires the whole cadre of permits.

**Mary Jo Brady:** Did the replacement bridge alter the floodplain in any way?

**Commissioner Curtiss:** It was just repaired; I don't think we replaced the whole thing.

**Mary Jo Brady:** Because in situations like that if a letter of map revision would be recommended to capture the change then perhaps some of this information we would have been aware of sooner.

**Chair Landquist:** When was the bridge impaired by the water, what year? Wasn't it a couple years ago? And it took us a couple years to assess the damage and watch the water?

**Greg Robertson:** Yes.

**Mary Jo Brady:** This was from the 2011 flood event wasn't it?

**Chair Landquist:** Yes.

**Mary Jo Brady:** Well I would think that one of things that we'll have to do is just see what information is available to us now and assess it and move forward from there, to see what can be done and when it can be done. I can't commit for the agency at this time but we certainly just learned about this issue and we need to find out what information is out there that we can use and see...we just need more information at this point and time.

**Commissioner Curtiss:** Todd, did we fly this piece of the river LIDAR? So we have some new LIDAR maps too that we just did this year.

**Mary Jo Brady:** Well that would be the place to start, is to find out what information is out there that can be used and then we can look forward to seeing what can be done at that point and time. That would be the best that we could do at this point and time.

**Todd Klietz:** That concludes the presentation that FEMA and the State had for us, thank you for coming. Tonight at 7:00 here at this location we'll be having both the City combined public meeting where the general public can come in and look at their property and relationship to these new floodplain maps.

**6. OTHER BUSINESS**

None

**7. RECESS**

Being no further business to come before the Board the Commissioners are in recess at 4:21.

**THURSDAY, AUGUST 15, 2013**

BCC met in regular session; quorum present. BC out of the office through Friday, August 16<sup>th</sup>.

Replacement Warrant - JC signed. Miranda Markland, Missoula, Principal for MCPS Warrant #226866, issued June 7, 2013 on County MCPS Payroll Fund. Amount/\$169.05 (for wages). Not received in mail. No bond of indemnity required.

**ADMINISTRATIVE MEETING**

Agreement - BCC signed, dated August 15, 2013. Between County (PHC) and Wild Rockies Landscaping to complete landscaping at Lowell School Clinic (as required by City of Missoula). Amount/not to exceed \$15,989. Term/August 19 - September 6, 2013. Originals to C&R and Jeff Seaton/PHC for further handling.

Notice of Award - ML signed. For contract with Specialty Excavating (as lowest bidder) for improvements to the Redfern-Sandpiper Trail, located in MDP-Park 4. Amount/\$69,492. To PCI.

Resolution No. 2013-096 - BCC signed, dated August 15, 2013. Budget Amendment in amount of \$4,000 showing revenue from Property Taxes and expenditures thereof for MDP Sandpiper Trail. [See above Journal entry.] For total disclosure, expenditures included in formal FY14 Operating Budget/Revenue Estimates for County. Original to C&R.

Resolution No. 2013-097 - BCC signed, dated August 15, 2013. Budget Amendment in amount of \$10,000 showing revenue from Property Taxes and expenditures thereof for MDP Sandpiper Trail. [See above Journal entry.] For total disclosure, expenditures included in formal FY14 Operating Budget/Revenue Estimates for County. Original to C&R.

Resolution No. 2013-098 - ML signed, dated August 15, 2013. Reimbursement Resolution for Courthouse & Annex design and construction costs. Estimated cost/\$9,000. County will recover costs in a future long-term tax exempt debt issuance. Original to C&R.

Grant Award - ML signed. Subgrant #12-G01-91566 to County Sheriff's Dept. Yearly award for West Central MT Drug Task Force (from JAG Edward Byrne Memorial Justice Assistance Fund). Total grant award/\$93,469 with matching funds of \$102,226.37. Term/July 1, 2013 - June 14, 2014. Original to Joshua Clark/Sheriff Dept. for further handling.

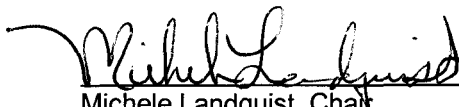
Additional discussion item(s): None.

**FRIDAY, AUGUST 16, 2013**

BCC did not meet in regular session; BC and ML out of the office all day.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Registers dated August 16, 2013. Amount/\$34,233. To County Auditor.

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

**MONDAY, AUGUST 19, 2013**

BCC met in regular session; quorum present. ML out of office all day due to wildland fire threat to property.

Community and Planning Services Update - BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Transportation update; 4) Parks/Trails Program update; 5) Cromwell Zupan Family Transfer (Potomac); 6) Director's update.

**TUESDAY, AUGUST 20, 2013**

BCC met in regular session; quorum present. ML out of office all day due to wildland fire threat to property.

000001 Aug 2013

ADMINISTRATIVE MEETING

Contracts – BCC signed for County, and JC signed on behalf of BREDD. Between County and MT Dept. of Commerce for Big Sky Economic Development Trust Fund Program funding for Category 1 Job Creation Grants awarded to County since January 2013 for following:

- 1) #MT-BSTF-1-13-11-AB: Business Assistance Agreement. Between County and ALCOM, LLC. Amount/up to \$7,125 per eligible net new job created; reimbursement not to exceed \$855,000. Term/January 17, 2013-January 17, 2015.
- 2) #MT-BSTF-1-13-11-MP: Management Plan between County and BREDD. Billing rate/\$75 per hour + documented expenses; further billing set forth therein. Josh Roberts, CFO for ALCOM will serve as project rep for ALCOM.
- 3) #MT-BSTF-1-13-11-SR: Sub-Recipient Agreement. Between County and BREDD to assist ALCOM with purchase of equipment and lease reduction for new Bonner manufacturing facility. Billing rate/\$75 per hour, not to exceed \$45,000.
- 4) #MT-BSTF-1-13-12-AB: Business Assistance Agreement. Between County and The Recovery Center ("TRC") Missoula. Amount/up to \$7,125 per eligible net new job created; reimbursement not to exceed \$71,250. Term/February 5, 2013-February 5, 2015.
- 5) #MT-BSTF-1-13-12-MP: Management Plan between County and BREDD. Billing rate/\$75 per hour + documented expenses; further billing set forth therein. Patty Kent, Housing & Development for The Recovery Center, will serve as project rep for TRC.
- 6) #MT-BSTF-1-13-12-SR: Sub-Recipient Agreement. Between County and BREDD to assist The Recovery Center with purchase of equipment and creation of up to 10 new jobs. Billing rate/\$75 per hour, not to exceed \$3,750.
- 7) #MT-BSTF-1-13-13-AB: Business Assistance Agreement. Between County and MT Mapping & GPS ABN Hunting GPS Maps ("MT Mapping"). Amount/up to \$5,263 per eligible net new job created; reimbursement not to exceed \$210,050. Term/April 11, 2013 through April 11, 2015.
- 8) #MT-BSTF-1-13-13-MP: Management Plan between County and BREDD. Billing rate/\$75 per hour + documented expenses; further billing set forth therein. Greg Stahl, General Manager of MT Mapping will serve as project rep for MT Mapping.
- 9) #MT-BSTF-1-13-13-SR: Sub-Recipient Agreement. Between County and BREDD to assist MT purchase of equipment/materials and creation of up to 40 new jobs. Mapping Billing rate/\$75 per hour, not to exceed \$11,080.
- 10) Signature Certification Form: Signed by BCC and Dale Bickell, County CAO, designated authorizing officials to sign requests for payment of above MT BSEDTF grants.

Originals to C&R and Marcy Allen/BREDD for further handling.

Contract – BCC signed, dated August 20, 2013. Between County and City of Missoula Parks and Recreation Dept. for maintenance, management and programming of Fort Missoula Park Complex Grounds by the City. Amount/\$87,741.15. Term/July 1, 2013 – June 30, 2014. Two originals to Lisa Moisey/County Parks for further handling.

Budget Transfer – BCC signed, dated August 20, 2013. Control #13-016 for Grants & Community Programs (CAPS), to correct an account code typo in Budget Resolution No. 2013-077 adopted on June 20, 2013. Transfer moves \$940 from 2719 Fund to 2917 Fund (FY13 Budget). Original to Accounting.

Board Appointment – BCC appointed "Cilla" Ann Moseley to fill a vacant 3-year unexpired term (until May 31, 2016) on the Swan Valley Community Council. Ms. Moseley will need to run in the May 2016 Special District Election in order to serve another 3-year term.

Memorandum of Agreement – ML signed. Between County Parks and Trails Advisory Board and Hellgate Lions Club for up to \$4,000 from Spring 2013 Matching Grants Awards for park improvements as follows: 1) weed control/fertilization; 2) parking lot repair; and 3) painting of facility exterior. To Lisa Moisey/Parks.

Additional discussion item(s): None.

## WEDNESDAY, AUGUST 21, 2013

BCC met in regular session; all three present.

CAO MEETING

Addendum #2 – ML signed. To Smart911 Services Agreement (dated November 30, 2011) between County and Rave Wireless, Inc. d/b/a Rave Mobile Safety. Addendum includes additional services, specifically Rave Alert for emergency notification. Term/august 15, 2013 – February 15, 2017. Additional amount/\$55,200 (from EMPG Fund - \$18,400 yearly for three years). All other provisions remain unchanged. Two originals to Chris Lounsbury/OEM for further handling.

Additional discussion item(s): 1) Lolo Creek Complex Fire update; 2) Public Works Departmental update.

PUBLIC MEETING – August 21, 2013**1. CALL TO ORDER**

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



000011 0058

**Commissioners Absent:** Commissioner Michele Landquist

**Staff Present:** Jennie Dixon, CAPS

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC ANNOUNCEMENTS**

September 8, Sunday Streets Missoula County

**4. PUBLIC COMMENT**

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Weekly Claims List (\$2,407,496.96)

**Executive Session**

Commissioner Curtis made motion that the Board of County Commissioners approve the weekly Claims List in the amount of \$2,407,496.96. Commissioner Carey second the motion. The motion carried a vote of 2-0.

**6. HEARINGS (Certificate of Survey)**

**a. Cromwell/Zupan Family Transfer**

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

**Commissioner Curtiss:** For the record is your son a step-son or did you legally adopt him?

**Ms. Cromwell:** Yes, he's my legally adopted son.

**Public Comment**

None

**Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners approve the request by Elizabeth Cromwell 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.

**b. Gonstad Family Transfer (continued from 6/26/13)**

Jennie Dixon gave updated reports

**Public Comment**

None

**Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners approve the request by Suzanne Gonstad 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.

**7. OTHER BUSINESS**

None

**8. RECESS**

Being no further business to come before the board, the Commissioners are in recess at 1:41.

**THURSDAY, AUGUST 22, 2013**

BCC met in regular session; all three present.

**ADMINISTRATIVE MEETING**

Policy – BCC approved revised Missoula County Policy: Costs of Employment-Related Disputes. Policy is applicable to all County departments/entities, and assigns responsibility for such costs (as well as other costs not covered by County's self-insurance fund) to department where dispute originated. To Barbara Berens/Auditor for further handling.

Contract Addendum – BC signed. Between County and Blackfoot Telecommunications Group Master Service Agreement. Increases data connection to Seeley Lake offices to allow County employees ability to work more efficiently. Term/60 months. Amount/\$8,676 1<sup>st</sup> year, \$6,576 each year thereafter; costs to be divided by Public Works/Sheriff/ Clerk & Recorder/Treasurer's Offices. Two originals to Janice Goldsby/IS.

Letter – BCC signed, dated August 20, 2013. To Kevin Howlett, MT Transportation Commission, Helena, commenting on MDT's speed study of Highway 83 interim night-time speed limit through Missoula and Lake counties. BCC urges MDT to consider public comment and new information prior to making a final decision.

Letter – BCC signed, dated August 22, 2013. To Joe Kolman, Environmental Quality Council, Helena, stating the BCC will provide a full response prior to the November 1, 2013 deadline to the SJ15 Survey


administered by the EQC. Given the extensive nature of the survey, the County has initiated significant research into issues raised by the document (i.e., risks/concerns associated with federal land management in Missoula County.

Additional discussion item(s): Update on Lolo Creek Complex and other wildland fires.

**FRIDAY, AUGUST 23, 2013**

BCC met in regular session; all three present. Morning: BC/ML accompanied Congressman Daines on a tour of the wildlands fire camp. Late afternoon: BCC attended Grand Opening of spectrUM Children's Interactive Discovery Area.

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

**MONDAY, AUGUST 26, 2013**

BCC met in regular session; all three present. Early afternoon: JC participated in a site visit to the Milltown State Park Access.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) O'Neal Shoreline Permit; 4) Parks/Trails Program update; 5) Director's update.

Shoreline Permit – ML signed. #14-03 for Applicant Teresa O'Neal to replace existing boat dock and a new lake access trail with stairway (including retaining wall) at 215 Rainbow Run, Big Sky Lake. Original to Todd Kliez/CAPS.

**TUESDAY, AUGUST 27, 2013**

BCC met in regular session; all three present. Evening: BC attended the Historical Museum's volunteer appreciation picnic, held at the home of Bob Brown.

**ADMINISTRATIVE MEETING**

Contract – ML signed. Between County and American Funding Innovators, Inc. to provide grants management software to track grants administered by Grants and Community Programs. Amount/ \$15,000. Contract begins August 1, 2013/no ending date. Originals to C&R and Bobbi Day/GCP.

Agreement – BCC signed. Between County (MCCHD) and Yellowstone City-County Health Department d/b/a RiverStone Health to provide Nurse-Family Partnership of MT Home Visiting Services in Missoula County with fidelity to model as outlined in Implementation Agreement between MCCHD and Nurse-Family Partnership National Services Office. Amount/ \$154,139 for SFY 2014. Term/July 1, 2013-June 30, 2014. Originals to Julie Mohr/MCCHD.

Contract – BCC signed. Between County (MCCHD) and Chem-Safe Environmental for annual Household Hazardous Waste Collection Event, to be held at the City of Missoula shops on Scott Street on September 13 and 14, 2013; term of contract ends October 31, 2013. Amount/approx. \$24,000. Contract begins August 1, 2013/no ending date. Originals to C&R and Bobbi Day/GCP.

Request – As recommended by the MDA on August 22, 2013, BCC approved proposed listing price amendment for county-owned lots in the Missoula Development Park. Tom Stevens, appraiser, performed the analysis. Original to Barb Martens/Projects.

Additional discussion item(s): Wildlife fires update.

**WEDNESDAY, AUGUST 28, 2013**

BCC met in regular session; all three present.

**CAO MEETING**

County Payroll Transmittal Sheet – BCC signed. Pay Period: 17/CY2013 - Pay Date/August 23, 2013. Total Payroll/\$1,354,454.62. To County Auditor.

Funding Agreements – BCC signed. Between County and each of the seven Community Councils for their annual operating budget for FY 2014 in the amount of \$1,000, as follows: 1) Bonner-Milltown; 2) East Missoula; 3) Evaro-Finley-O'Keefe; 4) Lolo; 5) Seeley Lake; 6) Swan Valley; and 7) West Valley. Originals to C&R and Ted Schuster/CAPS.

Additional discussion item(s): 1) Budget update prior to Final Hearing at 1:30 pm; 2) NACo Dental Discount Card Program (BCC likes program and sent contract to Marnie McClain for review).

**PUBLIC MEETING – August 28, 2013****1. CALL TO ORDER**

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

**Staff Present:** Andrew Czorny, Chief Financial Officer, Marnie McClain, County Attorney, Dale Bickell, Chief Administrative Officer

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

None

**4. PUBLIC COMMENT**

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Weekly Claims List (\$614,064.19)

**Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners approve the Weekly Claims List in the amount of \$614,064.19. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

**6. HEARING**

Final Budget Review (Fiscal Year 2014)

Andrew Czorny gave update. In summary; for the first time since the recession we show growth in almost every county in the state. Starting the FY 14 budget process Commissioners set new phase budget perimeters. Commissioners approved a 2.5 % annual merit increase. Based operations were held at prior year's ongoing operations budget level. A 1% mill increase was approved for the continuation and implementation of county space needs plan, this is the third of 4 mills that was approved by the Commissioners for the renovation and the space needs of the county and the Courthouse Annex, secure storage warehouse, the records center and Admin (previously GLR) building.

**Commissioner Carey:** Andrew would you talk just a little bit more about the county's paying for the cost of the primary elections? Do we have any latitude at all to draw a line saying we can't spend more than this or...?

**Andrew Czorny:** I don't believe so. I think we're statutory required to go through 8 of those elections. We do get reimbursed from the schools and City.

**Commissioner Carey:** So that \$261,000 does not include the reimbursement we'll get?

**Andrew Czorny:** No, it does not. I think last year we spent \$250,000 and received \$95,000 back. And I think this year we're actually required to do the maintenance on the election so that's another \$40,000.

**Chair Landquist:** Thank you Andrew. I do appreciate some of the explanations you gave regarding hiring some folks now before some retire because that institutional knowledge is going to be very difficult to live without. Normally we end up with some savings when people that have been with us quite a while and then we go through that hiring process but there are a couple instances here where these guys have been with us a good long while and there's a lot to learn as far as where certain things are when it comes to the buildings that we maintain. So we have made some exceptions there this time around.

**Andrew Czorny:** Losing one employee with approximately 40+ years.

**Chair Landquist:** Things like that are important as well as, if projections don't come into play that you've talked about and we have to make some adjustments next year, that starts meaning major cutbacks and we'll have to look at cutbacks in services and wages and things like that. I'm not sure quite how that will play out with some of the union contracts we have, so far some of them negotiated two and three years at a time but we're cautiously optimistic that the economy is going to rebound, it already has started, it's just been slow in coming up. Could you shed just a tiny bit more light for the sake of the folks that are here and at home watching on MCAT regarding the question of asking the Commissioners to talk with the Department of Revenue regarding some numbers that don't seem to be making sense?

**Andrew Czorny:** We've been looking at some numbers that essentially assessed properties which are the corporations with holdings throughout the State of Montana. We've noticed that their taxable values have increased significantly this past year and in prior years both on land and business taxes. I'll be putting some numbers on paper showing long term what's happened and presenting it to you so that you may talk to our new DOR to see what we can do about it. It's very odd, we have no idea what's going on right now.

**Chair Landquist:** I wonder if any of that had anything to do with what the legislature was looking at as far as business equipment taxes and stuff. It's different stuff. This is real property, right?

**Andrew Czorny:** Yes.

**Chair Landquist:** We all appreciate the keen eye you have and the way you bring things into perspective and look at other counties and other trends and help us get our heads wrapped around that.

**Andrew Czorny:** We will have this on pie charts once again and on the website with the tax bills. You can look where your money is being spent on a dollar by dollar basis.

**Commissioner Curtiss:** To be clearer on that, when you go to the counties website to look at your tax bill, there's a part on there where you can click on it and it will show the pie chart how your tax dollars get spent. It's pretty interesting, it shows public safety, community organizations, that kind of thing.

#### Public Comment

**Gypsy Ray:** I'm standing here today in a new position, I'm still at Mountain Home as a part-time Clinical Director and you'll meet our new Executive Director in a few minutes. I have been hired this week as the Frenchtown Community Coalition Coordinator so you'll be seeing and hearing from me a lot more and I just want to thank you for the support for the Frenchtown Community. As you know, we have high needs and we have a whole community inside of the county with a K-12 school system so I'm really, really excited to live and work in the community and also maintain my position at Mountain Home. Thank you again so much for your support for this position.

**Josh Jones:** I represent the City Life Community Center. We do an after dark program there that is supported and funded by the prevention mill levy funds. Last year we had about 1500 kids, high school students and junior high kids involved in that program on Friday and Saturday nights. It's over at the City Life Community Center and I just want to say thanks for support. I think it's a great benefit to our community to provide places for kids to go without the influence of drugs and alcohol in their lives, so thank you.

**Shari Strachan:** Executive Director at Mountain Home, as Gypsy said. I'm really happy to be here again to offer our gratitude for your past support. What we do over at Mountain Home is provide housing and supported services to young mothers and their children. We really appreciate the support that we've received in the past and want to thank you for this opportunity to stand before you again at this final budget hearing.

**Brandy Tyee:** I work for the Missoula Forum for Children and Youth and I'm the Missoula underage substance abuse prevention coordinator. We receive funding through prevention mill levy and we're just so grateful for that, I think we have an opportunity to really help link the community organizations that are trying to support our families and our youth. I brought for you a packet of different brochures and items that we've been able to work on at a community coalition format to provide for the public. One of them is our parent resource guide, which is over 24 local organizations contributed. One of the things that we're most proud about the parent resource guides is that it's local, about our own kids and data about our own families and the local contributors and there isn't an ounce of advertising. So when we go around and we're able to distribute this free to families and businesses, they always say; there's no advertising? It's just nice because you just get to have it and we don't want anything in return from you. I would also like to say a special thanks to Commissioner Curtiss for giving this to the First Lady; I'm sure that went really well. I'm very excited to think she might have looked at it. We thank you for your support of the mill levy; it's just amazing for our community. We've looked around and we don't know a lot of other communities that had mill levies to support prevention like that so we just appreciate your support and thank you very much.

**Commissioner Curtiss:** Thank you to the voters for passing that mill levy.

**Andrew Czorny:** We'll be formally adopting the budget next Wednesday at the Commissioners Public Administrative Meeting.

#### 7. OTHER BUSINESS None

#### 8. RECESS Being no further business to come before the Board the Commissioner are in recess at 2:04.

**THURSDAY, AUGUST 29, 2013**

BCC met in regular session; all three present. Afternoon: BCC traveled to Pablo for a meeting with the CS&K Tribal Council.

#### ADMINISTRATIVE MEETING

Grant Application – ML signed. County's submission for FY13 Emergency Management Performance Grant (EMPG) from State of MT Disaster & Emergency Services Grants Program, in amount of \$95,500. Funds will be used to purchase equipment for newly remodeled EOC space (i.e., Smartboards, Software, etc.) Term/October 1, 2013 – September 30, 2014. Originals to Chris Lounsbury/OEM for further handling.

Resolution No. 2013-099 – BCC signed, dated August 29, 2013. Budget Amendment for Grants & Community Programs showing revenue from CDBG/Poverello Center (State MDOC) in amount of \$450,000

in amount of \$450,000 and expenditures thereof for the Poverello's new facility on West Broadway, Missoula. For total disclosure, expenditures included in formal FY14 Operating Budget/Revenue Estimates for County. Original to C&R.

Contract – BCC signed. Between County (PHC), D. Lower Construction and MMW Architects for remodel of the Alder Street building. Amount/\$487,427. Term/August 29, 2013 – approx. early January 2014.

Grant Application – BCC signed. County's submission (on behalf of Watershed Consulting) for a grant to address stream bank erosion issues upstream of Mill Creek culvert crossing at Spring Hill Road. Funds would come from DNRC Renewable Resource Grant and Loan Program. Term/September 1, 2013 – December 31, 2014. Original to Erik Dickson/Public Works for further handling.

Grant Award – ML signed. MT DNRC, Conservation/Resource Development Division Grant #RIT-14-8762 to Missoula County & Trout Unlimited for Kennedy Creek Mine Reclamation Project. Total grant award/\$300,000. Term/date upon signing contract–December 31, 2015. Two originals to Kali/CAPS for further handling.

Grant Award – ML signed. MT DNRC, Conservation/Resource Development Division Grant #RITP-14-0072 to Missoula County & Trout Unlimited for Martina Creek Mine Reclamation Planning Project. Total grant award/\$37,500. Term/date upon signing contract–September 30, 2014. Two originals to Kali/CAPS for further handling.

Grant Award – ML signed. MT DNRC, Conservation/Resource Development Division Grant #RIT-14-8763 to Missoula County & Trout Unlimited for Sawpit and Ninemile Creek Mine Reclamation Planning Project. Total grant award/\$300,000. Term/date upon signing contract– December 31, 2015. Two originals to Kali/CAPS for further handling.

Contract – BCC signed. Between County and Tetra Tech for construction materials testing at 223 West Alder renovation project. Amount/\$3,380. Term/August 19, 2013–March 31, 2014. Originals to C&R and Cindy Wulfekuhle/GCP.

Agreement – BCC signed. Between County (MCCHD) and GCS Holdings, Inc. d/b/a GCS Research to locate and create new health-based GIS data and assembling it into web-based mapping application using ArcGIS online. Amount/up to \$12,500 (from Task Order 13-07-5-31-035-0/MIECHV ID). Term/August 12, 2013–August 30, 2014. Two originals to Julie Mohr/MCCHD.

Contract – ML signed. #514006 between MCCHD and MT DEQ for the City-County Air Pollution Control Program. Amount/\$62,284 (\$48,055 pass-through Federal funds; \$14,229 State funds; \$47,430 Local funds). Term/July 1, 2013 - June 30, 2014. Two originals to Julie Mohr/MCCHD for further handling.

Contract – ML signed. #514007 between MCCHD and MT DEQ for the Title V Permit Air Quality Inspections and other air quality services. Amount/\$38,048. Term/July 1, 2013 - June 30, 2014. Two originals to Julie Mohr/MCCHD for further handling.

Contract – ML signed. #514024 between MCCHD and MT DEQ to visit sites and ensure subdivision proposals meet both state/local regulations when Sanitation in Subdivision applications for MT DEQ are submitted. Amount/\$10,000-\$20,000 yearly. Term/July 1, 2013 - June 30, 2015. Two originals to Julie Mohr/MCCHD for further handling.

Additional discussion item(s): Correspondence from MCDSA.

FRIDAY, AUGUST 30, 2013
-------------------------

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

\_\_\_\_\_  
Vickie M. Zeier  
Clerk & Recorder

\_\_\_\_\_  
Michele Landquist, Chair  
BCC

MISSOULA COUNTY COMMISSIONERS' JOURNAL: SEPTEMBER, 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 SEPTEMBER 2013:

Date Signed	Claims List Date	Who signed	Amount
September 3, 2013	August 30, 2013	BCC	\$17,717.35
			\$4,222.91
			\$1,250.00
			\$4,480.50
September 3, 2013	September 3, 2013	BCC	\$3,570.78
			\$4,789.70
			\$4,011.00
			\$8,898.36
September 5, 2013	September 4, 2013	BCC	\$1,000.00
			\$7,283.27
			\$515.40
			\$1,432.19
			\$2,202.17
			\$25,182.36
			\$3,981.60
			\$400.00
			\$86.64
			\$2,895.86
			\$100.00
			\$30.00
			\$25.00
			\$48.96
			\$370,031.51
			\$26,875.53
			\$346,987.98
			\$224.51
			\$1,502.02
			\$1,630.58
September 10, 2013	September 6, 2013	ML, JC	\$36,656.90
			\$10,471.66
September 10, 2013	September 9, 2013	ML, JC	\$49,437.69
			\$2,746.03
			\$41,225.93
			\$132,347.66
			\$55,678.83
			\$6,593.01
			\$42,408.13
			\$5,083.08
			\$235,039.09
September 10, 2013	September 10, 2013	ML, JC	\$120.00
			\$1,391,801.45
			\$32,628.19
			\$5,197.09
			\$32.20
			\$2,303.20
			\$1,995.94
			\$3,435.58
			\$12,748.19
			\$15,525.68
			\$5,078.62

(Sept. 10 <sup>th</sup> , cont'd)			\$15,630.38
			\$37,142.47
September 10, 2013	PHC Cardinal Health ACH		\$33,943.57
September 10, 2013	PHC Cardinal Health ACH		\$56,086.04
September 12, 2013	September 9, 2013	ML, JC	\$16,555.65
September 12, 2013	September 10, 2013	ML, JC	\$3,231.63
			\$5,359.62
September 16, 2013	September 10, 2013	ML, BC	\$990.04
			\$757.69
September 16, 2013	September 11, 2013	ML, BC	\$140.00
			\$579.01
			\$1,976.39
			\$184.00
			\$1,650.00
			\$822.33
September 16, 2013	September 12, 2013	ML, BC	\$349.99
			\$4,685.92
			\$550.00
			\$5,921.97
			\$5,185.49
			\$24,721.11
			\$1,200.32
			\$330.00
			\$24,716.55
September 16, 2013	September 13, 2013	ML, BC	\$7,095.98
September 16, 2013	September 16, 2013	ML, BC	\$4,094.74
			\$13,762.68
			\$14,839.54
			\$599.15
			\$2,016.25
			\$10,725.13
			\$1,062.65
			\$4,076.67
			\$10.00
			\$53.25
September 18, 2013	September 16, 2013	BCC	\$33,514.28
September 18, 2013	September 17, 2013	BCC	\$497.26
			\$172,027.88
			\$17,210.40
			\$16,045.05
			\$45,983.32
September 18, 2013	September 18, 2013	BCC	\$742.37
			\$14,673.31
September 19, 2013	September 17, 2013	JC, BC	\$2,883.93
September 19, 2013	September 18, 2013	JC, BC	\$24,523.26
			\$458.06
			\$4,682.46
			\$5,803.40
			\$6,361.98
			\$118.75
			\$7,489.99
			\$755.60
			\$17,156.45
			\$78,186.47
September 19, 2013	September 19, 2013	JC, BC	\$25,300.48
			\$216.70
			\$3,759.52
			\$500.00
			\$207.00



September 20, 2013	September 19, 2013	JC, BC	\$28,540.46
			\$4,676.58
			\$25,049.62
			\$17,622.71
			\$8,044.85
			\$310.86
			\$4,848.19
September 23, 2013	September 20, 2013	JC, BC	\$94,889.93
			\$12,380.05
			\$7,000.00
			\$32,746.66
			\$3,254.61
			\$1,875.63
			\$79.38
September 27, 2013	September 24, 2013	JC, BC	\$3,443.96
			\$2,419.39
			\$37,104.09
			\$1,253.83
			\$3,362.23
			\$1,816.02
			\$7,433.05
			\$310.40
			\$2,045.96
			\$977.34
			\$3,906.36
			\$186.50
			\$680.00
			\$500.00
			\$3,543.90
			\$340.00
			\$305.94
			\$7.00
			\$69,686.37
			\$1,250.00
September 27, 2013	September 25, 2013	JC, BC	\$5,093.69
			\$340.00
			\$67,310.10
			\$46,959.75
			\$3,951.98
September 27, 2013	September 26, 2013	JC, BC	\$130.00
			\$16,117.20
			\$22,713.30
			\$51,000.00
			\$4,685.28
			\$2,619.43
			\$11,331.11
			\$5,257.49
			\$10,500.00
			\$3,209.70
			\$38,431.94
September 25, 2013	PHC Cardinal Health ACH		\$19,009.30
September 25, 2013	PHC Cardinal Health ACH		\$43,053.30
September 20, 2013	PHC Amerisource ACH		\$5.86
September 11, 2013	PHC Smartfill ACH		\$3,877.40
September 18, 2013	PHC Smartfill ACH		\$22,831.80
September 25, 2013	PHC Smartfill ACH		\$37,383.63

All Claims Lists were returned to the Accounting Department.



MONDAY, SEPTEMBER 2, 2013
---------------------------

**COURTHOUSE AND ADMIN BUILDING CLOSED FOR THE LABOR DAY HOLIDAY**

TUESDAY, SEPTEMBER 3, 2013
----------------------------

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Milltown State Park Zoning Request; 4) Evaro-Finley-O'Keefe & West Valley Community Council Boundary Amendments; 5) Meinzen Floodplain Variance (info); 7) Director's update.

ADMINISTRATIVE MEETING – Canceled (No Agenda items)

WEDNESDAY, SEPTEMBER 4, 2013
------------------------------

BCC met in regular session; all three present.

CAO MEETING

Resolution No. 2013-100 – BCC signed, dated September 4, 2013. Adopting a Budget for Missoula County for Fiscal Year 2013-2014, as follows:

**RESOLUTION NO. 2013-100**

**ADOPTING A BUDGET FOR MISSOULA COUNTY  
FOR FISCAL YEAR 2013-2014**

**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 2013-2014 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 2013-2014, based on the mill value of \$198,128 County-wide, and a value of \$88,792 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
<b>Countywide</b>		
General	40.15	A, B, and C
Poor	5.17	A and C
Bridge	4.81	A and C
Weed	2.62	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	3.32	A and C
Substance Abuse Prevention Levy	1.86	A and C
Community & Planning Services	2.88	A and C
Aging	3.34	A and C
Extension	1.97	A and C
Mental Health	0.56	A and C

09/04/2013 09:07

Search & Rescue	0.40	A and C
Public Safety	46.81	A and C
Permissive Medical Levy	4.73	A and C
Museum	2.25	A and C
Capital Improvement	3.00	A and C
Technology	2.57	A and C
Risk Management	3.05	A and C
	<u>146.96</u>	

**Debt Service**

Jail Bond	3.36	A and C
Open Space Bond	3.42	A and C
Total Debt Service	<u>6.78</u>	

**Total County-Wide**

153.74

**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)	<u>2.18</u>	A and C

**County Only**

36.37

190.11

**DATED THIS 4<sup>th</sup> DAY OF SEPTEMBER, 2013**

BOARD OF COUNTY COMMISSIONERS

s/ \_\_\_\_\_  
Michele Landquist, Chair

s/ \_\_\_\_\_  
Bill Carey, Commissioner

ATTEST:

s/ \_\_\_\_\_  
Vickie M. Zeier, Clerk & Recorder

s/ \_\_\_\_\_  
Jean Curtiss, Commissioner

Attachments A, B and C to Resolution 2013-100 are on file in the Clerk and Records Office.

Resolution No. 2013-101 – BCC signed, dated September 4, 2013. Adopting Rural Special Improvement Districts' Budget for Missoula County for Fiscal Year 2013-2014, as follows:

**RESOLUTION NO. 2013-101**

**ADOPTING RURAL SPECIAL IMPROVEMENT DISTRICTS BUDGET  
FOR MISSOULA COUNTY  
FOR FISCAL YEAR 2013-2014**

**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 2013-2014, 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 2013-2014 be as set out in Attachment G, and the same is hereby adopted as the final budget, subject to the conditions set forth below.

09/01/2013 09:08

**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 4<sup>th</sup> DAY OF SEPTEMBER, 2013**

**BOARD OF COUNTY COMMISSIONERS**

s/ \_\_\_\_\_  
Michele Landquist, Chair

s/ \_\_\_\_\_  
Bill Carey, Commissioner

ATTEST:

s/ \_\_\_\_\_  
Vickie M. Zeier, Clerk & Recorder

s/ \_\_\_\_\_  
Jean Curtiss, Commissioner

Attachment G to Resolution 2013-101 is on file in the Clerk and Recorders Office.

Resolution No. 2013-101 – BCC signed, dated September 4, 2013. Adopting Rural Special Improvement District Budget for Missoula County for Fiscal Year 2013-2014 (as set out in Attachment G, on file in the Clerk & Recorder's Office). RSID Budget/\$2,954,571. MT MCA provides for fixing of various special assessments to raise funds sufficient to meet said expenditures authorized in budget.

Request – BCC approved a MT DOT Transportation Alternatives Program application for a grant to fund the construction of Phase 1 – County Portion of Grant Creek Trail, from Old Grant Creek Road to Mellot Lane. Total grant amount/\$456,660 (with anticipated in-kind match from Public Works of \$61,300). Project will connect to already funded City portion. Project dates Spring 2014-Winter 2014. Original to Greg Robertson/Public Works for further handling.

Contract – ML signed. Between County and Specialty Excavating, Inc. (as low bidder) for improvements to Red Fern Sandpiper Trails located in MDP – Park 4. Amount/\$69,492. Term/upon contract signing – Fall 2013. Originals to C&R and Barb Martens/Special Projects.

Contracts – BCC signed seven (7) contracts between County and the following CBO (Community-Based Organizations) for FY 2014 (July 1, 2013-June 30, 2014) funding:

- 1) With CASA of Missoula. Amount/\$10,100 to provide staff positions for program oversight.
- 2) With Missoula Aging Services. Amount/\$15,000 to provide 3,112 meals to 90 adults (ages 18-59) with physical and/or mental disabilities.
- 3) With Mountain Home Montana. Amount/\$27,000 to provide basic needs to young mothers and their children residing therein.
- 4) With The Parenting Place. Amount/\$7,650 to support parents who could not otherwise afford services to reduce child abuse/neglect.
- 5) With Human Resource Council/IAP. Amount/\$229,000 to provide program services (assist individuals with disabilities, housing assistance, case management, etc.)
- 6) With Missoula Food Bank. Amount/\$40,000 to provide 1 FTE of Program Services Coordinator to support food distribution operations, and other duties.
- 7) With Child Care Resources. Amount/\$73,995 to offer a range of training opportunities to caregivers.

Originals to C&R and Denise Small/GCP.

Letter – BCC signed, dated September 4, 2013. To Mike Wherley, TA Program Manager, MT DOT, Helena, supporting/endorsing Bonner School's Transportation Alternatives Program grant for the West Riverside Non-Motorized Trail Project. Importance of trail connection is affirmed by its inclusion in several of the County's policy plans. Original to Greg Robertson/Public Works.

Additional discussion item(s): None.

**PUBLIC MEETING = September 4, 2013**

**1. CALL TO ORDER**

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

**Staff Present:** Deputy County Attorney, James McCubbin, Lewis YellowRobe, CAPS, Todd Kietz, Floodplain Coordinator

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC ANNOUNCEMENTS**

Chair Landquist announced Haz Waste Days is being held September 13th & 14<sup>th</sup> at the City Shops on Scott Street. This is a good time to get rid of unwanted chemicals and paints.

**4. PUBLIC COMMENT**

**JoAnne Wallenburn, Double Arrow Ranch:** On Saturday, Pat O'Herren of the CAPS Office attended our annual meeting and discussed the zoning initiative that's going on. There was one piece of information he divulged that really caught my attention; that was the last the State Supreme Court

2013-2014

declared our right to protest the zoning unconstitutional. This specific law, I don't remember the exact name, but I'm sure you all are aware of it. This is the same law that in July, when you were all in Seeley Lake at the open meeting, that the County Deputy Attorney schooled us on our recourse, should the zoning go forward. Even to the point of telling us that we needed to get the names exactly as on the titles and everybody had to sign it and so forth. So I read the State Supreme Court case file and was very surprised to learn that it was actually declared unconstitutional in District Court in 2010, that Missoula County was a party of that lawsuit, was the defendant, but agreed with the plaintiff and failed to mount an argument and then the case was appealed to the State Supreme Court. In April of this year, just 3 months before the July meeting that same County Attorney argued on behalf of the Appellees' (I believe it's pronounced) arguing to support the declaration that that law is unconstitutional and asking the Supreme Court to uphold it. But that piece of information was never made public to the people in attendance at the July meeting. I feel it's a very critical piece of information that we needed to know to inform our decisions on how to go forward. We're looking at we can get 40% to protest if we need to and now that ship has been blown completely out of the water so what I would like to know is why was that information withheld from us by the representatives of the Missoula County Government that were there and all had to have known about it.

**Chair Landquist:** Normally we don't address things, like give answers and stuff at public comment, but I really do want you to know that we also don't believe in counting our chickens before they hatch. Since this was in the courts waiting to be decided on, there was nothing else for us to go on, other than the opinion that we had been working off of for many years. I don't know if anybody else wants to add anything or not but once the Supreme Courts finally ruled, that does then change how that is viewed.

**Commissioner Curtiss:** Are you still on the leadership team for the HOA?

**JoAnne Wallenburn:** No.

**Commissioner Curtiss:** Do you know if the HOA plans to send us a letter asking the same thing? I'm just trying to figure out who we should address it to other than you.

**JoAnne Wallenburn:** I don't know what they're going to do. I do know it's going to be the lead article in the Pathfinder today.

**Commissioner Curtiss:** Okay, I guess we'll respond to you since you're the one that asked – at a later date.

**Chair Landquist:** We'll get you a well-thought-out answer to explain why we did what we did, when we did it.

## 5. ROUTINE ADMINISTRATIVE ACTIONS

Weekly Claims List (\$484,167.15)

### Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve the Weekly Claims List in the amount of \$484,167.15. Commissioner Curtiss seconded the motion. The motion carried a vote of 3-0.

## 6. HEARINGS

### a. Milltown State Park Rezoning

Lewis Yellow Robe gave staff report and showed PPT Presentation. Staff recommends approval. Planning Board approved the zoning request. Public comments have been received. Comments also received from City and County Agencies, all included in staff report.

**Chair Landquist:** I see Planning Board reviewed this, what did they have to say?

**Lewis Yellow Robe:** Other than the discussion items that they had, a majority of them had to do about park uses. The park manager was able to answer those. The specific zoning questions they had about the zoning was height restrictions, the applicability and the airport facilities. Mike Kustudia was able to answer that and any potential future uses. The Planning Board didn't have any sort (in auditable).

**Chair Landquist:** Mike Kustudia do you have anything to add?

**Mike Kustudia:** Lewis did a great job but I can answer any questions.

**Chair Landquist:** I have one question regarding some of the people that wrote in and this irrigation ditch. Is that something that needs to be addressed as far as; is this still running and is it going through park land to get from point A to point B? Can someone speak to the issue that's been brought up about this irrigation ditch?

**Mike Kustudia, Montana State Parks:** That's kind of in the back 40 of the property, so to speak, and it's in an area that we have not done anything really, not even taken a look at yet. Whether or not that was an irrigation ditch or just an old finger of the reservoir, I just don't know enough about it at this point. The other part of it is that we have nothing planned up there; we're so focused on trying to get things developed in the confluence in the gateway areas. If we ever did do something up there I can't imagine it would be much more than just some trail work perhaps, but again that is far out on our planning horizon.

**Chair Landquist:** I guess my concern is; irrigation ditches, most of them in our area thankfully have been adjudicated. These people are calling it an irrigation ditch and are concerned about water rights or anything like that, they can tell you if it's an irrigation ditch and if they need it for irrigating. And if it runs through the state park, unless it originates as point of diversion before the state park and gets to those peoples properties and then ends or terminates back into the river, may not be such a concern. But it's important, if there's people that are dependent on getting their water out of this irrigation ditch that the land in which that water travels, that's considered their transport system, that that not be messed up with people visiting the park and playing in the park. It may mean that you need to do some outreach to those folks regarding this and some more work. And you're right, unless you investigate it you need to make sure it has a head gate that is turned on and off, otherwise its kinda like the Mitchell slue in Ravalli and could be looked at totally different.

**Commissioner Curtiss:** The only thing they wrote about this is that it has mosquitos in it and the ducks and muskrats get it in. They don't claim they use it for water rights or anything.

**Chair Landquist:** I realize that but it certainly still looks like an irrigation ditch and they show a pipe off of it. All I guess I'm saying is; I want to make sure that anybody that may have rights to this irrigation ditch, their property rights or water rights are being respected.

**Mike Kustudia:** Absolutely, I'd be happy to follow-up if they have ongoing concerns.

#### Public Comment

**JoAnne Wallenburn:** Member of the Seeley Lake Flying Club. I'm confused as to whether this means there will or will not be an airport landing strip there and if there is going to be one is it going to be open to the public?

**Mike Kustudia:** The zoning would allow it but we have no plans what-so-ever to develop an airstrip or any kind of airport at this state park.

#### Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners approve the zoning change as presented in the packet or materials that was presented today to change the lands that are identified to Open and Resource CP1, Public Lands and Institutions. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

- b. Floodplain Variance Request (Meinzen, Jr.)  
Todd Kliez gave staff report and showed PPT Presentation.

**Eric Anderson, WGM Group:** I've been the primary engineer working with Todd on this revision of his application, or new application. I'd like to emphasize that we've been working with Todd to work on all the design engineering details to get all those in conformance with floodplain regulations; that includes elevating the house, his well, his sewer and electrical and as far as I know I think Todd's happy with all those design details. I think the emphasis here is, what it really boils down to, is disconnection between the floodplain regulations and the whole comprehensive plan. Unless somebody has any questions about the design details, I think that I'm gonna let Nick sort of summarize our stance on the comprehensive plan and the relation to the floodplain permit.

**Nick Kaufman, WGM Group:** Seldom have I ever come to the microphone and used the word acquiesce, but I might do that today. While Tim and I might disagree on a few things relative to the interpretation of compliance with the growth policy, I'm not sure that they would be beneficial to the discussion today. Instead, I think that the proposed use and the people who are proposing the variance are worthy of your consideration for a variance. I would note that way back in 1977 we did the first Lolo growth policy, sometime around there, and that if the property had been zoned, as an example, CP1, which is what the open resource is. That zoning district does allow up as small as 10 acre tracts and a density of 1.40, instead of growth policy designation. I'd also say that if we had the zoning in place we might be able to do some of the things the growth policy recommends and just transfer development rights, but we just don't have that mechanism. So because people in the area haven't implemented land use controls like zoning it does (in auditable). I want to talk a little bit about the overarching goal of the growth policy, it seems to be to protect the riparian area, protect the stream and the wildlife corridor. It sort of alleged that that can be threatened if you put a single family home there. I just want to share with you something from my own experiences that I think you should consider also, that the growth policy certainly talks about interrupter. So some of the things that are permitted there now, like the (in auditable), they've talked about money in Lolo a number of times. In fact, there was an emergency zoning ordinance and there was a rezoning property, which resulted in a District Court case, which resulted in a Supreme Court case --- so mining's not such a good deal, that's not what I want to propose. But I want to talk about agricultural uses. On my little 5 acres, I've got horses and it's hard to do agriculture on this piece that sits right on Lolo Creek. I can only imagine in 10 years what that riparian vegetation will look like and what the stream bank would look like, Michele I think you've got some experience with that too. So in terms of the growth policies, how do we do agriculture adjacent to our riparian areas, whether it's farming in terms of applications, pesticides, fertilizers, or whether we approach into that riparian vegetation with (in auditable), it really is what the growth policies are. So I would hope that the County Commissioners could look at Mr. Meinzen and remember that his dad is right on the end and I've known his dad since 1970 when I used to pump gas in his car, I'm not sure that Ted was even around then. And remember that he lives in Lolo right across the street, that's grandpa to the kids. Ted owns a business in Lolo that's associated with agricultural, which is a

000001 1000 0071

butcher shop, that's where I take my 4-H beef when I get it. So we've got a family that's established in Lolo, they understand the values of the community, they're not going to leave tomorrow; he's not going to get a floodplain permit. So as I read the communication from the Health Department with concerns about the riparian area, as I analyzed what Tim had to say about the growth policy, what I would suggest Commissioners that we need to do on this piece of property is imagine a covenant. That covenant can easily address growth policy issues and be mitigation for a variance. So what I would suggest is that the following activities are prohibited within 200 feet of Lolo Creek or the Bitterroot River. This encompasses the riparian vegetation. So prohibited activities would be mining, agricultural use for grassing animals in that riparian area not out in the fields, broadcast burning, operating wheeled or tracked vehicles except on established roads, clear cutting, constructing roads and handling, storing, applying or disposing of hazardous or toxic material in a manner on that or may cause damage or injury to humans, land, animals or plants. So this really comes from the stream management zone guidelines and state law, primarily designed for logging industry. However, we've all lived through a bit of cottonwood clear cutting, down on the floodplain of the Bitterroot River. So I would propose that, if you think about it and you think this is appropriate mitigation to the growth policy that's how its presentation and Tim has proposed it. James, perhaps this could be a covenant that's following the Clerk and Recorder that the Commissioners could be a part of as a way of mitigation for the record.

**Chair Landquist:** Would covenant be the right term or would it be a condition? We're not like the seller or the conveyor of this land and generally I thought that's when covenants were put on.

**James McCubbin:** You do a conditional approval requiring the covenant as a condition. So to meet the condition there would be the covenant.

**Chair Landquist:** And the owner would then put the covenant on?

**James McCubbin:** Yes. So you could impose that on a particular where proposed by the applicant as a condition of approval of the variance. Then I could work with the folks to approve the form.

**Chair Landquist:** I like that idea; I thought that was some creative thinking on your part Nick.

**Nick Kaufman:** Well what we're trying to do, and it's taken Tim a decade to pound it into me, is to really listen and understand first, so we've tried to listen and understand what the real issues we're and to address the real issues.

**Chair Landquist:** One of my questions I think is for Ted Jr. as far as the way you wanted to build the house with the things that Todd Kliezt was saying, as far as the crawl space versus stem wall.

**Ted Meinzen, Jr:** I do not have a problem with the proposal on it. We were looking at different options and if that's more suitable, then I don't have a problem with it.

**Commissioner Carey:** And we're talking about the stem wall foundation?

**Chair Landquist:** Yes.

**Chair Landquist:** Somebody mentioned earlier when we were being briefed on something like this that a lot of people are doing that kind of poured foundation thing because they're incorporating hydronic heating in it too. So you might look into that if it's approved.

**Commissioner Curtiss:** I just have one question; I know that you're planning to bring the sewer from the Lolo Sewer Plant, are you planning to bring water or are you gonna drill your own well?

**Ted Meinzen, Jr:** We plan to drill a well.

**Todd Kliezt:** I'd like to address the well issue. That would be covered under the floodplain permit as well, and the well head would have to be 18 inches above the 100 year flood elevation. It's the well drillers requirement so that the top of the well will be capped a foot and a half above the 100 year flood elevation minimum.

**Chair Landquist:** Okay so we have a series of questions that we have to...are you going to ask us these out loud? And they have to be answered affirmative in order for this to be a valid request, right?

**Todd Kliezt:** That's correct.

Todd asked the Commissioners Floodplain Variance Hearing questions. (.pdf of questions)

A. AYE

**Chair Landquist:** Personally I think the fact that he has all of those lots and would like to build a house, especially a house next to grandpa, next to where he grew up and he's an old Lolo boy. Just the fact that I think he's a land owner and has that right, and has exhausted his efforts to look at the other lots and find a spot that he can build on, I think that is good and sufficient cause for me.

**Commissioner Carey:** works for me too particularly because we're talking about just one building.

01 10 2013

**Commissioner Curtiss:** I agree. I think because WGM Group has helped them to show that they have a dry route to get to where they plan to put this house and it's not in the floodway.

B. AYE

**Commissioner Carey:** Question for James if I may? James I may be wrong on this but we can't consider loss of income or anything as part of this?

**James McCubbin:** Financial hardship is definitely part of the picture. Typically most regulations if it's a self-imposed economic hardship and that's the entire nature of the hardship that's not gonna usually qualify as an adequate hardship. Here I don't think that's what we're talking about at all. I think you do also have a background of some confusion over what the law was that was expressed to the Meinzen Family and that's no fault of theirs, that's no fault to the County Attorney's office either. We just had a change in the legislature in the early 2000's and then most attorneys read that the County Attorney's office read it at the time. Then in 2008 we had a Supreme Court opinion that sort of changed that interpretation around, basically so that the earlier interpretation was that we could not enforce the part of our floodplain regulations that basically say that you can't build in the floodplain. But then in 2008, the Supreme Court made it clear that if you actually incorporate the growth policy into your regulations, then it is enforceable. They've been previously told they can build there and then we switched on them, no fault of our own but the law essentially changed. I think you do have some adequate conditions there to find a hardship, if that's what you choose.

**Commissioner Curtiss:** I think that B is that there is a unique or undue hardship for someone to own five lots and only have one spot to build. Seems like it would be an undue hardship if we didn't grant this variance, which is not a variance to the floodplain but rather a variance to what was written in the growth policy.

C. AYE

**James McCubbin:** If you were going to impose a condition for the covenant that was proposed, this may be the factor where you would take that into account. In other words, you might agree with that based on the existence of that covenant.

**Commissioner Curtiss:** I always try to remind people when we're talking about flood water that we need to go back and remember our 5<sup>th</sup> grade science project; where you filled a glass with water and then you put a rock in and saw what happened. So I think that what Todd has talked about with the onsite excavation, in other words you're digging a hole to build a hill. There won't be any additional off-set; you won't be putting a rock in your glass of water. I guess we can talk about it here but do we make...if we wanted to go with the streamside management covenants as proposed would we just make that in the motion or would we say we approve of this with that condition?

**James McCubbin:** If you feel like part of the factor of why you can agree with one of these statements or agree that there's not an impact is because of the condition that you're gonna impose, I think you need to discuss that at the time of saying; yes we agree this isn't going to be an impact because we'll have this covenant in place, because we'll have that vegetation there to slow down streamside erosion and slow down stream flows, those kinds of things that talk about why vegetation is good for floodplain. I'm sure WGM folks could as well. If that bears upon your finding that that criteria is met, then yes, I think you should mention it at the time that you're going over the criteria. Then at the end when you do a motion, you do a motion that's conditional approval based on...and you list all your conditions.

**Commissioner Curtiss:** Seems to me that this Item C is more talking about increasing of flood heights and maybe F would be where the streamside....

**Chair Landquist:** I think it's just cleaner to leave C as it is; either yes or no, hopefully it's a yes and then we'll include that in our motion as far as any other conditions or covenants, personally. But I find I'm able to look at C and say yes.

**Commissioner Curtiss:** So Todd, in their proposal is it written that they plan to use onsite excavation or do we need to add that as a condition?

**Todd Klietz:** That's in their proposal.

D. AYE

E. AYE

F. AYE

**Commissioner Curtiss:** I think this is a good place to talk about – so there's two things and I think the reason our regulations talk about the ability to put an agricultural building in these areas is not so much of saying that everybody's gonna go and graze all their cattle there, but rather the hay shed water can flow through and that kind of thing and it's not hopefully gonna put people's lives at risk. I think that the streamside management covenants as proposed by WGM Group today adds to not just the flood hazard but again that streamside protection zone which is what the goals of the land use plan were, so I think that adding that to this section is good and then I can say Aye.

**Chair Landquist:** Okay so for F you just want to add the bit about incorporating the streamside management - the States guidelines for streamside management? Is that what I'm getting?

**Commissioner Curtiss:** Whatever Mr. Kaufman handed us on paper today.

**Chair Landquist:** Okay.



000001 140 0073

**Commissioner Curtiss:** There is one more item that's in our regulations that is now not – the rule changed in the State but I think you probably should still say it on the record; Item G.

**Todd Klietz:** Right. Item G is an approval of the Montana DNRC required prior to the Missoula County Commissioners approving any permit application which is in variation to the regulations. That essentially has been deemed null and void by the Department of Natural Resources and Conservation in an email effective March 21, 2012. The State is no longer approving variance requests prior to the local communities making their own decisions on this.

Item G – March 21, 2012.

## Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners approve the variance in our floodplain regulations requirement; asking not to meet the Lolo regional plan goal policies and objectives just in this case as presented, with the condition of the streamside management zoned covenants and the stem wall modalific pour and the other things that are in their proposal. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

We need to have Todd then draft the findings of facts and conclusions of law to reflect all of the things that we said today. For the record for Todd to put in the findings; the issues that were brought up by the Water Quality District were addressed by the things that we talked about and put in conditions. Make sure we get a copy to the applicant and their representatives.

## 7. OTHER BUSINESS

None

## 8. RECESS

No further business to come before the Board the Commissioners are in recess at 2:43.

**THURSDAY, SEPTEMBER 5, 2013**

BCC met in regular session; all three present.

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 August 2013.

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 August 2013.

## ADMINISTRATIVE MEETING

Reports – As required by the Office of Public Instruction for all schools, ML signed Missoula County School Budget Reports for FY 2013-2014. Originals to Erin Lipkind/Supt. of Public Schools.

Agreement – BCC signed. County Superintendent of Schools (“SOS”) Agreement between County and Sanders County (Trout Creek School), Sanders County consolidated their County SOS with the County Office of Treasurer. Amount/\$100 for third through fifth visits each year to Trout Creek. Originals to Erin Lipkind/Supt. of Public Schools. [Contract with Mineral County to be signed at a later date].

Contracts – BCC signed seven (7) contracts between County and the following CBO (Community-Based Organizations) for FY 2014 (July 1, 2013-June 30, 2014) funding:

- 1) With Open Aid Alliance. Amount/\$4,000 to provide program services to HIV positive and low income individuals.
- 2) With Western MT Mental Health Center (WMMHC). Amount/\$195,000 to provide program services (after school programming, outpatient/residential treatment, etc.)
- 3) With WMMHC Addiction Services. Amount/\$155,000 to provide program services (mobile crisis response team, residential crisis stabilization program, etc.)
- 4) With WORD – Families in Transition. Amount/\$22,500 to provide program services listed therein.
- 5) With Opportunity Resources. Amount/\$9,766 to provide transportation services on Sundays to seniors/individuals with disabilities.
- 6) With Youth Homes, Inc. Amount/\$38,700 to provide salaries for staff for client activities.
- 7) With Watson Children's Shelter. Amount/\$14,500 for purchase of food to assure nutritious meals.
- 8) With Poverello Center (HOT Team). Amount/\$13,500 to provide program services to (support for Homeless Outreach Team staffing, short-term motel stays, staff salary, etc.)
- 9) With Poverello Center (Joseph Residence). Amount/\$28,800 to provide program services (salaries for Emergency Services Facility and Joseph Residence staffs).
- 10) With Salvation Army (Winter Shelter). Amount/\$37,000 for Social Worker salary to provide program services, etc.
- 11) With Salvation Army (Transportation). Amount/\$18,000 for program services (emergency transportation assistance outside of Missoula County, Social Worker salary, etc.)

Originals to C&R and Denise Small/GCP.

By-Laws – BCC signed. Amended By-Laws for 1) West Valley Community Council, and 2) Evaro-Finley-O'Keefe Community Council, in order to update the 2003 precincts and legislative districts and define the new 2013 boundaries of each. Two originals to Kali and/or Lewis/CPS.

Letter – ML signed, dated September 5, 2013 (approved September 4<sup>th</sup>). To Mike Wherley, TA Program Manager, MT DOT, Helena, submitting Missoula County's Transportation Alternatives Program Application for the Grant Creek Trail, County Portion – Phase 1 Project. Original to Lisa Moisey/Parks.

Resolution No. 2013-102 – BCC signed, dated September 4, 2013. Resolution of Intent to zone an unzoned residentially zoned (C-R1-Residential) and C-RR1-Residential), and industrially zoned property (C-11-Light Industrial and C-12-Heavy Industrial) to C-P1 (Public Lands & Institutions) in Missoula County, legally described as follows:

- 1) Tract 5A of COS 6283 in Section 20 of T 13 N, R 18 W, PMM.
- 2) Tract 1 of COS 6252 in Section 20 of T 13 N, R 18 W, PMM.
- 3) Tract 5A of COS 6012 in Section 20 of T 13 N, R 18 W, PMM.
- 4) Tract 5A of COS 6141 in Section 20 of T 13 N, R 18 W, PMM.
- 5) Tract 5A of COS 5989 in Section 20 of T 13 N, R 18 W, PMM.
- 6) Tract 5A of COS 6246 in Section 20 of T 13 N, R 18 W, PMM.
- 7) Tract 1 of COS 5753 in Sections 20, 21, 28, 27 and 34 of T 13 N, R 18 W, PMM, less area located in Zoning District #37 per Resolution #220 in Sections 27 and 34 of T 13 N, R 18 W, PMM.
- 8) Tracts 2, 3 and 4 of COS 5753 in Section 21 of T 13 N, R 18 W, PMM.

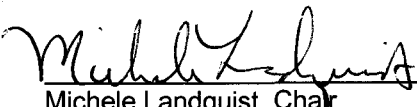
Public hearing held August 20, 2013 by Missoula Consolidated Planning Board.

Additional discussion item(s): Interview Fair Board applicants.

**FRIDAY, SEPTEMBER 6, 2013**

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

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

**MONDAY, SEPTEMBER 9, 2013**

BCC met in regular session; all three present.

Replacement Warrant - ML signed. Tony Hatten, Seeley Lake, Principal for Sunset School Dist. #30 Warrant #18009614, issued August 30, 2013 on County 1400949473 Fund. Amount/\$1,856 (for September payroll). Not received/lost in mail. No bond of indemnity required.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Update on extension of Kim Williams Trail; 4) River Watch Estates Lot 1 Detached Garage Covenant Amendment (*action*); 5) Director's update.

Letter – BCC signed, dated September 19, 2013. To Jim/Jane Forthun, Seeley Lake, conditionally approving an amendment to Section 5.2 of the River Watch covenants, based on findings of fact and subject to conditions of approval, as set forth therein. Amendment addresses subject of detached garage on Lot 1.

**TUESDAY, SEPTEMBER 10, 2013**

BCC met in regular session; all three present.

Monthly Report - ML examined/approved/ordered filed Monthly Reconciliation Report for Clerk of District Court, Shirley E. Faust, for month ending August 2013.

**ADMINISTRATIVE MEETING**

County Payroll Transmittal Sheet – BCC signed. Pay Period: 18/CY2013 - Pay Date/September 6, 2013. Total Payroll/\$1,408,383.86. To County Auditor.

Agreements – For the County, BCC signed following for Fiscal Year 2014 (July 1, 2013-June 30, 2014) Substance Abuse Prevention Levy Funding (a total of \$369,199 allocated to projects from the mill levy):

- 1) With City Life Community Center to provide alternate activities (After Dark Program). Amount/\$22,784.
- 2) With Big Brothers, Big Sisters for mentoring program. Amount/\$17,000.
- 3) With Boys & Girls Club for after school programming. Amount/\$10,000.
- 4) With Western MT Addiction Services for drug/alcohol prevention and referral. Amount/\$140,758.
- 5) With Frenchtown School District for after school program. Amount/\$24,050.

6) With National Coalition Building Institute/Missoula for positive peer activities. Amount/\$10,000.

7) With The Parenting Place for parent education. Amount/ \$7,007.

Originals to C&R and Peggy Seel/CPS.

Agreement – BCC signed, dated September 1, 2013. Between County and Brett Lloyd, Exercise Consultant, for Missoula International Airport's Full Scale Exercise in May of 2014. Amount/\$14,500. Term/September 1, 2013 – June 30, 2014. Originals to C&R and Nick Holloway for further handling.

Resolution No. 2013-103 – BCC signed, dated September 10, 2013. Rescinding Stage 1 Fire Restrictions on private land in Missoula County (effective 12:01 am on September 13, 2013). To C&R.

Certification – Greg Robertson/Public Works signed letter, dated September 6, 2013 to MT DOT, Helena, requesting Certification Acceptance ("CA") under the Local Agency Guidelines ("LAG") process (as adopted by the MDOT) for Maclay Bridge. Pursuant to LAG Manual, two copies of CA Qualification Agreement and Table of Organization of the County's Public Works' departmental structure were enclosed. Two originals mailed to MDT; copy to G. Robertson.

Contracts – BCC signed, dated August 26, 2013. Between County and Mytty Excavating, Inc. d/b/a Western Excavating relating to 1) Frenchtown Trail Project (#STPE-SRTS 32(72) UCN 7664) for construction of trail, and 2) Lolo School improvements associated with SRS grant which County is administering. Amounts/\$306,235.85 and \$27,438.50. Term/September 1, 2013–June 30, 2014. Originals to Greg Robertson/Public Works for further handling.

Contract & Budget Amendment – BCC signed, dated September 10, 2013. Between County and Western MT Mental Health Center to procure services of an architect to develop a Preliminary Architectural and Engineering Report for "The Dakota", a possible new housing project on Dakota Street. Amount/\$6,582. Term/September 11 – December 30, 2013.

Resolution No. 2013-104 – BCC signed, dated September 10, 2013. Budget Amendment in amount of \$6,582 showing revenue from Cash Reserves and expenditures thereof for above PAR for "The Dakota". [See above Journal entry.] For total disclosure, expenditures included in formal FY14 Operating Budget/Revenue Estimates for County. Original to C&R.

Request – BCC approved request from Elaine Sehnert, Treasurer of Friends of the Shelter, to include this non-profit agency (an auxiliary of Missoula City-County Animal Control) in the Missoula County Employees' Charitable Giving Campaign. Original to Cindy Wulfekuhle/GCP for further handling.

Policy – BCC approved/signed new County HR Policy #418.00, dated September 10, 2013 authorizing employees to use payouts of annual vacation leave, or payouts of sick leave or both to fund VEBA HRA accounts (to be used only for health care-related costs upon retirement or separation from employment while part of a group). To Patty Baumgart/HR for further handling.

Board Appointments – BCC reappointed the following current members to new three-year terms (October 1, 2013-September 30, 2016) on the Fairgrounds Advisory Committee (at which time they will be eligible for appointments to new three-year terms): David Miller, Jason Shearer, Jedediah Rogers, and Diane Beck. The BCC opted at this time to not interview a new applicant.

Task Order – ML signed. #14-07-3-31-011-0 to contract between MCCHD and MT DPHHS for MT Tobacco Use Prevention Program for period July 1, 2012-June 30, 2019. Task Order amount/\$91,928 to be released at regular intervals for program services for FY2014. Three originals to Julie Mohr/MCCHD for further handling.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Registers dated September 10, 2013. Amount/\$82,420.48. To County Auditor.

Additional discussion item(s): None

State of MT Form – BCC signed, dated September 10, 2013. New HR Policy #418.00 to allow County employees who are part of a VEBA group to contribute both sick & vacation leave payout amounts in lieu of cash payment to a VEBA HRA account.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated September 10, 2013:

- 1) Approving request from MT Holdings, Inc./Brett Amrine, Missoula, to refund taxes/fees paid for vehicle #2525804, which was renewed in error when vehicle had been sold.
- 2) Approving request from Gary/Kathleen Eichert, Missoula, to refund overpayment of taxes for GEO code 04-2326-28-2-05-13-000.
- 3) Approving request from Daniel Bennett, Missoula, for a refund for vehicle #2933056, contingent on his providing proof of sale.
- 4) Denying request from Leonard Pierre, Arlee, to refund \$10 penalty fee he paid when he titled his vehicle (per MT law).
- 5) Approving request from Smith & Stephens, PC, Missoula, to refund taxes/fees paid for vehicle #2576614, which was renewed in error when vehicle had been sold.

**WEDNESDAY, SEPTEMBER 11, 2013**

BCC did not meet in regular session. BC and JC attended Crown of the Continent 4<sup>th</sup> Annual Conference, held through Friday, September 13<sup>th</sup>. ML out of office all day.

Indemnity Bond – ML signed. Sean Amundson, Missoula, Principal for Justice Court (Dept. 1) Warrant #45006140, issued May 20, 2013. Amount/\$685 (for bond refund).

CAO MEETING – *Canceled* (Quorum unavailable)

NO PUBLIC MEETING HELD THIS DATE

**THURSDAY, SEPTEMBER 12, 2013**

BCC did not meet in regular session. BC and JC attended Crown of the Continent 4<sup>th</sup> Annual Conference, held through Friday, September 13<sup>th</sup>.

ADMINISTRATIVE MEETING – *Canceled* (Quorum unavailable)

Request: Records Disposal/Transfer Authorization – ML signed. From Clerk & Recorder: Tax Proceedings Delinquent (1/1/1969 to 12/31/1978).


**FRIDAY, SEPTEMBER 13, 2013**

BCC did not meet in regular session. BC and JC attended Crown of the Continent 4<sup>th</sup> Annual Conference, held through this date.

Replacement Warrant - ML signed. Makerbot Industries, Brooklyn, NY, Principal for Missoula Public Library Warrant #236469, issued March 19, 2013 on County 2220 Fund. Amount/\$2,239.58 (for Replicator 2). Not received in mail. No bond of indemnity required.

Replacement Warrant - ML signed. Duplicating Products, Missoula, Principal for County Attorney Warrant #30241776, issued August 8, 2013 on County 2180 Fund. Amount/\$21.60 (for Notary Stamp). Not received in mail. No bond of indemnity required.

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

**MONDAY, SEPTEMBER 16, 2013**

BCC met in regular session; quorum present. JC, Dale Bickell and Anne Hughes attended MT Economic Development Summit, held in Butte, through Tuesday, September 17<sup>th</sup>.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Exempt Well discussion; 4) Subdivision Regulations update; 5) Snyder Lake Shoreline Permit (*action*); 6) Director's update.

Shoreline Permit – ML signed. #14-04 for Applicant James Snyder to replace existing dock and construct a 24 square foot dock at 228 Cygnet Lane, Lot 8, Diamond L Bar Ranch Lakeshore Tracts #4 Original to Todd Kliez/CAPS.

Request: Records Disposal/Transfer Authorization – ML signed. From Superintendent of Schools: 1) Budget Office (7/1/1997 to 6/30/2000); 2) Bus Contracts (7/1/1994 to 6/30/1995); 3) Bus Contracts (7/1/1996 to 6/30/1998).

**TUESDAY, SEPTEMBER 17, 2013**

BCC met in regular session; quorum present. JC, Dale Bickell and Anne Hughes attended MT Economic Development Summit, held in Butte, through this date. Evening: ML attended meeting of Lolo Community Council.

ADMINISTRATIVE MEETING

Amended Covenants – BCC approved/signed First Amendment to Declaration of Protective Covenants for Cheleq Court by and among Missoula County, Lee/Brandy Snider, Dan/Teresa Walsh, and James/Rebecca Byrne to allow hydrant instead of fire sprinklers for four existing houses in Cheleq Court subdivision. Document forwarded to Marnie McClain for further signatures.

Resolution No. 2013-106 – BCC signed, dated September 17, 2013. End of year Budget Amendments for several departments in varying amounts in order to handle over-expenditures through movement of line item funds or transfer of available cash in an amount below their required reserve levels, per Matrix attached to Resolution. For total disclosure, expenditures included in formal FY14 Operating Budget/Revenue Estimates for County. Original to C&R.

Budget Transfer – BCC signed, dated September 11, 2013. Control #13-017 for Finance to eliminate expenditures in excess of appropriations for audit purposes [see above Journal entry]. Original to Accounting.

Notice of Termination (NOT) – ML signed, dated September 17, 2013. NOT for Terrace View Paving Project Storm Water Discharge Management Permit (#MTR104907) issued by MT DEQ, which requests termination of permit and final inspection. Original to Greg Robertson/Public Works.

Reimbursable Agreement – ML signed, dated September 17, 2013. Between County and FHWA for Petty Creek Road ROW Project (#DTFH70-13-E-00033) – School Bus Turnaround. Amount/\$80,000 to be reimbursed to County for out-of-pocket expenses associated with acquisition of the Barkell parcel which remains open. Two originals to Greg Robertson/Public Works.

Reimbursable Agreement – ML signed, dated September 17, 2013. Between County and FHWA for Petty Creek Road Monument Project (#DTFH70-13-E-00032) – School Bus Turnaround. Amount/\$3,290 to be reimbursed to County for replacement of two survey monuments obliterated during construction of Petty Creek Road. Two originals to Greg Robertson/Public Works.

Agreement – ML signed, dated September 16, 2013. Lease-Rental Agreement and Deposit Receipt (Office #102) between County and Higgins Office Plaza, 415 N. Higgins Avenue, Missoula, for Forum for Children and Youth office space. Open-ended monthly rent/\$680 until new office space is completed at 223 W. Alder building. To Bobbi Day/GCP for further handling.

Request – BCC approved request from Clerk & Recorder's Office to increase usable donated sick leave hours from 240 hours to 480 hours total for Employee Brenda Jackson, who is receiving cancer treatment. Document returned to C&R/HR.

Contract – BCC signed, dated September 12, 2013. Ongoing contract between County (Weed District) and Mountain Valley Plant Management to treat noxious weeds along MT DOT road ROWs. Amount/\$11,427. Term/September 18, 2013 – October 31, 2013. Two originals to Lisa Moisey/County Parks for further handling.

Resolution No. 2013-105 – BCC signed, dated September 17, 2013. Committing Match Funding in FY15 for the replacement of the Riverview Drive Bridge in Seeley Lake. TSEP award County grant in amount of \$480,372 (\$100,000 from Public Works budgeted funds; \$380,373 from Bridge Fund. Project/May 2013 – February 2015.

Additional discussion item(s): None.

<b>WEDNESDAY, SEPTEMBER 18, 2013</b>
--------------------------------------

BCC met in regular session; all three present.

CAO MEETING

Resolution No. 2013-107 – ML signed, dated September 18, 2013. Resolution adopted approving Lease-Purchase Agreement and related documents with First Security Bank in connection with improvements to County Courthouse and Annex. Final documents to be signed at Closing on September 30, 2013. Amount \$9,000,000. Originals to C&R and Dorsey-Whitney.

Contracts – BCC signed two (2) contracts between County and the following for FY 2014 (July 1, 2013-June 30, 2014) funding:

- 1) With YWCA of Missoula – Ada's Place. Amount/\$34,044 for program services.
- 2) With YWCA of Missoula – Pathways. Amount/\$31,500 for program services.

Originals to C&R.

Agreement Amendment – BCC signed, dated September 12, 2013. Between County and Missoula Economic Partnership/James Grunke, President/CEO (dated December 21, 2011). Amendment extends contract with MEP for one additional year under the same terms as the original contract. Amount/up to \$60,000. Term/September 1, 2013 – August 31, 2014. Original to C&R.

Contract – BCC signed, dated July 1, 2013. Between County and Missoulia/Lee Enterprises to fix rates for other types of advertising (other than legal advertising). Term/July 1, 2013-June 30, 2014. Original to C&R.

Contract – BCC signed. Between County and Todd Garrett, new Missoula County Fairgrounds Manager. Term/effective August 8, 2013-August 15, 2014. Salary/\$70,012.80 annually; plus \$3,000 moving expenses. Originals to C&R and Mr. Garrett.

Board Appointment – BCC appointed Chris Hale as the new Member of the County Parks & Trails Advisory Board to fulfill a vacant term to June 30, 2014 (at which time he will be eligible for reappointment to a new three-year term).

Partnership Agreement – BCC signed, dated September 10, 2013. Between County and the Veterans & Families of Seeley Lake (a non-profit organization) for use/maintenance of park land located adjacent to Highway 83 right-of-way (in the SE¼ of the SE¼ of Section 34, T 17 N, R 15 W, PMM. Originals to C&R and Lisa Moisey/Parks.

Lease Agreement Renewals – BCC signed (pending legal review), dated September 9, 2013. Between County and Frenchtown Rural Fire District for 1) Piney Meadows (located in NineMile area); and 2) Ponderosa Acres Parks (located near Petty Creek), for the purpose of operating/maintaining a fire station on each park parcel. Lease is \$1.00 per year, to be deposited into Parks Fund. To Lisa Moisey/Parks.

01 10 2013

Letter – BCC signed, dated September 19, 2013. To Millie Heffner, DNRC, Helena, in support of DNRC's proposed amendment for combined appropriation rule change re: issue of exempt wells. EQC will be reviewing proposed rule and may offer amendments; BCC may offer additional comments after EQC review.

Request: Records Disposal/Transfer Authorization – ML signed. From Risk & Benefits: 1) Claims batch medical (7/1/2004 to 6/30/2005); 2) COBRA A-Z (7/1/2001 to 6/30/2002); 3) Trust Account Records (7/1/2008 to 6/30/2009).

Additional discussion item(s): None.

**PUBLIC MEETING – September 18, 2013**

**1. CALL TO ORDER**

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

**Staff Present:** Shyra Scott, Supervisor Clerk & Recorder Division, Karen Hughes, CAPS, Deb Evison, Public Works, Tim Worley, CAPS

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC ANNOUNCEMENTS**

**Commissioner Curtiss:** If you live in the City be sure you're registered to vote.

**Chair Landquist:** Lolo School District ballots have gone out. The school is asking for a yes or no vote for building a new school.

**4. PUBLIC COMMENT**

**Jeffrey James Halverson:** I opened my home to homeless people at no charge. Sent email Sunday and have copies of written statements. I bought a commercial piece of property for auto lot.

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Bi-Weekly Claims List (\$3,377,284.52)

**Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount of \$3,377,284.52. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

**6. HEARINGS: Petitions to Annex Property into Missoula Rural Fire District**

**a. 6285 Larch Canyon Road (Crocker)**

Shyra Scott gave report. There's one land owner and they signed the petition. We also received approval from the Missoula Rural Fire District for the annexation.

**Public Comment**

None

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the petition to annex property into the Missoula Rural Fire District. The property is located at 6285 Larch Canyon Road. Commissioner Curtiss seconded the motion. The motion carried a vote of 3-0.

**b. 14159 August Ridge Road (Lange)**

Shyra Scott gave report. There's one land owner who signed the petition and it's been approved by Missoula Rural Fire District.

**Nancy Kay Lange:** I did get approval from Chris Newman, Missoula Rural Fire Chief and I was hoping to get annexed in the Rural Fire Department.

**Commissioner Curtiss:** Can you tell us where your property is located?

**Nancy Kay Lange:** It's located off Sherman Gulch Road, which is an easily accessible road. Parts of our driveway have specific winter challenges but we are in the process of correcting those.

**Commissioner Curtiss:** So it's off Mullan, up Kona off Big Flat and up Sherman Gulch.

**Public Comment**

None

**Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners approve the petition to annex this parcel of land on August Ridge Road as it has been approved by the Rural Fire District. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

01 1 2013 0070

**HEARINGS****a. Proposed Reorganization Amendments to the Missoula County Subdivision Regulations**

Karen Hughes gave staff report. One of the first pieces was to suggest that we get things reorganized, reordered; so that as we go through a more comprehensive regulation change that it would be easier to track how that proceeds. We proceeded in the spring, late spring early summer to work our way through a public process. The types of amendments that are part of this process include modification of a few definitions, insertion of some graphics to illustrate certain elements of the regulations; separation of multiple topics into single paragraphs or single sections. Relocation of the number of provisions to more logical locations. Insertion of cross references and purpose of intent statements, insertion of individual sentences that improve the functionality of the regulations, such as those that connect sections or concepts. And those that make implicate requirements more explicit. We also worked on reordering sections to flow from general to more specific. Then we did some conversion of written text to tables. We did a deal with a couple of minor state law changes. There were a number of opportunities for public comment through the process; there was a primarily draft which we provided for review. We did a number of emails letting people know on our email list, which includes more than 700 individuals and organizations and agencies, multiple opportunities to comment to find out what's happening in the process. We maintained a website throughout the process, we sent out notices in our e-newsletter. We provided opportunities for people to interact with us face to face through drop-in sessions and through some question/answer sessions, in Seeley Lake, Lolo and Missoula. The result of all that public comment...and we did receive a number of written comments was to develop a revised draft that we then submitted to the planning board for their review. They held a public hearing on August 6<sup>th</sup> and the staff report, which I think you had seen before is in your packets. They also received a number of comments subsequent to the publication of the staff report, which are included in your packets as well and the minutes from their meeting are in your packet. We received some comments from Steve Smith at the Surveyors Office who rightly noted that in particular the terms Registered Land Surveyor and Registered Engineer had been really shifted in the state law to Professional Land Surveyor and Professional Engineer. He also noted a couple of other minor changes, changes in the name of the department, the use of the term examining land surveyor. So he had recommended some changes, the planning board and staff both, we thought that those were good changes to make. The planning board's recommendation is draft 3 – it was provided for public review on August 15<sup>th</sup>. We numbered the sections that changed with that review and posted that on our website and sent out notice about that. So today the review for the Commissioners is primarily to take a look at draft 3 and consider adoption of this proposal. Subsequent to issuing this draft, when we took a closer look at the subdivision and platting act, we realized the use of registered land surveyor and registered engineer is still used in the Subdivision and Platting Act as is Professional Land Surveyor and Professional Engineer. After talking with the County Attorney's Office, we suggested a minor tweak to each of the definitions; Engineer and Surveyor to allow that the term registered and engineered could be used anonymously with professional engineer and similarly with land surveyor. That is attachment 5 of the Request for Commission Act (RCA). Ultimately what we're seeking today would be approval of draft 3 with these changes. We've also in the resolution asked to have the ability to go through and do a final editing, formatting change, not to change for content but just to make we've got margins aligned and that if we see typographical errors we can go ahead and get those fixed. We have not received any public comment since the planning board.

**Chair Landquist:** You did have all those listening sessions and people did actively engage in them. Some of those folks did have some good changes.

**Karen Hughes:** Yes and we made a number of changes. Seems that we have mostly taken care of the issues that people have raised and many people are waiting for the next round of changes.

**Chair Landquist:** Which will be the time when we bring more things into compliance with the laws that changed.

**Karen Hughes:** Or address more substantively issues like road standards, wild land urban interface standards, riparian, any subject matter that people are particularly interested in during the coming year.

At this point, the way we have your hearing structure today is to first look at this set of revisions and then Tim will go through the subdivision for lease or rent revisions. One thought we had is that instead of adopting the resolution sequentially, adopting the Resolution with essentially as exhibit A. It would be this draft, with the minor amendments, assuming that there aren't other amendments the commission wants. Then considering a Resolution to adopt essentially draft 3A, which would include the subdivision for lease or rent amendments and the minor amendments that you might want to hold off on taking action until we've done the public comment on both of those and just adopt the final Resolution, which will be the one that Tim provided in his packet.

**Public Comment**

**Jeffrey James Halverson:** Previously sued under the old subdivision for lease or rent act, as you all know and I did send you an email this week and I hope you all had a chance to read it. I definitely am for clarifying a lot of the rules and making it a lot easier for housing, for subdivisions, all that kind of stuff. I just wanted to make one big point; housing is a very expensive part of a lot of people's income and when people spend lots of money on their housing, they have less money to spend in the local economy. The more money and more complicated that we make the subdivision process and the harder it is and the more expensive it is that gets tacked onto the price of every new home in Missoula. That means if 70% of their money is going to their housing and this adds \$20,000 or \$30,000, I trust you guys know all about the process a lot more than I do, and the fees that are involved. Bear in mind that every time we add a tax, every time we add a building permit,

every time we add a requirement and extra fees to a house; that is one less dollar that individual is going to have to spend in our community and at our businesses. When we get so much in fees and cost of housing that's why businesses are closing because their customers have no money to spend in the local economy. I'd also like to talk...is there going to be time for other public comment afterward?

**Chair Landquist:** Yes, we can give you a spot at the end.

**Commissioner Curtiss:** I'd just like to clarify that this is just reorganizing what we already have; it's not changing or adding any fees.

**Deb Evison:** I know this has been an arduous process for the entire CAPS staff and meeting with the general public, I went to a couple of the listening sessions and I think they have done an exemplary job in trying to take one bite out of a giant elephant ear, it's going to be a big and daunting process but I think their professionalism and their dedication to it has really shown through.

**Chair Landquist:** Taking Karen up on her suggestion, essentially we're sort of packaging these together so it's one hearing on both of these issues. So we'll move on to Tim Worley and start talking about the Subdivision for Lease or Rent.

**b. Proposed Subdivision for Lease or Rent Amendments to the Missoula County Subdivision Regulations**

**Chair Landquist:** I know originally that Subdivision for Lease or Rent started by being called Subdivision for Lease or Rent (SLR's), then after the legislature did their thing, it became known as BLR's or Buildings for Lease or Rent. Now I noticed we're looking back at this and looking at it as SLR's again, so what is it? We need to be consistent.

**Commissioner Curtiss:** This is taking it out because buildings for lease or rent are not the subdivision regs that's why. So we've already adopted those but we have to take the references and that's what Tim will get to...of subdivision for lease or rent so we have to officially take it out of our regulations.

**Tim Worley:** Showed PPT Presentation and gave update.

Maybe it's appropriate to start with some terminology since there is a little bit of overlap. First of all I'm going to be making multiple references to SB 324 which is the bill that created buildings for lease or rent review. Some folks expressed some concern that even that term by itself is a little bit confusing but as I use that term today I'm going to be simply be referring to review of multiple buildings on a parcel. The other term I'll be referring to today is SLR which is short-hand for Subdivisions for Lease or Rent. I think Commissioner Curtiss explained it well that essentially what we're doing is an extraction today, we taking out for the most part subdivision for lease or rent references in the subdivision regulations. You may remember on August 14<sup>th</sup> we had a hearing and we adopted the buildings for lease or rent regulations and those had a September 1<sup>st</sup> effective date. Now we're in a position where the subdivision regulations must change based on the senate bill so what we're doing, as Karen explained, is we're bringing together the reorganization with the SB 324 required changes. Now we feel that there are some clarifications that should be made to the sub regs after the passage of SB 324, and that's that we still have the subdivision categories of Mobile Home Park, RV Park and condominium subdivision. Some of our recommendations as far as amendments to the subdivision regulations include those sorts of clarification. One of the things that happened is that there was a fundamental change in the definition of subdivision. Possession, for instance, of a portion of a parcel no longer triggers subdivision review. And leasing or renting doesn't trigger subdivision review either within the context of one single parcel. The way the legislature moved forward to achieve this is they struck from the division of land definition the reference to possession of a portion of a track. They went a bit further with the subdivision definition, they struck any reference to possession of portion of a parcel and they also struck any reference to leasing, renting or otherwise conveying a portion of a parcel. They also clarify that Mobile Home Park and RV Park subdivisions still exist as categories within the subdivision and platting act.

To summarize of where we are now on the 18<sup>th</sup> of September; looking at flow chart: The buildings for lease or rent process went to planning board as a special presentation on the 16<sup>th</sup> of July. The Board approved the buildings for lease or rent regulations on August 14<sup>th</sup> and they're now enforced as of September 1<sup>st</sup>. We're all catching up today on the 18<sup>th</sup> where we hope to approve the reorganized regulations with the SLR revisions. Planning Board had two motions for planning board, we said it would be good to have motion that approves these SLR changes to our current regs, we thought that was appropriate. But ultimately our goal is to see the reorganized subdivision regulations adopted. So we just have one motion for you today. There was public testimony that was given at planning board, that public testimony is summarized in your packet.

The recommended motion, and Karen might have some adjustments for it, is that the Resolution to amend the Missoula County Subdivision Regulations, including SLR provisions, I guess I could add in attachment 3A be adopted, and including changes related to land surveyors and professional engineers as amended by the Consolidated Planning Board and the Board of County Commissioners.

**Public Comment**  
None



01 10 2013

**Executive Session**

**Commissioner Curtiss:** I'm sure it was tempting for the public because it was tempting for me as you read through them to say; we should change this a little bit. To just focus on the reorganization but I think it makes so much sense to get it in a format that makes sense and now as we hire consultants and go forward with the updating of the regulations it will be a lot easier process so thank you to the staff, both staff that lead the show and those who commented.

**Commissioner Carey:** I'll echo that. Thank you.

**Chair Landquist:** I also want to say thank you. I know that we, the staff, have been working on this for a while and it does only make sense to get it as clear as possible and put like with like and things that need to be together before we move forward and start adding new laws into it. So thank you all for the work and time and working with the public, taking it through the whole process.

**Commissioner Curtiss:** Do we need to refer to the Resolution then? And is the Resolution that's before us the right one?

**Karen Hughes:** The one that's in Tim's packet.

**Commissioner Curtiss:** So we don't need to say that its 3A, exhibit A is fine?

**Karen Hughes:** Exhibit A is fine.

**Commissioner Curtiss:** And then with attachment 5 as presented today.

**Karen Hughes:** So exhibit A will be draft 3 plus (in auditable)

**Motion:**

Commissioner Curtiss made motion that the Board of County Commissioners adopt the Resolution to amend the Missoula County Subdivision Regulations including the Subdivision for Lease or Rent provisions as defined in Exhibit A, with all the necessary and editorial and formatting corrections. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

**8. OTHER BUSINESS**

**Jeffery James Halverson:** I have a ranch called Orange Acres and as you know I was sued by the county for creating a subdivision for lease or rent, as I let homeless people, disable people, veterans and people traveling the world on a budget come and stay free on my property, even though I wasn't really leasing or renting anything, I just let them come and stay for free. I sent you an email this week and I just wanted to present you with some written proof as to my discoveries, if I may. First page is before I bought my property, I went to Tom and I asked everybody I could at the county, I said is my property a commercial piece of property, can I open my car dealership there? And I said is there anything wrong with the property, anything I should know? I did make that effort; I didn't just buy some piece of land that was a residential and decide to put up a business I bought a commercial piece of property from there. So I wanted to present that to you. Second page is the COSA and the COSA is what was required for the septic tank, it's on the property there. The highlighted second you will see there says no disposal system should be constructed within 100 feet of maximum high water level. You'll also see where it says a few lines up from that that each parcel shall be used for a single family dwelling as well. I also want to note that at the very bottom it says; instructions for transfer of this property shall contain reference to these conditions. I will note that when I bought the property and purchased it through First American Title, they did not disclose anything of a COSA or any type of subdivision restrictions relating to that septic permit. My understanding is that it's probably because a COSA can be changed. I also want you to note on the COSA this is an old style COSA, it doesn't say anything that it can't be used for commercial. It doesn't say that it can't be used for multi-family or for somebody to allow something else. They later changed the COSA's to say to be more restrictive then they currently are. They changed them because these COSA's didn't necessarily hold up to well in court. Your fifth page there you'll see a permit from the Missoula County Health Department and this was issued to the previous owners of the property, it was a bank repo when I bought it, this is the people who bought it before them. You can see here that Tom Barger in the highlighted section permitted the septic tank and the septic field within 60 feet of the irrigation ditch, which would be a violation of that COSA agreement. I just want you to note that even though when I bought the property and I go try to replace septic tank and the septic field, they're saying now I have to move the entire septic field and I can't use any of the old septic field at all because of what Tom Barger created. So this is evidence what I say of negligence on the county. I'm not sure why he didn't require them to move it, whether he was just being a nice guy or if he had some other kind of influence but I do note that Mr. Barger is also one of my neighbors nearby too. I also will note that I wasn't sued until after Mr. Barger had left the employment of Missoula County. I'm a little slow on figuring these things out but I think the reason why is either he knew he made a mistake or he knew he made an exception. So he never filed lawsuit against me, it was after he had left that the county filed lawsuit because they didn't want to understand that he had...he didn't want to bring it up that he had made a mistake. You also see in the next page is the same sewer permit, it says it's for a commercial septic tank even though the COSA said single family residential. This isn't a case of me going and building a garage and then being sued because I didn't get the necessary permits. I did all my homework, I did everything I could to make sure that this land was usable, was a commercial piece of real estate and it was a commercial piece of real estate as well before I bought the property and now the county's coming back and saying; oh, we did something wrong so we're going to sue you and make you pay to change it.

01 15 2013

**Commissioner Curtiss:** If you look at special conditions it says fill in the pond and run a ditch through culvert on main 50 feet of the ditch and the septic tank 100 feet from the drainfield filled old septic tank. So did that stuff happen?

**Jeffrey James Halverson:** If you look at the last map that kind of tells you there, as far as I know the old septic tank was way in the back yard so it wasn't in this area at all. And that's the other question is now the county is saying I can't install a drainfield on my property any bigger than what is already there. Their basically saying I can't so much as add one bedroom to my home on 8 acres – they're saying because of high groundwater. Well they filled in a pond to build the place to put the septic tank to begin with so they actually got rid of a pond. How would you not think that there would be some kind of groundwater there if you filled in a pond in order to put in a septic tank near that area or within that area? And it's all downhill of an irrigation ditch, they never required groundwater monitoring before, for either one of these septic permits that were issued by Tom Barger. Why he didn't require groundwater monitoring, I'm not sure. But then the county, of course, made me do groundwater monitoring for \$560.00 and just as I...I don't think I gave you the results of the groundwater monitoring in there but I'm sure they're in my file somewhere, there was no groundwater, there was no groundwater and as soon as my neighbor turned on his flood irrigation and flooded his field, with 120,000 gallons a day, which is over 1 million pounds of water – it rained for 3 weeks without stopping, that water basically started shooting up on my property all over the place. It's only for a couple weeks in the summer when they turn on the irrigation next door. I've had 3 fires with inside of my home, I'm sure you know how it is, I'm very thankful to have the green grass and irrigation that my neighbor gave me and there's no health problems at all, the septic field still functions just fine. If that answers your question there?

The second page, of course then again shows it again where he also once again violated the COSA and allowed them to reuse the same septic tank for again within 60 feet from the irrigation ditch, not 100 feet for a commercial use as well. Then of course the last page there is the state of Montana and it has commercial water rights on the property. Now I'm being sued and they want me to pay for very expensive COSA rewrite and they're saying I can't so much as add one bedroom to my home where I can let my friends stay, whether they be travelers or my own family or not, I think is my own business. And my building permit has been in suspension for over 11 months now. I really, really thank you for your time and I hope...I've done everything I can to try to work with the county. I'd like to sit down with all of you, if we could sit down with James McCubbin and the Health Department and talk about what I can do and how I somehow been responsible for what negligent...maybe Tom Barger was being a nice guy, he never brought this up when he was in his employ. Here I'd like to know because it seems like he knew about the problem beforehand and that's why it was never brought up before. I'm just a person that came along, I found a piece of property that worked perfect for me, and it was exactly what I wanted. I actually shut down a tannery that was there, you would think that of an unhealthy place a tannery has animal fats and rotten animal carcasses and all sorts of stuff around it, you would think that the county would be ecstatic that I bought the place that was there. I did everything I could and I did my homework before and now I'm being sued for just helping people for free. Thank you.

**Commissioner Curtiss:** I think it's important to state that there's a big difference between having a business that you have your employees using the restroom during the day and washing their hands and having people live there that they generate wastewater from doing dishes, from taking showers and all of that. Nobody's told you can't continue to run your car business there right?

**Jeffrey James Halverson:** No I have been. Actually I have a copy if you'd like to see, a letter from James McCubbin that says he's going to sue me unless I proceed with the groundwater testing, unless I proceed with the COSA rewrite.

**Commissioner Curtiss:** On your car lot?

**Jeffrey James Halverson:** Yes.

**Commissioner Curtiss:** Just so you know the Health Regulations are adopted by the Board of Health, they're not adopted by this Board and so I hope we can work it out too and that's not so when you say that we waited until somebody retired to sue, I think it was more that we have a group of people, we try to bring the department heads together to work with folks and try to find solutions, lawsuits are not something we like to do.

**Jeffrey James Halverson:** Like I said, I was sued out of the blue. The letter that Tom Barger sent me before had no reference to COSA, had no reference to needing permits for the septic tanks, it had nothing to do with that what-so-ever. It was all regarding letting people camp and having trailer houses on my property...or camp trailers, I went to Tom and my exact words were; why can't I have people park overnight like Wal-Mart and the truck stops do? And Tom Barger said no, you can't, you cannot do that. I said well why can they do it on their commercial property and I can't do it on mine? He said, you can't have people in campers but you can take the wheels and tires off the campers and have sheds with a bed. He said you can have people stay in the community center. I did exactly what they told me. We spent 4 years building cabins that he said we can build on none permanent foundations and he said they had to be within 300 feet of the building. That's exactly what we did, I only complied with the laws and I would just like somebody to work with us so we can drop this lawsuit so I can get on with my life, this has been going on for 2 years now.

**Commissioner Curtiss:** We'll follow-up with staff.

## 9. RECESS

Being no further business to come before the Board the Commissioners are in recess at 2:16.

Following Public Meeting, BCC signed:

- 1) Resolution No. 2013-109 – dated September 18, 2013. Amending the Missoula County Subdivision Regulations (as shown in Exhibit A attached thereto). Public Hearing held September 18, 2013. Original to C&R
- 2) Resolution No. 2013-112 – dated September 18, 2013. Annexing a parcel of land at 6285 Larch Canyon Road, Parcel #3669900).
- 5) Resolution No. 2013-113 – dated September 18, 2013. Annexing to the Missoula Rural Fire District a parcel of land at 14159 August Ridge Road (located in the SW¼ of Section 12, T 13 N, R 21 W, PMM). Public Hearing held September 18, 2013. Original to C&R.

**THURSDAY, SEPTEMBER 19, 2013**

BCC met in regular session; quorum present. ML on vacation through Friday, September 27<sup>th</sup>.

**ADMINISTRATIVE MEETING**

Project Documents – BC & JC signed a MT DOC Signature Certification Form, and BC signed a Management Plan for the Riverview Drive Bridge replacement project. Funding from FY 2014 MT TSEP grant funds for Missoula County. Project term/May 2013-February 2015. Original to C&R.

Contract – BCC signed, dated September 12, 2013. Between County (Weed District) and Mountain Valley Plant Management to provide noxious weed mitigation work in County Parks and recreation lands during FY14. Amount/up to \$7,000. Original to C&R.

Resolution No. 2013-108 – BCC signed, dated September 19, 2013. Correcting Resolution No. 2013-083 (entered July 10, 2013); error in legal description for Decker Zoning Proposal (Should be "...in Township 14 North" vs. "Township 13 North". Original to C&R.

Grant Award Documents – BC signed. MT Board of Crime Control continuation Grant #13-V01-91542 for Crime Victim Advocate Program. Amount/\$112,500 (\$90,000 from MBCC; \$22,500 local match). Term//July 1, 2013-June 30, 2014. Original to C&R. [Note: BOCC would not accept BC's signature (as Acting Chair). ML re-signed signature pages of documents on October 7, 2013.]

Purchase/Sale Agreement – BCC approved (with amendments), Purchase and Sale Agreement with White-Leasure Development for purchase of Lot 2A, Block 11, Missoula Development Park – Phase 2 (corner of East Harrier and Tanager). To Barb Martens/Projects for further handling.

Additional discussion item(s): None.

**FRIDAY, SEPTEMBER 20, 2013**

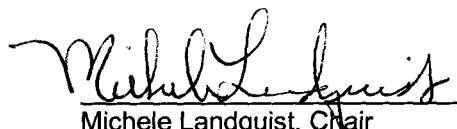
BCC met in regular session; quorum present. ML on vacation through Friday, September 27<sup>th</sup>.

Indemnity Bond – JC signed. Computer Guys, Inc., Missoula, Principal for Potomac School District #11 Warrant #07008065, issued May 14, 2013 on County Claim Fund for Potomac SD11-1400949473. Amount/\$2,285.50 (for Invoice #s 12297, 12303 and 12465. Not received in mail.

Request: Records Disposal/Transfer Authorization – BC signed. From Human Resources: 1) Deputy Recruitment Files (1/1/2008 to 12/31/2008); 2) Term Personnel T&I A to Z (1/1/2000 to 12/31/2002); 3) Term Personnel Addyman to Yanzick (1/1/2002 to 12/31/2002).

Letter – BCC signed, dated September 20, 2013. [Approved at CAPS meeting July 1, 2013]. To Jeff Smith/WGM Group, Missoula, approving amendment to Hiatt Development Park Condition of Approval #13 (re: fire sprinklers).

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

**MONDAY, SEPTEMBER 23, 2013**

BCC did not meet in regular session. JC at MACo Conference in Helena through Wednesday, September 26<sup>th</sup>. ML on vacation through Friday, September 27<sup>th</sup>.

**TUESDAY, SEPTEMBER 24, 2013**

BCC did not meet in regular session. JC at MACo Conference in Helena through Wednesday, September 26<sup>th</sup>. ML on vacation through Friday, September 27<sup>th</sup>.

Request: Records Disposal/Transfer Authorization – BC signed the following:

- 1) From Justice Court 2: End of Month Reports (1/1/2004 to 12/31/2004).

- 2) From Justice Court 2: a) Civil 022-31140 to 022-32963 (1/1/2002 to 12/31/2002); b) Criminal 012-3857 to 022-4497 (10/4/2001 to 3/20/2003); c) Small Claims S012-2961 to S022-3085 (1/1/2001 to 12/31/2002).
- 3) From Williams: Court Notes (9/25/2000 to 6/5/2003).
- 4) From Ceresse Parker: Court Notes (7/1/2002 to 6/26/2003).
- 5) From Justice Court 1: a) Fiscal Record (7/1/2004 to 6/30/2004); b) Receipts 118856 to 131585 (3/2/2004 to 3/4/2005).
- 6) From Justice Court 1: a) Civil 021-37150 to 041-41675 (6/24/2002 to 7/28/2006); b) Criminal 021-4223 to 031-5098 (7/5/2002 to 8/3/2003); c) Tickets 0021-28001 to 0031-54250 (6/18/2002 to 7/18/2003).
- 7) From Judge Henson: Court Notes (6/1/2002 to 2/28/2003).
- 8) From Judge Harkin: Court Notes (4/11/2002 to 6/3/2003).

**WEDNESDAY, SEPTEMBER 25, 2013**

BCC did not meet in regular session. Morning: BC attended Missoula's Community Climate Summit, held in the Florence Building. JC at MACo Conference in Helena through this date. ML on vacation through Friday, September 27<sup>th</sup>.

Replacement Warrant - BC signed. Steve Finley, Missoula, Principal for Clerk of Court Warrant #30242723, issued August 29, 2013 on County 218000004041033/394100001 Fund. Amount/\$53.39 (for Jury Duty). Not received in mail. No bond of indemnity required.

Replacement Warrant - BC signed. Chantel Wolf, Missoula, Principal for MCPS Warrant #226046, issued May 31, 2013 on County 218000004041033/394100001 Fund. Amount/\$59.40 (for wages). Not received in mail. No bond of indemnity required.

**THURSDAY, SEPTEMBER 26, 2013**

BCC did not meet in regular session. JC at Leadership MT Signature Event, held at Carroll College in Helena, through this date. ML on vacation through Friday, September 27<sup>th</sup>.

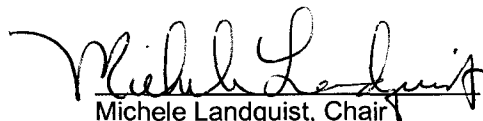
**FRIDAY, SEPTEMBER 27, 2013**

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

County Payroll Transmittal Sheet - BC, JC signed. Pay Period: 19/CY2013 - Pay Date/September 20, 2013. Total Payroll/\$1,340,226.14. To County Auditor.

Larchmont Claims - BC, JC signed one (1) Signature Page for A/P Invoice Registers dated September 27, 2013. Amount/\$12,861.52. To County Auditor.

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

**MONDAY, SEPTEMBER 30, 2013**

BCC met in regular session; all three present.

Community and Planning Services Update - BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) GIS Floodplain Website; 4) PLACE Web Application; 5) Director's update.

Closing Documents - ML and Vickie Zeier signed at Closing, as Executing Officials for County. Lease-Purchase Agreement and Property Schedule, dated September 30, 2013 between County (Purchaser) and First Security Bank of Missoula (Division of Glacier Bank), for property located at 200 West Broadway, Missoula, MT.

## MISSOULA COUNTY COMMISSIONERS' JOURNAL: OCTOBER, 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 OCTOBER 2013:

Date Signed	Claims List Date	Who signed	Amount
October 1, 2013	September 18, 2013	BCC	\$781.68
October 1, 2013	September 19, 2013	BCC	\$855.95
October 1, 2013	September 30, 2013	BCC	\$9,977.16
			\$121,914.42
			\$7,722.09
			\$11,757.43
			\$2,672.51
			\$1,995.25
			\$61.91
			\$491.26
			\$10,737.82
			\$24,530.00
			\$2,257.77
			\$8,539.26
			\$4,007.86
			\$4,742.26
			\$1,324.09
			\$2,221.82
			\$500.00
			\$279.42
			\$11,479.00
October 1, 2013	October 1, 2013	JC, ML	\$138.00
			\$5,129.48
			\$2,057.88
			\$614.99
October 2, 2013	October 1, 2013	BCC	\$23,969.90
			\$1,111.36
			\$4,934.17
			\$63.00
October 2, 2013	October 2, 2013	JC, BC	\$96,023.31
			\$1,059.42
			\$100.00
			\$709.50
			\$663.56
			\$14,771.31
			\$45.56
			\$46.85
October 3, 2013	October 2, 2013	BCC	\$3,462.11
			\$6,438.12
			\$1,204.06
October 3, 2013	October 3, 2013	BCC	\$8,537.68
			\$15,137.85
			\$229.49
			\$3,450.00
			\$2,500.00
			\$246.28
			\$295.00
			\$2,640.27
October 4, 2013	October 3, 2013	JC, BC	\$17,158.95
			\$2,942.59
October 7, 2013	October 3, 2013	ML, BC	\$8,214.76
October 7, 2013	October 7, 2013	ML, BC	\$342.87
			\$38,032.40
			\$12,897.88
October 2, 2013	PHC Cardinal Health ACH		\$418.15
			\$32,842.27

October 9, 2013	October 7, 2013	JC, BC	\$10,776.95
			\$9,188.87
			\$6,011.46
October 9, 2013	October 8, 2013	JC, BC	\$992.07
			\$123,511.94
October 10, 2013	October 8, 2013	BCC	\$380,258.95
October 10, 2013	October 9, 2013	BCC	\$11,572.71
			\$193,945.16
			\$7,209.42
			\$697.40
			\$1,135.28
			\$26,122.79
			\$1,743.72
October 9, 2013	PHC Smartfill ACH		\$27,638.58
October 11, 2013	October 9, 2013	JC, BC	\$201,047.09
			\$6,525.48
			\$8,823.78
October 11, 2013	October 10, 2013	JC, BC	\$6,490.33
			\$1,150,111.69
October 10, 2013	PHC Cardinal Health ACH		\$312.75
October 10, 2013	PHC Cardinal Health ACH		\$33,839.19
October 15, 2013	October 2, 2013	ML, BC	\$20,797.00
October 15, 2013	October 10, 2013	ML, BC	\$36,592.28
October 11, 2013	PHC Amerisource ACH		\$21.36
October 16, 2013	October 10, 2013	BCC	\$20,169.92
October 16, 2013	October 15, 2013	BCC	\$10,504.72
			\$619.96
			\$3,464.39
			\$3,331.95
			\$8,443.34
			\$4,098.16
			\$48,449.93
			\$527.90
			\$2,375.59
October 17, 2013	October 15, 2013	BCC	\$1,415.55
October 17, 2013	October 16, 2013	BCC	\$785.28
			\$1,159.30
			\$6,574.09
			\$33,714.13
			\$5,783.78
			\$74,483.63
			\$12,914.19
			\$567.82
			\$204.00
			\$361.90
			\$42,794.63
			\$8,663.50
			\$4,108.86
			\$3,078.05
			\$22,080.70
			\$811.95
			\$491.00
			\$32.72
October 18, 2013	October 16, 2013	ML, BC	\$22,843.84
			\$612.49
October 18, 2013	October 17, 2013	ML, BC	\$327,658.61
			\$1,250.00
			\$40,065.01
			\$615.73
			\$102.50
			\$10,474.74
			\$10,762.98
October 16, 2013	PHC Smartfill ACH		\$38,792.41



(October 29 <sup>th</sup> , cont'd)			\$210.65
			\$1,787.75
			\$95.07
October 23, 2013	PHC Smartfill ACH		\$24,659.21
October 25, 2013	PHC Cardinal Health ACH		\$1,821.65
October 25, 2013	PHC Cardinal Health ACH		\$44,809.69
October 30, 2013	PHC Smartfill ACH		\$22,900.18

All Claims Lists were returned to the Accounting Department.

**TUESDAY, OCTOBER 1, 2013**

BCC met in regular session; all three present.

Indemnity Bond – ML signed. Advance Protection Systems, Stoughton, MA, Principal for MCPS – A/P Warrant #27264933, issued June 20, 2013 on County Elementary General Fund. Amount/\$175.47 (for supplies). Warrant lost.

ADMINISTRATIVE MEETING

**Resolution No. 2013-114** – BCC signed, dated October 1, 2013. Approving September 24, 2013 Public Hearing held by the Missoula County Airport Authority relating to certain of its Airport Revenue Obligations. Approves public process that the Airport Authority completed in the course of refinancing its existing debt and issuing new debt. Originals to C&R and Kennedy & Graven, Attorneys.

Amendment – ML signed. To contract between MCCHD and MT DPHHS for State Interim Assistance Program for services for individuals waiting for SSIT determination. Amendment allows for a two-year extension from October 1, 2013-September 30, 2015 (previously expired September 30, 2013). Two originals to Peggy Seel/OPG for further signatures/handling.

Resolution No. 2013-116 – BCC signed, dated October 1, 2013. Extending date agencies may submit Title III Fuel Mitigation Claims, for projects completed/committed by the September 30, 2013 deadline to December 31, 2013 (due to several large fires during 2013 Fire Season). Original to C&R.

Resolution No. 2013-115 – BCC signed, dated October 1, 2013. Emergency Proclamation ending Wildland Fire Season 2013 State of Emergency (declared July 23, 2013). Original to C&R.

**Request** – BCC approved request from Lisa Moisey, CAPS/Parks for an expenditure of \$550 to cut a dead cottonwood tree from the Tom Green Memorial Park. Funds to come from RSID 902. Original to Christine Dascenzo/Parks.

Sub-Contract – BCC signed. Between MCCHD and Hill County Health Department for Nurse-Family Partnership home visiting program in Hill County. Term/September 1, 2013-August 31, 2014. Originals to Julie Mohr/MCCHD for further handling.

Task Order – ML signed. #14-07-5-01-076-0 to contract between MCCHD and MT DPHHS for Healthy MT Families Project for period July 1, 2012-June 30, 2019. Task Order is in amount of \$93,806 to be released at regular intervals for program services for period September 15, 2013-June 30, 2014. Three originals to Julie Mohr/MCCHD for further handling.

Contract – ML signed. Between County and Outback Construction to build two outdoor rec yards at County Detention Center. Amount/\$204,750. Term/October 2 – December 31, 2013. Originals to C&R and Larry Farnes/Facilities Management.

Board Appointment – BCC appointed Chris Hale to fill a vacant, unexpired term to June 30, 2014 as a “Regular Member” position on the County Parks & Trails Advisory Board (at which time he will be eligible for appointment to a new three-year term).

Letter – BCC signed, dated October 1, 2013. To Jim Morton/Director, Human Resource Development Council, Missoula, in support of their application, on behalf of Aspen Place, to the MT Board of Housing for Low Income Housing Tax Credits. Aspen Place would be first Senior Tax Credit project construction in Missoula County since 2002.

Letter – BCC signed, dated October 1, 2013. To Steve Werner, MT Rail Link, Inc., Missoula, thanking them for the positive and proactive relationship that has developed over the years. BCC also made recommendations to work together to preserve and keep open the following Railroad Crossings: 1) Butler Creek Road; and 2) Beckwith Street.

Additional discussion item(s): None.



**WEDNESDAY, OCTOBER 2, 2013**

BCC met in regular session; all three present. Noon: JC spoke at MFVC Annual Awards, held in Courthouse Rotunda.

**CHIEF ADMINISTRATIVE OFFICER MEETING**

Contract – BCC signed. Between County and Child Development Center, a CBO (Community-Based Organizations) for FY 2014 (July 1, 2013-June 30, 2014) funding. Amount/\$10,000 to provide program services (safe respite facility for family members with a development disability, crisis placement for individuals with dev. disabilities, etc.) Originals to C&R and Peggy Seel/GCP.

Additional discussion item(s): 1) Frenchtown Mill Site update; 2) Costs for care of horses; 3) MERJE Wayfinding Presentation.

**NO PUBLIC MEETING HELD THIS DATE****THURSDAY, OCTOBER 3, 2013**

BCC met in regular session; all three present. Evening: BCC attended Annual Board Appreciation Ice Cream Social, held at Carousel.

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 September 2013.

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 September 2013.

**ADMINISTRATIVE MEETING**

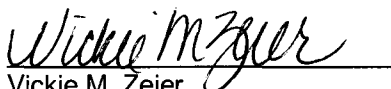
Resolution No. 2013-117 – BCC signed, dated October 3, 2013. Budget Amendment from Finance in amount of \$200,000 reflecting use of City Open Space bond funds to support purchase of 3.25 acres by Garden City Harvest. For total disclosure, expenditures included in formal FY14 Operating Budget/Revenue Estimates for County. Original to C&R.

Grant Award Contract – BCC signed. MT DOC Community Development Block Grant #MT-CDBG-13HR-02 to Missoula County & on behalf of Poverello Center, Inc. for new Emergency Shelter at 1106 West Broadway. Total grant award/\$450,000. Term/Fall 2013-Winter 2015. Originals to Jean Harte/GPC for further handling. [Contracts back from GPC October 31, 2013 for recording].

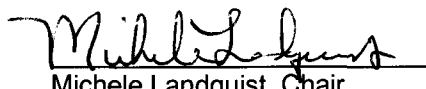
Additional discussion item(s): Coal trains presentation by Sally Thompson, and request that the Army Corps of Engineers address long-term cumulative impact. BCC will take under advisement.

**FRIDAY, OCTOBER 4, 2013**

BCC met in regular session; quorum present. Morning: JC attended *Summit for Healthy Children*, held at the UofM Dennison Theatre.



Vickie M. Zeier  
Clerk & Recorder



Michele Landquist, Chair  
BCC

**MONDAY, OCTOBER 7, 2013**

BCC met in regular session; all three present.

Indemnity Bond – ML signed. Rod Meinholtz, Principal for MCPS A/P Warrant #27101613, issued September 9, 2013. Amount/\$53.11 (for mileage). Warrant lost.

Monthly Report – ML examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of the District Court, Shirley Faust, for month ending September 2013.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 20/CY2013 - Pay Date/October 4, 2013. Total Payroll/\$1,350,658.40. To County Auditor.

Grant Award – ML signed. State of MT Board of Crime Control Subgrant #13-V01-91542 for County Victim/Witness Project. Total grant award/\$112,500 (\$90,000 Federal funds; \$22,500 local match. Term/July 1, 2013 – June 30, 2014. Original to Shantelle Gaynor/GCP for further handling. [Note: Originally signed September 18, 2013 by Acting Chair BC; Award returned for signature of Chair, ML].

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) BPA Project update; 4) Family Transfers (Steven Wheeler, Wayne Foster, David Goggs, Andre Marcure); 5) Director's update.

**TUESDAY, OCTOBER 8, 2013**

BCC met in regular session; quorum present. JC out of office all day due to illness.

**ADMINISTRATIVE MEETING**

Contract – BCC signed, dated October 4, 2013. Between County and Sentinel Mechanical, Inc. to add second hi-efficiency boiler to help cut heating costs at the Detention Center. Amount/\$69,180. Term/October 9 – November 30, 2013. Originals to C&R and Larry Farnes/Facilities Management.

Contract – BCC signed, dated October 8, 2013. Between County and Partnership Health Center to increase access to primary care/case management services for underserved populations. County to pay PHC \$237,000. Term/July 1, 2013–June 30, 2014. Originals to C&R and Andrea Laine/PHC.

Letter – BCC approved/signed, dated October 8, 2013. To Nikisha Love-Weaver, Office of Justice Programs, US DOJ, Washington, D.C., requesting a one-year, no-cost extension of Grant No. 2011-MO-BX-0040 in amount of \$104,918 for District Court's Co-Occurring Court Program, which is thriving.

Additional discussion item(s): None

**WEDNESDAY, OCTOBER 9, 2013**

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

**CHIEF ADMINISTRATIVE OFFICER MEETING**

Resolutions/Agreements – BCC signed following documents, dated October 9, 2013, formalizing relationship between City of Missoula (the "City") and Missoula Board of County Commissioners (the "County") in areas of land use planning, transportation planning, and a consolidated planning board (since both governing bodies have formed their own separate but cooperative offices):

- 1) Resolution No. 2013-110 – Interlocal Agreement with City of Missoula for Transportation Planning Services. Original to C&R.
- 2) Resolution No. 2013-111 – Interlocal Agreement with City of Missoula for Land Use Planning Services

Certification Forms – ML signed on 10/10/14. MT DOC 2013 HOME Program Annual Certification for Rental Housing for the Carole Graham Home. Documents to Melissa Gordon/GCP for forwarding to DOC.

Collection Agreement – ML signed on 10/10/14. Between County Community Planning Services and Trout Limited for the Martina Creek Mine Reclamation Project (per Exhibit A: Operating Plan and Project Budget). Project Total/\$47,570 (from various sources of funding). Term/upon last signature–September 30, 2014. Two originals to Nancy Heil/CAPS for handling.

Collection Agreement – ML signed on 10/10/14. Between County Community Planning Services and Trout Limited for the Sawpit-Ninemile Creek Mine Reclamation Project (per Exhibit A: Operating Plan and Project Budget). Project Total/\$551,400 (from various sources of funding). Term/upon last signature–December 31, 2015. Two originals to Nancy Heil/CAPS for handling.

Contract – BCC signed. Between County and United Way of Missoula County for FY 14 Reaching Home Implementation services (City/County 10-year plan to end homelessness). Amount/\$70,000 (City & County each contributing \$35,000). Originals to C&R and United Way.

Board Appointment – BCC appointed Gary Hoffman to fill the vacant, unexpired "BCC-appointed 7<sup>th</sup> Member" position to May 31, 2015 on the Lolo Community Council (at which time he will be eligible for appointment to a new three-year term).

Letter – BCC signed, dated October 9, 2013 to Big Sky Economic Development Trust Fund (BSEDTF) Selection Committee, MT DOC, Helena, in support of Bitterroot Economic Development District's (BREDD) application for a BSEDTF Category II planning grant. Grant is to conduct a feasibility study/business plan for Neptune Aviation's proposed expansion of services to the Bakken region. Original to Kelly Yarns/BREDD for further handling.

Quarterly Reimbursement Form – ML signed on 10/10/14. For Dept. of Homeland Security FEMA Grant (FFY12 EMPG Award). Requested this Quarter/\$21,870.43; total reimbursed to date/\$21,870.43. To Chris Lounsbury/OEM.

Resolution No. 2013-118 – BCC signed, dated October 9, 2013. Resolution to zone an unzoned, residentially zoned (C-R1-Residential and C-RR1-Residential), and industrially zoned property (C-I1-Light Industrial and C-12-Heavy Industrial) to C-P1 (Public Lands & Institutions) in Missoula County, legally described as follows:

- 1) Tract 5A of COS 6283 in Section 20 of T 13 N, R 18 W, PMM.
- 2) Tract 1 of COS 6252 in Section 20 of T 13 N, R 18 W, PMM.
- 3) Tract 1 of COS 6012 in Section 20 of T 13 N, R 18 W, PMM.
- 4) Tract 1 of COS 6141 in Section 20 of T 13 N, R 18 W, PMM.
- 5) Tract 1 of COS 5989 in Section 20 of T 13 N, R 18 W, PMM.

- 6) Tract 1 of COS 6246 in Section 20 of T 13 N, R 18 W, PMM.
- 7) Tract 1 of COS 5753 in Sections 20, 21, 28, 27 and 34 of T 13 N, R 18 W, PMM, less area located in Zoning District #37 per Resolution #220 in Sections 27 and 34 of T 13 N, R 18 W, PMM.
- 8) Tracts 2, 3 and 4 of COS 5753 in Section 21 of T 13 N, R 18 W, PMM.

Public hearing held September 4, 2013. To C&R.

Additional discussion item(s): None.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated October 9, 2013:

- 1) Denying request from Robert Bean, Missoula, to refund taxes/fees paid for vehicle #2D4RN4DG9BR607095. Per the Legislature, BCC has no authority to do so.
- 2) Denying request from Jonathan Barlow, Missoula, to refund taxes/fees paid for vehicle #4S4BRBCC5E3208737. Per the Legislature, BCC has no authority to do so.
- 3) Approving request from Brian D. Dougherty, Ovando, to refund penalty/interest paid for tax payer id #80659250.
- 4) Denying request from Randy King, Missoula, to refund taxes/fees paid for vehicle #2888763. , Per the Legislature, BCC has no authority to do so.

#### **PUBLIC MEETING – October 9, 2013**

##### **1. CALL TO ORDER**

**Commissioners Present:** Commissioner Bill Carey, Commissioner Jean Curtiss

**Commissioners Absent:** Commissioner Michele Landquist

**Staff Present:** Jennie Dixon, CAPS

##### **2. PLEDGE OF ALLEGIANCE**

##### **3. PUBLIC ANNOUNCEMENTS**

None

##### **4. PUBLIC COMMENT**

None

##### **5. ROUTINE ADMINISTRATIVE ACTIONS**

Bi-Weekly Claims List (\$1,769,312.74)

###### **Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount of \$1,769,312.74. Commissioner Carey second the motion. The motion carried a vote of 2-0.

##### **6. HEARINGS (Certificates of Survey)**

###### **a. Foster (Wayde) Family Transfer – Circle View Drive in Frenchtown**

Jennie Dixon gave staff report and asked Wayde Foster the standard family transfer questions. The parcel is 56.65 acres in size; Mr. Foster has owned the property since 2006. Wayde Foster will retain 14.76 acres for the existing residence. Proposal to create three (3) additional parcels ranging in size from 11.2 - 16.59 acres to transfer to Mr. Foster's three adult sons. Staff recommends approval.

###### **Public Comment**

None

###### **Executive Session**

Commissioner Curtiss 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 Carey second the motion. The motion carried a vote of 2-0.

###### **b. Goggs (David) Family Transfer – Petty Creek Road in Alberton**

Jennie Dixon gave staff report and asked David Goggs the standard family transfer questions. The parcel is 166 acres in size; Mr. Goggs has owned the property for 17 years. Proposal is to create one (1) additional parcel approximately 20 acres in size to transfer to his adopted adult son. Staff recommends approval.

###### **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 exemption based on the fact that there does not appear to be attempt to evade subdivision review. Commissioner Carey second the motion. The motion carried a vote of 2-0.

**c. Wheeler (Steven) Family Transfer – Woodchuck Road in Florence**

Jennie Dixon gave staff report and asked Steve Wheeler the standard family transfer questions via conference phone. The parcel is 40 acres in size; Mr. Wheeler has owned the property since 1990. Proposal is to create one (1) parcel approximately 20 acres in size to transfer to his adult son. Staff recommends approval.

**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 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 2-0.

**d. Marcure (Andre) Family Transfer – Mullan Road in Missoula (postponed)****7. OTHER BUSINESS**

None

**8. RECESS**

Being no further business to come before the Board the Commissioners are in recess at 1:52.

**THURSDAY, OCTOBER 10, 2013**

BCC met in regular session; all three present. Morning: BCC conducted interviews for new County Technology Director.

ADMINISTRATIVE MEETING – Cancelled

**FRIDAY, OCTOBER 11, 2013**

BCC met in regular session; all three present.

Indemnity Bond – ML signed. Millie McCormick, Missoula, Principal for Clerk of Court Warrant #39438, issued October 2, 2013 on County Trust Fund. Amount/\$500 (for child support). Warrant lost.

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

**MONDAY, OCTOBER 14, 2013**

**THE COURTHOUSE AND ADMINISTRATION BUILDING CLOSED  
FOR THE COLUMBUS DAY HOLIDAY**

**TUESDAY, OCTOBER 15, 2013**

BCC met in regular session; quorum present. Morning: JC attended CDC strategy meeting.

**ADMINISTRATIVE MEETING**

Request – BCC approved County Parks & Trails Board's recommendation to provide \$10,000 to the All-Abilities Playground Project, located at McCormick Park, Missoula. Phase 1 of park is expected to open June of 2014. Document to Lisa Moisey/Parks.

Agreement – BCC signed. Between County (MCCHD) and MT DPHHS for the Missoula (Region V) Office of the Child and Family Service Division. Agreement clarifies roles/responsibilities for services provided by Missoula Foster Child Health Program. Term/July 1, 2013–June 30, 2014. To Julie Mohr/MCCHD for further signatures/handling.

Amendment #1 – ML signed. To Task Order #13-07-3-01-087-0 to contract between MCCHD and MT DPHHS for MT Asthma Control Home Visiting Program in Missoula and Granite Counties. Amount/\$25,000. Term/September 1, 2013-June 30, 2014. Three originals to Julie Mohr/MCCHD for further signatures/handling.

Request – Due to several holidays, BCC reviewed/approved Public Meeting schedule for end of 2013 (October 1-December 31, 2013). All meeting dates/agendas are posted online on the County's website.

Letter – BCC signed, dated October 15, 2013 to MT FWP, Recreational Trails Program, Helena, in support of the Missoula Snowgoers' application for a MT Snowmobile Program Grant, to assist their efforts to groom snowmobile/cross country ski trails in Lolo Pass and Garnet areas of Missoula County.

Letter – BCC signed, dated October 15, 2013 to Kent Atwood, SHMO, MT DES, Fort Harrison, confirming Missoula County's Flood Mitigation 2013 Planning Grant Funding will be conducted as follows: 1) FMA Funding/\$25,000; 2) County Match/\$8,333.34; 3) Total Project Cost for County/\$33,333.34. Cost projection is based upon preliminary estimates/may be subject to change.

County Transportation Ballot – ML voted "FOR" approval of a new route for Lowell Elementary School (Route 22H, 6.31-7.05 miles). Ballot returned to Superintendent of Schools.

Additional discussion item(s): None.

### WEDNESDAY, OCTOBER 16, 2013

BCC met in regular session; all three present. Noon: JC attended NCBI Annual Leadership Luncheon, held at Doubletree.

#### CHIEF ADMINISTRATIVE OFFICER MEETING

Employment Contracts – BCC signed fourteen (14) contracts between Partnership Health Center ("PHC") and the following for provision of professional services:

- 1) With Jeff Seaton as Chief Operating Officer. Amount/\$90,000 yearly. Term/June 21, 2013-June 30, 2015.
- 2) With Raina White, RPH, as Pharmacy Manager. Amount/\$109,000 yearly. Term/July 1, 2013-June 30, 2015.
- 3) With Vicki San Souci as Dental Hygienist. Amount/\$38.90 hourly (.75 FTE). Term/July 1, 2013-June 30, 2015.
- 4) With Liz Rolle as Lead Dental Hygienist. Amount/\$30.00 hourly (.80 FTE). Term/August 14, 2013-June 30, 2014.
- 5) With Paul Odegaard, RPH as On-Call Pharmacist. Amount/\$45.67 hourly. Term/July 1, 2013-June 30, 2014.
- 6) With Jill Marquis as On-Call Pharmacist. Amount/\$45.67 hourly. Term/July 1, 2013-June 30, 2014.
- 7) With Kim Mansch as Executive Director. Amount/\$105,000 yearly. Additionally, a bonus in the amount of \$15,000 at the time of contract approval will be provided for the employee. Term/July 1, 2013-June 30, 2013.
- 8) With Winslow Lewis, PA-C as Physician Assistant. Amount/\$89,000 yearly. Term/July 1, 2013-June 30, 2015.
- 9) With Rebecca Kinney, MD as Physician. Amount/\$75.26 hourly. Term/July 1, 2013-November 1, 2013.
- 10) With Mary Huddle as Advanced Practice RN (Psychiatry). Amount/\$48.79 hourly (.40 FTE). Term/August 19, 2013-June 30, 2014.
- 11) With Lila Erickson, PA-C as Physician Assistant. Amount/\$89,000 yearly. Term/July 1, 2013-June 30, 2015.
- 12) With Brent Dehring, Pharm D Pharmacy Manager. Amount/\$109,000 yearly. Term/July 1, 2013-June 30, 2015.
- 13) With Kevin Chin, DO as Physician. Amount/\$157,000 yearly. Term/July 1, 2013-June 30, 2015.
- 14) With Joe Byington, DMD as Staff Dentist. Amount/\$61,500 yearly (.50 FTE). Term/July 1, 2013-June 30, 2015.

Originals to C&R and Andrea Laine/PHC.

Grant Award – BCC signed Sub-Recipient Agreement, dated October 16, 2013; ML signed other Award documents. Between County and YWCA Missoula for the US DOJ Office on Violence Against Women Safe Havens Grant #2013-FL-AX-K012 (for the Planet Kids Safe Exchange and Visitation program). Total grant award/not to exceed \$349,999. Term/October 1, 2013-September 30, 2016. Originals of Agreement to C&R and GCP. Award docs to Jenny Daniel.

Letter – BCC signed, dated October 16, 2013 to Big Sky Economic Development Trust Fund (BSEDTF) Selection Committee, MT DOC, Helena, in support of Bitterroot Economic Development District's (BREDD) application for a BSEDTF Category II planning grant. Grant is to conduct a feasibility study/business plan for Consumer Direct Management Solutions' plan to build a Home and Community Care Center in Missoula. New facility will consolidate their multiple Missoula offices, which will help their plan to expand nationally. Original to Kelly Yarns/BREDD for further handling.

Letter – BCC signed, dated October 21, 2013 to Kent Barnes, MT DOT, Helena, MT re: suggested load postings for the Clearwater River Bridge 084 (1 M W Seeley Lake). County is declining to immediately post noted limits because 1) bridge is currently posted with restrictions dated 2004, and also per MDT inspection photos from 2010 and 2011; and 2) bridge is scheduled for replacement in July of 2014 using TSEP funding.

Additional discussion item(s): MACo update.

**NO PUBLIC MEETING HELD THIS DATE**

000009 00000004

**THURSDAY, OCTOBER 17, 2013**

BCC met in regular session; all three present.

## ADMINISTRATIVE MEETING

Contract – JC signed. Between County and Western MT Addiction Services for FY 2014 (July 1, 2013-June 30, 2014) funding for Missoula Forum for Children and Youth services. Amount/\$30,000 for prevention of underage substance abuse. Two originals to Peggy Seel for further handling.

**Request** – BCC approved County Parks & Trails Board's recommendation to commit up to \$296.20 in noxious weed mitigation funds for the Schmautz Park Weed Grant Application. Schmautz Park is in Target Range area. Project dates/Fall 2013-Summer 2014. Document to Lisa Moisey/Parks.

Contract – BCC signed. Between County and Watershed Consulting, Inc. for engineering services for Swan River bank stabilization project at Guest Ranch Road. Amount/\$10,212 (from Bridge Fund). Original to Erik Dickson/Public Works.


Letter – BCC signed, dated October 16, 2013 to Jodi Piatt, Greenough, MT, replacing BCC Letter #2011-125 (in which there was an error) re: Piatt Family Transfer. New letter corrects Section # in legal description, per plat map.

Additional discussion item(s): LEED Certification of Courthouse Renovation Project.

**FRIDAY, OCTOBER 18, 2013**

BCC met in regular session; quorum present. Most of day: JC attended Mental Health/CDC Meeting, held in Superior.

Vickie M Zeier  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

**MONDAY, OCTOBER 21, 2013**

BCC met in regular session; all three present. Morning: BCC attended groundbreaking ceremony for the new Tom Roy Youth Home. Afternoon: BCC accompanied James McCubbin, et al on a site visit to the Gleneagle property.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) BPA Project; 4) Director's update.

Request: Records Disposal/Transfer Authorization – ML signed. From Sheriff: Day Book Sheets (2/1/2004 to 7/31/2005).

**TUESDAY, OCTOBER 22, 2013**

BCC met in regular session; all three present. Afternoon: JC attended leadership meeting of *Let's Move! Missoula*, held at Currents.

## ADMINISTRATIVE MEETING

Request – BCC reviewed/approved utilizing DJ&A, PC as consultant on the Lolo to Missoula Trail Project. Two statements of qualifications were reviewed for consideration by four Consultant Committee members (Shane Stack, Donna Gaukler, Lisa Moisey and Greg Robertson). To G. Robertson/Public Works.

Agreement – BCC signed, dated October 22, 2013. Renewal Interlocal Agreement between County and Seeley Lake Sewer District to provide contract management assistance with operation of the District. County will lend Sewer District a no-interest loan in approx. amount of \$110,000 to cover match requirements in Federal grants being applied for by Sewer District. Seeley Lake Sewer Board approved action on October 17, 2013. To C&R and Greg Robertson/PW.

Agreement – BCC signed. Hazardous Fuels Treatment Program Agreement #MPA 2013-015 between County and Clearwater Resource Council ("CRC") to assist County with fire-hazard prevention project on 34 acres in the Drew Creek County Park (located in Double Arrow Ranch Subdivision in Seeley Lake). Approved by Seeley-Swan Fuels Mitigation Task Force. Total amount/\$28,000; \$11,900 paid by CRC, remainder from Landowner Share of harvested wood products (see Journal entry below). Term/November 2013-December 2014. Originals to C&R and Lisa Moisey/Parks.

Grant Contract – BCC signed. Between County and Bull Creek Forestry, Inc. for reduction of hazardous fuels in Drew Creek County Park (see above journal entry). Amount/\$11,900. Term/November 1, 2013 – March 1, 2014 (excluding slash burning). Originals to C&R and Lisa Moisey/Parks.

Agreement – BCC signed, dated October 22, 2013. Between County and Collins Planning Associates for services related to the rewrite of the County Subdivision Regulations. Amount/not to exceed \$100,000. Term/October 22, 2013–October 22, 2015. Originals to C&R and Tim Worley/CAPS.

Revised Authorizing Statement – ML signed. For DNRC Stormwater grant previously submitted, and award with project members (MCCHD/Water Quality District, MDOT and City of Missoula Engineering). Grant to provide \$10,000 (\$1,500 match from Water Quality Dist.) for a preliminary engineering feasibility for improved methods of stormwater treatment at two outfalls at Caras Park and Buckhouse Bridge. Term/Fall 2013-Spring 2014. Originals to Julie Mohr/MCCHD.

Additional discussion item(s): 1) Title III SRS Funds & Resource Advisory Council; 2) MDT Seeley Lake Lease Agreements (discussion to be continued); 3) Wednesday, October 23<sup>rd</sup> Public Meeting will be canceled.

### WEDNESDAY, OCTOBER 23, 2013

BCC met in regular session; quorum present. BC out of office through Monday, October 28<sup>th</sup>. Evening: JC/ML attended Town Hall discussion (Underage Alcohol Use), held at Sentinel High School.

#### CHIEF ADMINISTRATIVE OFFICER MEETING

Resolution No. 2013-119 – BCC signed, dated October 23, 2013. Changing name of Heirloom Winter Market to "Heirloom Winter Farmers Market", subject to conditions set forth therein. "Farmers" is added to more clearly define their market offerings. Est. cost/\$100 for staff time. To C&R.

Addendum – BCC signed. To contract between County and A&E Architects for re-design of Treasurer/C&R Office in Courthouse Remodel Project. Amount/\$38,440 for additional services to support all changes to Phase 2. Originals to C&R and A&E.

Board Appointment – BCC appointed Bill Dahlgren to fill an unexpired Alternate position to June 30, 2014 on the County Parks/ Trails Advisory Board, at which time he will be eligible for appointment to a new three-year term.

Letter – BCC signed, dated October 23, 2013 to Governor Steve Bullock, Helena, requesting his office to implement changes outlined in HB 354 as soon as possible to allow the County to begin mitigation projects before the next fire season. HB 354 made changes to the Fire Suppression Fund, allowing up to five million dollars to be used to lessen impacts/intensity of wildland fires (including restoration/mitigation projects).

County Transportation Ballot – ML voted "FOR" approval of three (3) new routes (#1, #2 & #3) for Seeley Lake School, as described therein. Ballot returned to Superintendent of Schools.

Additional discussion item(s): None.

**NO PUBLIC MEETING HELD THIS DATE** – No Agenda items

### THURSDAY, OCTOBER 24, 2013

BCC met in regular session; quorum present. BC out of office through Monday, October 28<sup>th</sup>. Evening: ML attended Fairgrounds Planning Committee meeting, held at Fairgrounds.

#### ADMINISTRATIVE MEETING

Change Order – BCC signed. #2 to contract between County and Jackson Contractor Group for Courthouse Office Remodel (Phase 2) Asbestos Abatement. Order addresses additional asbestos removal in the Annex basement & 2<sup>nd</sup> Floor. Additional amount/\$32,321.96 (for new total base contract sum of \$162,005.95). Project End/January 2014. Originals to C&R and Larry Farnes/FM.

Change Order – BCC signed. #4 to contract between County and Jackson Contractor Group for Courthouse Office Remodel (Phase 2) Base Contract. Order addresses 33 PCOs, Bulletins and CCDs. Additional amount/\$158,550.42 (for new total base contract sum of \$5,570,616.23). Project End/January 2014. Originals to C&R and Larry Farnes/FM.

Change Order – BCC signed. #1 to contract between County and Sirius Construction for Grants & Community Programs Building Remodel Project. Order addresses 13 PCOs. Additional amount/\$51,158.72 (for new total base contract sum of \$886,399.72). Project End/April 2014. Originals to C&R and Larry Farnes/FM.

Change Order – ML signed. #1 to contract between County (Detention Facility) and Outback Construction for MCDF Recreation Yards Construction Project. Order is to pour cement slab inside recreational yard surrounding fence. Additional amount/\$45,715 (for new total base contract sum of \$250,465). Project End/December 2013. Originals to C&R and Larry Farnes/FM.

Grant Contract – ML signed. #MT-TSEP-CG-15-745 between County and MT DOC (Treasure State Endowment Program) for reconstruction of the Riverview Drive Bridge in Seeley Lake. Grant was awarded during past legislative session in amount of \$480,372. Project term/May 2013 – February 2015. Two originals to Greg Robertson/PW for further handling.

01 11 2013

Grant Application – ML signed. Application by County (Sheriff's Dept./EOD Program) to State of MT/Disaster & Emergency Services Grants Program, for Homeland Security Grant Program Funding in amount of \$68,772.00 for 1) Tow/Response vehicle for EOD/Bomb Squad response & mitigation for Western MT; and 2) funding to support ongoing training requirements for the EOD/Bomb Squad team. Project term/October 31, 2013 – October 31, 2014. Two originals to Jeremy Meeder for further handling.


Letter – BCC signed, dated October 24, 2013 to Big Sky Economic Development Trust Fund (BSEDTF) Grant Review Committee, MT DOC, Helena, requesting changes to MT-BSTF-1-13-12 grant awarded to assist Recovery Center Missoula in opening its doors/creating jobs for Missoula.(ten of which are eligible for funding from BSTF). BCC would like to change contract to 1) reflect Western MT Mental Health Center as applicant; and 2) state baseline jobs for project include only WMMHC City of Missoula facilities and new job creation include WMMHC City of Missoula facilities. Original to Kelly Yarns/BREDD for further handling.

Additional discussion item(s): Downtown Missoula partnership (BID, MDA, MDF).

**FRIDAY, OCTOBER 25, 2013**

BCC did not meet in regular session; quorum unavailable. BC out of office through Monday, October 28<sup>th</sup>. ML out of office all day.

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

**MONDAY, OCTOBER 28, 2013**

BCC met in regular session; quorum present. BC out of office through this date.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Phasing Plan Amendments: a) Sawyer Creek Lots and b) Canyon Creek Village; 4) Elk Flats Bond Project-Background & Site Visit; 5) EQC Survey Response; 6) DFIRM Info; 7) Director's update.

Letter – BCC signed, dated November 13, 2013. To Bruce Bourne, Seeley Lake, approving phasing plan amendment for Sawyer Creek Lots subdivision (per Attachment A therein). Conditions of Subdivision Approval also attached (Attachment B therein). Final plat submittal deadlines are extended as follows: 1) Phase 1, October 22, 2015; and 2) Phase 2, October 22, 2017.

Letter – BCC signed, dated November 27, 2013. To Paul Forsting, Territorial Landworks, Inc., approving phasing plan amendment for Canyon Creek subdivision (per Attachment A therein). Final plat submittal deadlines are extended as follows: 1) Phase 13, July 2, 2019; 2) Phase 14, July 2, 2020; 3) Phase 15, July 2, 2022; and 2) Phase 16, July 2, 2024.

**TUESDAY, OCTOBER 29, 2013**

BCC met in regular session; quorum present. All three present.

**ADMINISTRATIVE MEETING**

Request – BCC approved request from Clerk & Recorder's Office to increase usable donated sick leave hours by an additional 265 hours to 745 hours total for Employee Brenda Jackson, who is receiving cancer treatment. Document returned to C&R/HR.

Updated Memorandum of Understanding – BCC signed, dated June 30, 2013. With County Sheriff's Office, Missoula Police Department and University of Montana (Office of Public Safety) for mutual aid between law enforcement entities. One original to Marnie McClain/County Attorney's Office for further handling.

Grant Award Agreement – ML signed Award documents. MT DES FFY 13 Emergency Management Performance Grant #EMW-2013-EP-00044-501 for operation of Missoula County OEM (particularly to equip newly remodeled Emergency Operations Center, and to provide added capabilities to the office. Total grant award/\$95,500. Term//October 1, 2013-September 30, 2014. Two originals to Chris Lounsbury/OEM for further handling.

Renewal Lease Agreements – BCC signed, dated October 15, 2013. Between County and Frenchtown Rural Fire District for continued use of 1) Piney Meadows and 2) Ponda Rosa Acres Parks. FRFD to pay County \$1.00 rental fee per year, to be deposited into Parks Fund. One originals of each to C&R and Lisa Moisey/County Parks.

Grant Appendix – ML signed. MT DOC Community Development Block Grant #MT-CDBG-09HR-02 Annual CDBG Program Income Report for Mountain Home Montana construction project (for term July 1, 2011-June 30, 2012). Originals to Jean Harte/GPC for further handling.



Agreement – BCC signed. Between County and Missoula Urban Transportation District (MUTD) for provision of curb-to-curb Paratransit service and Senior Van service to 1,800 unduplicated clients. Amount/\$20,000. Term/July 1, 2013-June 30, 2014. Originals to C&R and Jean Harte/GPC.

Memorandum of Agreement – BCC signed, dated October 29, 2013. Between County and MT State Parks for Milltown State Park Development, Milltown Site, MT. Agreement formalizes a working relationship to enhance Park, protect public safety, provide public access, protect the natural/cultural resources at river's confluence. Original to C&R.

Planning Grant Agreement – ML signed. MT DNRC Grant #RPG-14-0376 for County Mill Creek Restoration Plan (culvert crossing at Spring Hill Road). Amount/\$10,000. Term/October 29, 2013-December 2014. Two originals to Erik Dickson/Public Works for further handling.

Consultant Agreement – ML signed. Between County and Great West Engineering, Inc. for consulting/permitting and/or advisory services for an assignment of (and amendment to) the Hayes Ranch Opencut Sand & Gravel Pit (in Potomac). Amount/\$10,700. Term/October 29, 2013-April 30, 2014. Originals to C&R and Erik Dickson/Public Works.

County Transportation Ballot – ML voted "FOR" approval of five (5) route changes for Frenchtown School: 1) Route 1 becomes Route 1A; 2) Route 4 becomes Route 4A; 3) Route 5 becomes Route 5A; 4) Route 8 becomes Route 8A; and 5) Route 10 becomes Route 10A (as described therein). Ballot returned to Superintendent of Schools.

Additional discussion item(s): 1) Hearing on proposed changes to City-County Air Pollution Control Program; BCC would like it scheduled on December 9<sup>th</sup>; 2) Public Meeting for Wednesday, October 30<sup>th</sup> is canceled; 3) CAPS discussion.

### WEDNESDAY, OCTOBER 30, 2013

BCC met in regular session; all three present.

#### CHIEF ADMINISTRATIVE OFFICER MEETING

Certification Forms – ML signed MT DOC Annual HOME Program Annual Certification forms for 1999 and 2004 for Opportunity Resources, Inc., Pioneer I and Pioneer II Group Home. Documents to Jean Harte/GCP for forwarding to Dept. of Commerce.

Lease Amendment – BCC signed. [Original Agreement dated January 1, 2013]. Between County and Chris and Marie-Ange Buzan for rented GCP office space at 127 W. Spruce. Owner has agreed to extend Lease from December 31, 2013 to end of March 2014 until space being remodeled for GCP is finished. Rent is unchanged at \$2,800 per month. Originals to C&R and Bobbi Day/GCP.

Agreement – BCC signed, dated October 30, 2013. Between County (MCCHD) and City of Missoula Police Department ("MCPD") re: DUI Task Force PSA for support of MCPD's application for Enforcing Underage Drinking Laws (EUDL) funding from MT BOCC. Term/January 1-September 30, 2014. Two originals to Cindy Hotchkiss/MCCHD for further signatures/handling.

Contract – BCC signed. #1402SPTG0064 between County (MCCHD) and MT DPHHS Early Childhood Services Bureau to provide RN consultant/coordinator for DPHHS STARS to Quality Program, which supporting improvements/education for licensed/registered childcare facilities in Montana. Amount/\$29,760. Term/October 1, 2013 – May 31, 2014. Two originals to Julie Mohr/MCCHD for further handling.

Letter – BCC signed, dated October 31, 2013 to Andrew Montano, Bonneville Power Administration, Portland, OR, commenting on the proposed Montana-to-Washington Transmission System Upgrade Project. Comments include: 1) support for design/construction of substation to provide additional power to west central Montana; and 2) upgrading existing BPA lines to transmit energy from renewable energy resources.

Additional discussion item(s): Draft letter re: personnel grievance. Steve Johnson will finalize. [Note: Letter to employee, signed November 4, 2013 and dated November 5<sup>th</sup>, addressed the Level III response. There was no credible evidence that said employee was discriminated against; grievance denied.

**PUBLIC MEETING** – *Cancelled* (No Agenda items)

### THURSDAY, OCTOBER 31, 2013

BCC met in regular session; all three present. Morning: BCC attended Annual MEP Investors Meeting (with guest Governor Bullock), held at UofM UC Ballroom.

#### ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 21/CY2013 - Pay Date/October 18, 2013. Total Payroll/\$1,332,002.99. To County Auditor.

Resolution No. 2013-120 – BCC signed, dated October 31, 2013. Budget Amendment from Public Works - Road/Bridge Fund reflecting expenditures for changes in person/departamental organization/confirmation of continuing Federal revenues in amounts of \$20,343, \$6,782, \$8,196.20, and \$2,732.46. Amendment does not affect or rely on any additional revenues. For total disclosure, expenditures included in formal FY14 Operating Budget/ Revenue Estimates for County. Original to C&R.

Bid Award – BCC approved bid award to Triple W Equipment, as lowest bidder, for procurement of a rubber tired backhoe. (Three bids received). Amount/\$73,751. To Greg Robertson/Public Works for further handling.

Amendment – BCC signed. #2 to contract between County and PCI for construction engineering services for improvements to Momont, Alloy South, Industrial Roads and Expressway and Butler Creek.. Amendment addresses inspections/additional ditch work/redesign of stormwater basins/culvert, etc. and increases contract amount by \$6,927, for new contract total of \$40,627.50. Originals to C&R and Barb Martens/Projects.

Change Order – ML signed. #2 to contract between County and LS Jensen for Momont Reconstruction/Expressway Chip Sealing Project. Order contains additional improvements re: regrade of ditch, ends on culverts, addition of concrete. Additional amount/\$15,338.40 (for new total base contract sum of \$527,162.60). Project End/January 2014. Originals to C&R and Barb Martens/Projects.

Certificate of Substantial Completion – ML signed, dated October 3, 2013 . For completion of contract #6420-01-36 between County and LS Jensen for Momont Reconstruction and Expressway Chip Sealing Project. Total amount/\$527,162.60. To Barb Martens/Projects.

Letter – BCC signed, dated October 29, 2013 to Joe Kolman, SJ-15 Survey, Environmental Quality Council, Helena, commenting on their review of SJ-15 Survey, and addressing complexity of "the risks and concerns associated with federal land management." BCC appreciates opportunity to share the County's experiences with our federal partners.

Letter – BCC signed, dated October 31, 2013 to Ivan Lemeza, Auto Parts Recyclers, Missoula, setting forth procedure for hearing to be held on his application for a motor vehicle wrecking facility license. Hearing to be held November 20, 2013 at 1:30 pm in County Admin Building. Mr. Lemeza is encouraged to attend. [Public Hearing noticed October 29, 2013].

Additional discussion item(s): None.

MISSOULA COUNTY COMMISSIONERS' JOURNAL: NOVEMBER, 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 NOVEMBER 2013:

Date Signed	Claims List Date	Who signed	Amount
November 1, 2013	October 28, 2013	BCC	\$302.79
November 1, 2013	October 29, 2013	BCC	\$30.00
			\$23,676.50
			\$376.70
			\$29,370.00
			\$865.00
			\$51,114.02
			\$86.47
			\$63.00
November 1, 2013	October 30, 2013	BCC	\$1,244.69
			\$2,359.68
			\$11,762.06
			\$4,442.54
			\$18,305.36
			\$5,184.01
November 4, 2013	October 30, 2013	BCC	\$8,404.30
November 4, 2013	October 31, 2013	BCC	\$3,522.93
			\$6,006.71
			\$1,357.34
			\$12,486.67
			\$25,817.78
			\$455.00
			\$1,333.49
			\$47,531.08
November 4, 2013	November 4, 2013	ML, JC	\$11,922.17
			\$57,991.29
			\$373,038.51
			\$36,570.33
			\$34,319.79
November 6, 2013	November 5, 2013	BCC	\$119,712.15
			\$225,772.68
			\$79,530.84
			\$17,487.71
November 7, 2013	November 6, 2013	BC, JC	\$6,388.06
			\$580.46
			\$3,824.38
			\$350.00
			\$32,898.96
			\$2,256.53
			\$3,787.69
			\$789.25
			\$2,377.60
			\$13,517.98
			\$321.00
November 6, 2013	PHC Smartfill ACH		\$37,015.55

November 8, 2013	November 6, 2013	JC, BC	\$456.49
			\$18,732.47
			\$1,428.84
			\$152,538.35
			\$11,278.63
November 8, 2013	November 7, 2013	JC, BC	\$43,185.05
			\$54,683.39
			\$43,903.29
November 8, 2013	November 8, 2013	JC, BC	\$1,978.49
			\$136.76
			\$10,002.84
			\$804.00
			\$11,422.17
November 12, 2013	November 8, 2013	BCC	\$4,382.29
			\$1,840.00
			\$451.32
			\$382.25
			\$8,281.59
			\$1,500.00
			\$172.22
			\$991.27
			\$81,893.76
			\$141.80
			\$2,316.69
November 13, 2013	November 12, 2013	BCC	\$7,900.05
			\$1,937.90
			\$2,731.44
			\$4,238.25
			\$1,928.04
			\$5,322.22
			\$1,101,835.52
November 13, 2013	November 14, 2013	BCC	\$21,499.90
November 14, 2013	November 13, 2013	BCC	\$513.68
			\$7,983.25
			\$24,613.80
			\$3,008.37
November 8, 2013	PHC Amerisource ACH		\$71.16
November 12, 2013	PHC Cardinal Health ACH		\$498.70
November 12, 2013	PHC Cardinal Health ACH		\$29,715.85
November 13, 2013	PHC Smartfill ACH		\$24,862.79
November 18, 2013	November 13, 2013	BCC	\$3,569.73
			\$3,478.29
			\$1,046.36
November 18, 2013	November 14, 2013	BCC	\$100,107.91
			\$3,296.21
			\$42,821.93
			\$10,596.91
			\$27,219.95
November 19, 2013	November 18, 2013	BCC	\$383,711.76
			\$29,998.55
			\$23,435.28
			\$151.51
			\$39,440.73
			\$19,568.57
			\$173,080.23

NOV 01 10 11 AM '14

November 19, 2013	November 18, 2013	JC, ML	\$2,880.00
			\$410.00
			\$31,250.97
			\$3,740.10
			\$381.62
November 19, 2013	November 19, 2013	JC, ML	\$21,255.14
			\$23,238.35
			\$9,465.29
			\$2,626.17
			\$142.09
			\$1,476.16
November 20, 2013	November 19, 2013	BCC	\$407.96
			\$4,843.07
			\$580.63
			\$42,294.74
			\$116,535.96
			\$1,437.00
			\$832.44
			\$463.00
			\$307.06
			\$33.20
			\$85.47
			\$394.28
November 21, 2013	November 19, 2013	BCC	\$161.20
November 21, 2013	November 20, 2013	BCC	\$28,892.57
			\$16,478.10
			\$3,726.68
			\$1,907.51
			\$4,224.37
November 21, 2013	November 21, 2013	BCC	\$16,522.73
			\$156.00
			\$8,373.46
			\$3,745.05
			\$4,000.00
			\$9,824.61
			\$4,212.47
			\$4.00
November 25, 2013	November 20, 2013	BCC	\$11,647.56
	November 20, 2013	BCC	\$53,333.63
November 25, 2013	November 22, 2013	BCC	\$8,045.93
			\$445,991.01
November 26, 2013	November 25, 2013	BCC	\$186,610.02
			\$1,455.06
			\$19,709.71
			\$8,880.13
			\$215.52
			\$2,472.92
			\$3,317.10
			\$2,386.09
			\$9,000.00
November 26, 2013	November 26, 2013	BCC	\$37,625.25
November 27, 2013	November 25, 2013	BCC	\$1,848.54

NOV 21 2013

November 27, 2013	November 26, 2013	BCC	\$1,456.22
			\$61,468.55
			\$444.10
			\$70.00
			\$2,817.32
			\$301.33
			\$1,771.40
			\$128.31
			\$420.00
			\$3,323.00
November 25, 2013	PHC Smartfill ACH		\$14,785.79
November 25, 2013	PHC Cardinal Health ACH		\$47,675.40
November 27, 2013	PHC Smartfill ACH		\$25,996.65

All Claims Lists returned to the Accounting Department.

#### FRIDAY, NOVEMBER 1, 2013

BCC did not meet in regular session; quorum unavailable. ML and JC out of office most of day. Morning: JC participated in MCCC Conference call.

Vickie M. Zeier  
Clerk & Recorder

Michele Landquist, Chair  
BCC

#### MONDAY, NOVEMBER 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) Emerald Lake Estates/Covenant Amendment (*action item*); 4) Elk Flats Bond Project/Qualifying Resolution; 5) Phasing Plan Resolution (*action item*); 6) Director's update.

Letter – BCC signed, dated November 5, 2013 to Richard/Ellen Wick, Missoula, and Tim/Corrine Medved, Great Falls, conditionally approving amendment to Exhibit G-5(C) of Declaration of Covenants, Restrictions, and Easements for Emerald Lake Estates-Phase 1. Amendment addresses driveway issues.

Resolution No. 2013-121 – BCC signed, dated November 4, 2013. Rescinding Resolution 2012-206 (placing a 10-year limit on phasing plans after preliminary plat approval). BCC will still have authority to approve appropriate phasing plan/extension time frames, based on circumstances of each subdivision. Original to C&R.

Request: Records Disposal/Transfer Authorization – ML signed. From PHC: Ryan White/Adams to Zink Records (1/1/2002 to 12/31/2002); and Ryan White/Adkins to Zolanek Records (1/1/2005 to 12/31/2005).

Request: Records Disposal/Transfer Authorization – ML signed. From PHC: Adult Dental Charts: Adams to Yarlott (1/1/2002 to 12/31/2002); and Adult Medical Records: Abell to Zuhar (1/1/2002 to 12/31/2002). To destroy.

#### TUESDAY, NOVEMBER 5, 2013

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

Monthly Report – ML examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of the District Court, Shirley Faust, for month ending October 2013.

#### ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 22/CY2013 - Pay Date/November 1, 2013. Total Payroll/\$1,366,898.58. To County Auditor.

Memorandum of Understanding – BCC signed. Among County, MT FWP (Region 2), MT DNRC (Southwest Field Office), MT DOT (Missoula District), BLM (Missoula Field Office), USDA Forest Service (Bitterroot, Lolo and Flathead Nat'l Forests) and US Fish and Wildlife Service. To foster continued and improved communication/coordination of land use planning/management to benefit the public and all lands within Missoula County. Originals to C&R and Mitch Doherty/CAPS.

Resolution No. 2013-122 – ML signed, dated November 5, 2013. Qualifying purchase of five conservation easements on approx. 276 acres of land in the Swan Valley ("Elk Flats Open Space Project") as a "Qualified Open Space Project" for expenditure of up to \$150,000 in 2006 Open Space bond funds.

Agreement – BCC signed, dated October 22, 2013. Between County (MCCHD) and Strata Inc. for the Gasoline Station Document Review and Sampling Oxygenated Fuel Program to help MCCHD ensure compliance with Chapter 10 of City-County Air Pollution Program Regs. Amount/\$4,999. Term/November 1, 2014-March 31, 2014. Originals to Julie Mohr/MCCHD for further handling.

Budget Transfer – BCC signed, dated November 5, 2013. Control #14-001 for Grants & Community Programs in amount of \$337,368 to correct various FY2014 accounts, object and project codes. Original to Accounting. To T. Graham/Finance.

Agreement Amendment – BCC signed, dated November 5, 2013. Between County and Art & Image Creative Resources, Inc. for design/marketing services for the Missoula County Seeley Lake Woodstove Changeout. Further shooting/editing is necessary for the documentary video being made; additional cost is \$1,300 (to be paid out of existing USDA Forest Service/Glacierland RC&D budget). Term remains March 18, 2013–November 1, 2013. Originals to Bobbi Day/Grants for further handling.

Funding Agreement – ML signed. Noxious Weed Trust Fund Project Grant Agreement #MDA 2014-001 between County (Weed District) and MT Dept. of Agriculture for the Mill Creek/Frenchtown Burn Areas damaged by summer wildfires. Landowners awarded \$25,000 grant (50/50 cost share grant) to mitigate noxious weeds and revegetate with grasses. Term/October 1, 2013 – November 30, 2014. Two originals to Weed District for further handling.

Originals to Julie Mohr/MCCHD for further signatures/ handling.

Documents – BCC and/or ML signed seven (7) documents between MCCHD and the following for provision of professional services:

- 1) [ML signed] Task Order #14-07-5-21-014-0 to contract between MCCHD and MT DPHHS for WIC Program Master Contract (for period July 1, 2012-June 30, 2019). Task Order provides \$432,469 for period October 1, 2013-September 30, 2014.
- 2) Agreement with Hill County for MCCHD Registered Dietitian services for WIC participants. Amount/\$300 monthly. October 1, 2013-September 30, 2014.
- 3) [ML signed] Memorandum of Understanding between St Patrick Hospital and MCCHD. Covers expenses related to delivery of training/curriculum for Coordinated Approach to Child Health Program (CATCH) for Missoula County Schools. Term/July 1, 2013-June 30, 2014. Amount/\$31,533 per year.
- 4) Subcontract for implementation of Nurse-Family Partnership ("NFP") Program with Lewis and Clark County Health Dept. for period September 1, 2013-August 31, 2014. No fiscal impact.
- 5) Agreement with Lewis and Clark County Health Dept. for Nurse Supervisor (1.0 FTE) services for the NFP Program to maintain fidelity to NFP model. Amount/\$33,022. Term/October 1, 2013-September 30, 2014.
- 6) Agreement with Hill County Health Dept. for Nurse Supervisor (1.0 FTE) services for the NFP Program to maintain fidelity to NFP model. Amount/\$13,935.92. Term/October 1, 2013-September 30, 2014.
- 7) Amendment #2 – To Agreement with Virginia Tribe for professional facilitator services to the Missoula Best Beginning Council. Amendment extends date through December 31, 2013 for one additional 4-hour session at \$1,200 (for grand total of contract amount to \$6,400).

Originals to Julie Mohr/MCCHD for further signatures/handling.

Letter – BCC signed, dated November 5, 2013 to Jeff Hagener, Director, MT FWP, Helena, in support of the 2014-2018 MT Draft Statewide Comprehensive Outdoor Recreation Plan: *Creating a Vibrant Future for Montana's Outdoor Recreation Heritage*. The BCC recognizes the importance of SCORP as gateway to the Stateside portion of the Federal Land/Water Conservation Fund program.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Registers dated November 1, 2013. Amount/\$75,070.57. To County Auditor.

Additional discussion item(s): None.

<b>WEDNESDAY, NOVEMBER 6, 2013</b>
------------------------------------

BCC met in regular session; all three present. All meetings canceled due to Gleneagle Mediation Conference, held at Law Firm of Datsopoulos, MacDonald and Lind, P.C.

Replacement Warrant - JC signed. Jennifer U. Stephens, Missoula, Principal for Frenchtown SD #40 Warrant #58552, issued October 11, 2013 on County SD #40 General Fund. Amount/\$3,187.50 (for Physical Therapy services). Purse stolen from vehicle. No bond of indemnity required.

Replacement Warrant - JC signed. Jennifer U. Stephens, Missoula, Principal for Frenchtown SD #40 Warrant #58376, issued September 10, 2013 on County SD #40 General Fund. Amount/\$1,450 (for Physical Therapy services). Purse stolen from vehicle. No bond of indemnity required.

**NO PUBLIC MEETING HELD THIS DATE**

**THURSDAY, NOVEMBER 7, 2013**

BCC met in regular session; quorum present. ML out of office all day. Afternoon: JC participated in Public Health System Improvement Task Force conference call.

ADMINISTRATIVE MEETING – Canceled


**FRIDAY, NOVEMBER 8, 2013**

BCC met in regular session; all three present.

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 October 2013.

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 October 2013.

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

**MONDAY, NOVEMBER 11, 2013****COURTHOUSE AND ADMINISTRATION BUILDING FOR VETERANS DAY HOLIDAY**

Late morning: JC participated in Veterans Day Ceremony, held on the Courthouse Lawn.

**TUESDAY, NOVEMBER 12, 2013**

BCC met in regular session; all three present. Afternoon: BC/JC participated in Larchmont Annual Budget Review.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Stillwaters on the Clark Fork #2 Phasing Plan Amendment (*action item*); 4) Johnson Shoreline Permit (*action item*); 5) Lukes Variance Request/Placid Lake (*info item*); 6) MT DNRC Cabin Site Sale proposed Rules update; 7) Director's update.

Letter – BCC signed, dated November 20, 2013 to John Kellogg, PCI, Missoula, conditionally approving phasing plan amendment for Stillwaters on the Clark Fork #2. Final plat submittal deadlines are extended as follows: Phase 2 to December 15, 2017; Phase 3 to December 15, 2018; Phase 4 to December 15, 2019.

Shoreline Permit – ML signed. #14-06 for Applicant Michael Johnson to replace existing dock at 714 Perimeter Road South – Big Sky Lake Estates. Original to Todd Klietz/CAPS.

ADMINISTRATIVE MEETING

Sub-Recipient Agreements – BCC signed, dated November 12, 2013. Between County and the following for grant funds to fund a community coalition in Frenchtown to reduce youth substance abuse. Term/October 1, 2013-October 30, 2018.

- 1) Frenchtown School District #40 to employ a youth development coordinator. Amount/\$22,246.
- 2) National Coalition Building Institute to provide a community training that includes prejudice reduction workshop. Amount/\$750.
- 3) Western MT Addiction Services to provide a Project Success Counselor. Amount/\$24,658.

Originals to C&R and GCP.

Resolution No. 2013-124 – BCC signed, dated November 12, 2013. [Per above Sub-Recipient Agreements] Budget Amendment from GCP for Drug Free Communities Grants expenditures in amount of \$94,191. For total disclosure, expenditures included in formal FY14 Operating Budget/ Revenue Estimates for County. Original to C&R.

Grant Award Documents – ML signed documents for MT DES FFY13 Homeland Security Performance Grant # EMW-2013-SS-00064 for two (2) Programs for Missoula County Sheriff's Office for term October 1, 2013-September 30, 2014: 1) EOD Tow Vehicle Program in amount of \$68,772; and 2) EOD Training Program in amount of \$36,000. Jeremy Meeder is Applicant's Agent. Originals to Jeremy Meeder/Sheriff's Office.

Agreement – ML signed. County Superintendent of Schools Agreement between Missoula and Mineral Counties for 2013-14 school year (with understanding contract will not be renewed after this year). Amount/\$3,300. Originals to Erin Lipkind/Supt. of Schools for further handling.



Grant Award Agreement – ML signed. DNRC Planning Grant #RPG-14-0379 to Missoula County to fund preliminary engineering feasibility study to retrofit a pretreatment device for storm drain systems at Caras Park and Buckhouse Bridge. Total grant award/\$10,000. Term/Fall 2013-Spring 2014. This is cooperative project with Water Quality Dist., MT DOT, and City of Missoula Engineering. Originals to Julie Mohr/MCCHD for further handling.

Larchmont Claims - BCC signed one (1) Signature Page for A/P Invoice Registers dated November 12, 2013. Amount/\$18,360.04. To County Auditor.

Additional discussion item(s): None.

### WEDNESDAY, NOVEMBER 13, 2013

BCC met in regular session; all three present.

#### CAO MEETING

Amendment – BCC signed. To contract DIR-01-001-0-MCDF between Missoula County Detention Facility and MT Dept. of Corrections. Amendment states retroactive to July 1, 2009, standard rate of per diem for General Population offenders is \$65.96 per day. Two originals to Dawn/Sheriff's Dept. for further handling.

Agreement – BCC approved/ML signed. Equitable Sharing Agreement and Annual Certification Report between Missoula County Sheriff's Dept. and the Dept. of Justice/Dept. of Treasury. Last FY End Date: June 30, 2013. Agency current FY Budget: \$17,690,513. Originals to Dawn/Sheriff's Dept. for further handling.

Amendment #2 – ML signed. To Task Order #13-07-5-31-035-0 to contract between MCCHD and MT DPHHS. Extends the effective period for the Maternal/Infant and Early Child Home Visiting Infrastructure Development (MIECHV ID) Project from September 29, 2013 to September 29, 2014. Amount/up to \$100,000. Three originals to Julie Mohr/MCCHD for further signatures/ handling.

Bid Award/Agreement – BCC approved bid award/signed Agreement with Dustbusters, Inc. as lowest bidder, for provision of 450 tons liquid deicer. (Two bids received). Amount/\$65,700. Term/November 14, 2013-May 2014. Originals to C&R and Erik Dickson/Public Works.

Purchase/Sale Agreement – ML signed (BCC approved September 18, 2013) Purchase and Sale Agreement with White-Leasure Development for purchase of Lot 2A, Block 11, Missoula Development Park – Phase 2, as platted (corner of East Harrier and Tanager). Price/\$4.75 per sq. ft. for total of \$554,518.80. To Barb Martens/Projects for further handling.

Additional discussion item(s): Water Rights Commission (with Dick Barrett).

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated November 13, 2013:

- 1) Approving request from David Steele II, Geiszler & Froines, PC, Missoula (on behalf of Mount Jumbo Homeowners Association) to refund 2009, 2010, and 2011 taxes due to an error in assessment. The 2012 tax bill reflects the change to a zero value.
- 2) Approving request from Doris Rakow, Missoula, to refund tax bills paid in error for tax payer id #3240206 for tax years 2008, 2009, 2010 and 2011. 2012 bill was corrected prior to bill being sent.
- 3) Postponing decision on request from Jim Galipeau, CPA, Missoula (on behalf of Max Porter) to adjust tax bills for 2012 & 2013 for taxpayer id #80784430. The DOR needs time to look into whether or not property has been billed twice. County will notify Mr. Galipeau after DOR response.
- 4) Denying request from Rhonda Smothers, Las Vegas, to refund taxes/fees paid February 1, 2013. Per Montana Law, BCC has no authority to do so.
- 5) Postponing decision on request from Craig & Beth Diettert, Missoula, to waive personal property tax bills for taxpayer id #80513415, 80516801 & 80787787.. The DOR needs time to look into whether or not personal property has been billed under the new owners of the property. County will notify the Dietterts after DOR response.

#### **PUBLIC MEETING – November 13, 2013**

##### **1. CALL TO ORDER**

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

**Staff Present:** Shyra Scott, Clerk & Records Office, Vickie Zeier, Clerk & Recorder, Steve Niday, Public Works, Jamie Erbacher, CAPS, Greg Robertson, Public Works Director, Marnie McClain, Deputy County Attorney

##### **2. PLEDGE OF ALLEGIANCE**

##### **3. PUBLIC ANNOUNCEMENTS**

Chair Landquist reminded everyone that Fort Missoula has a new exhibit this season; 150 years Missoula.

NOV 21 2013

**4. PUBLIC COMMENT**

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List (\$6,831,470.17)

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$6,831,470.17. Commissioner Curtiss seconded the motion. The motion carried a vote of 3-0.

**6. HEARING**

Petition to Abandon Public Right-of-Way (Mullan Road, King Ranch)

**Shyra Scott** gave update; we received a petition on October 15, 2013 sent in by Ockler Cornerstone to abandoned a portion of Mullan Road, laying outside the 60 feet right-of-way, identified on COS 4772. At least 10 or more free holders within the Missoula County Road District have signed the petition. All lands effective by proposed action have been listed and all effected owners have signed the petition.

**Grant Parker, Attorney:** I'm here helping the Ockler family, Ockler Cornerstone has this. This is an abandonment petition that all started with the Frenchtown bike path that is going on there. When they designed the bike path it turned out that the Ockler property, which is the old King Ranch Golf Ranch, it cleared some fences that were in the 60 foot right-of-way and the county's going to claim the 60 foot right-of-way, were in there. Some of the fences had to be moved to accommodate that bike path. What the Ockler family doesn't want to do is to move it and then sometime down the road have to move it again, just like to get some clarity in it. We coordinated the Surveyors Office and Public Works and believe that it's a non-controversial request but just to clarify; the 60 foot right-of-way, which is what was presented on a bike path and that's what the county's generally thinking would be the right-of-way and anything outside of that would be abandoned. Just so that sometime in the future the county may not come back and have them move the fence again, we're just trying to provide some clarity. Hopefully this is reasonable, we have done a lot of coordination and it's not going to be controversial but with that I'll open up for any questions.

**Commissioner Curtiss:** I know in the last year or so it came to light that the right-of-way for Mullan Road was probably 66 feet. So that's what we're doing is taking the 6 foot piece off?

**Grant Parker:** It's more complicated than that because if the county is going to say it was 66 foot back in late 1800's, where was the road then? Basically that creates a lot of uncertainty – we just want some clarity. We're not saying anything within the 60 foot right-of-way that was in the survey and was presented to all the landowners; anything outside of that there might be questions that we're trying to clear up.

**Chad Ockler, Landowner:** What I just heard Grant is basically our stance, we don't know, we're not trying to get anything that isn't...we're not trying to be contentious about anything just give us exactly where it needs to be and that's what we'll do.

**Commissioner Curtiss:** So just to be clear; we open the hearing today, then the law requires that one Commissioner and someone from Public Works actually goes out and does a site visit, so we'll set that up. Then we come back here to make the decision.

**Steve Niday:** I wanted to thank the King Ranch for cooperating with Missoula County to move back the fences to accommodate the walkway. I know that was some hardship on them and there was some disagreement, but they complied beautifully. This is an effort to just address that extra 6 feet that came to light recently on the right-of-way, so that we don't have contentious issues down the road. There is some difficulty in proving the exact location of the right-of-way and to alleviate potential legal problems. Our attorney staff has recommended that through Missoula County, we approach this as a 60 foot right-of-way and not try to assert our rights to that extra 6 feet. In return, hopefully the adjacent land owners will go along with the location that we propose, which is where the road is. I'm here basically to act as the road viewer and set up the appointment.

**Public Comment**

None

**Site visit is scheduled for Monday, November 18th at 11:00 a.m.** with Chair Landquist and Steve Niday.

Hearing is recessed until next Wednesday, November 20, 2013.

**7. HEARING (Planning & Zoning Commission)**

Zoning District #8 Variance Request – North Placid Lake Road

**Jamie Erbacher gave report** and showed PPT Presentation. The property is located on lot 3 of Beavertail Villa Sites, lots 1-6 on Placid Lake. In summary; the applicants are represented by Allen McCormick of GLR ~ Allen can't actually be here today but Jen Clary is here from Encompass Design. The property is zoned citizen initiated zoning district #8A. 8A was created in 2008 as an amendment to Zoning District 8. One of the major revisions that was made at that time was to include a 50 foot setback measured horizontally from the high water line on Placid Lake. So what the applicant is requesting to vary from is that 50 foot setback from the high water line, they're requesting to reduce that

down to 32 feet. Given that the site plan was so rough, we have recommended a condition, if approved, that the applicant stake out where the high water mark is. That high water mark has been determined by the county surveyor's office, so we would want that done by a professional land surveyor and then also have the proposed building location staked out as well. Prior to construction and permit approval, the planning office would go out and verify that location. The landowners have sought approval or an okay from neighboring property owners ~ 4 of them, so those were included in the applicant packet. In addition, there was one landowner that submitted an additional letter that I inadvertently forgot to include in your packets. I'll pass that to you now and I'll read it into the record because it was not included earlier. Jamie read letter:

I'm writing in regards to the above described variance request. I am the manager of the LLC that owns the lot to the west of the Luke's property. My wife Molly is member and owner of the LLC that owns the property. We are both in favor of granting the variance generally for all of the reasons articulated by Mr. Allen McCormick and Mr. Tom Bodett in their letters that accompanied the request. It is my opinion that while Resolution 2008-0143 was well intended, the imposition of the 50 foot setback from Placid Lake was over kill, especially when the pre-existence of the Shoreline Protection Act which imposed a 25 foot setback. Most of Placid Lake's buildable lots have been built on. The majority of the lots that have not been built on are situation on the south shore of the lake and are subject to covenants and require a 50 foot setback. Thus, the county imposed the 50 foot setback restrictions on a small number of undeveloped lots not on the south shore. The terrain of the lots not on the south shore of the lake is fairly flat and the lots are fairly steep, thus the 50 foot setback imposed on the covenants makes good sense. However, the terrain of the lots on the north shore of the lake, in many cases, is steep and the lots are generally deep. The Lukes' lot fits the foregoing description. Thus, in my opinion, the county imposed a burden on the Lukes lot; the 50 foot setback without understanding the burden required the setback that would impose on the landowner. I encourage you to grant the request for the variance. Regards, John M. Bennett, Manager, Dunlop Cabin, LLC and Molly D. Bennett, Member, Dunlop Cabin LLC.

**Commissioner Curtiss:** I wanted to state on the record that the county imposed that at the request of the homeowners because its citizen initiated zoning. It wasn't just something that we pulled out of our hat to do.

**Dick Ainsworth:** The 50 foot setback was not something we requested, it was something staff suggested. The homeowners did not request it.

**Jamie Erbacher:** There is one existing structure that I believe is on this property and maybe Mr. Lukes could clarify that. It's just a little shed like structure (looking at PPT pictures). Based on the staff report, findings of fact, conclusions of law, we are recommending approval of this. We are also recommending again, just because of the rough site plan, that all construction including soffits or attached decks be located 32 feet back, again that's measured horizontally from the high water line.

**Bob Lukes:** Allen McCormick could not be here today, he told me to show up and to say that I've reviewed the recommendations and conditions and I agree with them, I think they're just fine. We do also have Jen Clary, the architect we're working with here today if anybody had any questions, she's also been up to the property with us.

**Chair Landquist:** You're good with the conditions that staff was recommending?

**Bob Lukes:** Yes.

**Commissioner Curtiss:** The easement that's shown on your property that you call a driveway/parking easement, that's an odd thing to put an easement on, I'm sure it was on there when you bought but, you can't build within that? It seems funny, it seems like it's your own parking and driving so I don't understand why it's on there.

**Bob Lukes:** It's odd and I'll explain my understanding of that. I think what is now lots 3, 4, 5 and I think there's even one that's off of the copy that I have here, lot 6. Those at one time were all jointly owned, I can't remember the family name, but I think what they decided to do is that they were going to split it into 4 lots and give one to each one of their kids. So that's how this whole subdivision I think came about. And it is quite odd because if you look at the plat map, you can see also what they did too is on lot 4, they created this septic easement that goes up lot 4, across the top of lot 3 and into lot 2. That was designed, I think, so that multiple...so that 3, 4 and 5 could also use that easement to have their septic up on lot 2. They were planning, I think, for the whole family to where the septic was going to be and in doing that they also tried to provide for lot 4 by giving them some ability to park on lot 3. I think frankly it's kind of a turnaround spot there because the road dead ends and so it is listed as a parking easement. My understanding is that we have the right to park there, the people from lot 4 have the right to park there but we don't have the right to build there because you have to give them access to park there. That's why our structure is pushed off to the side to avoid that but I guess that's my understanding of what that is and how it came to be.

**Commissioner Curtiss:** So there's not an existing septic in that easement that's shown across your lot up high?

**Bob Lukes:** Okay so that's a different question. I believe that lot 4 and lot 5, not sure about that, but at least lot 4 has there septic going up that easement and across the top of ours. Whether lot 5 does too as well, I don't know. We have worked with the county to identify a septic location on the upper portion of our own lots, so we're not going to have to be using that, we're gonna be able to put it in on our own lot.

01/11/2013

**Commissioner Curtiss:** Okay, I know that was DEQ and the Health Departments job but I wondered if you were having trouble situating your house where you were going to put your septic ~ so you answered that. The other questions I have is; the foot print of your house seems pretty big, is there a reason why you're not gonna just go 2-story? You're going to have this 32 by 56 foot house.

**Bob Lukes:** Well, in fact it's changed a little bit since we submitted this. Jen Clary and we had Tom Bodett up there as well, what we were trying to do and I think what the application says is we were trying to create a foot print to say we're gonna build within that foot print. I think now what they have recommended because of that hill is actually a smaller structure that would be maybe 30 x 40 but it would have a daylight basement, so it's pushed into the hillside a little bit and then with a small second level on top. We really do want just a cabin up there, we don't want some big place up there, and we don't need that.

**Commissioner Curtiss:** My last question is; we didn't receive any comments back from the HOA, I don't know when the Homeowners Association meets, I know that Dick might, so nobody had any issues, I guess.

**Bob Lukes:** I didn't hear anything.

**Dick Ainsworth:** I would echo what Mr. Lukes said. That driveway and parking easement following an existing cut that was in there and they wanted to use that for access and parking for all of those lots. I am also on the Board of Directors of the Cabin Owners Association and I talked with Tom Beards when I first got this, Tom is the new President of that Association. Tom sent the material that he got from Jamie out to the Board of Directors and I talked to Tom this morning and he got no response from any of them. So I don't think the cabin owners have any concerns. I have a couple questions; is your intention and I don't know maybe Jen can answer this better...to have the main floor of the cabin be at about the elevation of that existing driveway that goes through there? When you mention a daylight basement are you thinking of cutting into the hill below that cut?

**Bob Lukes:** I think it's going to sit on that flat zone and then go back a little bit into the hill.

**Jen Clary with Encompass Design:** Yes, it will be the basement level that will be right at that grade.

**Dick Ainsworth:** Okay so it would go up from there?

**Jen Clary:** Correct.

**Dick Ainsworth:** And the front of the cabin would be at about the edge of that so you're not going closer to the lake than that cut we're seeing?

**Jen Clary:** Correct.

**Bob Lukes:** And I think in fact, it would be back a few feet because we need a space to walk in front of it there, we don't want to be walking on the slope.

**Dick Ainsworth:** And I think that site...and we've also got a family cabin that's right across the bay from this that my Dad built in 1951, so I lived there my whole life pretty much. Probably the place you're going to build will be perhaps even further back from the lake than a lot of the other cabins that are along there, those are all fairly close because that same steep topography follows along there for quite a ways and it's difficult of course, in the past they didn't have to get approval to build something but they had to be able to get to it. I think this fits in with what's there already, from my perspective anyway. Looks there's a big ponderosa right in front of that building site, I presume you're going to try to save that?

**Bob Lukes:** That's a big old swing tree so I don't see any reason why we would take that out.

**Dick Ainsworth:** For what it's worth, Placid Lake the elevation on that is controlled by a dam that belongs to the Home Owners Association, it fluctuates very little. I would guess vertically it fluctuates; probably no more than a couple of feet from high to low. And with the steep slope here the difference horizontally would be a foot or two is all. The high water line isn't going to climb up on this property very far.

**Sylvia Weisenburger:** From what I've seen, I think we should approve what it is they're asking for because living on a lake that also has steep hillsides I can sympathize with the building situation you're looking at.

**Vickie Zeier made motion to approve this variance request subject to recommended conditions presented by Jamie. Greg Robertson seconds the motion.**

#### **Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners accept the recommendations from the Planning and Zoning Commission. Commissioner Carey seconded the motion. The motion carries a vote of 3-0.

#### **8. OTHER BUSINESS**

None

#### **9. RECESS**

Being no further business to come before the Board the Commissioners are in recess at 2:09.

01 Nov 2013

**THURSDAY, NOVEMBER 14, 2013**

BCC met in regular session; all three present. Mid-afternoon: BCC participated in canvas of City Election.

**ADMINISTRATIVE MEETING**

Letter – BCC signed, dated November 20, 2013 to Bill Galiher, General Manager, Larchmont Golf Course ("Larchmont"), stating the Commissioners approved the proposed 2014 budget for Larchmont, as submitted/approved by their Board. However, an amendment is proposed by the BCC to suspend the 4.5% of gross revenue contribution (per contract with County) of approx. \$7,700 (for projected end-of-year 2013 deficit for the golf course restaurant, Caddy Shack, to assist business in attaining financial solvency. BCC will review at end of 2014 budget year. [Letter mailed November 25<sup>th</sup>].

Resolution No. 2013-124 – BCC signed, dated November 14, 2013. Budget Amendment from Special Projects in amount of \$45,000 reflecting Revenue from property taxes and expenditures in same amount for Airport TIF Relocation/Expansion. For total disclosure, expenditures included in formal FY14 Operating Budget/ Revenue Estimates for County. Original to C&R.

Letter – BCC signed, dated November 12, 2013 to Emily Cooper, MT DNRC, Helena, stating BCC has no objection to DNRC's New Administrative Rules (I – VIII) pertaining to the sale of cabin and home sites.

Letter – BCC signed, dated November 14, 2013 to Tim France, Chair, Business Improvement District ("BID") of Missoula County, Missoula, supporting restructure of organizational arrangement of BID, Missoula Downtown Association, and Missoula Downtown Foundation.

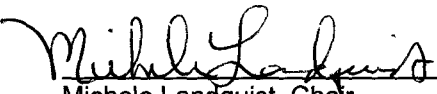
Letter – BCC signed, dated November 14, 2013 to Big Sky Trust Fund Selection Committee, MT DOC, Helena, in support of BREDD's application for a Big Sky Economic Development Trust Fund Category II planning grant to conduct Industrial Lands Assessment for County. County committed to providing one-to-one (or \$25,000) required matching funds for proposed grant.

Additional discussion item(s): 1) Holiday vacations; 2) Building safety plans

**FRIDAY, NOVEMBER 15, 2013**

BCC did not meet in regular session. For most of day, JC attended Mental Health/CDC meeting, held in Missoula. ML out of office all day.

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

**MONDAY, NOVEMBER 18, 2013**

BCC met in regular session; all three present. Morning: JC meeting of Forum for Children & Youth Advisory Council, held in Admin Building B14. Morning: ML accompanied Steve Niday on Site Visit to Mullan Road Right-of-Way. Late afternoon: BCC participated in Rural Land Managers meeting re: Memorandum of Understanding, held in Admin Building B14.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) NorthWestern Energy's Missoula area service; 4) MPO Transportation update; 5) Director's update

**TUESDAY, NOVEMBER 19, 2013**

BCC met in regular session; all three present.

Replacement Warrant - ML signed. George J. Dusko, Lolo, Principal for Financial Services Warrant #31322333, issued October 18, 2013 on County Payroll Fund. Amount/\$157.03 (for final pay check). Not received in mail; no bond of indemnity required.

**ADMINISTRATIVE MEETING**

Board Appointment – BCC appointed Shawn Horton to replace Tim Wallace as DirecTV Rep on the MDA Tech Advisory Committee for an unexpired term to June 30, 2016.

Request – BCC approved request from Greg Robertson, Public Works Director, to implement a one-time exception to the personnel policy, as set forth therein. To Greg Robertson for further handling.

Additional discussion item(s): None

WEDNESDAY, NOVEMBER 20, 2013
------------------------------

BCC met in regular session; all three present.

#### CAO MEETING

Agreement – ML signed. "Buckle Up Montana" contract (CTS #107258) between MCCHD and MT DOT for activities to increase use of seat belts/child safety seats, etc. to reduce injuries/fatalities in County. Amount/ \$35,000 (supports position as Coalition Coordinator at 10 hrs/weekly). Term/October 1, 2013–September 30, 2014. Originals to Julie Mohr/Health Dept for further handling.

Letter – BCC signed, dated November 20, 2013 to Patrick Hurley, MT DOT, Helena, commenting on Notice of Proposed Amendment to ARM 18.6.202 and 18.6.247 "Community Welcome Signs". BCC generally concurs with proposed rule, but also recommends an amendment to paragraph 8, encouraging proof of compliance with local jurisdiction's Permits/Regulations.

Resolution No. 2013-125 – BCC signed, dated November 20, 2013. Changing name of Heirloom Winter

Additional discussion item(s): 1) Public Works update; 2) Visit from Dayna Swanson of Senator Tester's Office.

#### PUBLIC MEETING – November 20, 2013

##### 1. CALL TO ORDER

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

**Commissioners Absent:** Commissioner Jean Curtiss

**Staff Present:** Jim Carlson, Director Environmental Health, James McCubbin, Deputy County Attorney, Steve Niday, Public Works Land Surveyor Manager

##### 2. PLEDGE OF ALLEGIANCE

##### 3. PUBLIC ANNOUNCEMENTS

Chair Landquist reminded everyone of the Winter & Holiday Exhibit at Fort Missoula.

##### 4. PUBLIC COMMENT

None

##### 5. ROUTINE ADMINISTRATIVE ACTIONS

Current Claims List (\$1,239,372.12)

##### **Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$1,239,372.12. Commissioner Landquist seconded the motion. The motion carried a vote of 2-0.

##### 6. HEARING (Certificate of Survey)

O'Keefe (Brian) Family Transfer (11696 O'Keefe Creek Blvd) ~ **Postponed to a later date.**

##### 7. HEARING

Motor vehicle Wrecking Facilities License Application (Lemeza, 9305 Futurity Drive)

**Jim Carlson:** State law provides that the Commissioners may hold a hearing on a vehicle recycling yard license. The Commissioners have elected to hold that hearing. A complete application has been submitted to the Department of Environmental Review. We have no concerns about the application or the location, with the exception of the fact that Futurity Drive and most of the Missoula industrial park is unpaved. We of course, would like to see cooperation in some future paving SID because those streets are of a high clay content, there's a huge amount of carryout from those streets out onto Old Hwy 10, which is then re-suspended from higher speed traffic. In addition to the fact that it's very dusty on those streets in the summer time, just on the local basis.

**Chair Landquist:** Didn't we some time ago approve a recycling application, I think for Pacific Steel, out in that same area and basically did so with the conditions that they wave their right to protest an RID for road improvements or something?

**Jim Carlson:** They said that they would cooperate in an SID. I don't think we have the authority to require as a condition of this license.

**Chair Landquist:** Why wouldn't we?

**Jim Carlson:** Because it's not provided for by state law, which is the basis for state rules, which are the basis of this hearing and this license.

**Chair Landquist:** Okay but we could ask that they....

**Commissioner Carey:** Could DEQ condition it or something?

**Chair Landquist:** He's saying we can't condition it.

**Commissioner Carey:** No ~ DEQ.

**Jim Carlson:** I don't believe they can either. I've asked the question about it actually more directly pertinent things dealing with vehicle wrecking yards and they've said no, unless they're in the rules or in the law we cannot condition them. However, we continue to bring this to the Commissioners and the Public Works Department. And yes, you're correct there are a couple of approved licenses in that area that have not been acted on. And there's at least two or three other active licenses in the area.

**Chair Landquist:** We do have one of our County Attorneys in the room; maybe he could answer the question. If we chat with the applicant and have them agree on the record that they would cooperate, when and if the opportunity came to improve that road. Would something like that carry any weight knowing that we have it as a portion of this record for this approval, from this meeting?

**James McCubbin:** I'd recommend against going there because we really don't have the legal authority, it's not connected tightly enough to do a condition. You can certainly express that we'd appreciate that in the future but I don't think we can do anything that really will be binding.

**Chair Landquist:** Okay, thanks. Commissioner Carey, do you have any questions on this?

**Commissioner Carey:** The action today is to have the hearing but not to make a ruling on whether or not to okay it? Or where are we in the process?

**Jim Carlson:** Yes, to hold a hearing to hear public comments and of course at the end of the hearing you can choose to (in auditable). I'm sure DEQ would like to get the Commissioners responses as soon as they can. This application has been in for over a month.

#### **Public Comment**

**Ivan Lemeza, Applicant:** I would like to answer any questions, if you have any.

**Chair Landquist:** Have we seen this particular one before?

**Ivan Lemeza:** This is our first one.

**Chair Landquist:** And you plan on being a good neighbor out there?

**Ivan Lemeza:** Yes, of course.

**Chair Landquist:** What do you plan on doing out there in wrecking vehicles? Stripping them? Sorting?

**Ivan Lemeza:** Stripping them and selling parts off, eventually crushing the cars. Just kind of like recycling for car parts.

**Chair Landquist:** How are you going to deal with the crushing and so on as far as shipping it out?

**Ivan Lemeza:** Pacific got approved a couple lots down from us so we talked to them and they said they would be opening up shop here in the next year or two. So for us we don't have to drive all of our sheet metal and all of our scrap too far because it's right there on the same street as us, just a dead end.  
**Chair Landquist:** Oh, so you can just take it to them?

**Ivan Lemeza:** Yes, just take it to them. And eventually if the business goes well, we might end up getting our own crusher. That's all in the future.

**Chair Landquist:** How familiar are you with that area?

**Ivan Lemeza:** I just know that we were looking for something zoned for this and just basically that it is zoned for what we're trying to do. Besides that, we're really not familiar with that area.

**Chair Landquist:** Did you understand the concerns that were brought to our attention by Jim Carlson?

**Ivan Lemeza:** Yes, we understand that.

**Chair Landquist:** Because of the dust in that area out there and the winds that carry all that dust, once that's opened up for more businesses the dust is liable to be even a bigger concern.

**Ivan Lemeza:** One thing we take note on is that we're on a dead end street so we're not going to have as much traffic as all the other streets out there that loop around. We just have maybe 10 lots in the cul-de-sac so it would be nice to get something paved but it all depends on the details of that.

**Chair Landquist:** So are you familiar with what one of our mechanisms that we have for getting streets paved is to create what's called an RID that stands for Rural Special Improvement District? That entails involving all the properties and their owners in this district that help pay a little more in taxes to improve that road, to fray the expenses of that because the county just doesn't have an endless pot of money to dip into to do that sort of thing. You're familiar with how that works?

**Ivan Lemeza:** I'm a little bit familiar with all that; is it just all the neighbors have to veto right or is it the majority of them?

**Chair Landquist:** Generally the majority of them but there's some speculation that that may or may not still be the way it works based on some court cases....a recent court case. As far as the people that would be able to protest, the number amount of people be able to protest to stop something like that from happening. James, do you want to explain that any better than I just did?

**James McCubbin:** Sure. Current statute allows the County Commissioners to establish a rural improvement district. The process for that allows the property owners that would be assessed in the district to submit a protest and this statute states that...I believe the protest amount is 50%. So the statute says that if 50% or more of the property owners protest the establishment of the rural improvement district then the improvement district can't be established. However, just a couple months ago the Montana Supreme Court in a court case that Missoula County was involved in ruled that a protest statute for zoning, which had similar language, was unconstitutional. So I think there's a serious question in the law as to whether the protest provision for improvement districts remains valid or not. That's something that somebody, somewhere, some jurisdiction will have to face legally at some point in the future.

**Chair Landquist:** Okay. So that may or may not still be the way they work. What is this...Jim, maybe you can answer this, what is this letter regarding auto parts recyclers that was dated from December 3, 2013 that's attached to this? Does that have any bearing on this application that's before us today? That's what confused me and why I asked him.

**Jim Carlson:** I'm not sure why that's attached.

**Chair Landquist:** I know that there was somebody out there about a year or two ago that wanted to come in for a license and it was problematic because they weren't doing some things the way they were supposed to be being done. Does that have any relevant bearing on this one?

**Jim Carlson:** That facility is located the next street west, it's not related to this application.

**Commissioner Carey:** So Jim, this is one of the cases where we're acting on behalf of DEQ and whether or not to approve this permit?

**Jim Carlson:** You're holding a hearing to receive public comment from the local population with regard to this state issued license, which we will subsequently inspect for compliance.

**Commissioner Carey:** Do we go ahead and authorize the permit?

**Jim Carlson:** Yes, you will typically pass a motion that says we recommend approval.

**Commissioner Carey:** Okay so it's a recommendation.

**Ivan Lemeza:** Also in the process we submitted letters to all of our neighbors so we already had a 30-day period that they can write concerns. From my understanding, none of the neighbors had any issues with that.

**Chair Landquist:** Thank you and this has been properly advertised, that public notice is here.

#### **Executive Session**

Commissioner Carey made motion that the Board of County Commissioners recommend to DEQ to permit the operation of the motor vehicle wrecking facility at 9305 Futurity Drive in the Missoula Industrial Park COS. Chair Landquist seconded the motion. The motion carried a vote of 2-0.

#### **8. HEARING and DECISION (continued from November 13, 2013)**

Petition to Abandon Public Right-of-Way (Mullan Road, King Ranch)

Viewing was held Monday, November 18th by Steve Niday and Chair Landquist.

**Steve Niday:** The Viewers Report concerns the Ockler petition for abandonment of a portion of Mullan Road through their property. The portion of the road as described in the petition to abandon was viewed by those in attendance. It is the opinion of the road viewers that this portion of road right-of-way, in access of 60' in width, should be abandoned.

**Chair Landquist:** I signed that report, I agree with what we saw out there but there was a conversation that I wanted to have on the record here regarding what we did look at out there. Not only for the purpose of clarifying things but for the purpose of reaching the public out there who may know some information that we may need. When we were looking at what was being requested to be abandoned and so much of this has to do with the pedestrian/bike pathway that's going in along Mullan Road we noticed a couple memorial markers. It seemed pretty intuitive that a couple people lost their lives there. They were pretty well marked; one of them had a cross and wreath on it and one of them had a cross and the name was falling off of it but it was named Eric. I asked you how that was going to fit in with the pathway and you did not know at that time but you said that you would find out. For the record and for the people out there in TV land that might be able to help us, could you tell us what you found out about that?



November 21, 2013

**Steve Niday:** I brought the issue to the Public Works Department employees that are responsible for designing the walkway and monitoring the construction; they were aware of the crosses and had intended to set them at the backside of the walkway when it was completed. I asked them if they knew the deceased, who the deceased were, they said no. I told them based on your recommendations that we look into it a little farther. They agreed that they would attempt to determine who perished there and try to contact any relatives and find out if those relatives had any desire to do more than what they had envisioned by just resetting the crosses. I suggested as in other cases like this, there's been an opportunity to have a bench and a plaque placed there.

**Chair Landquist:** Like what was done towards East Missoula, right?

**Steve Niday:** Correct and I brought that specific case up as an example. They said that there wasn't any money in the budget for that and I suggested that if they were to get in contact with the relatives and ask them, maybe they would be forthcoming with some funds. But at least consider designing a place for a bench, if those funds became available. They agreed and are attempting to locate those people.

**Chair Landquist:** I would think MOOT or somebody should know when those crosses get placed, they're in a roadway easement, somebodies got to have a record of that. I'm glad that you had the conversation you did and hopefully for any viewers out in that area or even this area, friends or family can come forth. Who should they contact? Can they contact you and you can send them in the right direction?

**Steve Niday:** They can contact me at 258-3878. I suggested that they start by contacting the Ocklers who own the golf course there and just see if they had any local knowledge of what took place there. There must have been an accident of some kind. And if that comes up blank, I suggested talking to some of the other local residents and that's what they're going to do.

**Chair Landquist:** Thank you Steve, not only for the viewer's report but for the way you handled this sensitive item at my request.

#### Public Comment

None

#### Executive Session

Commissioner Carey made motion that the Board of County Commissioner approve the petition to abandon the public right-of-way along Mullan Road as described in our Request for Commissioners Action (RCA). Chair Landquist seconded the motion. The motion carried a vote of 2-0.

#### 9. OTHER BUSINESS

None

#### 10. RECESS

Being no further business to come before the Board the Commissioners are in recess at 1:57.

Following Public Meeting, BCC signed, Resolution No. 2013-125, dated November 20, 2013. In support of granting a motor vehicle wrecking facility to Ivan M. Lemeza, Auto Parts Recyclers, located at 9305 Futurity Drive, Missoula (providing facility is in accordance with local government zoning and ordinances, and all junk vehicles are kept within their fence.

Letter – BCC signed, dated November 20, 2013 to Brady Christensen, MV Recycling/Disposal Program, MT DEQ, Helena, stating BCC support for above-named facility, and attaching new Resolution 2013-125.

### THURSDAY, NOVEMBER 21, 2013

BCC met in regular session; all three present.

Indemnity Bond – ML signed. Sarah Spence, Missoula, Principal for Clerk of Court Warrant #40039591, issued November 15, 2013 on County 7160... and 36200... Fund. Amount/\$600 (for child support). Warrant lost.

#### ADMINISTRATIVE MEETING

Agreement – ML signed. Between MCCHD Nursing Division and Missoula County Public Schools for continued provision of care to nutrition serves to MCPS's at-risk students through delivery of services by MCCHD Registered Dietician. Term/school year 2013-2014 (August 28, 2013–June 12, 2014). Two originals to Julie Mohr/ MCCHD for further handling.

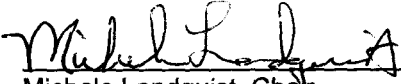
Sub-Recipient Agreement – BCC signed, dated November 21, 2013. Between County and Poverello Center, Inc., setting forth contractual relationship for the new homeless shelter to be constructed at 1110 West Broadway, Missoula. Through a MT DOC Grant for \$450,000 (#MT-CDBG-13-HR-02), County hopes to enable the new Poverello Center to meet programmatic/licensing requirements. Term/Fall 2013-Winter 2015. Originals to C&R and Jean Harte, GPC.

Additional discussion item(s): Introduction of Collins Planning Associates Consulting Team (re: Subdivision Regs Work Program Goals)

## FRIDAY, NOVEMBER 22, 2013

BCC met in regular session; quorum present. Morning: JC attended meeting of Reaching Home Steering Committee, held at FIB. ML out of office all day.

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

## MONDAY, NOVEMBER 25, 2013

BCC met in regular session; all three present. Noon: BCC attended retirement celebration for Fairgrounds Director Steve Earle.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Current projects update; 4) County Park Rules (*info item*); 5) Canyon Creek Village - Phasing Plan Amendment (*action item*); 6) Director's update.

Letter – BCC signed, dated November 27, 2013 to Paul Forsting, Territorial Landworks, Inc., Missoula, conditionally approving phasing plan amendment for Canyon Creek Village subdivision. Final plat submittal deadlines are extended as follows: Phase 13 to July 2, 2019; Phase 14 to July 2, 2020; Phase 15 to July 2, 2022; Phase 16 to July 2, 2024.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 23/CY2013 - Pay Date/November 15, 2013. Total Payroll/\$1,332,481.60. To County Auditor.

## TUESDAY, NOVEMBER 26, 2013

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Memorandums of Agreement – BCC approved/ML signed. Between County Parks and Trails Advisory Board and following for Fall FY13 Matching Grants Awards for park improvements:

- 1) Seeley Lake Lions Club (Clearwater Park) for up to \$2,000 to build addition to maintenance shed to house equipment/loaner skates, as well as provide place for skate check out/return.
- 2) Seeley Lake Community Council for up to \$930 to purchase supplies/materials/equipment to support Seeley Lake's "Connecting the Community" trails project.

Budget Transfer – BCC signed, dated November 25, 2013. Control #14-003 in amount of \$2,930 for CAPS/Parks to create unique budget codes for Fall 2013 FY13 Matching Grants, set forth above. Original to Accounting.

To Lisa Moisey/Parks for further handling. [All three above items contingent on legal review].

Memorandums of Agreement – BCC approved April 2013. ML signed November 26, 2013. Between County Parks and Trails Advisory Board and following for Spring FY13 Matching Grants Awards for park improvements:

- 1) Seeley Lake Lions Club (Clearwater Park) for up to \$4,000 to help build addition to maintenance shed to house equipment/loaner skates, as well as provide place for skate check out/return.
- 2) Potomac School District #11 for up to \$17,500 continued funding to implement Phase II of Potomac Community Recreation Complex. Both documents to Lisa Moisey/Parks for further handling.

Request – BCC approved request from CAPS/Parks for expenditure of up to \$1,000 to mow portions of County Common Area in Hillview Heights #6 Subdivision, City of Missoula. [Mowing required to bring parcel into compliance with City's regulations]. To Lisa Moisey/Parks for further handling.

Resolution No. 2013-126 – BCC signed, dated November 26, 2013. Authorizing submittal of an application to the MT DOC for a Big Sky Trust Fund Category I Job Creation Grant on behalf of Submittable, Inc. Original to C&R; copy to Marcy Allen/BREDD.

Collection Agreement – ML signed. Between CAPS (County Community and Planning Services) and Trout Limited for the Kennedy Creek Mine Reclamation Project (per Exhibit A: Operating Plan and Project Budget). Project Total/\$468,289 (from various sources of funding). Term/upon last signature–December 31, 2015. Two originals to Kali Becher/CAPS for further handling.

Additional discussion item(s): None.

NOV 27 2013

**WEDNESDAY, NOVEMBER 27, 2013**

BCC met in regular session; all three present.

**CAO MEETING**

Form – ML signed MT DEQ Claim Form for FY2013-2014 State Junk Vehicles Program allocation of funds. Full entitlement is \$131,827 (\$61,711.03 carryover and \$70,115.97 new money from this claim). Original to Jim Carlson/Env. Health Dept.

Additional discussion item(s): None.

**NO PUBLIC MEETING HELD THIS DATE****THURSDAY, NOVEMBER 28, 2013**

**COURTHOUSE AND ADMINISTRATION BUILDING CLOSED  
FOR THE THANKSGIVING DAY HOLIDAY**

**FRIDAY, NOVEMBER 29, 2013**

BCC did not meet in regular session. All three Commissioners out of the office all day.



Vickie M. Zeier  
Clerk & Recorder



Michele Landquist, Chair  
BCC

MISSOULA COUNTY COMMISSIONERS' JOURNAL: DECEMBER, 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 DECEMBER 2013:

Date Signed	Claims List Date	Who signed	Amount
December 2, 2013	November 26, 2013	ML, JC	\$45.62
			\$93,128.00
December 2, 2013	November 27, 2013	ML, JC	\$3,599.80
			\$22,238.14
			\$3,635.68
			\$10,975.00
			\$703.80
			\$515.24
			\$106.32
			\$485.44
			\$18,056.10
			\$190.00
December 3, 2013	December 2, 2013	JC, BC	\$121,989.26
December 3, 2013	December 2, 2013	BCC	\$3,083.85
			\$3,569.16
			\$10,211.94
			\$108,191.00
			\$159.00
			\$2,681.06
			\$86.00
			\$1,172.10
			\$1,717.50
			\$66.91
			\$7,462.74
			\$161,200.60
December 3, 2012	December 3, 2013	BCC	\$3,746.00
			\$500.00
			\$22.00
December 4, 2013	November 21, 2013	BCC	\$7.91
December 4, 2013	December 3, 2013	BCC	\$83.93
			\$15,067.31
December 5, 2013	December 4, 2013	ML, JC	\$22,401.36
			\$5,149.83
			\$3,683.11
			\$2,310.75
			\$44,979.13
			\$6,087.03
			\$252.00
			\$663.97
			\$319,621.14
			\$56,109.31
			\$4,776.72
			\$102.94
December 5, 2013	December 5, 2013	BCC	\$3,402.22
			\$82.50
			\$21,396.25
			\$6,036.91
			\$500.00
			\$2,586.26
			\$1,518.03
			\$111.65
			\$750.00
			\$385.00
December 9, 2013	December 5, 2013	BCC	\$399.68
December 9, 2013	December 6, 2013	BCC	\$1,352.28
			\$53.18
			\$79,109.24

December 11, 2013	December 9, 2013	BCC	\$10,979.69
			\$8,835.33
			\$1,915.98
			\$1,218.63
			\$4,584.03
			\$716.74
			\$109.82
			\$354.60
			\$194.88
			\$944,627.65
December 11, 2013	December 10, 2013	BCC	\$143,250.59
			\$6,259.31
			\$3,148.85
			\$236.88
			\$37.20
			\$110.96
			\$474.45
			\$110.36
			\$685.99
			\$16,665.18
			\$2,889.19
			\$27.12
			\$65.42
			\$4,073.44
			\$6,951.38
December 11, 2013	December 6, 2013	ML, JC	\$3,083.50
December 11, 2013	December 11, 2013	ML, JC	\$648.91
			\$7,931.39
			\$16,128.29
			\$252.43
			\$6,319.62
			\$4,607.00
			\$32.72
			\$27,675.07
			\$25.00
December 4, 2013	PHC Smartfill ACH		\$49,025.91
December 10, 2013	PHC Cardinal Health ACH		\$29,634.88
December 12, 2013	December 11, 2013	BCC	\$200.00
December 11, 2013	PHC Smartfill ACH		\$15,918.80
December 16, 2013	December 16, 2013	BCC	\$7,367.70
			\$14,078.03
			\$19,702.53
December 17, 2013	December 16, 2013	JC, BC	\$480,374.28
			\$8,070.60
			\$3,035.05
			\$1,810.03
			\$7,790.58
			\$239,838.81
			\$3,647.85
December 19, 2013	December 16, 2013	ML, BC	\$1,292.38
			\$414,813.50
			\$7,687.23
December 19, 2013	December 17, 2013	ML, BC	\$23,462.04
			\$4,975.19
			\$1,000.00
			\$103.63
			\$32,735.72
			\$6,992.27
			\$1,385.00
			\$25,958.71
December 19, 2013	December 18, 2013	ML, BC	\$14,361.74
			\$43,479.28
			\$4,295.73
			\$2,488.43
			\$123.76
			\$1,909.00
			\$350.00

December 19, 2013	December 19, 2013	ML, BC	\$157.08
			\$385.58
			\$157.50
			\$7,158.98
			\$357.36
			\$414.89
			\$434.31
			\$244.55
			\$500.00
December 13, 2013	PHC Cardinal Health ACH		\$0.01
December 13, 2013	PHC Amerisource ACH		\$12,993.93
December 18, 2013	PHC Smartfill ACH		\$25,164.05
December 20, 2013	December 18, 2013	ML, BC	\$41,073.07
			\$3,241.55
December 20, 2013	December 19, 2013	ML, BC	\$14,619.60
			\$14,664.97
			\$1,389.61
			\$726.66
			\$916.40
			\$29.98
December 20, 2013	December 20, 2013	ML, BC	\$2,285.90
December 31, 2013	December 19, 2013	BCC	\$1,173.01
			\$103,952.35
December 31, 2013	December 23, 2013	BCC	\$6,611.09
			\$14,555.20
			\$86,185.44
			\$1,370.59
			\$32,281.79
			\$11,490.10
			\$7,444.12
			\$33,581.97
			\$4,863.13
			\$2,905.46
			\$147.95
			\$8,085.11
			\$3,106.25
			\$2,200.88
			\$13,759.08
			\$9,729.05
			\$19.91
			\$39.78
			\$70,926.00
December 31, 2013	December 27, 2013	BCC	\$22,101.31
			\$8,744.72
December 31, 2013	December 31, 2013	ML, JC	\$185,207.64
December 26, 2013	PHC Cardinal Health ACH		\$1,736.34
December 26, 2013	PHC Smartfill ACH		\$25,482.82
December 27, 2013	PHC Amerisource ACH		\$26,887.95

All Claims Lists were returned to the Accounting Department.

#### MONDAY, DECEMBER 2, 2013

BCC did not meet in regular session. BC out of office all day. Afternoon: JC at MACo Board of Directors Meeting, held in Helena.

Replacement Warrant - ML signed. MT Unemployment Division, Helena, Principal for Missoula Rural Fire District Warrant #015125, issued September 20, 2013 on County 1400991921 Fund. Amount/\$3,026.85 (for 2<sup>nd</sup> Quarter unemployment). Not received in mail; no bond of indemnity required.

Community and Planning Services Update - BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Elk Flats Bond Project/Approval Resolution; 4) Alexandra Estates/Phasing Plan amendment (*action item*); 5) Director's update.

01 Dec 2013

Letter – BCC signed, dated December 3, 2013 to Nick Kaufman, WGM Group, Missoula, approving phasing plan amendment for Alexandra Estates Subdivision. Final plat submittal deadlines are extended as follows: Phase 1 to December 31, 2018; Phase 2 to December 31, 2020; Phase 3 to December 31, 2022; Phase 4 to December 31, 2023.

**TUESDAY, DECEMBER 3, 2013**

BCC met in regular session; all three present. Evening: ML attended Territorial Landworks' Open House.

**ADMINISTRATIVE MEETING**

County Payroll Transmittal Sheet – BCC signed. Pay Period: 24/CY2013 - Pay Date/November 29, 2013. Total Payroll/\$1,351,386.11. To County Auditor.

Resolution No. 2013-127 – BCC signed, dated December 3, 2013. Supporting the new Missoula Community Transportation Safety Plan (CTSP), created from grant applied for by Missoula Metropolitan Planning Organization (MPO) with technical/financial assistance from MT DOT. Purpose is to reduce number of fatal/incapacitating injury crashes in the Missoula MPO planning area. CTSP adopted on August 20, 2013, by the TPCC, upon recommendation of TTAC, TSAC and MPO. Original to C&R.

Grant Agreement – ML signed. Between County and U.S. Dept. of Transportation/Federal Highway Administration Grant for National Infrastructure Investments (FY 2013 TIGER Discretionary Grants) for Missoula to Lolo Trail Project. Amount/\$5,480,363. Term/November 15, 2013-October 15, 2015. Two originals to Greg Robertson/PW for further handling.

Consultant Agreement – ML signed. Between County and DJ&A, PC for design services associated with construction of Missoula to Lolo Trail Project (funded by FY 2013 TIGER Discretionary Grant). Amount/\$501,737.39. Contract end/June 20, 2014. Three originals to Greg Robertson/PW for further handling.

Contract Amendment – BCC signed, dated December 2, 2013, between County and Glacierland RC&D Council, Inc. for Seeley Lake Wood Stove Changeout Program (original contract dated May 9, 2012). Extends contract to six months June 30, 2014 in order to provide 2014 winter air quality data to be included into final report for original \$285,000 grant. Two originals to Heather Kinnear/DGCP for further handling.

Board Appointment – BCC appointed Lisa Clark to fulfill an unexpired term on the Seeley Lake Cemetery District Board. Ms. Clark's term begins immediately and runs through April 30, 2015.

Letter – BCC signed, dated December 3, 2013 to Ed Toavs, MT DOT, Missoula, attaching and supporting letter received from Seeley Lake Community Council requesting a uniform speed limit be placed in Seeley Lake urbanized area, rather than current varied speed limits. Letter also requests additional pedestrian crossings, as well as improving two existing crossings.

Letter – BCC signed, dated December 3, 2013 to Ed Toavs, MT DOT, Missoula, concurring with their Speed Study recommendations for US Highway 93 – Desmet Interchange – North, which include geometric changes and installation of two new traffic signals.

Additional discussion item(s): Airport Authority Board interview; staff asked to schedule.

**WEDNESDAY, DECEMBER 4, 2013**

BCC met in regular session; all three present.

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 2013.

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 2013.

**CAO MEETING**

Contract – ML signed. #214001 between MCCHD and MT DEQ for purpose of additional runs of a riparian awareness advertisement campaign in City of Missoula and Gallatin County. Additional funding from MT DEQ 310 program for public education related to riparian area protection. Amount/\$10,000 (w/\$2,500 match). Term/through August 15, 2014. Two originals to Julie Mohr/MCCHD for further handling.

By-Laws – BCC approved/signed, dated November 18, 2013. Amended By-Laws for the Historical Museum at Fort Missoula. Two originals to Bob Brown/Historical Museum for further handling.

Bond Documents – BCC approved/ML signed all MT DOC documents relating to State Intercap Loan Program Bond documents for RSID 901-Lolo Water and Sewer District (SCADA/Telemetry System Upgrade Project), including Resolution No. 2013-128 – Relating to \$130,000 Bond for RSID #901; fixing form and details and providing for the execution and delivery thereof and security therefor. Total project cost/\$167,137.49. Project complete. Debt schedule applies to FY14-FY19 Budgets. Originals to C&R and Intercap.

01 JAN 2014

Bond Documents – BCC approved/ML signed all acquisition documents for property at 3417 Kehrwald Drive. Seller/Randy Lee Johnson; Buyer/Missoula County. Amount/\$137,111.26. Property bought due to past flooding, creating health/safety hazard. Missoula Rural Fire to use property as training exercise in spring of 2014. Original to Todd Klietz/GCP.

Additional discussion item(s): Appointments for several County Board vacancies; BCC asked staff to contact an applicant to come in for an interview for Larchmont and Airport Authority.

**PUBLIC MEETING – December 4, 2013**

**1. CALL TO ORDER**

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

**Staff Present:** Bob Brown, Executive Director Historical Museum Fort Missoula, Kali Becher, CAPS, Nancy Heil, CAPS

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC ANNOUNCEMENTS**

**Bob Brown, Historical Museum:** We have our Holiday exhibit; It's All Aboard the Holiday Express. It's all about trains and trolleys and lots of fun and games, so we invite everybody to come out.

**Commissioner Curtiss:** They also have a great gift shop!

**4. PUBLIC COMMENT**

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List (\$1,634,963.55)

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the current Claims List in the amount of \$1,634,963.55. Commissioner Curtiss seconded the motion. The motion carried a vote of 3-0.

**6. HEARINGS**

**A. Elk Flats Open Space Bond Project**

**Kali Becher gave staff report update.** This project proposes to use up to \$150,000.00 of Open Space Bond funding towards the purchase of 5 conservation easements, on 5 separate ownerships; totaling approximately 276 acres along the Elk Flats Road in the Swan Valley. The Vital Ground Foundation would hold the conservation easements on all of the properties. The bond cost per acre is \$543.00 per acre and the total project cost is \$353,100.00. The estimated match for this purchase is 4.2 to 1 and this is the ratio of other funding to bond funding, so for every \$1 of bond funds that's being matched with \$4.2 in other funding. If this project is approved, the closing of all 5 conservation easements will be required for the release of funds. On November 5, 2013 the Board of County Commissioners determined this project is a qualified Open Space Bond Project and adopted reimbursement Resolution 2013-122 and this qualified the project for Open Space Bond funding. The Missoula County Open Land Citizen Advisory Committee met on November 21, 2013 and voted unanimously to recommend approval of this project and ranked this project highest in terms of wildlife habitat and water quality. The 2008 interlocal agreement related to the Open Space Bond established the general purposes of the Open Space Bond. This project meets the following purposes; protecting wildlife habitat, managing for growth, protecting water quality of rivers, lakes and streams, providing open space and scenic landscapes and conserving working ranches, farms and forests. These 5 properties are nearby other conservation easements and conservation lands. In addition, Vital Grounds will be purchasing property adjacent to one of the properties involved in this project; this isn't part of the request for bond funds but will be add to the overall conservation value of the project.

**Ryan Lutey, Director of Lands for the Vital Ground Foundation:** Thanks to the Commissioners for giving us this opportunity to present the project today and especially for taking time out of your schedule before this weather front arrived to do our field visit. It's been several years since Vital Grounds has brought a project forward for the Missoula County Open Space Bond Program. We haven't been asleep, we've been working in North Idaho, Northwest Montana, we have closed 3 easements since 2007, since our last request here in the County, all 3 of those were fully donated so there was no request made for funding for those projects. Just as a side note, we've also been busy working on accreditation from the Land Trust Alliance, we have fully completed our application and completed the final audit and we're expecting to be a fully accredited land trust beginning in 2014. Kali did such a great job with the staff report, we could have probably flipped through the slides but if we want to go through and recap on a lot of what kali just presented. (Showed PPT Presentation) Owners of the project: Bill & Jean Moore, Mike Stevenson, Don Schmidt's, Larry and Helen Rasmussen, Mark and Caroline Lawrence. The sixth ownership is the brother of Mark Lawrence; he's selling the property to Vital Ground. On the



Moore addition, we have a restriction for no additional subdivision, only one building envelope. There's one residential structure situated on the property and forest management and livestock will be permitted into the future, so there will be continued agricultural presence on that property. On Mike Stevenson's property, again there is no additional subdivision permitted under the easement. We have defined a single building envelope with one residential existing structure and the agricultural activities are similar to the Moore property. On Don Schmidt's property, pretty much the same parameters with the distinction that there are two building envelopes permitted on that site. Only one of which, the western most site is a residential building envelope; the other site is a large garage/shop area. It just made sense not to draw one large building envelope because they were a little bit disbursed on the property. So we were able to tighten up this building envelope considerably by breaking them up, but again the easement will only permit the single residence into the future. Then again, continued forest management will be available on that property. On the Rasmussen property, the existing development consists mainly of historical homesteading structures. There's a cabin and remnants of a barn, there's a more modern outhouse but the cabin's very small, again more of historical value than current use value so there is going to be a 2<sup>nd</sup> building envelope permitted on that property. That building envelope will be selected by the landowners at the time they are ready to build, that envelope would permit one additional residence and a guest cabin, once it is defined. The Rasmussen's have also decided to continue forest management on that property as well. On the Lawrence property, it's 40 acres and there is no development currently; that's the property that we took our long nature walk where some might accuse me of getting everyone lost. It's probably one of the most wetland adverse properties. The Lawrence's have agreed to cluster their building envelope right up at the southern end of the property, against the Elk Flats Road. Any future development permitted which consist of one residence and one guest cabin, will be toward the front or the south end of that property. Then they also will continue their traditional agricultural activities as well. All these properties are located in the headwaters of the South Fork Cold Creek. None of the properties contain year round segments of the creek but many of them do have the femoral segments that dry up seasonally that provide both water quality and water quantity benefits to Cold Creek. That's important because of the sensitive fish species that are present in that tributary, both its designated critical habitat for bull trout, as well as important habitat for west slope cutthroat trout with both state and federal designations on those fish species. The project with all its riparian and pothole areas also is a great habitat for threatened water howellia. We don't have documented presence of howellia on the properties but we do in the vicinity and the only reason it's not documented is because we completed our base line surveys late in the fall when water howellia would have shriveled and disappeared. Again, it does provide great wildlife habitat, like Kali was mentioning, for numerous other sensitive wildlife species. Again, we did see there's historical components to this project, both the Rasmussen property and the Moore property have homesteads dating back to the early 1900's. This is an abridged budget, again Kali thoroughly covered the request, essentially the total value of the conservation easements is nearly \$700,000.00. We have an additional \$73,500.00 in transactions and stewardship costs that the organization is responsible for so the total conservation easement budget for the project is \$772,500.00. The landowners have generously agreed to donate 60% of the value of each of their easements. We've already raised, toward those easements, \$203,000.00 and are making the bond request in the amount of \$150,000.00, which if it is approved we'd represent the cap on the total project budget. There was a more complete budget that we handed in with the level 2 application. I'm happy to take questions on either that budget or the short version of that today.

**Commissioner Curtiss:** When you showed the map, and we all know that the legacy project resulted in a large amount of ownership that is public, the forest service now is responsible for it. Could you talk about the value of these particular easements to meet your mission and how do they fit with...being that much land there are folks who would say there's plenty of room for the animals.

**Ryan Lutey:** One thing Vital Ground pays special attention to when we draft our conservation easements and negotiate the restrictions with the landowners is making sure that things like attractants don't bring people and bears into conflict, whether that's garbage or BBQ's, pet food or chickens. So we pay special attention where even though these properties are fairly small where more intensive subdivision could occur, we approach these from the perspective that every additional home site or human presence up there that we can prevent, does definitely directly address preventing those conflicts. That's kind of the meat of why we pursue even these smaller easements in locations like this. Again, this project in particular came about from a long discussion we've had with many of the landowners up there. Finding its roots in our first easement with Vital Grounds coyote forest easement completed with Bud Moore. I feel like we're definitely responding to a local vision for what this area should look like into the future. Those definitely carried a lot of weight when we were evaluating this project from a conservation value standpoint.

**Chair Landquist:** We were way out there in the boonies and I know that there are some folks in the Swan area that are concerned about economic vitality of their area. And so while these conservation easements essentially are buying up development rights, rights to put houses on...subdivision, does it do anything to restrict or enhance economic vitality to the area?

**Ryan Lutey:** I would say the easements themselves probably don't enhance the economy, I would say in terms they also would essentially maintain existing levels of timber production from the properties. They do permit the landowners to have in-home residential businesses that don't create additional quantities of traffic to the properties, but it's certainly a permitted use under the easement. Then again, the properties from a real estate marketing perspective can still be sold

and transferred on the open market, so it doesn't affect the real estate economy. Except perhaps, that if they were fragmented down into 5 or 10 acre parcels there might be more sales opportunities, but I think that would be counter balanced with the argument that the county services that would be responsible for paying for it at that point, would offset that impingement on the real estate market.

**Chair Landquist:** As I recall, there was some discussion on the Moore's property about another area that he could build a shop, if they wanted to make some sort of wood or something and have a couple locals come and work there, nothing big. But something like that would be allowed.

**Ryan Lutey:** Yes and a good example of that is on the adjacent coyote forest easement, included within the easement boundaries there is an active saw mill, permitted on that property. That is primarily for custom orders so it's not like there's a retail outlet or a hardware store up there but folks can come in and make use of the local resources and there's some economic benefit still available on that property.

**Chair Landquist:** Thank you that's what I wanted people to know. It's not like we're encouraging conservation easements to come in and purchase up the development rights and close the gate as if to say; we've got ours now, everybody go away and find your own somewhere else. That's not what this is about.

#### Public Comment

**Jim Cusker, Member Grass Valley Open Lands Committee:** The Open Lands Committee was particularly taken with the unique value that this particular project offers the county. 276 total acres may not seem like a bunch but when you realize that there are 5 separate owners involved and that these people, working with Vital Grounds, were able to come up with a single project and you see all the marvelous conservation values of the 5 different pieces of property, 6 if you look at in yet another perspective. I suspect the value has multiplied greatly. You also noticed on the map that this provides some additional continuant between the properties and this project and protected areas as well ~ very, very important. So of course the open land committee unanimously recommends approval of this particular project, and we would also like to express our appreciate to Vital Ground for the unique feature in getting these different landowners together and bringing relatively small pieces of property together and presenting this one project. I for one, hope that this is a welcome precedence that other land trusts and of course Vital Ground, with other projects of this nature will attempt to look at in the future. I've heard that there are a number of areas in the county where landowners with relatively small properties are interested placing conservation easements on their land; this shows how it can be done. Open Lands Committee would also like to express our appreciation to the landowners involved; you have a remarkable story of cooperation in getting things done. The open land committee is very pleased to give our whole-hearted endorsement to this project.

**Bill Moore:** My wife and I are part of the project. I wanted to point out a cool thing about it is that up in the Swan Valley we have several grizzly bear corridors that have been designated by Plum Creek and Fish & Wildlife and everybody working together. Between what's going on with the legacy and Pop's Place and what we're doing, we've created almost a whole other grizzly bear corridor up there; that's kind of a neat thing. The other thing that I wanted to offer ~ stand up if you have any questions for a landowner how we look at it or anything, I'd be happy to tell you our point of view.

**Chair Landquist:** I don't know if we have any questions but if you have any more that you want to add, this is a great opportunity to do so. Things like this are really contagious.

**Bill Moore:** We're really excited about being able to do this. Thank you for your consideration.

**Chair Landquist:** We're really glad that you and the other landowners were willing to entertain us and work so hard to make it happen. It is a rare opportunity and your landowner donation part of it is pretty phenomenal and the money being able to be leveraged over 4-1 is pretty fantastic. It's a good deal when you look at it that way, what we can leverage that money to do.

#### Executive Session

**Commissioner Curtiss:** I've had a few phone calls because people I think, who haven't spent a lot of time with Ryan or some of the other land trusts, often don't understand conservation easements and feel like it's just a way to limit development. I think the bond language was clear that the citizens voted for and our Open Space Bond money is not just a limit development but to protect habitat and native plants and water quality and working landscapes, that's the values that are on this group of easements. It is unique, I think that it's nice to see a way that sometimes I think people have too small a piece of property all by itself, so it's hard to justify a conservation easement, although you can put them on small pieces so this clustering is unique. I think this is what the citizens did vote for when they passed the Open Space Bond.

**Bill Carey:** I agree and I thank the landowners, our staff and the Vital Grounds Foundation for their work in this. It's the kind of thing that many of appreciate right now but many, many more will appreciate it in the years to come. Thank you.

01 Jan 2013

**Chair Landquist:** I agree with both of your comments. Often I hear people thinking that these conservation easements are just easy money for people that have either a lot of money or a lot of land or both to take a tax payer handout to not develop their property, which they weren't going to develop anyway, or aren't developable. That's not what this is about. 1.) These properties could be developed. 2.) These properties will now go to future generations to enjoy as they are, as other things get built up and the land use has changed, these properties will be managed so that they'll still have some wonderful and intrinsic values to them. The wildlife will still have value to them. It's not like there's a great deal of tax incentive for people to be doing this with their land. It's not a taxpayer handout and these things take a lot of time and work. The matches are phenomenal. There's a small price for the county to pay for this much land to be in conservation easement when you look at for every one of our county taxpayer dollars to be matched over four times in these matches that are put together. That's one of the criteria's that the Open Lands Committee set out when they established their operating rules. They wanted to make sure that folks weren't looking at this as just a quick handout for selling off your development rights, that there had to be some good matches involved to make the monies go even further. So I just want to let people know at home and that have touched me and questioned me about me it that these deals are not put together over night, they take years in the making and these matches don't come easy. Thank you very much for everybody that worked on it. Yippee for future generations! That's one of the reasons that I wanted to be a County Commissioner, to make sure that there was going to be something for the future generations to come to Missoula County and have some of these special values in the land that I value.

#### **Motion**

Commissioner Carey made motion that the Board of County Commissioners approve the expenditure of up to \$150,000.00 in Open Space Bonds Funds via the attached Resolution, towards the purchase of 5 conservation easements, totaling approximately 276 acres for the Elk Flats Project based on findings that the project qualifies for funding recommendations of the Open Lands Citizen Advisory Committee, public hearing comments and staffs analysis. Commissioner Curtiss seconded the motion. The motion carried a vote of 3-0.

#### **B. Petition to Annex Property into Frenchtown Rural Fire District (High Meadow Mountain Ranch – Huson)**

**Shyra Scott gave staff report update.** We received a petition from High Meadow Mountain Ranch for annexation of their property on 31255 Ninemile Road in Huson into the Frenchtown Rural Fire District. The petition has the necessary signatures, at least 40% or more of the free holders within the proposed district. The owners signing the petition represent 40% or more of the taxable value of the property to be annexed. The owner saying the petition represents at least 40% of the acreage. It's been approved by the Frenchtown Board.

#### **Public Comment**

None

**Commissioner Curtiss:** I always think it's a good thing to have property where people live be part of a fire district, and then they also contribute to the fire districts budget.

#### **Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners accept the petition to annex this property into the Frenchtown Rural Fire District. Commissioner Carey 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 are in recess at 2:08.

Following Public Meeting, BCC signed:

- 1) Resolution No. 2013-130 – BCC signed, dated December 6, 2013. Annexing to Frenchtown Rural Fire District a parcel of land located in Missoula County situated in Section 1, T 16 N, R 24 W, PMM, Missoula; also known as 31255 Ninemile Road, Huson, MT. Public hearing held December 4, 2013.
- 2) Resolution No. 2013-129 – BCC signed, dated December 6, 2013. Expending up to \$150,000 of 2006 Open Space Bond proceeds towards purchase of five conservation easements, totaling approx. 276 acres, in the Swan Valley for the Elk Flats Open Space Project. Public hearing held December 4, 2013.

**THURSDAY, DECEMBER 5, 2013**

BCC met in regular session; all three present. Noon: ML attended "Empty Dinner Table" Luncheon & Recognition Ceremony, held at Westside Lanes. Afternoon: BCC participated in a construction tour.

#### ADMINISTRATIVE MEETING

Resolution No. 2013-132 – BCC signed approval to abandon portion of Mullan Road right-of-way in excess of 60 feet affecting tract on COS#4772 AND AFFECTING Lot 9 in King Ranch. Approved at public hearing on November 13, 2013.

Resolution No. 2013-133 and Bylaws – BCC signed, dated December 5, 2013. Establishing the Bonner Mill Tax Increment Financing Industrial District Advisory Board ("BMA"), describing its power, and establishing the Rules of Operation (Bylaws). BCC also signed BMA Bylaws, dated December 5, 2013. Resolution to C&R; originals of Bylaws to Barb Martens/Projects for further handling.

Change Order – BCC signed. #3 to contract between County and Jackson Contractor Group for Courthouse Office Remodel (Phase 2) Asbestos Abatement. Order addresses cost for additional asbestos testing and abatement in Courthouse. Additional amount/\$15,440.21 (for new total base contract sum of \$177,446.16). Project End/January 2014. Original to C&R.

Change Order – BCC signed. #5 to contract between County and Jackson Contractor Group for Courthouse Office Remodel (Phase 2) Base Contract. Order addresses additional construction in Courthouse and annex and demo of 2<sup>nd</sup> floor/Annex. Additional amount/\$92,841.20 for new total base contract sum of \$5,663,457.43). Project End/January 2014. Original to C&R.

Board Appointments – BCC made following appointments to various Boards/Commissions for terms beginning January 1, 2014:

- Open Lands Citizen Advisory Committee: Reappointed 1) Marci Valeo; 2) Anne Dahl; 3) Heather Wills; and 4) Addrien Marx to new 3-year terms to December 31, 2016.
- Planning & Zoning Commission: Reappointed Sylvia Weisenburger to new 2-year term to December 31, 2015.
- Weed Board: Reappointed 1) Paul Heihn and 2) Dennis Vander Meer to new 3-year terms to December 31, 2016.

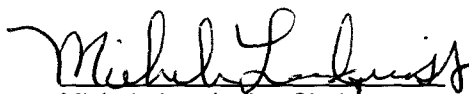
Additional discussion item(s): None.

**FRIDAY, DECEMBER 6, 2013**

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

Monthly Report – ML examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of the District Court, Shirley Faust, for month ending November 2013.

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

**MONDAY, DECEMBER 9, 2013**

BCC met in regular session; all three present. Noon: ML attended City Club Luncheon. Evening: BCC held Joint Hearing with Missoula City Council re: Proposed Amendments to Air Pollution Control Program.

Indemnity Bond – ML signed. Mary A. Wooldridge, Missoula, Principal for Financial Services Warrant #31322594, issued November 15, 2013 on County Payroll Fund. Amount/\$37.77 (for wages). Warrant lost.

Site Visit – BC visited Orchard Homes Ditch Intake Structure, to view site where improvements are planned.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Director's update; 4) Sha Ron and East Missoula Parking Issues (FWP/landowners/others).

County Resolution No. 2013-131 and City Resolution No. 7839 – BCC signed, dated December 9, 2013. Joint Resolution between Missoula County and Missoula City Council to support new Missoula City-County Air Pollution Control Program rules/amendments. Joint hearing held on December 9, 2013. Originals to C&R and Nikki Rogers/City of Missoula.

**TUESDAY, DECEMBER 10, 2013**

BCC met in regular session; all three present.

**ADMINISTRATIVE MEETING**

Request – BCC approved. From Lisa Moisey, CAPS/Parks, affirming nomination of Jim O'Reilly as Horseman's Council 2014 representative on the Big Sky Stewardship Committee. Original to L. Moisey.

By-Laws – BCC approved/signed, dated December 10, 2013. Missoula County Parks & Trails Advisory Board By-Law Amendments. Two originals to Lisa Moisey/Parks for further handling.

Nov 01 '13 11:25

Letter – BCC signed, dated December 3, 2013 to J. Burbank/Compliance Specialist, DOR, Liquor Licensing, Helena, acknowledging receipt of Application for Corporate Structure Change of an All-Alcoholic Beverages License for 2T Operations, Inc. d/b/a Ironwood Casino, Frenchtown. BCC states the business has personal property taxes owing for 2013, and this should be considered before a license is issued.

Additional discussion item(s): *Light Our Bridges*.

**WEDNESDAY, DECEMBER 11, 2013**

BCC met in regular session; all three present. Afternoon: JC attended "Let's Move! Missoula" Steering Committee meeting, held at United Way.

Replacement Warrant - ML signed. Deloris Johnson, Missoula, Principal for Elections Warrant #30245811, issued November 18, 2013 on County General Fund. Amount/\$89.60 (for Election work). Not received in mail; no bond of indemnity required.

**CAO MEETING**

Request – BCC approved. From Chris Lounsbury/OEM, authorizing him to submit the election of Secure Rural Schools Payment to the State of MT (using same formula as previous years: 85% Title I; 8% Title II and 7% Title III). To Chris/OEM for further handling.

Amendment – BCC signed, dated November 26, 2012 (sic; should be 2013). Amendment No. 6 to Lease No. 825-5.97-0060 between Plum Creek Timberlands, LP and County (General Services), extending lease to December 31, 2014 on two radio transmission sites on a portion of County land. Rent/\$1,200 annually. Two originals to Chris/OEM for further handling.

Board Appointments – Per new By-Laws dated December 16, 2013, BCC appointed the following as new "Regular" Members of the Historical Museum Board of Trustees: 1) Coby Johnson for term January 1, 2014-December 31, 2016; and 2) Don Spritzer for term January 1, 2014-December 31, 2015

Certificate – BCC signed Award Certificate to Jean Belangie-Nye, as the 2013 County Parks and Trails Steward.

Additional discussion item(s): House District 98 Interim Appointment Candidates; staff to schedule interviews.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated December 11, 2013:

- Re: postponing November 2013 decision on request from Jim Galipeau, CPA, Missoula (on behalf of Max Porter) to adjust tax bills for 2012 & 2013. The BCC requested additional info from the DOR regarding the business and tax bills for the current dentist. Once this info is received, the BCC will make their decision and notify Mr. Galipeau.
- Re: postponing November 2013 decision on request from Craig & Beth Diettert, Missoula, to waive personal property tax bills for taxpayer id #80513415, 80516801 & 80787787. The DOR could not answer all of the questions; therefore, they have asked Dori Brownlow, Deputy County Attorney, to contact the Diettert's attorney for possible further info in the bankruptcy file regarding the equipment that was taxed. County will notify the Dietterts when a decision is made.
- Letter to Dawn Overbaugh, Missoula County Finance Specialist, re: letter from Dept. of Natural Resources & Conservation to delete forest fire protection. BCC approved to delete all tax bills for taxpayer id #1767601; as well as delete the forest fire protection fee for taxpayer id #3057203.
- Denying request from Mackenzie Thideau, Missoula, to refund motor vehicle taxes/fees paid for 2012-2013. Per Montana Law, BCC has no authority to do so.
- Approving request from Brian Riggers, Missoula to refund penalty/interest for taxpayer id #1338004 and 2012111401, because he tried to pay the taxes on time.
- Letter to Wes Redden, DOR, Missoula, requesting that he contact Steve Hutchins, Chief Building Official for Missoula County, to discuss county building permits and the info needed for monthly reports.
- Denying request from Josephine Bagnell, Missoula to refund penalty/interest for taxpayer id #69604. Per Montana Law, BCC has no authority to do so.

**NO PUBLIC MEETING HELD THIS DATE****THURSDAY, DECEMBER 12, 2013**

BCC met in regular session; all three present. Late afternoon: BCC met with Legislative Candidate Pam Walzer.

**ADMINISTRATIVE MEETING**

Addendum – BCC signed. To Master Contract between County and A&E Architects for Courthouse Renovation Project. Addendum revises construction documents to re-bid Phase 3 as Phase 3A and provide for the construction administration of Phase 3A. Amount/\$97,620. Originals to C&R and A&E.

DEC 13 2013

Request for Funds Form – BCC approved/ML signed. Draw #1 (in amount of \$21,850) from CDBG funds for Tom Roy Youth Guidance Home construction project. Balance remaining after draw/\$428,150. Project term/July 1, 2012-June 30, 2014. Original to Jean Harte/GCP.

Interlocal Agreement – BCC signed. Between Missoula County and City of Missoula for design/construction management services to be provided by County (and its consultant) for City portion of the Missoula to Lolo (M2L) Trail. TIGER (Transportation Investment Generating Economic Recovery) Grant is for rural component of project; City of Missoula is responsible for work within city limits. Two originals to Greg Robertson/Public Works for further handling.

Contract – BCC signed, dated December 12, 2013. Between MCCHD and D. Lower Construction to oversee installation aspects (plumbing/cabinet/appliance) of WIC Kitchen Remodel Project. Term/December 9, 2013-February 29, 2014. Amount/\$8,375. DLC to work with County Facilities Management staff to install electrical system upgrades. Originals to Julie Mohr/MCCHD for further handling.

Budget Agreement – BCC signed. FY2014 Extension Services Budget Agreement between Missoula County and Montana State University Extension. Amount/\$587,843 (approved by BCC through county budget process). Three originals to Jerry Marks/Extension Office for further handling.

Mini-Grant Agreements – BCC signed. Two (2) between County Extension Office and MT Dept. of Agriculture (Growth Through Agriculture Minigrants) for the following projects:

- 1) #MDA 1450679: Temperature monitoring study at PEAS Farm of season extension/frost protection tools implemented by regional producers. Total project amount/\$4,613; \$2,500 from Grant; balance from Cash & In-Kind Matches. Beginning in early Spring 2014.
- 2) #MDA 1450678: Series of tours for community members and local businesses of regional farms/establishments producing/serving food in the local marketplace. Total project amount/\$3,200; \$1,250 from Grant; balance from Cash & In-Kind Matches. Beginning late summer 2014.

Three originals to Weed District for further handling.

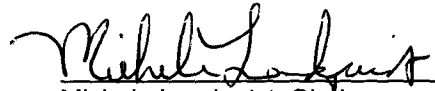
Request: Records Disposal/Transfer Authorization – ML signed. From Elections: School Election materials from May 3, 2011. To be destroyed.

Additional discussion item(s): 1) House District 98 Interim Appointment Candidates; 2) Proposed City Ordinances from Missoula Downtown Advisory Commission.

#### FRIDAY, DECEMBER 13, 2013

BCC met in regular session; all three present. Morning: BCC met with Legislative Candidates Andrew Person and Chuck Erickson.

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

#### MONDAY, DECEMBER 16, 2013

BCC met in regular session; all three present. Morning: JC attended Forum for Children & Youth Advisory Council Meeting, held in Admin Building.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Family Transfers: a) Marcure; and b) Babbitt; 4) County Zoning Resolution update; 5) County Growth Policy Profile (Chapter 2) update; 6) Sun Mountain Estates Lot 1 water supply for firefighting (*no action; postponed for re-evaluation by staff*); 7) Subdivision Regs Amendments: Ag Covenant Lifting; 8) Director's update.

#### TUESDAY, DECEMBER 17, 2013

BCC met in regular session; all three present. Morning: ML attended Medical Protocol meeting, held at Detention Center.

#### ADMINISTRATIVE MEETING

Transfer – BCC signed. County Funds Transfer for Medicaid Match Agreement between County and MT DPHHS for provision of county funding for Medicaid reimbursement for mental health services (for Stephens House and Crisis Intervention Team of Western MT Mental Health Center. Amount/\$165,000 for period July 1, 2013-June 30, 2014. Two originals to Peggy Seel/OPG for further handling.

Grant Forms – ML signed US Dept. of Housing and Urban Development Forms, dated December 17, 2013, including Disclosure of Lobbying Activities, Applicant Disclosure, and Drug-Free Workplace Forms for the YWCA Ada's Place and SHARE House 2013 Supportive Housing Program grant applications, as follows: 1) \$88,377 for Ada's Place; and 2) \$130,093 for SHARE House. Originals to Melissa Gordon for further handling.

Budget Transfer – BCC signed, dated December 17, 2013. Control #14-004 for Library in amount of \$30,000 to move spending authority to purchase Media Bank. Original to Accounting.

Change Order – ML signed Change Order #2 to contract between County (Detention Center) and Outback Construction for new recreation yard at MCDS. Task Order provides for CMU guard houses and associate upgrades at the Center. Amount/\$46,486; total contract amount/\$296,951. Term/September 15, 2013-January 31, 2014. Originals to C&R and Larry Farnes/Facilities Management.

Agreement – BCC signed, dated December 17, 2013. Between County and Tanya Drayton to appraise three race horses that are in care of Animal Control, at a cost of \$15,000 per year plus any vet costs (from Risk Fund). Animal Control would like to adopt these horses out after males are neutered to avoid ongoing expense. Originals to Jim Carlson/MCCHD.

Appointment – BCC approved/appointed Andrew Person as the new replacement for vacancy on House District 98 (due to resignation of Jenifer Gursky). Three candidates were interviewed: Pam Walzer, Andrew Person and Chuck Erickson. BCC sent form letter to Secretary of State Linda McCulloch, dated December 17, 2014 notifying her of Mr. Person's appointment.

Letter – BCC signed, dated December 17, 2013 to Lindsay Volpe, MT DNRC, Helena, supporting the efforts of Little Beaver Conservation District and Judith Basin Conservation District to pursue the DNRC's Capacity Building Grant. Funds would be used to develop educational curriculum for Conservation District Administrators.

Additional discussion item(s): End of year Board appointments.

### WEDNESDAY, DECEMBER 18, 2013

BCC met in regular session; all three present.

#### CAO MEETING

Agreement – BCC signed. For Task Order #3 to original contract between County and MMW Architects to assess Dept. of Grants/Community Programs' space needs. Amount/\$13,271.18 for space design development, etc. for relocation of Healthy Relationships Program (a/k/a CVA Program) to 317 Woody Street. Project to be completed by June 2014. Originals to C&R and Cindy Wulfekuhle/GCP.

Request for Funds Form – BCC approved/ML signed. Draw #2 (in amount of \$38,165) from CDBG funds for Tom Roy Youth Guidance Home construction project. Balance remaining after draw/\$389,985. Project term/July 1, 2012-June 30, 2014. Original to Jean Harte/GCP.

Agreement – BCC signed, dated December 18, 2013. Between MCCHD and MT Highway Patrol (MT DOJ) for DUI Task Force Special Activities to reduce alcohol-involved traffic crashes in County. Amount/up to \$4,250 (from Driver's License reinstatement fees). Term/July 1, 2013-May 31, 2014. Two originals to Julie Mohr/MCCHD.

Agreement – BCC signed, dated December 18, 2013. Between MCCHD and County Sheriff's Office for DUI Task Force Special Activities to reduce alcohol-involved traffic crashes in County. Amount/up to \$5,750 (from Driver's License reinstatement fees). Term/July 1, 2013-May 31, 2014. Two originals to Julie Mohr/MCCHD.

Agreement – BCC signed, dated December 18, 2013. Between MCCHD and Missoula Police Department for DUI Task Force Special Activities to reduce alcohol-involved traffic crashes in County. Amount/up to \$4,250 (from Driver's License reinstatement fees). Term/July 1, 2013-May 31, 2014. Two originals to Julie Mohr/MCCHD.

Resolution No. 2013-134 – BCC signed, dated December 18, 2013. Budget Amendment for Flexible Benefits, Missoula Nutrition Resources, Joan Fischer Childrens Fund for budget over expenditures. Total amount \$215,100 combined; amendments made using available cash within programs (not exceeding required reserve levels). For total disclosure, expenditures included in formal FY13 Operating Budget/Revenue Estimates for County. Original to C&R.

Board Appointments – BCC made following Board appointments for new terms beginning January 1, 2014:

- MUTD (Missoula Urban Transportation District): Appointed Melanie Brock to new 4-year term to December 31, 2017.
- Airport Authority (all for new 5-year terms to December 31, 2018): Appointed 1) Jeff Roth as Regular Member; 2) Jack Meyer as 1<sup>st</sup> Alternate; and 3) Shane Stack as 2<sup>nd</sup> Alternate.

Agreement – BCC signed, dated December 2, 2013. Between County (PHC) and Burkhart Dental Supply to supply/install dental operatories in Lowell School Health Clinic and Seeley-Swan Medical Center (owned by PHC). Amount/up to \$161,588. Term/January 6 – February 1, 2014. Originals to C&R and Jeff Seaton/PHC.

011128

Agreement – BCC signed, dated December 9, 2013. Between County (PHC) and Dr. Colin Fields for Physician Services at PHC (.50 FTE). Amount/\$75 hourly. Term/December 1, 2013–June 30, 2015. Originals to C&R and PHC.

Agreement – BCC signed, dated November 15, 2013. Between County (PHC) and Dr. Melissa Hayes for Staff Dentist Services at PHC (1 FTE). Amount/\$115,000 yearly. Term/November 25, 2013–June 30, 2015. Originals to C&R and PHC.

Maintenance & Annexation Agreement – BCC signed, dated December 18, 2013. Between County and Lloyd A. Twite Family Partnership, for all streets located in the Linda Vista 13<sup>th</sup> Supplement to include unplatted portion of Joy and Alisha Drives, and Avery Lane and Brooke Lynn Court. Developer responsible for all costs associated maintenance (until annexation is completed by the City of Missoula). Originals to Greg Robertson/PW for further handling.

Contract – BCC signed, dated December 18, 2013. Between County and Rocky Mountain Capitol Consulting, LLC for ongoing advocacy work for the County in Washington D.C. Contract renewed for new term January 1-June 30, 2014. Amount/up to \$7,500. Originals to Greg Robertson/PW for further handling.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Registers dated December 18, 2013. Amount/\$15,836.97. To County Auditor.

County Transportation Ballot – ML voted “FOR” approval of four (4) new routes for Frenchtown School: 1) Route SE17D, 44 miles; 2) Route SE17E, 44 miles; 3) Route SE18B, 70 miles; 4 ) Route SE18C, 89 miles. Ballot returned to Superintendent of Schools.

Additional discussion item(s): 1) Public Works Departmental update; 2) Demonstration of updates to GIS System.

#### **PUBLIC MEETING – December 18, 2013**

##### **1. CALL TO ORDER**

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

**Commissioners Absent:** Commissioner Jean Curtiss

**Staff Present:** Marnie McClain, Deputy County Attorney, Jennie Dixon, CAPS, Greg Robertson, Director Public Works, Tim Worley, CAPS, James McCubbin, Deputy County Attorney, Nancy Heil, CAPS, Lewis YellowRobe, CAPS

##### **2. PLEDGE OF ALLEGIANCE**

##### **3. PUBLIC ANNOUNCEMENTS**

None

##### **4. PUBLIC COMMENT**

None

##### **5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List (\$2,704,702.29)

##### **Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$2,704,702.29. Chair Landquist seconded the motion. The motion carried a vote of 2-0.

##### **6. HEARINGS (Certificate of Survey)**

###### **a. Babbitt (John) Family Transfer - Postponed from June 26, 2013**

**Jennie Dixon gave staff report and update.** Property located at 12508 Hawk Lane. Tract 1, COS 4887 in Clinton. Mr. Babbitt proposes to create four (4) new parcels, each approximately one (1) in size to transfer to his two adult sons, his wife and his mother. The remaining parcel will also be approximately one (1) acre for a total of five (5) tracts on five (5) acres. If approved it is recommended that the land owner provide an actual dedicated easement, as shown to each parcel. The claimant has previously used the boundary line relocation exemption on this property in 2007 but has not previously used the family transfer exemption in Missoula County. This request, as Commissioner Landquist mentioned, was presented to the Board of County Commissioners in June 2013. The action on this request at that time was delayed to address concerns regarding the family transfer evasion criteria. At the June 26 public meeting, Mr. Babbitt indicated that he did not purchase the property in 1999 with the intent of dividing it, and was unsure whether his sons, his wife or his mother would ever construct a home on the property or transfer the proposed parcels. After review and analysis of this request, it appears that this family transfer meets three (3) of the evasion criteria contained in Article 8 of the Missoula County Subdivision Regulations...sorry I have four (4) of them. Criteria #1 is to divide a tract that was created through use of an exemption; As mentioned early this parcel was subject to a number of exemptions, including a family transfer in 1998 by the Allen family. The invasion criteria in #3 are



to divide a tract which will become one of three or more parcels that will have been divided from the original tract; this is creating four (4) new family transfer parcels and a remaining one acre tract. Invasion criteria #6 is to create a parcel that is not intent for use as home sites for the transferee's; Indicated by testimony at the previous hearing, it is not clear whether there is any intent to construct homes on these parcels. Invasion criteria #10 to transfer land to a spouse; the applicant has proposed to transfer land to his spouse. Based on the invasion criteria and this application, staff is at this time recommending denial of this family transfer. However, we do have some questions for the applicant so what I'd like to do maybe is take a seat and ask Mr. Babbitt to come to the podium.

**Jennie Dixon** asked Mr. John Babbitt the standard family transfer questions.

**Commissioner Carey:** I wonder what perhaps one of our Attorneys might venture a response to this; seems to me this proposal does subdivide this land but it doesn't necessarily mean that you're intending to, know what I mean? The effect is to have subdivision on the ground but what if that just happens to be the effect without his intention?

**Chair Landquist:** It's creating five (5) lots and that's a minor subdivision. I thought that family transfers were generally for four (4) or less lots? When you start getting into five (5) lots, that gets a little stickier, doesn't it?

**Marnie McClain:** So you are dividing the property ~ that's formally what's happening, and this is a mechanism by which you accomplish that process of creating separate lots out of the larger overall. But that's the question for you; is whether or not it's exceeded the scope of what's intended by the exemption from the legislature. Which is to give family's a way, I think to originally preserve property that they owned, and certainly maybe originally agricultural, but it's never been restricted to just agricultural. Looking at whether or not the development exceeds that small scope. Obviously, the more lots that get created the more into it you are and Debbie's a better person to talk about that than me.

**Commissioner Carey:** But is there any difference...I guess I'm trying to get at, an attempt to evade versus just happening to evade?

**John Babbitt:** As I said, I never tried to divide it or anything. I checked around and was told this was a way to do it.

**Commissioner Carey:** It's just that we are going to end up with five (5) parcels and they won't have been reviewed.

**Chair Landquist:** I thought there was something that I read in here in the general Missoula County Growth Policy because we don't actually have a regional growth policy for this area, that the land use recommendation for that area is one (1) dwelling per five (5) acres, did I read that correctly?

**John Babbitt:** There are one (1) acre parcels surrounding it.

**Chair Landquist:** But were they created by going through more of a formal subdivision process or were those other lots created more through multiple family transfers? I'm seeing roads; I'm seeing what would look like thorough roads.

**Jennie Dixon:** I'm not sure how other parcels in the area were divided. I guess I would ask Mr. Babbitt to clarify; you do not live on the property at this time, right? The mobile home that's on the property is rented to someone else?

**John Babbitt:** That's correct...the lots rented, I don't own the mobile home either.

**Jennie Dixon:** Okay, the lot is rented and someone has moved their mobile home onto the property?

**John Babbitt:** Right.

**Jennie Dixon:** And you own other property in the area, correct? Do you live on those properties adjacent to this property?

**John Babbitt:** Yes I do. I live on one (1) parcel and my mother lives on another. One has another trailer on it and one is vacant right now.

**Jennie Dixon:** So there is some indication that the applicant lives in the area, which I think Marnie was starting to address the idea of providing parcels in the vicinity of the parent, or the child in this case, both in this case. The transfer to a spouse has been listed as one of several indicators of evasion and I think with all of the evidence that we had at our disposal, at the time of review, let us to conclude that this looked like an evasion to us. We didn't have the benefit of the testimony, obviously, at that time.

**Marnie McClain:** Maybe if I could try to get more directly at your question. I think the word evasion, in the statute, is really kind of a hard word to work with because it sounds like we're saying somebody's trying to sneak something by, and that's really not what it means. I always think of it in kind of the same way I think about taxes; I'm not trying to evade paying taxes but I am

certainly not going to volunteer to pay more than what I really have to. So I think that's the approach most people take; I'll pay my share but I'm not gonna volunteer for a bunch of extra stuff. I think that's more of what we're looking for here, is someone adhering strictly to the law and not proposing to do more than they have to do, does this fit within. You're in an area where it's a little gray because I think when you do get above a certain number of lots, whatever they may be it starts to look like a subdivision.

**Chair Landquist:** What I'm looking at, aside from staff's report and your recommendation is, in some of the information provided to us, the proximity to the river which tells me groundwater. Then I do appreciate some of the forward thinking that Mr. Babbitt or somebody came up with to provide us, to have this proposed land use split where the access road for the lots would be, where the wells and proposed septic's would be and the flow of the groundwater. It tells me that you've probably already received or sought the advice of a professional consultant to get the lay of land. But it also tells me that this probably is a sort of subdivision, there's no telling how quick lots could sell or get leased out but when I start seeing septic's and wells and knowing which way the groundwater runs, especially seeing multiple ones here, it starts making me think; that's where DEQ...that's why some of these lots – five (5) lots and or more need to go through the formal process of subdivision review to make sure that people aren't drinking water that's been polluted by somebody else's septic's and to make sure that the wells are far enough away from one another that if one well starts interfering with the operations of another well and then both wells go dry. There's a whole of science that goes into placement of wells and why they need to be so far apart from other wells and from property lines, and where zoning and compliance and things like that come into play. I'm having some trouble with this and I know you had your hand up; maybe you can help me not have trouble with this Mr. Babbitt.

**Mr. Babbitt:** I'll try. Yes, I did hire that gun but if I hadn't we would be standing here going well, this would be the next step. I realize that so I did hire the evaluation done and the perc test done, where the wells will be, by professionals, I certainly don't know. I couldn't tell you anything really about it so yes, I did hire them. But, if this is okay and goes through, it's definitely gonna need to be done.

**Chair Landquist:** Well you're part way there, is what I'm saying and I'm just thinking that maybe...I love the way Marnie explained it because boy, I try to be really cognizant of how much things cost, not only myself but other people. This is one of those cases that I'm really feeling as though, hang that little bit more to go through proper subdivision review would not only make the lots more valuable, it would cost you more, but it would make the lots more valuable. Because they'll be more known, meaning less unknown, more sense it will fit in better with those other lots already existing in the area. As far as, well placements and septic placements, and all that stuff, it will have been signed off by the Health Department, DEQ, etc. A little bit safer situation for the people that will be living, I'm personally fine to go with staff's recommendation and look at this as an evasion, feeling as though it's five (5) lots, that is considered a minor subdivision. I think it should probably go through proper subdivision review.

**Commissioner Carey:** I do too but I don't think I don't know whether it's important or not but just to be on the record to say; we don't believe that there's an intention to evade but the practical effect is an evasion.

**Chair Landquist:** Yes, I would agree with that.

**Commissioner Carey:** Do you understand our reasoning?

**John Babbitt:** I understand and as you say, I haven't checked on a subdivision but I'm sure it'll cost substantially more than what we're doing here. So if I do sell in the future, whoever buys gets to pay more.

**Commissioner Carey:** Hopefully that's a good investment over time by virtue of the relationship to the land and the groundwater and all the rest of it.

**John Babbitt:** Well as I say, those tests have been done. Even if it would go into a...or if I did try to slice it up the other way, that same paperwork, it isn't going to be any different.

**Commissioner Carey:** You might want to talk to someone who could help you think that through because it could well be as Commissioner Landquist said, that you'll have more valuable lots and make up the difference. If it goes through subdivision, I would presume that it's worth more than just four (4) empty lots.

**John Babbitt:** I don't know how but that doesn't make any sense why it would but, if that's where we're at.

**Chair Landquist:** You might even be able to...I don't know how invested you wanted to get in putting in the wells and the septic's for making these lots more marketable but we did just hear this morning that there are some developers out there looking for developable lots. You might just maybe try to advertise them to someone that is in the business, save yourself the headache and the time and the expense being the developer to go that far and put that survey cost in and the little bit infrastructure in it to make them more merchantable for yourself and your family. See if you can sell the whole piece to a developer and let them take on that headache too sir. They're use to taking on those headaches.

**John Babbitt:** It's an option.

**Public Comment**  
None

01-10-21

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners deny the request by John Babbitt to create four (4) additional parcels by use of the family transfer exemption based on the fact that there does appear to be an attempt to evade subdivision review. Commissioner Landquist seconded the motion. The motion carried a vote of 2-0.

**b. Marcure Family Transfer - Postponed from October 9, 2013**

**Jennie Dixon gave staff report and update.** Property located at 14912 Mullan Road. Tract 1A, COS 5956. Mr. Marcure proposes to create one (1) parcel approximately 15.8 acres in size to transfer to his wife Bradie. If this family transfer is approved it is recommended that a shared access easement be shown on the amending survey. The parcel to be divided was created through family transfer in 1999 and boundary line relocation in 2007 by the claimants' parents and then the claimant himself, respectively. This family transfer appears to meet three (3) of the ten (10) evasion criteria contain in Article 8 of the Missoula County Subdivision Regulations. The first of which was that the tract was created through use of an exemption, that exemption was a family transfer in 1999 by Andre's parents, Ilene and Edward Marcure to Andre at which point in 2007 Andre expanded his parcel through a boundary line relocation. Criteria #7 to divide tracts that were recently transferred to the applicant; the original tract has been in Andre's ownership since 1999. However, his wife Bradie, who is also an owner of this property since 1999, quit claimed this tract 1A to Andre in May of this year (2013). Finally, #10 to divide land to transfer to a spouse, which is obvious that this is a request to transfer to his wife Bradie. Based on the evasion criteria and the application received, staff is recommending denial of this family transfer.

**Jennie Dixon** asked Mr. Andre Marcure and Ms. Bradie Marcure the standard family transfer questions.

**Chair Landquist:** Would you like to explain anything since this sounds a little confusing?

**Andre Marcure:** This is an old family homestead, I'm the fifth generation of Marcures on the ranch and a lot of the ideas behind this are preparing to transfer the ranch eventually to the sixth generation, our two daughters. That boundary relocation that was done in 2007 was done strictly for estate planning purposes. To balance out some gifting of land to make sure that my parents at the time could transfer the land to my brother and I who still actively ranch land. Basically what we're trying to do is get that original parcel back to the 1999 size comparatively and try to keep the family ranch in the Marcure family.

**Chair Landquist:** Okay, that makes a lot more sense to me.

**Jennie Dixon:** The parcel that Mr. Marcure owns and wants to do a family transfer, I believe what he's talking about in getting the parcel back to 1999 configuration is this upper piece that's owned by his parents ~ your goal is to eventually aggregate those?

**Andre Marcure:** That's gonna stay a separate parcel but what we don't want to do is jeopardize that 18 acres.

**Bradie Marcure:** Our house currently ~ the original acre was like this little square and during his parents estate planning that line was changed to include this whole thing. Our goal is to try to create the new parcel so that this is the smaller piece again with this remainder being still part of the family ranch and not connected to the house that is currently sitting there. The house and the 18 acres currently all go together and for our own estate planning purposes we're trying to get the house back to the original.

**Jennie Dixon:** That house that you're in now it was constructed in 1999 by you, correct?

**Andre Marcure:** That's correct.

**Chair Landquist:** Have you had an opportunity to visit with a legal representation to help guide you through the process to make sure that you're going about doing things the way you want? The story I made up in my head was similar to what you're doing there. I'm glad when I asked what your story was that it kind of jived with that you're just trying to do some estate planning.

**Andre Marcure:** We're trying to think in the future on how we're going to be able to get our land to the kids name as well.

**Commissioner Carey:** For me this is much murkier then the one we had before. There are three evasion review criteria. Will there be any new wells put in?

**Andre Marcure:** If we build a new house we'll have to do a new well at that time, go through, of course, all the DEQ requirements.

**Commissioner Carey:** So we're creating one (1) parcel here as opposed to five (5) on the other one?

**Chair Landquist:** Yes. I understand the original family transfer...boundary relocation looking at how to make equitable sense out of land especially when you have heirs involved. Then if you end up having to sell the one original house to build another one...again, the story I made up in my mind for the reason you would have to do that would be to help afford being able to move forward to be able to keep things the way you're trying to get them. Because selling a piece of property to be able to achieve certain goals and objectives is some of the things that sometimes we're forced to when we can't take the chance to rent them out and worry about things that happen to rentals and stuff like that.

**Andre Marcure:** Absolutely and once again, I'd rather not sell the property if we could somehow afford to just build a new house and keep our existing house as either a rental or save it for our kids, which would be preferable.

**Chair Landquist:** That's one of reasons...the differences that I'm finding in this when I can see where on the surface it might seem as though they're trying to avoid and evade going through the subdivision process but basically they are trying to keep the properties in the family ownership and name. They aren't trying to create multiple lots given to multiple different heirs at this time and create trusts. As far as that one lot going to the wife, that's just the consequences of trying to do the business here that the family's trying to do. That's where I look at this one as being at least much more palatable. I'm not seeing it as the evasion. So I'd be okay with it.

**Commissioner Carey:** Another question for our council here; the findings of fact would have to be changed, right?

**Marnie McClain:** I've watched Jennie assist people through modifying findings before, she's brilliant at it.

**Commissioner Carey:** If I've been schooled properly by our other attorney, would Commissioner Landquist's recent remarks qualify? That's kind of the way I've been thinking.

**Marnie McClain:** I think it provides a basis that can be put into the findings to support a decision.

**Jennie Dixon:** Would you like me to do that on the spot or would you like me to take your comments and formulate that to then go into the approval letter?

**Chair Landquist:** I think I trust you to take the essence of what we discussed here and formulate the findings of facts based on that Jennie. Do you feel confident enough?

**Jennie Dixon:** I think that's fine and if we go to...I think that the three (3) evasion criteria still are valid, in terms of the facts surrounding those three evasion criteria. But I think you could add additional findings along the lines that the intent is not to evade subdivision, but rather create a situation where the family ranch can be retained by the fifth generation owners for estate planning purposes and transfer to future generations.

**Commissioner Carey:** In my mind too there's a big difference between five (5) acre split ~ that's a subdivision in my mind. One parcel division, that doesn't reach that threshold for me.

**Chair Landquist:** With larger pieces of land.

**Jennie Dixon:** So here what you have then is a proposal to divide off the majority of the property...15.8 acres for transfer to wife, at which point, the small 1.5 acre tract would either be used to continue the family business ranching operation or retain for other family to reside in at a later time.

**Chair Landquist:** Right and the other part of the story, one of the chapters in my head, was maybe they're just trying to do this to keep it in the family and create that smaller lot with the house on it to use as a mortgage exemption lot to get the money to build the newer house on the larger lot.

**Andre Marcure:** That actually was one of our conversations; it's a very viable option too.

**Chair Landquist:** I'm getting good at writing these chapters now aren't I? Word to the wise, there's been some legal problems with those too, so if you go that direction please, please, please do your due diligence, do your homework. Check with the Missoula Organization of Realtors, check with your lawyer, check with our staff here to make sure you go about doing that the right way. There are all these weird hiccups about making sure that that's really what it is and that it gets recorded as that.

**Jennie Dixon:** So this is an application for a family transfer which if approved, you would file and create a brand new transferrable parcel. And I think what Commissioner Landquist is talking about in a mortgage exemption situation you're not creating a new parcel, unless and until the property is foreclosed upon, which hopefully wouldn't happen. That's not the direction you're going in, not an avenue I would recommend, certainly something to consider but at this time it's a family transfer creating a new parcel.

**Chair Landquist:** The fact of the matter is if they do go to the part of actually...if we approve this family transfer and they do do that and they survey that out, then that house on that smaller lot is a separate severed lot. So for the purpose of them going to the bank, it's not the same as them doing that mortgage exemption sort of thing, so it takes that headache away from that.

01/16/2013

**Andre Marcure:** I have a friend who is a mortgage broker and that's what he says, that most banks just don't except the mortgage survey any longer.

**Commissioner Carey:** We don't mind being challenged on our thinking on this or the previous one. This is a hearing so if anyone has a problem with the way we're handling something or a question.

**Public Comment**

None

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the request by Andre Marcure to create one (1) additional parcel by use of the family transfer exemption based on the revised facts that are before us. Commissioner Landquist seconded the motion. The motion carried a vote of 2-0.

**Open comment**

**Steve Inabnit with Eli & Associates:** I represent the Marcure's for doing the surveying work on this. This was brought to the Commissioners in June but it was postponed, the reason it was postponed...

**Jennie Dixon:** October.

**Steve Inabnit:** October, okay. The reason it was postponed was this was the first time that I submitted a family transfer where I had a recommendation. I personally filed over 375 Certificates of Survey in Missoula County. It took me by surprise that it was a recommendation and it was a recommendation for denial. When I look through the criteria, you have ten (10) criteria and Mr. Babbitt had four (4) criteria that he met for evasion so would that be that he failed because he got a 60%? And Marcure's passed because they got a 70%? This is a new system; I see that you're struggling with it as well. I'm just trying to get some clarification, how do we decide who passes and who fails?

**Marnie McClain:** I was thinking maybe it would work for me to sit down and talk to Steve and go through his questions with him. Not to cut-off any conversation that you want to have with him but I'm wondering if that would be good for us to sit down.

**Chair Landquist:** I don't have a problem with Steve meeting with you or any staff after the meeting for more clarification. I can tell you that one of the reasons that staff is now giving the opportunity to weigh in and make a recommendation is because staff is the one that sees these things, they're the ones closer to the projects, they're the ones that...we as Commissioners do a whole lot more than just this one niche of business. Our staff has all this other expert training and they're very good at what they do and we've given them that opportunity to give us those recommendations. Doesn't always mean we take the recommendations, as you can see because the decision still stops with us, the buck still stops here, so to speak. One of the tipping points for me in the changes between these two, the differences between these two, is exactly what we discussed here. The first one that we looked at their not sure...they're most likely going to be either leasing or selling those lots. They have kind of figured out where a road and access and wells and septic's would be and it really does look like it needs a whole lot more professional planning. Even though they're just carving out essentially four (4) lots, it's making five (5), which is a minor subdivision. The second one that we looked at is, they're trying to do whatever they can and you can tell, you can look at the history of the various...well, we'll move this lot official...well backup, maybe we should of done this maybe, they're divvy it up and you can tell it's estate planning. I could tell without even asking them the official questions. Looks like some estate planning going on here and they're trying to get all the lines just right. Those are differences, that is exactly...and it is as transparent as the conversation that you saw here today is where it lies. It's nice for staff to be able to line that out and say; well this is four out of ten and that one is three out of ten. That didn't really weigh in...if it was ten out of ten I would have had some major heartburn going against staff but that played a small but important role in it, what staff did, and them having the opportunity. They're allowed to be shining stars too, they work hard for a living, for the County, they get to show off their stuff by making those recommendations just like an Attorney or anybody else that's important here.

**Steve Inabnit:** I appreciate that too. I guess Marnie we're going to get together at some point?

**Marnie McClain:** Yes, can I send you an email?

**Steve Inabnit:** One last thing regarding the criteria. #10 is transfer to a spouse and I just don't understand how that can be a criteria when what's a family transfer? It's a transfer to immediate family, what's the definition of an immediate family? It's a spouse, parent, and children. That one shouldn't even be on there in my opinion, maybe Marnie and I will talk about that.

**Jennie Dixon:** I'd like to be part of that meeting. I have that same question so I would love to get some guidance on that as well.

**John Babbitt:** What does it take to get invited to this meeting?

01/10/2014

**Chair Landquist:** Jennie has your contact information she can let you know.

**John Babbitt:** I would like to, it's interesting.

**Marnie McClain:** You can join in, we have a conference room.

## 7. HEARING

### 310 Permit – Orchard Homes Ditch Company

**Marnie McClain:** I'll take a minute or two to briefly describe what a 310 Permit and what the process is; I know that you know that but for the benefit of those who don't. The Orchard Homes Ditch Company is represented today by Molly Skorpik and Matt Barnes from Morrison-Maierle. I'll go ahead and describe the overview or the background of what we're considering here, they're going to describe the project for you and then we'll come back and take a look at the team member reports that were produced after the site inspection that we did on December 9th and walk through the decision making process.

The Natural Stream Bed and Land Preservation Act is also known as the 310 law. It requires that any person proposing a project on the bed or banks of a perennial stream has to have a permit from either the Conversation District or the Board of County Commissioners. In Missoula County, the Missoula Conversation District covers all of Missoula County except the area that was the city in 1946. The reason for that is that conversation districts, the legislation that authorize their enactment was inactive in Montana in 1946, so that's what they took when they actually created the conservation district, so it left that little piece out. Orchard Homes Ditch Company proposes a project that's within the 1946 city limits so its proposed project has to be reviewed by the Board of County Commissioners. The 310 law provides for a pre-construction review of projects by the Board and that excludes consultation with Montana Fish, Wildlife and Parks in order to ensure that the proposed project is a reasonable means of accomplishing the purpose of the project and will be conducted so as to mitigate impacts to the stream, the banks and to other property owners. The action that's requested today is a decision on the 310 application from the Orchard Homes Ditch Company. The proposed project is the repair of an existing intake structure that's located on the south bank of the Clark Fork River. The Clark Fork River is a perennial stream as defined by the 310 law. The existing intake structure is over 60 years old and well past its design life. The slide gates do not function properly and it cannot seal against the intake to prevent and control flow rates entering the ditch both during and after the irrigation season. Large debris and sediment have exaggerated the problem, debris often accumulates on the return ware and removal requires the use of large equipment. Much of the concrete intake structure is unstable with large cracks and scour damage, the return control ware controlling the water surface elevation and the flow rate returning to the river is inefficient and warrants improvement. The project proposes to replace the slide gates, return channel ware and concrete retaining wall adjacent to the intake, along with improvements to stabilize the bank upstream of the intake structure. Orchard Homes Ditch Company got a renewal research grant from DNRC to do this project which was sponsored by the Missoula Conservation District.

**Matt Barnes, Morrison-Maierle:** A real quick brief overview of the Orchard Homes Ditch Company intake. One quick thing to mention, I guess, would be; it was unclear originally if the project location was actually in the bed of the Clark Fork River. We requested the State Department of Natural Resources (DNRC) to determine that and they determined that it was not. Just out of good faith the client and I are here to apply for the 310 permit rather than go through the process of determining if it's applicable or not, just in a good faith effort to proceed with the project. The Orchard Homes Ditch Company is undertaking this intake improvements project. They're a private irrigation company. As Marnie mentioned, the project was sponsored by the Missoula County Conservation District and did receive funding through the state renewable resource grant program. A real quick slide on some of the background of the ditch company, they're a nonprofit irrigation water supply company with a long history in the Missoula valley. They deliver roughly 14 acre feet per day, which equates roughly 7 cubic feet per second during irrigation season. They deliver water to a multitude of different uses in the valley, many small local producers, Benson's Farms, and also supplies some water to the City Parks and Recreation Department. The renewable resource grant program funded this project based on its merits of renewable resource benefits. It was funded during the legislature cycle this past year.

Showed PPT Presentation.

This brings us here to ask for a 310 permit. One of the things that we wanted to mentioned, related to the conditions that Ladd and Greg had sent over, was that we would like to request that the portion of Ladd's Fish, Wildlife & Parks recommendation, about his condition 3, that mill logs should be removed and transported outside the 100 year floodplain. That's actually been stated that the City Floodplain Administrator, as part of the permit, would request that. We intend to ask for a variance on that request and we ask that that condition remains, and just the single permits, rather than having the one condition in both permits ~ we have it in the floodplain permit.

**Chair Landquist:** So what you're saying; is that Ladd Knotek and one of his conditions has said mill logs, i.e., logs from the former mill site and other process man-made should be removed and transported to an approved site outside the 100 year floodplain? What you're saying is the city floodplain administrator usually asks...requires that because you'll have to get a permit from them too, if we approve this? What your plan is to ask for a variance from the portion of the city's requirement because you prefer not to have to do that? Which is the same thing as saying...that's why you're asking us to just take that off of Ladd's comments now, so that you don't have to ask for that variance twice?

NOV 01 10:25

**Matt Barnes:** Correct.

**Marnie McClain:** I just want to talk for a second about #3. There are a couple sentences...Is it the entire condition you want stricken or is there just a part of it that you're not agreeing with?

**Matt Barnes:** Just the part that he's conditioning on continued maintenance and basically the continued removal of mill logs from the structure.

**Marnie McClain:** So what you want to do is retain the mill logs?

**Matt Barnes:** No. We want to allow the mill logs to remain in the river.

**Chair Landquist:** You just want to move them off to the side if they get in the way or something?

**Matt Barnes:** Exactly.

**Chair Landquist:** Or help send them downstream.

**Marnie McClain:** In other words what you want to just strike is the part...is really the last sentence.

**Matt Barnes:** Exactly, I believe so, I don't have it right in front of me. Basically the section regarding the mill logs being removed from the 100 year floodplain.

**Marnie McClain:** Usually the Fish, Wildlife & Parks guys, they want all the wood to stay, so I'm pretty sure he wouldn't object to that.

**Matt Barnes:** Wade made the statement that that was going to be a condition of the floodplain permit, which is where we would address that condition.

**Chair Landquist:** Why does the city do that, do you know?

**Matt Barnes:** It's the Floodplain Administrators interpretation of the regulation. I don't have that regulation in front of me but it says something to that effect that they interpreted it that any logs that require mechanical intervention should be removed from the 100 year floodplain.

**Marnie McClain:** It's an area where Fish, Wildlife & Parks and the Floodplain Administrators go back and forth because in their efforts each to carry out their own responsibilities, they come up with different answers about how it should be handled.

**Chair Landquist:** I'm having problems with the log mills. If the log mills up there in Bonner, they rise with high and sink back down and stay in kind of the same general area, that'd be nice but they're not. They're floating downstream during high water and they are creating problems for other people and I have a problem with something that was cleaned up and all this money was spent on and if we can't contain those problem logs in that area and continue to clean them up in that area where they came from, I don't think that we should be allowing them to be shoved down somebody else's throat by allowing them to float downstream. This is one of the conditions on Ladd's conditions that I'm not inclined to move on; I like the fact that he put that there.

**Molly Skorpik:** The reason we want to leave this with the City Council, we have to go in front of them for this variance and it's not too different from Missoula Irrigation District with their log grade. We went in front of City Council a few years ago went the same process. Essentially, come to find out there's a lot of different opinions on what should happen with the logs and what we're trying to avoid is if there's a log grate put up and there's a big log jam in the high water, you'll have water backing up. The district wants to go over there and tap the logs along so they continue to pass downstream if they get hung up. What they don't want to have is the high cost and public nuisance and risk of transporting the logs through the park system. We did meet with city parks and they have a high level of concern with a lot of traffic increase...increased traffic on their trail. I think what we'd like to do is leave it as a city issue since it's a city regulation and take up that battle, if you will, with them. There is a precedent with Missoula Irrigation District; they did get a variance through city council through the same process to help pass those logs through when they get hung up. I think Orchard Homes is concerned about taking the onus of having to deal with all those logs through a high traffic area.

**Chair Landquist:** I've seen the effects of those logs going downstream to the Orchard Homes, Target Range area. I've even seen them as far down as the Frenchtown area on rancher's properties raising havoc. As soon as those logs end up near the shore, wherever they end up, if they're a problem there that's where they should be dealt with. I'm not inclined to just shove them back on and say ship ahoy and make them someone's problem ~ I have problems with that.

**Commissioner Carey:** For me, since it is a city issue and it will be dealt with one way or another through that process, I'm comfortable with the recommendation we have.

**Chair Landquist:** That's just it, I'm concerned that the city's just gonna turn around and say; yeah okay just shove it down and then it becomes somebody in the county's problem so no. We're gonna have to agree to disagree on this one and maybe we can't make a decision today because Commissioner Curtiss isn't here. For me this is a sticky issue.

**Marnie McClain:** I respect your opinion so thank you for that. The log grade itself will be deflecting those logs off the site regardless. What we're looking at is that situation where if something does get hung up on it, to helping it still deflect. So the intent of the log grade is to deflect the logs off the structure and a mechanical deflection would help accomplish that.



NOV 01 10 25

**Chair Landquist:** If a log grate can do its job all on its own, then let it do its job but if it needs human intervention with a problem log then I'm not in favor in shipping it downstream to let it be somebody else's problem. I live in the country, I have two irrigation ditches; ones down defunct that run through my problem. When junk gets cleared up, you don't send it down to your downstream neighbor; you take it out on site. It's the lay of the law and the responsibility of the irrigation ditch. I understand that this irrigation ditch serves a lot of good Ag operations and I want it to continue to serve those Ag operations but I'm not in favor of sending problem material downstream via our river system to other people to create debris jams and possible floods to other areas.

**Marnie McClain:** We do have the two team member reports and so Missoula County has adopted administrative rules for the 310 and it's Rule 13 that identifies for you what things you have to consider in making the determination about whether or not the project should be approved. If you look at the team member reports it just goes down the list of elements and the findings for you based on their inspection and expertise about what the impacts are. Then they both made a recommendation for you, both Greg and Lad, which are attached to the team member reports. Your options are to move to approve the application as it's proposed and that would mean it would not be attaching any conditions. You could move to approve the application, with modifications, what that means is your approving it subject to conditions as recommended by the team member reports. You can move to deny the application and even move to table it.

**Chair Landquist:** I'm okay with approving it with the two conditions from Ladnotech and from Greg Robertson but I'm not inclined to make any other additional conditions. If that means that we approve it and you take it to the city and you get that little things waved and have to bring it back for maybe when there's an opportunity and three Commissioners here and I get overturned on this, there's always that opportunity for you.

**Commissioner Carey:** Did you just change your vote on this?

**Chair Landquist:** No. I'm in favor of approving it based on the conditions that the team members have lined out here.

**Commissioner Carey:** How's that different from the discussion we were having?

**Chair Landquist:** Take out this part of Lad's thing knowing that this is the part they're also going to ask for a variance from the city. This is similar to what the city's floodplain will require of them to do. So I'm saying as is, I would approve it and I'd even make the motion to approve it and to include the conditions that the two team members added to the approval and let it be that way.

**Molly Skorpik:** Is another option to even consider if this is jurisdictional with a 310 process given that DNRC has determined that the segment that this is considered canal and not river. We didn't want to go there because we want to do the right thing and get your input, but in light of the issue with the difference of opinion on the one condition, perhaps it's worthwhile even considering that?

**Chair Landquist:** So that would mean you'd be withdrawing it? But you still have to get the 310 permit.

**Marnie McClain:** But what they're saying is they don't think they need a 310 permit because they think is not activity on the bed or bank of the perennial stream. As we discussed before stream permitting is complex, there are multiple agencies with responsibilities for making decisions about a single project. What the DNRC decides about the applicability of their trust responsibilities and how they identify the resource doesn't mean we can adopt the same look when we apply our responsibilities, which is the 310 law. The other thing is that the Orchard Homes Ditch Company has in the past, at least twice since 2000, applied for 310 permits to do work on this head gate structure. So when we talked about it earlier, about whether not it was or wasn't, if we go the route of saying they don't think it is, we think it is, we have to go into a fact finding process ~ that's very complicated. If I say the words Mitchell slue, that's what Mitchell slue was about is do you or don't you have jurisdiction, is this or is this not something that.... Yes we have a difficult issue here with sorting out this condition but it's a much more difficult process, which we can go through if we need to, to decide the question of jurisdiction.

**Molly Skorpik:** I think we're interested in moving ahead with the project schedule so we'll go with your recommendations. If we should get a variance through the city Council then we'll come back with some additional data and re-approach the County Commissioners.

**Marnie McClain:** We can do that legally.

#### **Executive Session**

Chair Landquist made motion that the Board of County Commissioners approve the application with the modifications incorporating the conditions contained in the team member reports. Commissioner Carey seconded the motion. The motion carried a vote of 2-0.

## **8. HEARINGS**

- a. **Missoula County Subdivision Regulations – Agricultural Covenant Lifting Requirements**  
**Tim Worley gave staff report.** Before you this afternoon is a recommendation to amend Section 8.2.3.3 of the Subdivision Regulations, covering Agricultural exemptions. State law and the Subdivision Regulations allow for the creation of Agricultural lots as a subdivision exemption. As part of exemption approval, the applicant enters into covenant running with the land that can only



be revoked by mutual consent of the governing body and the property owner. The covenant requires that the land will be used exclusively for agriculture. The counties handled the lifting of Ag covenants differently; Flathead County and Yellowstone County do not appear to have lifting criteria beyond what is sited in State Law. In Gallatin County a change of use outside of agriculture subjects the division to their subdivision regulations. Ravalli County and Cascade County operate similar to Missoula County. The applicant may either aggregate lots to create what existed before the Ag lot creation, or the applicant is required to go through subdivision review. It is come to the attention of the Planning Office that lots exist, created through the agricultural exemptions that are in public ownership. Some of these lots do not have an explicit agricultural use, they're merely vacant. Others have intended uses that are decidedly nonagricultural. Lot aggregation for some of these ownerships is not possible. Subdivision review involves a public hearing regarding impacts of a lot division or divisions. Residential, commercial or industrial impacts are usually assumed. In the case of the small number of publicly owned agricultural lots, intended uses don't fit into the typical use and impacts categories. One public entity has an immediate need to remove an agricultural covenant on a parcel under their ownership. This is a small public school that intends to use the property in question as an athletic field. Other publicly owned parcels created through agricultural exemption have been recently identified as well. The no immediate need for the lifting of agricultural covenants has been identified for these parcels; it appears likely that one or more of them may include a future use not allowed by the current agriculture covenant. Planning Board heard this request at their December 3, 2013 hearing and the Board discussed the possibility of a more narrow definition of public. They also considered some means of disclosing the public purpose behind a lifting. For instance, if a public entity wanted to lift an agricultural covenant to construct a community hall, that intent should be documented whenever the property was sold or transferred in the future. Planning Board also recommends language requiring a parcel ever use for agriculture or presently in an agricultural use to go through lot aggregation or subdivision review, as is presently required for these agricultural covenant lifting's. Planning Board also added language restricting the intended uses following the covenant lifting to be nonresidential, noncommercial and nonindustrial. The Board of County Commissioners should be aware that it cannot be disproven that the school in question desiring to lift the agricultural covenant has been in uses other than agriculture for its history. Based on the limited number of publicly owned parcels created through agricultural exemption and the limited number of parcels requiring the agricultural covenant lifting, staff and Planning Board recommend amending the subdivision regulations to allow the lifting of agricultural covenants without subdivision review, but only for public entities seeking to use the parcel in question for public purposes. The content of the recommendations can be found on the very last page of documents attached to your Request for Commission Action (RCA). This is exhibit A of the Resolution adopting amendments to section 8.2.3.3. Again, staff's recommendations are in single underline and strike through and Planning Board's recommendations are in double underline.

**James McCubbin:** I recommend against adding the language proposed by the Planning Board. It's the double underline, so both the language they inserted that would be new, subsection 3A. As well as the language that they're proposing to add to the original staff proposal in new subsection C. The reason for this is...I think maybe one thing that the Planning Board didn't consciously acknowledge so much, I didn't attend the Planning Board Hearing on this but I did review their minutes. I think some critical language here is in the first part of 3 and this is the Board of County Commissioners may in its discretion allow lifting of Ag covenants under these circumstances. This is always going to be a discretionary decision by the Board of County Commissioners. As Tim explained, the idea here is to add in another exception from the requirement of going through subdivision, formal subdivision review when we've got government ownership and that government ownership wants to sue the parcel for public purposes but those public purposes aren't necessarily Ag purposes anymore so the Ag covenant isn't working. As Tim noted also, there's only a few parcels that we're aware of...there's probably...actually there's undoubtedly other parcels out there that Tim and I aren't consciously aware of at this time. There seem to have been kind of a series of parcels over time under prior staff, prior Deputy County Attorneys believing that the agricultural covenant was the best tool to create some basically government use parcels. Now that we've got more formal building permits and things like that, somebody comes in a government entity comes in for a building permit to do some kind of a building on the parcel that looks to be totally appropriate for the public use but we have to turn down the building permit because we figured out; oops, it's an Ag parcel and what you're proposing to do isn't Ag. That's essentially the situation that aroused with the Potomac School. The reasons why I'm recommending taking out the Planning Board double underlined language is; first of all, the language under a) the parcel is not agricultural land, and has never been in agricultural use, and – particularly the second clause, especially if you consider that timber industry is agriculture, what part of Missoula County was never agricultural? Arguable a 100% of the County was at some point agricultural use. I think that just adds a whole level of restriction that kind of defeats the purpose of having these two exceptions to requiring subdivision review. The way that Planning Board drafted that, with the word "and" after, that indicates to me that they intended to have that apply to both b and c. So the thing where you restore the original parcel, it's putting

#### Public Comment

**Tim Johnson, Principal Potomac School:** We want to do our due diligent to the county; we also want to support the school.

01-10-2013

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners not accept Planning Boards recommendation but to approve staffs proposed amendments to Missoula County Subdivision Regulations Section 8.2.3 be adopted by the Missoula Board of County Commissioners.

- b. **Resolution of Intent to Adopt the Missoula County Growth Policy Profile Update (Chapter 2)**  
**Nancy Heil:** Lewis will be providing the main part of the staff report today. Before he did that I wanted to acknowledge that there was a bit of a snafu in the distribution of your briefing packets, in that you didn't receive all of your attachments until yesterday. So if the Commissioners feel they haven't had enough time to review and consider the materials, staff recommends that you could proceed with the public hearing today and then if you find you don't feel ready to make a decision, you could continue your decision till another meeting. I've talked with Patty and the availability of your January 8th meeting is there, so I just wanted to offer that as an option as you move through your deliberations and considerations today.

**Lewis YellowRobe:** Before I continue on with the public hearing, I would like to extend my apologies to the county Commissioners this afternoon about my misunderstanding of the distribution. I had a small breakdown in my misunderstanding of the distribution of the materials to you. Once again, I would like to extend my apologies to the Commission for my misunderstanding. I would like to continue on with the public hearing and thank the County Commissioners for scheduling the public hearing today. I'm here today to provide a staff report for the Missoula County Growth Policy Profile Chapter 2 Update. The purpose of this project is that the Missoula County Growth Policy, there is an update; the law is permitted every 5 years. If it meets two criteria there are ten criteria that are listed in the Growth Policy and these two criteria are changes in existing conditions and trends and that it improves growth policy. In the Request for Commission Action (RCA), in the staff report there is a larger explanation of the findings and facts and conclusions of these criteria for the Commissioners to read and consider. In that staff report, the staff did find that this project did meet two of these criteria; that the existing conditions and trends in the Chapter 2. This data has changed since the last update and it also improves the growth policy, the readability for the public. The Chapter 2 of the Missoula County Growth Policy, it includes an inventory of existing conditions and projected trends and it also provides a background information for the goals and implementations and that's a separate section of the Missoula County Growth Policy and those goals and objectives and help achieve these policies that are also listed in the Missoula County Growth Policy. These proposed changes today that I'll run through are factual updates only and it doesn't make any changes to any other chapters within the Missoula Growth Policy, it's strictly limited to Chapter 2.

Lewis showed a PPT presentation of the general overview of some of the material that's within the sections of the Growth Policy, Chapter 2.

We did do a substantial amount of public involvement; we made a good faith effort to reach as many public, private and individuals as possible. We sent out a comment request on November 6, 2013 with a deadline of November 15 for comments. We did send out a notice in the community planning service community and planning services newsletter on November 12 and that goes out to about over 600 organizations and individuals on this newsletter email list. We did do a public hearing with the Missoula Consolidated Planning Board on December 3, 2013, they voted 6-1 to recommend adoption of the updated Chapter 2 with amendments and then those showed in Attachment E as described in the staff report. (Lewis went through public comment for attachment E).

Planning Board revisions again at the December 3 Public Hearing; the Planning Board reviewed the material and provided the following recommendations and they provided 10 to the County Commissioners for their consideration. They would the changes showed in Attachment E that was just described to the Commissioners. The Clark Fork Coalition presented recommendations on December 3, which they took up at their hearing that same day. The Clark Fork Coalition comments are also included in your RCA, attachment 5. They recommended that the Clark Fork Coalition comments be included in this draft update as appropriate. They also requested some information about irrigation ditches and their viability within the Missoula County in terms of making agriculture viable within Missoula County. They wanted latest data for Table 3, within Chapter 2 to be updated. That table 3, the most recent data is 2007 and that actually is the most recent data due to the Government shutdown. Another 3-9 are primarily focused on agriculture #5 there was just a more clarification from CFAC, the Community Food and Agricultural Coalition, they asked to have some information included that discussed about the food production capacity within Missoula County and so staff took some material that they provided and included that language within Chapter 2; you can see some of that material that staff worked on in attachment 2, the planning board changes within the RCA, it also add growth and farming activities sentences to the agricultural section.

That was the recommendations that the Planning Board provided for the County Commissioners to consider based on their recommendation. Since the Planning Board Hearing, staff has received some additional comments on December 10 and 12. We received those from the Confederated Salish and Kootenai Tribes; these comments are is to update maps 23, 25, 26 and 27, to include big game, grizzly bear and bull trout and links information within the reservation boundaries, within Missoula County. The reservation portion of those maps the data are pretty sparse so the tribes did provide us that information so that's the recommendation for these maps. Also that they asked to include current Tribal landowner figures within Tables 2 and 1, and a Tribal land allotment explanation that basically explains consequences of the allotment that the tribes experienced in 1908 and then during the 1920's. Staff did review this material and does concur

with the one exception of Table 2, they asked to have the entire acreage tribal owned land within Missoula County but Table 2 actually shows the taxable land within Missoula County and some tribal land is actually taxable, as they are buying more of the reservation back. Until they get it into a trust status, it still is taxable. We did get this information from the Montana Department of Revenue so the staff does not recommend including the entire acreage of the Flathead Reservation lands within the boundaries of the reservation but only include that taxable portion of the land within the reservation, within the county.

**Chair Landquist:** But once that information is available or is changed then it will be easy enough to add that in. I'm really glad that the Confederated Salish and Kootenai Tribes weighted in on this and suggested those changes.

**Lewis YellowRobe:** Yes we are too because we have a data gap, so to say. I think that this information sharing was very helpful for staff and then also for the Commissioners and the public. The staff recommendation that is provided for the Missoula Board of County Commissioners to consider is to adopt a Resolution of Intent to adopt the Missoula County Growth Policy Profile, Chapter 2 Update as amended by the Missoula Consolidated Planning Board with additional amendments based on the Findings of Fact and Conclusions of Law that are described in the Staff Report within the RCA.

#### **Public Comment**

**John Kellogg, Professional Consultants:** I apologize for late comments because this only came onto my radar fairly recently, I think I must have slipped off of Lewis' email listing. I would like to hit some high points that I suggest in comments on the proposed growth policy. ON page 35 under natural resources; the point is being made about concern over development on steep slopes and things but half way down on that page it states; county subdivision regulations require that roads and driveways be constructed on areas with slopes of 10% or less. I believe that slightly misstates the requirements that the roads need to be at a grade of 10% or less but they can actually be built on ground that goes up to 25% without a variance. So maybe a clarification there would be in order. I appreciate that CFAC has already commented on Table 13, where the listing is; Missoula County soils of agricultural importance. Within that table the initial proposal was 100% of the soils within that table but I think in the revised recommendation that has been incorporated here by staff it correctly then reverses the...interprets the acreage in light of the total acreage within Missoula County so that the percentage is then of prime farmland that such dropped down relative to the 1.6 million acres in the county then. So I'm glad that that has been clarified but I also think that it's important to note that out of the total acreage of the of county over half of it is in public ownership, essentially undevelopable land. And so when we're talking land of agricultural importance that is going to be reviewed on the basis of development proposals that in turn is going to be on the basis of the private land within the county. So if you're relating the agricultural important soils to the total land area within the county, as CFAC has recommended and incorporated here, is less than 8% of the total. But if you're talking about the developable land, the private land within the county, it increases the percentage of land to probably 30-40% of the valleys that are private land within the county. So I think it's important to maybe make a statement that reflects the potential greater impact that that agricultural land is going to have on the potential development of private land in the county. Staff has done a fantastic job of incorporating an enormous amount of data from a variety of sources here and I'd like to briefly touch on some of the maps that had been proposed. Some as Lewis has stated are reiteration of maps that were in the 2005 growth policy, particularly the big game winter range, which is basically taking from FWP's maps. There's have been some changes over the years of how FWP's maps of big game winter range, in the past they would outline as precisely as possible in these maps where in there estimation big game winter range occurs. In the latest maps that have come from FWP's it a blockier type of map because what they've indicated is somewhere within that section there may be big game winter range, or there is big game winter range from their data. So the change then that's happen from the 2005 map with the amorphous shapes to the 2013 map that you have proposed here is that it's turned into a blockier type of map incorporating a lot more land. So that would indicate that there's a lot of land on that map that is not big game winter range but is a reflection of the fact that somewhere within that area there is big game winter range. For instance, we're standing in big game winter range right now, on the basis of this map. I think it would be important to include a note on the map similar to what was on the 2005 growth policy map, which states; this map is intended as an illustration of areas within the county that may provide big game winter range land. This general overview is not intended for properties specific range identification. What that emphasizes is the fact that this is an estimation of where big game winter range could occur and so I think that would help clarify it.

**James McCubbin:** Commissioners I'm just going to quickly follow-up on that last comment. That's consistent with language that was presented last night by different staff to the Planning Board about the PLACE project maps, in terms of the big blocky. The PLACE project maps are consistent with that too so I'm noting for Lewis that he could probably use this same language we're using on the PLACE project.

**Ruth Lincoln, Missoula Organization of Realtors:** From what it sounds like the Commissioners also haven't had a chance to review the final document as well and I was basically coming here today to ask for a little bit of additional time. Like John, this was just recently brought to our radar and we are working on some comments very, very soon. We'd like the opportunity to comment. I do feel like the majority of it is definitely factually based and we want to make sure that is consistent in any of the amendments that were made, and of course, follow-up on some of the comments that John had regarding the maps and making sure that those aren't being used.

DEC 19 2013

Especially if you look at like the wildland urban interface, all of Missoula County again is within that particular...not Missoula County but the City of Missoula is within that as well. I think there could be some argument against that. In addition to we probably have some really fantastic data we might be able to add regarding housing and some of that migration information that we get every year during our housing report. We look forward to commenting, I really do hope we have the opportunity to move this forward to another meeting and I'll get you some comments at that time.

**Chair Landquist:** Does the January 8th date work for you or are you thinking you need more time than that with the Holidays upon us and stuff?

**Ruth Lincoln:** We will have one meeting in between now and then so if Lewis feels like that would be enough time, we probably wouldn't be able to get them comments until the afternoon of the 6th, which I know would be pretty short timeline for you guys but...more time would be appreciated but we could definitely work within it just based on what works for you guys.

**Commissioner Carey:** We don't have an immediate deadline.

**Chair Landquist:** No I just figured if she knew for sure she was going to need way more time, we don't for sure if we're not going to need way more time. This is a lot to digest so right now we can continue to work under the premises of the January 8th but with Commissioner Curtiss having a family emergency and stuff, we just might need more time.

**Annie Houser, CFAC:** I'm mostly just here to watch the process and we're really pleased that you guys are working on the Growth Policy and we're really excited for the rest of the process and I think this is a really great Chapter 2.

**Chair Landquist:** We've already sort of come to the conclusion that we're going to revisit this so do we leave it open? We don't close it if we're going to revisit it, do we? Or do we close it for the time being and then reopen it or....?

**James McCubbin:** You could do it either way. You're going to accept public comment at the other meeting regardless. My recommendation is you either close the formal public hearing or continue it to a date certain. The reason for that recommendation is so we avoid having to go through the formal re-noticing process for public hearing; it just saves a little public expense that way. So if you continue it to January 8th at 1:30pm and just announce that now we won't have to re-notice it, that doesn't mean you have to make a decision that day.

**Commissioner Carey:** Or that we even have to have it that day.

**James McCubbin:** Well if you continue it to that date for certain then you'll at least need to meet to continue it again. So it will need to be on the agenda. Or you could just close the hearing now with the understanding that of course anytime the Board takes this up as an agenda item, there certainly will be public comment allowed, so either way.

**Chair Landquist:** Okay, well I prefer not to close the hearing because I want people to feel like they have more time without panicking, especially over the Holiday so we'll leave it open and tentatively plan to revisit it on January 8th. But I would like...we may not necessarily be required by law, and I realize the expense to the County and essentially county taxpayers of re-advertising it and that the legal notices but I would like it if staff could revisit their email lists that they use to put these notices out and resend it to those folks. I did notice that FWP had a comment in there that they hadn't had a chance to finish reviewing it. So I'd like to at least get the word out on the electronic street, so to speak – the global radar that they still have time to revisit it and comments on it is appreciated and welcomed and accepted. So with that, we'll leave it at that.

#### **Executive Session**

We'll leave this open and revisit on January 8th at 1:30. I'll ask staff to resend out notice and to email contacts.

#### **9. OTHER BUSINESS**

None

#### **10. RECESS**

Being no further business to come before the Board the Commissioners are in recess at 3:44.

Following Public Meeting, BCC signed Resolution No. 2013-135, dated December 18, 2013. Amending Missoula County Subdivision Regulations Section 8.2.3.3 (lifting of agricultural covenants for publicly-owned lands). Public Hearing held December 18, 2013.

THURSDAY, DECEMBER 19, 2013
-----------------------------

BCC met in regular session; all three present. Noon: JC attended retirement celebration for Jeannie McKinley. Afternoon: BCC met with Mitch Doherty, et al for a Law Clinic Presentation: *Wildfire Hazard Conceptual Approach to Mitigation*.

ADMINISTRATIVE MEETING

Resolution No. 2013-136 – BCC signed, dated December 19, 2013. Budget Amendment from CAPS to transfer \$150,000 from Expenditures for use of County Open Space Bond funds towards purchase of five conservation easements in the Swan Valley (Elk Flats Bond Project/County portion). For total disclosure, expenditures included in formal FY14 Operating Budget/ Revenue Estimates for County. Original to C&R.

Resolution No. 2013-137 – BCC signed, dated December 19, 2013. Budget Amendment from Tech Fund in amount of \$1,975 for purchase of Tenable Network Software to provide ongoing security scanning for County-owned computer systems. For total disclosure, expenditures included in formal FY14 Operating Budget/ Revenue Estimates for County. Original to C&R.

Collective Bargaining Agreements – BCC signed four (4) FY2014 AFSCME agreements for period 2013-2015, between County and following: 1) 9-1-1 Unit; 2) Juvenile Detention Unit; 3) Support Unit; and 4) DOAMC. Originals to HR for further handling.

Schedule – BCC reviewed/approved City Parks & Recreation Master Fee Schedule as it pertains to County-owned portion of Fort Missoula Regional Park, for 2014 playing season. Original to Lisa Moisey/Parks.

Parks Expenditure – BCC approved expenditure of Parks Funds for purchase of playground equipment for East Missoula Lions Park. ML signed Sales Proposal between East Missoula Lions Club and Kompan Company, supplier partner of U.S. Communities Government Purchasing Alliance for ADA compliant playground equipment in amount of \$66,057 (\$36,000 in Parks cash-in-lieu funds; \$10,000 in Parks grant funds; \$20,057.70 in Lions Club funds. Playground to be constructed in spring of 2014. Original to Lisa Moisey/Parks.

Letter – BCC signed, dated December 19, 2013 to R. Hojem, Dist. Mngr., Plains/Thompson Falls Ranger District, Plains, MT, commenting on proposal to either abandon in place, or remove out of service, sections of Yellowstone Pipe Line. BCC may comment again once Environmental Assessment has been completed; in the interim, BCC believes abandoning out of service pipe in place may be the preferable option for this site, and suggest a depth-to-pipeline survey be done.

Letter – BCC signed, dated December 19, 2013 to Ken Egan, Exec. Director, Humanities MT, Missoula, in support of the application by the Friends of the Historical Museum at Fort Missoula for a Humanities MT Major Grant to help preserve/interpret the Dept. of Justice Alien Detention Camp (ADC) at Fort Missoula.

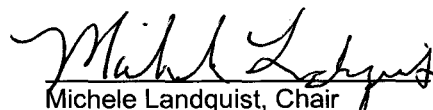
Letter – BCC signed, dated December 19, 2013 to Montana's Congressional Delegation (Senators Jon Tester and Max Baucus, and Congressman Steve Daines), requesting their best efforts to fully support the Payments in Lieu of Taxes (PILT) Program. Missoula County receives approx. \$1.4 million annually, which is critical for provision of governmental services.

Additional discussion item(s): None.

**FRIDAY, DECEMBER 20, 2013**

BCC met in regular session; all three present. Afternoon: JC attended retirement celebration for Mary McCourt.

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

**MONDAY, DECEMBER 23, 2013**

BCC did not meet in regular session. All three out of the office through Monday, December 30<sup>th</sup>.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 25/CY2013 - Pay Date/December 13, 2013. Total Payroll/\$1,383,478.83. To County Auditor.

**TUESDAY, DECEMBER 24, 2013**

BCC did not meet in regular session. All three out of the office through Monday, December 30<sup>th</sup>.

**WEDNESDAY, DECEMBER 25, 2013**

**COURTHOUSE AND ADMINISTRATION BUILDING CLOSED FOR THE CHRISTMAS DAY HOLIDAY**


**THURSDAY, DECEMBER 26, 2013**

BCC did not meet in regular session. All three out of the office through Monday, December 30<sup>th</sup>.

**FRIDAY, DECEMBER 27, 2013**

BCC did not meet in regular session. All three out of the office through Monday, December 30<sup>th</sup>.

  
Vickie M. Zeier  
Clerk & Recorder

  
Michele Landquist, Chair  
BCC

**MONDAY, DECEMBER 30, 2013**

BCC did not meet in regular session. All three out of the office through this date.

**TUESDAY, DECEMBER 31, 2013**

BCC met in regular session; all three present.

Indemnity Bond – ML signed. Fed Ex Office, Plano, TX, Principal for MUTD Warrant #83077784, issued September 10, 2013 on County 7300 Fund. Amount/\$61.60(for foam mount & lamination). Warrant lost.

#### ADMINISTRATIVE MEETING

City of Missoula Resolution No. 7841, County of Missoula Resolution No. 2013-138 – BCC signed/adopted, dated December 16, 2013. Joint Resolution of Missoula City Council and Mayor, and BCC to authorize the Local Emergency Planning Committee (LEPC) and Disaster Planning Committee to establish a local, Type III, all-hazard incident management team. Originals to C&R and City.

Grant Agreement – ML signed. Noxious Weed Trust Fund Project Grant Agreement (for Lolo Complex Fire) #MDA 2014-002 between County Weed District and MT Dept. of Agriculture. Amount/\$25,000 (50/50 cost share grant with landowners), to mitigate noxious weeds/re-vegetate with grasses. Term/date specified in Agreement/ends October 31, 2015. Two originals to B. Christiaens/Weed Dist. for further handling.

Contract – BCC signed, dated December 24, 2013. Between County and Garden City Janitorial Inc. for new janitorial services at Public Works facilities at Training Drive location. Term/February 1-June 30, 2014 (with automatic renewal clause). Costs set forth therein and are in budget. Originals to C&R and Greg Robertson/PW for further handling.

Resolution No. 2013-139 – BCC signed, dated December 31, 2013. Dissolving Lorraine South County Water District. District has transferred title of its system to Mountain Water Company. Original to C&R.

Document – ML signed. Applicant Disclosure Form and Drug-Free Workplace Form for the YWCA Ada's Place Rapid Re-Housing 2013 Continuum of Care grant application with County, HUD, and YWCA of Missoula. Amount seeking/\$150,841. Term/July 1, 2014-June 30, 2015. Original to Melissa Gordon for further handling.

Contract – BCC signed, dated December 31, 2013. Between County and Western MT Addiction Services for enhancement funding from US DOJ Assistance grant for Missoula Co-Occurring Court. Term/October 1, 2013-September 30, 2014. Amount/\$60,059. Two originals to Brenda Desmond for further handling.

Contract – BCC signed, dated December 31, 2013. Between County and Jackson Contractor Group and A&E Architects for Phase 3A of the Courthouse Annex (demo/abatement/reconstruction of the 2<sup>nd</sup> Floor into the new Sheriff's Dept.) Project begins December 31, 2013; anticipated date of completion/July 1, 2014. Amount/\$1,332,624 (Base Bid) and \$16,372 (Asbestos). Originals to C&R and Larry Farnes/FM.

BCC Chair – Per Calendar Year rotation, Jean Curtiss was appointed Chair of BCC for calendar year 2014 (January 1-December 31, 2014).

Letter – BCC signed, dated December 31, 2013 to Ed Toavs/Dist. Administrator, MT DOT, Missoula, notifying him of the BCC's intention to renegotiate the terms of the Seeley Lake Campground Lease. BCC asked that he contact Greg Robertson/Public Works to discuss the process and specific amendments. [Letter not mailed; hand-delivered at MDT meeting with BCC on January 9, 2014].

Letter – BCC signed, dated December 31, 2013 to Ed Toavs/Dist. Administrator, MT DOT, Missoula, terminating Seeley Lake MDT Maintenance Yard Lease Agreement. [Letter not mailed; hand-delivered at MDT meeting with BCC on January 9, 2014].

Letter – BCC signed, dated December 31, 2013 to Karl Uhlig, Bonner-Milltown Community Council, Milltown, MT, responding to their letter of interest re: scope of Environmental Impact Statement (EIS) for the Millennium Bulk Terminals-Longview in Cowlitz County, WA (i.e., effects of coal trains). County will evaluate/provide comment on the analysis included in EIS as it pertains locally, since the County lacks resources/internal expertise required to conduct their own in-depth analysis.

Additional discussion item(s): None.

MISSOULA COUNTY COMMISSIONERS' JOURNAL: JANUARY, 2014
-------------------------------------------------------

BCC = BOARD OF COUNTY COMMISSIONERS

JC = Commissioner Jean Curtiss, Chair

BC = Commissioner Bill Carey

ML = Commissioner Michele Landquist

The following Claims Lists were signed during the month of JANUARY 2014:

Date Signed	Claims List Date	Who signed	Amount
January 2, 2014	December 31, 2013	JC, BC	\$15,198.37
			\$157,409.27
January 2, 2014	January 2, 2014	JC, BC	\$9,734.03
			\$3,097.64
January 3, 2014	January 2, 2014	JC, BC	\$4,752.23
			\$5,397.18
			\$1,844.33
			\$1,676.40
			\$174.40
			\$5,475.00
			\$453.57
			\$45.62
			\$1,717.50
			\$988.40
			\$11,772.49
			January 2, 2014
January 6, 2014	January 6, 2014	ML, BC	\$704.56
			\$27,074.98
			\$75.87
			\$6,994.42
			\$1,171.29
			\$250.30
			\$9,798.01
January 7, 2014	January 6, 2014	BCC	\$1,648.27
			\$2,314.22
January 7, 2014	January 7, 2014	BCC	\$3,971.47
			\$975.00
			\$1,553.85
			\$3,622.29
			\$94,859.88
			\$47.38
			\$6,737.89
January 8, 2014	January 7, 2014	BCC	\$23,213.66
			\$4,072.04
			\$2,461.65
			\$5,461.32
January 9, 2014	January 7, 2014	BCC	\$11,581.21
January 9, 2014	January 8, 2014	BCC	\$119,077.96
			\$255.00
January 3, 2014	PHC Amerisource ACH		\$6,459.24
January 8, 2014	PHC Smartfill ACH		\$38,640.67
January 10, 2014	January 4, 2014	BCC	\$9,958.26
January 10, 2014	January 9, 2014	BCC	\$4,335.80
			\$142,199.71
			\$5,740.44
			\$3,197.48
			\$63,574.94
			\$185.00
January 13, 2014	January 13, 2014	JC, BC	\$312.25
			\$25,970.52
			\$2,400.71
			\$1,489.99
			\$7,770.78
			\$29,608.63
			\$33,299.97
			\$503.13
			\$8,541.22

(January 13 <sup>th</sup> cont'd)	[January 13, 2014]		\$10,787.09
			\$1,459.06
			\$3,340.60
			\$82,398.29
January 13, 2014	January 9, 2014	BCC	\$6,452.72
January 14, 2014	January 13, 2014	BCC	\$185,330.41
			\$32.72
			\$989,205.47
January 10, 2014	PHC Amerisource ACH		\$21,826.83
January 16, 2014	January 15, 2014	BCC	\$26,116.68
			\$31,080.23
			\$31,434.80
			\$1,030.26
			\$1,394.20
			\$197.00
			\$155,704.54
			\$31,072.17
			\$3,130.23
			\$1,695.20
			\$1,926.25
			\$715.00
			\$638.50
January 16, 2014	January 16, 2014	ML, JC	\$7,976.50
			\$282.93
			\$500.00
			\$141.87
			\$33.56
			\$8,484.83
			\$8,055.00
			\$18,522.90
			\$2,244.40
			\$1,032.78
			\$5,778.00
			\$1,408.71
			\$196.00
\$64,932.95			
January 21, 2014	January 15, 2014	BCC	\$1,414.32
January 21, 2014	January 16, 2014	BCC	\$500.00
			\$6,086.00
January 21, 2014	January 17, 2014	BCC	\$15,328.74
			\$11,310.18
			\$928.57
			\$4,571.70
			\$5,374.07
			\$3,577.08
			\$13,498.28
			\$4,231.40
			\$1,115.84
			\$600.00
January 22, 2014	January 21, 2014	BCC	\$500.00
			\$16,150.23
			\$23,777.55
			\$75,743.34
			\$2,702.95
			\$36,695.33
			\$2,259.88
January 22, 2014	January 22, 2014	BCC	\$104.91
			\$6,835.61
			\$120,336.35
January 24, 2014	January 21, 2014	JC, BC	\$319.97
January 24, 2014	January 22, 2014	JC, BC	\$505.97
			\$1,859.59
			\$4,373.24
January 24, 2014	January 23, 2014	JC, BC	\$8,337.16
			\$3,337.84
			\$29,573.37
January 28, 2014	January 21, 2014	BCC	\$200.00
			\$2,241.58



January 28, 2014	January 23, 2014	BCC	\$4,774.46
			\$1,353.20
			\$45.71
			\$735.38
			\$6,434.72
			\$250.26
			\$2,808.92
January 28, 2014	January 27, 2014	BCC	\$13,361.39
			\$3,462.03
			\$98,213.42
			\$2,858.40
			\$3,917.44
January 29, 2014	January 27, 2014	BCC	\$3,479.84
			\$669.65
			\$298.00
			\$22,165.96
January 29, 2014	January 28, 2014	BCC	\$179,182.32
			\$3,702.60
			\$5,109.71
			\$4,037.50
			\$818.70
			\$24,636.79
			\$5,237.80
			\$3,173.17
			\$2,187.92
			\$4,596.23
			\$200.00
			\$99.00
			\$458.94
January 30, 2014	January 29, 2014	BCC	\$250.35
			\$142,537.17
			\$3,001.05
			\$1,070.00
			\$750.00
			\$610.00
			\$1,131.99
			\$41.97
			\$389,842.70
			\$366.80
			\$101.25
			\$90.00
			\$332.55
January 31, 2014	January 30, 2014	BCC	\$1,704.56
			\$772.53
January 15, 2014	PHC Smartfill ACH		\$38,319.63
January 17, 2014	PHC Amerisource ACH		\$34,196.30
January 22, 2014	PHC Smartfill ACH		\$23,308.73
January 24, 2014	PHC Amerisource ACH		\$16,527.42
January 29, 2014	PHC Smartfill ACH		\$16,104.38

All Claims Lists returned to Accounting

**WEDNESDAY, JANUARY 1, 2014**

**COURTHOUSE AND ADMIN BUILDING CLOSED FOR THE NEW YEAR'S DAY HOLIDAY**

**THURSDAY, JANUARY 2, 2014**

BCC met in regular session; all three present.

#### ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 26/CY2013 - Pay Date/December 27, 2013. Total Payroll/\$1,368,077.55. To County Auditor.

Collection Agreement – ML signed. Between Missoula County and USFS for Kennedy Creek Mine Reclamation Project. Agreement lists the tasks responsibilities of each party. Project begin/2013; project end/2015. Two originals to Kali/CAPS.

JAN 16 2014

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Registers dated December 30, 2013. Amount/\$19,727.51. To County Auditor.

Additional discussion item(s): Schedule of BCC individual participation on County Boards/Commissions.

**FRIDAY, JANUARY 3, 2014**

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

  
Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, JANUARY 6, 2014**

BCC met in regular session; quorum present. JC in Bozeman most of day.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Water Compact/letter of support (action); 4) Howard Long Family Transfer; 5) Growth Policy/Chapter 2 – Missoula County Profile; 6) CAPS Work Plan update; 7) Director's update.

Letter – BCC signed, dated January 6, 2014 to Water Policy Interim Committee, Helena, affirming their support for the compact as it has been researched/developed through extensive negotiations, and urging the committee to move it forward for consideration by 2015 Legislature.

**TUESDAY, JANUARY 7, 2014**

BCC met in regular session; all three present.

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 December 2013.

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 December 2013.

**ADMINISTRATIVE MEETING**

Sub-Grant Application/Letter – JC signed Signature Page; BCC signed letter, dated January 7, 2014. For Missoula City-County Relationship Violence Services/Crime Victim Advocate ("CVA") Program proposal, (MT BOCC Grant # 14-02) requesting continued support for CVA Program, submitted in response to RFP #14-02 Victims of Crime Act. Amount/approx. \$200,000. Original to Shantelle/GCP for further handling.

Board Appointments – BCC made following appointments to various Boards/Commissions for terms beginning January 1, 2014:

- Historical Museum Board: Appointed E. Macdougall Palmer as new (and only) Alternate member for 3-year term to December 31, 2016.
- County Parks & Trails Advisory Board: Appointed Sue Stanley as new Alternate member for unfulfilled term to December 31, 2015.
- Lolo Community Council: Appointed Bob Ensminger to fill unexpired term to 2014 special District Election.
- Larchmont Board: Appointed 1) Janet Dean as new regular member for 3-year term to December 31, 2016; and 2) appointed Brent Harshbarger as new 1<sup>st</sup> Alternate to new 3-year term to December 31, 2016.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Registers dated January 7, 2014. Amount/\$25,187.61. To County Auditor.

Additional discussion item(s): MACo Mid-Winter Conference conflict; ML will not attend.

**WEDNESDAY, JANUARY 8, 2014**

BCC met in regular session; all three present. Afternoon: JC attended meeting of Let's Move! Missoula, held at United Way Offices.

Plat – BCC signed. Owners Painted Sky, LLC for Painted Sky, Phase 2, located in S½ of Section 15, T 11 N, R 20 W, PMM, Missoula County. Total area: 20 acres.

Monthly Report – ML examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of the District Court, Shirley Faust, for month ending December 2013.

CAO MEETING – Canceled (No Agenda Items)

Additional discussion item(s):

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated January 9, 2014:

- Approving request from Jim Galipeau, Missoula to abate personal property taxes for 2012 & 2013 for taxpayer id #80784430. Taxes to be billed to current owner of equipment.
- Denying request from Na'Cole Beall, Milltown, to refund motor vehicle taxes/fees paid for VIN #1N6BA07BX6N510619. Per County Policy, BCC has no authority to do so.
- Denying request from Mike Spenner, Missoula to refund penalty/interest for taxpayer id #1251705. Per Montana Law, BCC has no authority to do so.
- Approving request from Walgreens, Deerfield, IL, to refund 2009-2013 taxes billed in error.
- Denying request from Scott McNall, Missoula, to refund penalty/interest for taxpayer id #5850369. Per Montana Law, BCC has no authority to do so.
- Approving request from Louis J. Bahin, Missoula, to refund second half payment for taxpayer id #5805248 & #5901787.
- Approving request from Joe Etchart, Glasgow, MT to refund penalty/interest paid, because envelope he submitted for request for a refund was postmarked by Glasgow Post Office.
- Denying request from Peak Health & Wellness Center, Missoula, to refund penalty/interest for taxpayer id #2404308, #1429602 & #2404404. Per Montana Law, BCC has no authority to do so.
- 

PUBLIC MEETING – January 8, 2014**1. CALL TO ORDER**

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

**Staff Present:** Jamie Erbacher, CAPS, Lewis YellowRobe, CAPS

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

None

**4. PUBLIC COMMENT**

**Sterling Miller:** I have comments on two things; one is related to the use agreements that are in effect and the second has to do with the County's budget. In both cases, I have suggestions as to how...actions that the Commissioners can take to improve, what I see is problems in both of these things. When the legislature was in session last time, I wrote a guest editorial in the Missoulian criticizing what's called subdivision for lease or rent. I asked the Missoulian to ask the Commissioners to write a companion piece explaining why they continue to implement subdivision for lease or rent. In that companion piece the Commissioners said that they were in the process of implementing reforms to Subdivision for Lease or Rent, and indeed some reforms were initiated that were useful, particularly with regard to the fees. However, the main thing that resulted from those discussions was something called use agreements. These use agreements, I attended many of the meetings in which these were discussed, were designed to allow people to exempt themselves from having to undergo subdivision for lease or rent by signing a perpetual covenant on their property that would exist, even if they sold the property, saying that certain structures on their property would not be used for lease or rent. However, recently I have discovered and I have the documents here that these use agreements do far more than that. They actually prohibit the person who signs them from ever doing any improvements on their property. This is a boiler plate which is in all the use agreements, I have them here and I can show them to you. And I'll read you this part of the use agreement, part B of all these use agreements that have been signed says; owners shall not construct or install on the property any additional buildings, structures or improvements, other than those proposed above and as identified and described on the site plan and floor plans attached thereto. So my question is; were the Commissioners aware that this boiler plate prohibition against any improvement, which means if you want to put a deck on your property or if you wanted to build a shed, or if you wanted to put an addition, or an extra bedroom, or build a garage or something like that that in perpetuity landowners would not be able to do that. We're the Commissioners aware of that? Or was this something that was dreamed up by the Planning Department or the County Attorney and stuck in there without the knowledge of the Commissioners?

**Chair Curtiss:** You'll have to look into that Sterling because I think it probably means without permits and such; we'll look into that one.

**Commissioner Landquist:** I don't think that's what its intent was at all because I certainly wouldn't be supportive of something like that. I think Jean might be right, I think it means without permits and such.

**Sterling Miller:** Here are all the use agreements that have been signed. My suggestion for fixing this in a comprehensive way, first of all put something into the subdivision law which recognizes the changes that were made by the passage of SB324, relative to the applicability of these use agreements on properties.

JAN 10 2014

**Chair Curtiss:** We have changed that.

**Sterling Miller:** I don't think it's clear. Thank you Jean, but I don't think it's clear what kind of structures and what structures would be exempt since the passage of 324. The other thing that I suggest be done is that you contact the people who have put this perpetual covenant on their property and tell them that it's not necessary or do something comprehensive to eliminate this covenant. I've read all the use agreements and under the new subdivision for lease or rent reforms that were passed by the legislature, none of these people would be required to sign a use agreement. So it's something the Commissioners should do something to void all these use agreements and let the people know that they're not necessary. And this business about never being able to make any improvements on their property, which is a plain language of the thing, should be eliminated. So you're not familiar that those things...that that Part B was in these use agreements? This was something that was dreamed up by staff without the concurrence of the Commissioners?

**Chair Curtiss:** Well we agreed to it but I don't think that the implication that you're saying is not what we thought was going forward. We'll look at it and follow up.

**Sterling Miller:** Thank you. The other thing that I'm interested in is; I recently have been doing some review of the County's budget and one of the things I was interested in, in doing this review was what staff is paid. I noticed by doing comparisons with other County's...many other Counties have what county staff are paid on their websites, but not Missoula County. I had to request information on what staff are paid, including what the Commissioners are paid from the County Financial Officer, it took me about six (6) weeks to get that. My suggestion is that you put information on what staff are paid on the website. I don't know when the county submits this budget to the Commissioner for approval from individual departments, whether or not staff's salaries are in there or not. If they are, then you would have been aware probably, if it had been presented in the right way that Deputy County Attorney James McCubbin received a 24.6% pay raise between FY13 and FY14. Absolutely astronomical, that's 7 times larger than any pay raise that was gotten by any other Civil Attorney in the County Attorney's Office. An astronomical 24.6% raise. And this is in spite of the many failures that Mr. McCubbin had done in that year. One of those failures included the absolute repudiation of his interpretation of subdivision for lease or rent by the legislature, which overwhelmingly rejected his interpretation of the States statues regarding subdivision for lease or rent. That passed by 99-0 in the House. Showing how completely out of line....

**Chair Curtiss:** Just to be clear; it wasn't his interpretation, it was what the implications of the law is written were. That's why they changed it because the State Attorney General agreed with his interpretation.

**Sterling Miller:** Indeed.

**Chair Curtiss:** It might not of been the intent, but that's what it said.

**Sterling Miller:** Indeed. The Attorney General did approve that but only two (2) counties in all of Montana were interpreting the subdivision law in the way that Mr. McCubbin was. Even though he was able to advance an argument that that was illegal interpretation, it still was a disastrous interpretation. The reason that this passed so overwhelmingly in the state legislature was because of the Attorney Generals discussion. Made this a problem not just for Missoula County and Lewis & Clark County, which is the other county that was doing it.

**Chair Curtiss:** And Ravalli.

**Sterling Miller:** Well Ravalli stopped doing it once McCubbin left. So it wasn't happening in Ravalli County anymore but only Missoula County and Lewis & Clark County. They were actively saying that you had to undergo full subdivision review because you had a structure on your property that is or could be used for lease or rent. That's a unique to those two counties. I think that my suggestion is that you put the salaries on the website so people can see these disproportionate entries. The other failure that Mr. McCubbin had in the FY13 was this Brock decision. In which he wouldn't allow Mr. Brock to...had to sue in order to get his title of register. That ended up having to go to the Supreme Court and because Mr. McCubbin appealed District Judges decision to the Supreme Court and he lost to the Supreme Court too in a unanimous decision 5-0. That ended up costing the county at least \$80,000 in plaintiff's attorney fees and I am informed that it actually cost the county \$120,000. I don't know if you are aware of that but it's really outrageous that an Attorney with this record should get such a huge increase in the year in which these failures occurred. I suggest that the County Commissioners pay more attention to the pay raises that staff got and when they're disproportioned liked this, raises occur in cases that there's nothing but a record of failure that the Commissioners intervene. The other thing that I'm asking for...I've been trying for some time to find out what the costs are of the Jordan Johnson prosecution. The County Attorney's Office...and this is pertinent to you because you review the county and approve County Attorney's budget; I have asked and have been asking for what this cost is and I'm getting no response from anybody. Apparently this is being hidden from the public and I suspect that this cost was in the hundreds of thousands because many outside counsel were hired to conduct that prosecution. I think it's entirely appropriate to the Commissioners to find out and make public what the cost of this prosecution was because it was clearly ill-advised prosecution because of the speed with which the jury overturned it. I think that what brought this up, as I've been reading in the papers, that Mr. Van Valkenburg has been asking the Commissioners to approve a preemptive \$50,000 to sue the Department of Justice, when in fact, he's not willing to make clear what the total cost of his mismanagement of sexual assault cases is costing the County.

**Dana, Missoula Indian Center:** I just wanted to give you an update about the alcohol substance abuse and tobacco program that I coordinate. On New Year's Eve we held a drug and alcohol free event for native youth and we got 30 youth, we went to the HUB, bowling, had pizza. I also wanted to just quickly talk about the Quit Line. They're offering new benefits for this year. It's eight (8) weeks of nicotine replacement therapy, which is chapstick?, gum and lozenges. They also have a new pregnancy and postpartum program. Then just a statistics about the quit line is that when the people who use the quit line, they are 7-10 times more likely to successfully quit. I just wanted to give you an update. I work the Missoula Indian Center.

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List (\$1,843,644.44)

**Executive Session**

Commissioner Landquist made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$1,843,644.44. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

**6. HEARING (Certificate of Survey)**

Long (Howard E. aka Jack) Family Transfer

**Jamie Erbacher** gave staff report. The family transfer is proposed at 10745 Hwy 93 North. Howard Long is proposing to create one (1) additional parcel to transfer to his daughter. The original tract contained 14.4 acres and is accessed via two (2) separate 30 foot private access easements off of George Cates Blvd. The growth policy recommends one (1) dwelling unit per five (5) acres in this area. Howard has previously used a family transfer exemption to transfer a 2.03 acre parcel to his wife Joan, that is now known as parcel one (1) of COS 6067. There is evasion criteria listed in section 8.5 of the Missoula County Subdivision Regulations, there are ten (10) total criteria, of those criteria staff has found that this property complies with five (5) of those. Jamie asked Mr. Long the standard family transfer questions.

**Commissioner Landquist:** Clarification on the question asked; do you have any plans to develop this? The answer was yes. This is staying in the family – the house for the family.

**Jamie Erbacher:** Good point. Even though they did meet five (5) of the ten (10) criteria, we can also see the pattern that this family split is staying within the family and that does meet the intent of the law. Therefore we are recommending approval.

**Public Comments**

None

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the request to create one (1) additional parcel to transfer to his daughter, Terri L. McGillis based on the fact that it does not attempt to evade the Montana Subdivision and Platting Act. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

**7. HEARING (continued from December 18, 2013)**

Resolution of Intent to Adopt Missoula County Growth Policy Update (Chapter 2)

**Lewis YellowRobe gave update and showed PPT Presentation with updated information.**

I have a few brief comments to make. The purpose of this update is; an update is permitted every five (5) years, if it meets a number of criteria. These are further explained and outlined in the staff report and the Request for Commissioner Action (RCA) that you have. The Growth Policy contents were following state law, you'll see at the bottom MCA 76-1-60, 13b 1-9 and 3c 1-8. The Growth Policy; these contents must include maps and text describe the inventory of the existing characteristics and features of the area. And that they must include projected trends within the growth policy. The update is compliant with state law as well. The text, trends and maps they describe these eight (8) conditions; land use, population, housing, economic conditions, local services, public facilities, natural resources and cultural resources. Since the planning board hearing, they did hold a public hearing at the December 3, 2013; they recommended to the County Commissioners that they adopt the proposed update, with the planning board changes. Since that Planning Board Hearing there have been additional public comment that have been received from the Confederated Salish & Kootenai Tribes, and then also some comments at the December 18 public hearing. Then since yesterday afternoon, comments from the Missoula Organization of Realtors (MOR), they sent a letter to the Commissioners requesting some changes to this proposed update. The Tribes would like some updated information for maps 23, 25-27, to include wildlife and fisheries information within the boundaries of the Flathead Reservation, within Missoula County. Then the comments made at the December 18 hearing centered around slope information, agricultural land impacts, mapping clarification, wildland urban interface. I'd like to take a few minutes to address some of the comments that were made during the December 18<sup>th</sup> hearing and then if the Commissioners have questions about the letter from the Missoula Organization of Realtors. I spoke to Tim Worley, Senior Planner at CAPS for the Subdivision and Zoning Section, ran a clarification question that's incorporated in the Realtors letter and they did offer some comments on how to replace what's being proposed in the Growth Policy. They did offer some new language and Tim felt that language was acceptable and would recommend that being included into the Growth Policy. That recommendation is included in the Realtors letter. There were questions about mapping clarification, that was brought up in the 18<sup>th</sup> public hearing and they're also part of the Realtors letter that you have. Staff is proposing to use some language that is shown and described on the existing maps within the current growth policy, the 2005 Growth Policy. This language is described on the big game winter range and the grizzly bear habitat linkages. The map is

intended as an illustration of areas in the county and that may provide big game winter range land and the general overview is not intended for properties specific range identification. So having a language on those maps that were identified within the Realtors language has language that was similar to what's already in the 2005 mapping information. You'll see where the grizzly bear habitat linkage, there's language that's similar that says; it's not intended for properties specific habitat identification. I think that's some information that was not carried over with the current mapping information. The wildland urban interface, I did some fact finding for the Commissioners based on this comment in the meeting on the 18<sup>th</sup>. I spoke with Mitch Doherty, he's a planner with CAPS, staff that's fairly involved with this wildland urban interface, he indicated that Chris Lounsbury, Emergency Services Director, he and his staff at some point in the future will be working on an update of the wildland urban interface documents that guide the emergency services response for Missoula County. I did get a statement from Chris Lounsbury ~ I cannot find that statement in my pile of papers here but he did indicate that they would be working on enhancing or further definition of this wildland urban interface. One of the comments in the December 18<sup>th</sup> meeting was to work on that map that's currently shown in the staff report. Staff would like to recommend to the County Commission about this, perhaps when Chris Lounsbury and his staff begin this wildland urban interface update, if and when that process is completed then that could be an addition to or an amendment to the Growth Policy. Staff does recommend that the mapping information that seen right now is fairly broad, so to say, and it does paint a fairly large picture of what could be there within Missoula County. With the Missoula Organization of Realtors letter on January 7, 2014, staffs had a chance to review that material and can provide some feedback to the County Commissioners during this public hearing today. I'd like to close the staff report, so to say, with the staff recommendation to the County Commission.

**Chair Landquist:** Could you clarify; if the Commission does adopt the Resolution of Intent today that gives us time to do things like grammatical changes and that kind of thing. Does the Resolution of Intent have a date by which...is that 30 days for people to comment?

**Lewis YellowRobe:** No, there's no date that's attached to the Resolution of Intent to Adopt. The Resolution just indicates that the...I'm looking on the Request for Commission Action (RCA) on the second page. The last paragraph reads; now therefore be it resolved that the Board of County Commissioners of Missoula County hereby adopts this Resolution of Intent to Adopt, as amended by Planning Board with amendments....I left out some wording but it doesn't give a specific date.

#### **Public Comment**

**Ruth, Missoula Organization of Realtors (MOR):** Everything that we were really concerned about is in the letter. So I'm here and happy to answer any questions.

**Commissioner Landquist:** I can't find the problem you're referring to in the first paragraph, page 6.

**Ruth, MOR:** The paragraph is under Agricultural Land Uses. The paragraph reads; "nearly half of the farms in Missoula County now sell less than \$1,000 worth of agricultural products in a year. Many of the counties farms may be primarily rural residences with agriculture playing a secondary role in the property." The concern that came from my committee was that, it kind of paints a picture that it's gone from mainly agriculture to mainly residential. The point they wanted to make was merely that it's common practice for the farmer, the ranch to actually be the homestead that dual use really hasn't changed a lot.

**Chair Curtiss:** Was there some suggested language then?

**Commissioner Landquist:** They suggested that it's a comment and doesn't inform the discussion that it should be deleted, I think is what you suggested.

**Ruth, MOR:** The basic thought is that it's great information but we're not really sure what relevance it plays in the overall discussion about the profile for Missoula County, it's not information that's changed a lot...or at all.

**Chair Curtiss:** Well it has if you look at the size of old ranches and size of ranches now, even in 20 years. This chapter is mostly statistics. The next chapters we'll get into is about ~ now what do we do.

**Ruth, MOR:** And that's what we understand to be the case and where a lot of our comments came from.

**Commissioner Landquist:** That's what part of this chapter does, I read your letter and I really took it to heart as I read through the document. There are statements in here from; whether it be from sources, or from things we've learned along the way, that may not necessarily be as scientific as we'd all like them to be to make it easier to read. This is kind of a foundational document so I think we have a responsibility to try to get it right. It's hard to put some of the information in there that needs to be in there without it sounding like there's some opinions. Maybe it should be worded differently or sighted somehow to make it more palatable, but it is kind of a fact.

**Chair Curtiss:** This one is a statistic from the USDA so it's facts, it's what they recorded.

**Ruth, MOR:** There is a lot of it...like we said in the letter. The majority of it is factual information that is based on statistics from creditable sources and we want that to be the case, that's the goal of the document. When we come in to the planning phase you're going to use this as a foundation. So if there is a sentence that could be kind of construed, in my opinion, in my membership's opinion as

leading the discussion, like we need to be doing this instead of saying this is the fact, then absolutely that needs to be changed. That will happen, we'll have the opportunity for those discussions, and this isn't the place to do that.

**Annie Heuscher, Community Food and Agriculture Coalition:** I'm not going into all the details of our response to MOR's letter, but we did want to take the time to respond on a couple of points. We were quite satisfied with the draft, as it was, so none of these things had emerged concerns for us and some of them relate to things from losing ground and other areas, so we wanted to provide some comments on that. Our overall response to the letter; I agree with you Commissioner Landquist that it's very thoughtful and I think that the goal of increasing the clarity of the report is good. We are happy to continue working with them on that. There were a couple comments about the climate wise report, we feel that the purpose of the county profile is to demonstrate trends; climate change is obviously a clear trend. That's something that we would encourage you to keep in document. This just came up as well that some of MOR's points seem to question the data points that Lewis quoted, especially some of the ones from losing ground. Every number that's in Losing Ground is associated with a data point from the USDA from the National Ag Statistics Service, from the Census of Agriculture from the Department of Revenue. If there are any...we certainly have no egotistical attachment to having our name in the growth Policy, so if there is anywhere where you'd rather have that sited directly from the USDA, we would be more than happy to help find where those pieces are in Losing Ground and find the original document.

**Commissioner Landquist:** Isn't there a way when you're citing stuff, that if you're citing something's but when you're doing technical writing and you're making a citation from a source that you've taken it from but that source is also taking it from something like..you cited the source and then kind of like a subsource...a subcitation.

**Annie Heuscher:** I think that a lot of times when we do that, it's when like the person you're citing has summarized the other point. But most of the points that Lewis used were actually just the numbers. So they could really easily just be sourced from...

**Commissioner Landquist:** I think that's a really good idea that we should maybe do that. Whether we subcite it or cite it the other way.

**Annie Heuscher:** I have Losing Ground here with me here today so if there are any specific points you were wondering about I can look those up and tell you where they came from. There was just one other point in MOR's letter about the...when we went to the planning board hearing one of our main goals was to get more into the county profile about growth in the Ag economy. There are elements of the Ag economy that certainly are diminishing but there are elements of the Ag economy that are growing really rapidly. I did include some of the data points that I had sent to Lewis in the past about where we rank in the state on certain things and additional points are on the third page of my letter.

**Amy Cilimborg, Montana State Audubon:** I'm the Director of bird conservation but I also oversee our climate policy work. I was very pleased to see in this document a recommendation that we consider trends and projections for increasing temperatures and warming climate and that. I was the co-lead on Missoula's municipal conservation and climate action plan developing that plan, so I've been working a lot at the city and community level of climate planning over the last couple years. I was hearten to see that was in there and I do hope that it stays. When I was basically just shown that Missoula Organization of Realtors letter, I was surprised that they would question whether that comments about climate changes and projected trends were relevant there. I believe strongly that without understanding where we're headed how can you plan? That seems like that we are talking about projections and trends, so I would hope that that would stay in there. In my work in the last couple years, I've worked a lot with the Clark Fork Coalition and with Jill Albin; unfortunately she was one of the leads in the climate wise project that moved through as they developed their climate wise report, working with the GEO's institute. She's in Bozeman today was not able to come, Karen Knudsen was hoping to make it over but I don't see here. I don't necessarily want to speak for the Clark Fork Coalition but I know that they feel very strongly that that was a very professionally done exercise and report working with a lot of scientists, PhD's on this, steering committee, Geo Institute and within headwaters economics who was also part of that, a lot of top-notch scientists. I was a little taken back by the well intention to comment within that letter and I believe that there's a lot of strength, a lot of professionalism in that. I know other organizations like Montana Audubon are using that report and using it to develop further planning, so I do hope that that can remain a part of our overarching profile as we look forward to updating the furthering chapters in the Growth Policy.

**Nicky Phear:** I'm not representing anyone up here except a citizen that's very concerned about climate change. I do teach at the University, I've been working with a lot of people in the community to help us think about projections with climate change and plan for that. I can attest that there are many people in this community from many different sectors ready to step forward to put our heads together for how we move forward on it. I was really encouraged to see that consideration of future climate change was going to be considered in the county growth planning process and I echo the statements made by Amy that I'd like to see them there. It's a wise thing, a bold thing and I think we'll serve the county well in the future even though it might be hard. Again, we have a lot of people here that are willing to work on that with the county.

**Chair Curtiss:** The reason why I ask Lewis a little bit earlier if we had a timeline on there is it seems to me that may be able to consider today adopting the intent to adopt and then incorporate some of the comments today. It's out there electronically right now right?

**Lewis YellowRobe:** Yes.



**Chair Curtiss:** We could still then take additional comment before we adopt. There are some other things that...as we all read through these you know how, when you do a report like this, you write something so many times that you're sure it says what you thought it said, but you spelled a word wrong or you did something wrong. There are some things in here like; the Swan Valley fire service area is on the map but not on the list, a couple things like that. I met with Nancy this morning and identified a few things like that; I know Michele and Bill probably both have some of those things too. But it is a good time for us to talk about the MOR and since they're both here and CFAC's comments, and what we think about what should be in this report. I think the climate change from my point of view, the comments that are in here are reflective of discussions that have happened in our community regarding trends. It's not a detailed climate thing, which I think is a whole other conversation that needs to be had at the county level, in the future. I think they're pretty basic in what they say.

**Amy Cilimborg:** I did notice that if you would like in terms of citations, there's a couple other opportunities to cite projected trends and temperatures. The USGS has a site that was just updated, December 10, 2013 predictions of 3.5 degrees Celsius increase in temperature for Missoula County. So they break it down at the county level and have predictions, I can forward you that URL. If you wanted to substantiate those warming trends there's a lot of really good science done by government and other folks that could be helpful to having that document.

**Chair Curtiss:** We were also working on this in 2013, so we had to have a cutoff date as to when we start putting things...

**Amy Cilimborg:** Oh okay. It's nice because you can see some step down models that look at county level data.

**Commissioner Landquist:** But I think as current as we can make it. We're already in 2014, as current as we can make it because sometimes it takes too long to get some of that information.

**Chair Curtiss:** We could refer to USGS for reference maybe. The problem is if you have this data from 2012 and this is 2013 and now we're in 2014.

**Commissioner Landquist:** That was one of my short questions, here we are in 2014 actually getting around to adopting it, so what is the date going to be on this document when it's finally done?

**Chair Curtiss:** 2014.

**Lewis YellowRobe:** 2014.

**Ruth, MOR:** I just wanted to address some of the climate change comments. We're not necessarily against the idea and nobody on the committee has said they're against the idea of having the discussion about climate change. We just want to make sure that the information included in the report is current is a big deal. Nowhere else in the report, apart from some of the areas we considered to be opinions, were the projections instead of current statistics ~ that's where there was that question about its inclusion in this specific report. Our organization would be more than happy to participate in a discussion and create a plan, much like the City did, I think that's the step that needs to take place. But understanding that there are parts of this report that the Commissioners may want to include. We did include suggestive changes to the actual language, for example, we have in this document it says; up to five (5) degrees. Most documents include a range so we recommended including the range. So if you weren't wanting to strike the information completely, we do feel that following some of those other minor changes would help to improve the document a little bit better, and to have more information for the individuals as well.

**Commissioner Landquist:** And I felt those recommendations were good ones. Some of my concerns in reading through the document were numerous and in that regard, kind of disappointed. I think its overall a good document, but some of it was just in the writing structure of it, I thought things were written backwards. I know how to compare and contrast but when you're comparing and contrasting and going back and forth between this date and that date, instead of doing it more of a sequential thing, one of the things that took me so long to read this document was that I was rewriting it as I went along and then I got really frustrated with it. I finally just stopped doing that and taking notes and writing question marks in the margins, the later it got the worst my comments were getting, which I don't like doing to anybody's body of work. Like Jean said, there was some sort of typo things that when you think you know what you're saying and you're going over the document so many times and then it's not catching certain words that may be a typo overlooked I found. On page 13 one small example, I think you're referring to an owner when you say; "Of owner occupied units 61.2% have a mortgage for 33.3% of those with a mortgage selected monthly housing costs are more than 35% of their household income conversely, 12.5 of those without a mortgage have monthly housing costs of more than 35% of their income." You mean renters? Why don't we just say what we mean? Those people renting homes, we want this to be reader and user friendly. I read that a couple times before I figured out, wait a minute, they've got housing expenses so we're not talking homeless because I already waded through that section of the document. Then there was...I started writing in the margins ~ order, order, meaning two sentences in the same paragraph just need to be flipped, so it was more sequential when we're talking about some of this stuff so you could follow it. And I was comparing it, I went back when I started getting tripped up on this in the document, I know I'm dyslexic, but that makes me a really good proofreader too. When I'm struggling through things and I have to work at, I know it's not all just me. So I went back to look at what style it was to see if this was the style, no it started out one way as more sequential and then it just started getting flipped along the way. Then there was so much of it, it was like, where do I stop? There was a few other things that we pretty glaring. So I think it's okay to adopt the intent, because the overall body of work is there but I think it needs a lot more work and I think a little bit more collaboration. I think we've got some good willing



people offering some good advice and we have a responsibility to get this chapter, this document right. This is a foundational document of our growth policy and there's a lot of things that stem from this. When I read even the comments from the Planning Board, even they were having trouble with approving this...wanting to reserve the right to come back and take a look at it because they were finding problems with it and realizing that; well there's going to be other chapters of the growth policy coming forward so maybe when we get done with those, when and if that occurs, because we've got Subdivision rewrites that we're looking at. That's one of the reasons I was like well, what's the date on this document going to be because when did we do the other chapters? And in trying to keep things timely but knowing that yes we do have to have some of this stuff in here for the here and now, but I'm looking at this as a work in progress still and not a work to be fully adopted yet. As far as the climate change and global warming stuff goes, not only did I participate in those meetings, when they were occurring here in Missoula, but as someone who has worked the land for 30+ years as a local small town farmer. I've seen the changes in the climate and I've seen things that aren't addressed, whether we should address them or not. Because then I started having the struggle with myself of; how scientific do we make this data that's in here? But like the winds ~ we talk about the water, the people moving here, the water that needs to be shared and spread amongst human beings for domestic uses, as well as agriculture uses. But one of the things that wasn't addressed is the winds. The winds are drying up an awful lot of things, as well as the temperatures, it's not all just temperature. When people say climate change or global warming, you think it's going to be cold in some places and hotter in other places. There's other factors in the weather that are going through some changes, whether it cyclic or climate change...global warming, doesn't matter, everybody I talk to seems to be aware the fact that the weather patterns in Western Montana are changing. We do have to be prepared to try to address that, for not only the people that want to farm but the people that just want to live here and be housed in a house, whether it be urban or suburban. That's why we need that information in here, but we need to get that information as accurately as possible knowing that some of this stuff is in a state of flux and it's unpredictable. So how do you put unpredictable data in a scientific way? I think that's the part we need to get right...to have the element of predictability because people do look at growth policies when they're writing their grants for various things, for funding when they're trying to get a permit for something approved and saying it complies with this or it doesn't comply and you need a variance. So that's why I think that we have a responsibility to get this right for more than just now, it's for the future. Because what this growth document does, even though we have the right to look at it again every five (5) years, you try to make them last for twenty (20) because what's that expression you use a lot? The emergencies take over the urgent or what is it?

**Chair Curtiss:** The urgent takes over the important.

**Commissioner Landquist:** Yes. It seems like the county is always in that mode, rightly so, we've got a lot on our plate at any one time. So we have a responsibility when we're looking at these growth policies to try to see beyond our time to help insure that Montana and the American life style can remain alive and well. So I'm just not comfortable approving the whole document right now without it getting a little bit more work. I'm okay with the intent to adopt it with the base line information as it is, but I think it needs to be flushed out a little bit more.

**Chair Curtiss:** I think probably instead of adopting the intent that we should assign ourselves homework.

**Commissioner Landquist:** I'm good with that too.

**Chair Curtiss:** I think what we need to do is look at the comments...look at the draft profile as presented, the comments from different agencies and decide which pieces we think need either additional data to support or changes. We always adopt with the intent that if there's errors in spelling and that kind of thing, that they would be corrected but we can let you know what those are...the ones that we've identified already. So our next Public Meeting is in two weeks? I think we can do that in two weeks. If we made sure our own homework assignment was due at the planning staff meeting previous to that day, we could put it on the webpage so people knew.

**Commissioner Carey:** I just wonder in terms of the public process whether or not it makes more sense to adopt the Resolution of Intent and then...that seems to help with further notice.

**Chair Curtiss:** Okay so the next meeting is the 22<sup>nd</sup>. We'll need to have this done by the 20<sup>th</sup>, which happens to be a Holiday.

**Nancy Heil, CAPS:** One option that you could consider and I don't know if this would cover all of your concerns but if you wish to adopt your Resolution of Intent to adopt chapter 2, as proposed, as with staff's suggested changes that went to planning board with Planning Board's recommended changes. You've received an additional set of recommendations at the hearing last month and with any additional corrections, clarifications or edits, as needed to make a clear document. That might cover most of what you're considering. If there were specific other changes in specific content areas or specific comments that you wanted addressed differently, that might be a separate matter.

**Commissioner Landquist:** That's not a bad idea but what concerns me about that and it's fine to say; well we liked your ideas Missoula Organization of Realtors, we're going to incorporate them and we liked your ideas and we're glad you're happy with them, etc. But then when the final document comes out, some of...not all of what they recommended comes out in the document. I want people to know what they're getting, I want the document. I'm okay with once in while a few grammatical things that we've spotted but I'm afraid that some of what we end up tweaking here, deleting or changing, I want the people...our public that have worked hard to help review this because they're the ones that also help us make better documents out of this and it is a public process. I want them to know what it is we're approving, I want to know what it is we're approving too.

**Nancy Heil:** And that was why my suggestion was if there were...like up to now you've got very specific insert, this here insert, this there, up to that point I think staff has very clear direction about what the Commission would like to see. If there are places based on the comments that you got from MOR where you wish to make specific direction, we may not be there yet.

**Chair Curtiss:** Before we adopt the Resolution ~ there's two. The Resolution of Intent, then there's a Resolution to Adopt. We'd still have an opportunity to amend; we'd probably have to have another Resolution of Intent though.

**Nancy Heil:** My understanding of the Resolution of Intent is this is where the Commission says; this is the document that we would like to see adopted. The Commission on previous documents has passed Resolutions of Intent that have said we intend to adopt this document with the following list of amendments and with any editing or grammatical clarifications as needed.

**Chair Curtiss:** I really think there isn't that much that the Commission might consider changing, there are probably a few things from the two main comments that we got today. We could probably shorten our timeline of homework to next Monday, that way people would have time to look at it before it came before us again in two weeks.

**Commissioner Landquist:** Have our homework done Monday, turn it into staff, have them make the corrections and changes and then it could out again for people to review?

**Chair Curtiss:** Yes. It could be put out so they know what we're considering. I think if we do think we're going to do any changes other than saying we would add...I think there's a couple graphs and things that we need to probably add. I'm guessing in this attachment that you had Annie, were you trying to provide that 1974 data?

**Nicky Phear:** I'd like to make one more comment about the climate wise report. I liked your comments about how it's not just warming trends that effect the environment that we live in. That document was an attempt to put those changes into content in our region here. And I think you said it's kind of basic stuff but I think it helps people who consider our future growth, it just gives us some other ways to think about that in the context of this region. I do like that document and I would encourage that to be something that is referenced, of course, with other scientific documents but I think it is a good attempt to look at those changes in context and the things we care about in this region.

**Chair Curtiss:** And that is the one that is already referenced.

**Nicky Phear:** That is the one that's already referenced, yes.

**Lewis YellowRobe:** The Missoula Organization of Realtors letter, I'd just like some clarification on how you'd like staff to handle some of these comments. I'm not sure what the Commission has decided about the climate change but staff...I can go through some of the staff recommendations minus the climate change because I'm hearing that there's still some thinking about that. But some of the other changes that staff not only has some recommendations but overall support some of these comments in the letter, not necessarily read it line by line but again minus the comment change on the second page of the Realtors letter where they're recommending having that range of 2-5 degrees. Staff would recommend that change. They have another comment in there that Table 2 is not accurate; we did see that inaccuracy and that will be corrected.

~I didn't see the material that was provided today about the 1974 data, we can include that data.

~On the second page, the fourth and fifth paragraph, these aren't climate change comments but they have to do with CFAC comment. And the Realtors are suggesting on page 6 of paragraph 1 that this comment doesn't necessarily inform the discussion.

~Then the next paragraph, they're recommending that the last sentence of these paragraphs be removed. Perhaps we could get some direction from the Commission on those two paragraphs; then on paragraph 4, in the remaining letter, where there's some recommendation to remove that sentence.

~Staff is recommending some word changes where it would say land prices, which increase when development pressure rises often make it difficult for beginning farmers and ranchers to buy land. It changes not only the readable but it also, in staff's opinion, addresses what the Realtors are asking.

~Then page 10, bullet 2, they're recommending that this bullet should be removed. Again, this is part of the trends that are required by the law; staff would recommend leaving this trend in.

~Then on the third page where they reference some Missoula County sources to cite. That material there, that actually is from 2000 or previous, it's not as current. I can maybe work with the Realtors to find some more current information to help identify more home ownership trends.

~Page 14, Table 6, the Realtors did provide this information and can be easily incorporated into the draft.

~The next paragraph, staff can incorporate this material into the draft as well, it talks about some trends. I need to figure out some ways to work it in and make it as a trend because it is a Missoula County housing document and they get work for the growth policy.

2014 Jan 15

~The wording about the slopes; again, I talked to Tim Worley about that ~ in regards to driveways.

~The following paragraph they want to add information in Table 13 on how many acres of land is publicly owned. That is already identified in the plan but that's an easy add, so to say.

~The maps that I had given at the beginning of the public hearing. They had some clarification about the land ownership map and I need to check with Nate Rogers, our GIS Officer and make sure that what they're asking is included; I believe it is but I just want to double check with Nate. He'll be back from vacation on Monday so I can clarify the request from the Organization of Realtors.

~ The remaining are the CFAC comments. 4 & 5 have to do with the global warming and it sounds like that's still being debated on how to handle that.

~The following, they're asking for further information about Table 2/Table 3, that's about agricultural production within Missoula County. The Planning Board did ask for further information and that information is included in your Request for Commission Action (RCA) in attachment 2, item 2, page 2. You'll see in the agricultural land uses there's some new language that gives more description about these direct markets in Missoula.

~The Planning Boards motions for 5, 6 & 9. For 5, again that goes back to the previous comment about Table 3. That's included in your Request for Commission Action (RCA).

Motion 9, we're still working on this Planning Board request but what they want to know is how much land has been taken out; how do we display a graph that shows the land has been taken out of agricultural production within Missoula County? We're still trying to figure out how to address that request. That's fairly large...I guess the question is when Missoula County started or...

**Commissioner Landquist:** You have the Barb Martens document too, don't you? (Missoula County Agricultural Protection Study 1983)

**Lewis YellowRobe:** No, I'm not familiar with that document.

**Commissioner Landquist:** I have a copy of it. She was the first one that was asked by Commissioners before us to write up and research the availability of farmland in Missoula County and whether or not we were losing it or not.

**Chair Curtiss:** Lewis, when you go through that it sounds like to me I was probably over reacting; I think that we just need to have the discussion about what we want in here on the climate stuff. We either put it in or take their recommendation.

**Commissioner Landquist:** I was looking at the calendar for our schedules, we've got a couple Fridays...not this one, but the next two Fridays, I don't have anything scheduled. Maybe it's a question of just like we do when we're drafting letters, sitting down with you and going through it. I'd be happy to sit down with you one on one if you want or if we do it together collectively and go through it page by page and discuss our changes and why. Otherwise, I can do it by writing it and putting stickies all over it and handing it to you too, I don't care either way. What I'm concerned about is sometimes kind of what you were saying Jean, you write something a bunch of times and you think you know what's there and then you're missing things and now you go to read the final document that somebody else has read a number of times. If we start rearranging things it seems like a whole new document. I know that there's ways you guys write things to track changes but that's what I'm afraid of; once we start tweaking this, even though the tweaks that I'm talking about aren't real huge ones, it's still going to rearrange things enough that when you read it, it's gonna seem like it's changed. There's a couple bullets here when we start talking about higher land prices making it more expensive to produce local food ~ it's also going to make it more expense for housing. So I found some things; in one section we're talking about the higher cost of Ag land...our lands always been high in Missoula. Whether you want to call it inflated or not, it's supply and demand. You mention certain things in this document about built in the valleys, now we're building in the harder spots; that's one of the reasons that land is expensive here. Some of it has to do with the fact that we sold off a lot of Ag land, some of it doesn't ~ Ag land was the flat stuff. This is subjective, it's just a question of getting it right and telling it the way it really is. Then there's something quirky here, I found one of my little examples, it's kind of like a grammatic thing, one section here under county overview; #1, I just kind of wanted to rewrite the whole thing because I thought what was left out was varies and distinct regions. And instead of saying; several unincorporated communities, there's numerous and that's one the reasons we have seven (7) community councils and even that doesn't do it justice. And there's no mention in here about the seven community councils that we have that help with the communication and liaison aspect of our county. And then the word "it" starting at the beginning of a sentence, which I know is a grammatic thing but I'm trying to find where it starts. It says; "Missoula County ranks 25 for land area among Montana Counties, approximately 104,678 acres in the county are located within this Confederated Salish and Kootenai Tribes Flathead Reservation. As of 2010 there were an estimated 109,299 residences in the county which ranked second in the State for population, behind Yellowstone County. It has a population of 42 persons per square mile, which is significantly denser than the State's population."

Which "it"? Is it Yellowstone or Missoula County that has the population density of 42 persons per square mile which is significantly denser than the State's population? It's changes like that as we go through, they add up and it ends up seeming like we're changing more of the document then we actually are. I don't want the public to have any kind of funny perception that we're doing anything weird here, but I do want to take our responsibilities seriously in getting this right.

**Chair Curtiss:** I think that we could do those kinds of things individually with Lewis and make sure that they all end up highlighted in yellow or something so the public would know. Let's have the conservation about what we think ought to be in here about the climate wise. I think that the, in my opinion, is what we have in here with the things Lewis talked about changing the degrees and that kind of thing that he said were easy to refine. I think this isn't saying that the ocean gonna rise and flood Montana in a week, I don't think its extreme at all and I think it does talk about the trend. We all know that the reason we have more forest fires is we have less snow, therefore we have less water and the forests are drying up and that's why the needles fall off our Christmas trees. I think this is all based on all the citations and such are based on data that's been presented, it's not just somebodies opinion. I'm fine with it staying in here.

**Commissioner Carey:** I am too.

**Commissioner Landquist:** I'm good with that too, I just want it to be done right and not spread out. It needs to be more concise in how we're putting it in here. I just found it disjointed.

**Chair Curtiss:** The climate stuff?

**Commissioner Landquist:** Yes. It just needs to be a tad bit more comprehensive because then you'll find bits and pieces of it spread throughout the thing and unless you know what it's talking about.

**Chair Curtiss:** It's like any document; you have to read the whole document. It's in sections as Lewis showed us in the beginning and climate change affects more than one section too. Do we want to adopt the Resolution of Intent?

**Ruth, MOR:** A question or maybe a clarification for me; if you adopt the Resolution of Intent as presented would all of the motions from the Planning Board have to be moved forward? They would have to be included in the document, whereas if you waited and weren't able to find some of that data or figure out a way to make that table work in the document, you would have the flexibility to not include that particular motion.

**Chair Curtiss:** So you're talking about the one with the map?

**Ruth, MOR:** Yes, that was one of the examples but I think we included three (3) motions from the Planning Board that we were concerned with, that shouldn't be included unless statistically data can be supporting it. I guess two (2) of those potentially have that data; we just haven't seen it yet. But the third (3) one, especially since they haven't figured out a way to do that table and it sounded too based on conversation with Pat O'Herren that they're not in a real rush to get this done, it doesn't have to be done tomorrow. It would make sense to do the revisions that you need to and then pass the Resolution of Intent. That way we all know exactly what we're getting and we still have the opportunity to participate.

**Chair Curtiss:** Lewis, is that one graphic that we haven't figured the only one from Planning Board that we don't think we'll be able to come up with easily?

**Lewis YellowRobe:** Again, we're still working on that now, the ease of it. We're still making that determination. I'd like to see the material that Commissioner Landquist just mentioned and work that into the creation as well.

**Nancy Heil:** If those data per that recommendation from Planning Board, simply if those data aren't available, then it could be that the Commission is unable to act on that particularly recommendation from Planning Board. That was a fairly comprehensive request.

**Chair Curtiss:** That's what I was wondering, if we needed to state that if we go forward, this particular piece may not be available.

**Nancy Heil:** Yes, I think that could be one way to craft part of the motion, would be adopting Planning Boards recommendation as presented, with the exception that particular one will be incorporated if the data are available. That's not well worded but...

**Chair Curtiss:** It's like we know the data's out there but can you make it into a graphic that's not movable. It's different if you say here's a map and we have a PowerPoint and we show this and then you show this, but how do you do it in hard copy?

**Nancy Heil:** And I think that another way to approach that might be to if there's not a way to graphically represent that to find some sort of numeric indicator or qualitative indicator that says over time there's an estimate that X% or this many acres, or there's been this much change in either availability of land with agricultural soils for agriculture or an estimate of this amount of land that was used for agriculture that is no longer an agriculture production. So I guess what I'm suggesting is there would be a number of ways to present this data in order to provide some sort of an indicator of what's happening with agriculture and land in the county. I think that's what part of what the point is, to provide some indicators without trying to provide an encyclopedia of all of the data that are available.

**Chair Curtiss:** So we could change that to say we might not have an encyclopedia, we would like some indicator.

**Lewis YellowRobe:** The information is there; it's probably not presented in the format that's being recommended. You'll see in the staff report and the attachment A, #5 where now we'll have 1974 data in addition to it. Where you see the total acres of farms in 1997 was 269,000, it decreased to 258,000 plus in 2002 and 281,000 in 2007. It's there but it's presented in this table format now how do I put the

information in this table into a graph that's a pie or a line graph, or a bar so to say? That's the difficulty that I was talking about, not that I don't have the information. I'm sorry I wasn't able to clarify that a little better when I was responding to the organization and also the planning boards comment. I think maybe the material that Commissioner Landquist was referencing as well might be able to help with that, but again putting this table into some sort of graph, I'm not really sure how that translates, so to say. That's been my head scratcher, in addition to addressing the planning board comments, in addition to all these brand new comments that have come in, I'm juggling about 15 different balls and then about 3 or 4 get added in. I haven't necessarily neglected it or haven't put any thought into it; I'm handling as many requests as I possibly can. But yes, I am working on that and did put some thought into it but I'd like to see the material that was mentioned and maybe that might even give me some greater clarification as well.

**Annie Heuscher:** I was a little confused about what we're discussing here. There are a bunch of points that we made in our letter about some of the concerns that MOR raised. I think...are we talking about motion 9, is that what you're saying as like the main one that you didn't think had already been addressed? Is that right?

**Lewis YellowRobe:** No. I was referencing what the MOR had indicated in their letter of January 7, where their statement says; "as stated previously in the document, unless there is a way to show (yes it is motion 9) it's not possible to create a table that shows land being taken out of production." So I was referencing not only what their indicating but also motion 9 as well.

**Annie Heuscher:** I think that our understanding of that is different than their understanding of that because I thought that you had already addressed motion 9 in attachment 2. In attachment 2, page 5; you have a table that has the Department of Revenues productive agricultural land classifications and the way that those have changed, at least since 1986. Obviously, they don't go back to the beginning of time in Missoula County, but they go back a ways. When we were creating Losing Ground obviously we were looking for way to figure that same kind of number out; how do we identify how much land we're losing over time...that was the whole point of Losing Ground. What we found was that when we looked at the numbers from the USDA those kinds of numbers that are shown in table 3, those number with the USDA, and I'm sure you know this Michele; if I produce \$1,000 worth of Ag products in my garden and with my cattle, then I can qualify for loans from the NRCS...or grants from USDA. So I may qualify as a farm, when really from our perspective that's not agriculture as a whole, that's your own self substances, it's not production agriculture. That's why we used the Department of Revenues productive agricultural land classifications because what you're looking at there is all of their different classifications that they have for Ag land and what's the change overtime. People are obviously...if they're using for Ag land, they're going to get it taxed as Ag land.

**Commissioner Landquist:** But you have to prove that financial aspect or otherwise you have to have 20 acres or more.

**Annie Heuscher:** Right you have to have \$1500 of income off of it every year. The people who aren't going to be in it are going be the gardeners basically, or people who aren't making \$1500 worth of sale and it's not even profits, it's just the sales. So that's what we had used and I know that in MOR's letter, they had had a comment about that...on the second page of their letter, they say; page 6, paragraph 2 and 3 and they make the comment that is it possible ~ they say, for example, according to the UFDA Project, Missoula County has over 3,300 lots that have been approved but not developed yet. Is it possible that they've been utilized for agriculture in the mean time? Tax records cannot accurately determine use as an improved subdivisions tax status changes, even if homes are not yet built. That can be true if...

**Commissioner Curtiss:** If the plats are filed.

**Annie Heuscher:** Right. I spoke to the Ag Specialist at the Department of Revenue today just to double check on this, my understanding of it. If the roads have been built and sidewalks have been built and the utilities are in, and your selling lots, then they consider that you're main priority there is not using it for agriculture. We too, would consider that that land had functionally been taken out of Ag production. The Department of Revenue thinks it's been taken out of Ag production, we concur there. And she said, I've had people who have subdivided their land and then they decided that they weren't gonna bother trying to sell the lots so they took them off the market, and they went back to Ag production and we reclassified them as Ag production. Because it was clear that they were going back to using the land as Ag production. If it's really being used for Ag, if it really is Ag land, in Ag production, then it's going to be classified as such by the Department of Revenue. So those are numbers that we have and those are numbers that we can...I'm sure that we would be happy to help go back and get more numbers if we want to go further back in the past but that kind of seems like something that where maybe we do have that data.

**Chair Curtiss:** And you could graph that pretty easy.

**Commissioner Carey:** I support recessing this until two weeks, at our next public meeting. Gives staff time to work.

**Commissioner Landquist:** How do we want to handle, do we want to do our homework and be prepared to discuss with Lewis at our CAPS meeting on Monday?

**Chair Curtiss:** Probably because otherwise we're each going tell him something different. And we won't know what each other said. I do agree that the language in CFAC's letter today talking about trends of the removal of agricultural land, I think that's a big question in the language that we had; this might be a better way to put it. On page 2.

**Commissioner Landquist:** I think we're close to being there with a really good document and having not only something to move us further into the future but having some really important public interest groups being able to have something that's really palatable too. That concerns a lot of our citizens' rights.

**Chair Curtiss:** I think we have to remember though that this isn't the detail part so we could easily make sure that we try to put too much detail into it.

Any other public comment?

None

#### **Executive Session**

Hearing is in recess until January 22, 2014. It will be our goal to have the proposed changes out for the public to see before that.

#### **8. OTHER BUSINESS**

None

#### **9. RECESS**

Being no further information to come before the Board the Commissioners are in recess at 3:15.

### **THURSDAY, JANUARY 9, 2014**

BCC met in regular session; all three present. Late morning: JC participated in meeting of WMAS Executive Director Interview Team. Evening: BC attended meeting of West Valley Community Council, held at Frenchtown Fire Station.

#### **ADMINISTRATIVE MEETING**

Cooperative Agreement – JC signed. Cooperative Law Enforcement Annual Operating Plan & Financial Plan between Missoula County Office of Emergency Management (OEM) and State of Montana Dept. of Natural Resources & Conservation (DNRC), Southwestern Land Office to document effort between parties to enhance State and local emergency resources in connection with wildland fires on DNRC direct and county protection lands, and to provide reimbursement to County. Term/upon last signature, through June 30, 2015. Originals to C&R and Chris Lounsbury/OEM.

Budget Transfer – BCC signed, dated January 9, 2014. Control #14-007 for Auditor to properly record federal grant revenues as follows: Federal Disaster Aid (\$95,550); MT BOCC (\$10,000); SO Block (\$17,611); MT BOCC (\$93,174); Diabetes Prevention (\$28,000); and Special Needs Clinic (\$2,500). Original to T. Graham/Accounting.

Request – BCC granted consent to absence from state for County Auditor, Barbara Berens, who will be caring for her dying mother on the East Coast. It is highly unlikely Ms. Berens will be absent more than two weeks.

Additional discussion item(s): County Attorney letter to US Dept. of Justice.

### **FRIDAY, JANUARY 10, 2014**

BCC met in regular session; all three present. Morning: BCC met with Pat O'Herren, et al re: Missoula College.

Replacement Warrant - JC signed. Blue Star Ranch, Hamilton, Principal for Public Works Warrant #3024560, issued November 8, 2013 on County 2110 Fund. Amount/\$2,200 (for appraisal/Petty Creek). Not received in mail; no bond of indemnity required.

  
Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

### **MONDAY, JANUARY 13, 2014**

BCC met in regular session; all three present. Morning: JC attended Missoula Forum for Children & Youth Advisory Council meeting; ML participated in Parking Audit Workshop, held at Fairgrounds. Afternoon: BCC swore in Andrew Person as new Representative for HD 98. Evening: BC attended meeting of Bonner Community Council, held at Bonner School Library.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Rich Ranch Open Space Bond Project (site visit logistics/qualifying resolution); 4) Kehrwald adjacent property letter; 5) FEMA DFIRM comment letter; 6) Growth Policy/Chapter 2 update; 7) Director's update.

Letter – BCC signed, dated January 10, 2014 to Professor Bari Burke, Promotion/Tenure Committee, UofM Law School, Missoula, recommending that Professor Michelle Bryan Mudd be moved to a full professor with tenure.

**TUESDAY, JANUARY 14, 2014**

BCC met in regular session; all three present. Afternoon: JC met with Pat O'Herren, et al, re: Bonner Mill Site. Evening: ML attended meeting of Lolo Community Council, held at Lolo Community Center.

**ADMINISTRATIVE MEETING**

Resolution No. 2014-001 – BCC signed, dated January 14, 2014. Qualifying purchase of conservation easement on approx. 122 acres of land owned by Jack/Belinda Rich near Seeley Lake as a "Qualified Open Space Project" (the Rich Ranch Open Space Bond Project) for expenditure of up to \$84,000 in 2006 Open Space Bond funds. Original to C&R.

Collective Bargaining Agreement – BCC signed Agreement between County and Local Unit Number One of the Montana Public Employees Association Agreements for period July 1, 2013-June 30, 2015. Two originals to Patty Baumgart/HR for further handling.

Letter – BCC signed, dated January 6, 2014 to Big Sky Trust Fund Selection Committee/Big Sky Economic Development Trust Fund ("BSEDTF"), MT DOC, Helena, in support of BREDD's application for a BSEDTF Category II Planning grant to help develop a business plan for Kettlehouse Brewing Company's proposed expansion.

Memorandum – BCC signed, dated January 15, 2014. To Jeff Howe, Field Rep, MPEA, in response to grievance filed on November 14, 2013 on behalf of County Employee, which has been moved to Level III in contractual grievance procedure. BCC finds PHC had just cause to impose a 5-day suspension in this matter, as well as provide a final warning. Remedy denied.

Additional discussion item(s): Subdivisions annexed into City; staff to circulate for signatures (Miller Creek View Addition approved in County, and will be annexed by City.

**WEDNESDAY, JANUARY 15, 2014**

BCC met in regular session; all three present. Afternoon: BCC, et al, traveled to Seeley to visit Rich Ranch, re: site for Open Space Bond Project.

At County Attorneys Departmental Meeting, BCC approved recommendations for Civil litigation to enforce County regulations for Code violations as cited in the referrals for the following:

- 1) Copperstone-Cash 1 Pawn (Jack McGillis, Epcon Sign Group, Jim Blome), 8720 Roller Coaster Road, Missoula; and
- 2) Tabish Fire Sprinklers (Gregory/Jennifer Tabish, Jon Cusker), 3667 Milwaukee Court, Missoula.

Originals to James McCubbin/County Attorney for further handling.

**CAO MEETING-**

Reconveyance – Per request from Title Services, Inc., BCC signed Request for Full Reconveyance and Appointment of Successor Trustee to release Trust Indenture for Kona Rapids Subdivision. Originals to James McCubbin/County Attorney's Office.

Memorandum of Understanding – BCC approved/JC signed. Between County (on behalf of Seeley Lake Sewer District/"SLSD") and DNRC to acquire a parcel of land in Powell County. MOU addresses appraisal services to determine value of property (due by February 28, 2014). Amount/\$6,199.62 (to be reimbursed to County by SLSD. Two originals to Greg Robertson/PW for further handling.

Agreement – BCC approved/signed. Between County and Morrison-Maierle for a stream restoration Technical Report for Mill Creek/Spring Hill Road Project. Amount/\$15,000 (\$10,000 from MT DNRC grant; \$5,000 from Bridge Fund). Term/September 1, 2013-December 31, 2014. Originals to C&R and Erik Dickson/PW.

Budget Transfer – BCC signed, dated January 14, 2014. Control #14-005 for Finance in amount of \$330,151 to move Planning payment to City of Missoula to an object code that more accurately reflects nature of transaction. Original to T. Graham/Accounting.

Letter – BCC signed, dated January 13, 2014 to Jeanine Petterson/FEMA Region 8 Mitigation Division Director, Denver, CO, advising agency that County is undergoing a Digital Flood Insurance Rate Map (DFIRM) update, due to remaining previous errors in the latest version that have not been corrected. These issues need to be addressed prior to the County's formal adoption of the DFIRM.

Additional discussion item(s): None.

**NO PUBLIC MEETING HELD THIS DATE**



01/16/2014

## THURSDAY, JANUARY 16, 2014

BCC met in regular session; all three present. Morning: BCC met with Jessica Morriss, new City of Missoula Transportation Planning Manager.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 01/CY2014 - Pay Date/January 10, 2014. Total Payroll/\$1,359,768.37. To County Auditor.

Memorandum of Agreement – BCC approved/ML signed. CFDA# 20.205 between County and MT DOT for 2013 Montana Air and Congestion Initiative (MACI) Program Equipment/UPN-6774 (Flush Truck purchase and transfer of title). Amount/\$174,533.08 (86.58% MACI Funds; 13/42% County Non-Federal match). Three originals to Greg Robertson/PW for further handling.

Letter – JC signed, dated January 16, 2014 to Congressman Steve Daines, Missoula Office, thanking him for meeting with her and a diverse group of Montanans in Bozeman on January 7<sup>th</sup> to discuss the Rocky Mountain Front Heritage Act and the Forest Jobs and Recreation Act ("FJRA"), and asking him to articulate to the BCC his position on the FJRA. The County is counting on his support.

Request: Records Disposal/Transfer Authorization – JC signed following:

- 1) From Human Resources: a) Terminated Personnel/Fair & misc short term (1/1/2002-12/31/2003); b) Terminated Personnel Agnew thru Zolynski (1/1/2003-12/31/2003); c) Terminated Personnel/Short term A thru Z (1/1/2003-12/31/2003);. Destroy.
- 2) From Finance: Time Sheets (CY2009). Destroy.
- 3) From Treasurer: a) A101/14593-15600 (6/2/2003-11/30/2003); b) Balance Sheets (7/1/2009-12/31/2009); c) Correspondence/Tax Refund/Return Checks (1/1/2008-12/31/2009). Dispose of.
- 4) From Treasurer: a) A101/21615-23137 (6/28/2005-11/30/2005); b) Balance Sheets (3/1/2011-12/31/2011); c) Bankruptcies (1/1/2000-12/31/2003). Dispose of.
- 5) From Treasurer: a) Delinquent Tax Notice (1/1/1983-12/31/1983); b) Real Estate Tax Bills (1/1/1983-12/31/1983); c) Abatements (1/1/2002-12/31/2003). Dispose of.
- 6) From Treasurer: a) R.E. Tax (1/1/1981-12/31/1981); b) Abatements (1/1/2001-12/31/2001); c) Bond & Coupons (1/1/1986-12/31/1989). Dispose of.
- 7) From Motor Vehicle: a) Correspondence – Incomplete/Dead letters (1/1/2009-12/31/2009); b) Correspondence – Unclaimed/Returned mail (1/1/2010-12/31/2010); c) Correspondence – Title letters (1/1/2011-12/31/2011);. Destroy.


Additional discussion item(s): None.

## FRIDAY, JANUARY 17, 2014

BCC met in regular session; all three present.



Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

## MONDAY, JANUARY 20, 2014

BCC met in regular session; all three present.

**COURTHOUSE AND ADMIN BUILDING CLOSED FOR MARTIN LUTHER KING, JR. HOLIDAY**

## TUESDAY, JANUARY 21, 2014

BCC met in regular session; all three present. Noon: JC attended Special Health Board Meeting.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Missoula County Growth Policy update; 4) Discussion re: Resolution rescinding certain rules/regulations for County Parks/Rec areas and adopting rules/regs for safe/orderly use of county Parks/Rec areas; 5) Zoning in reserve area of Miller Creek Plan; 6) Bonner Milltown update; 7) Director's update.

ADMINISTRATIVE MEETING

2014 Cooperative Agreement – JC signed. Cooperative Law Enforcement Annual Operating Plan & Financial Plan between Missoula County Sheriff's Dept. and USDA, Forest Service (Lolo National Forest) for special enforcement activities. Amount/not to exceed \$18,480 provided to Sheriff's Dept. Two originals to Sheriff for further handling.



Additional discussion item(s): 1) Candidates for HD 97 vacancy; staff to schedule interviews; 2) Letter from Lolo Community Council in support of Dunrovin Ranch, and opposing actions by County Attorney's Office.

**WEDNESDAY, JANUARY 22, 2014**

BCC met in regular session; all three present. Late afternoon: ML attended meeting of Fairgrounds Missoula Statement Advisory Sub-Committee, held at Fairgrounds.

**CAO MEETING**

Letter – BCC signed, dated January 21, 2014 to Big Read Selection Committee/Arts Midwest, Minneapolis, MN, in support of the Missoula Public Library's National Endowment for the Arts grant for a Community Read Project. BCC confirmed Library is a non-profit, tax exempt organization.

Additional discussion item(s): None.

**PUBLIC MEETING – January 22, 2014****1. CALL TO ORDER**

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

**Staff Present:** Lewis Yellow Robe, CAPS

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

The Elections Office is looking for 800 people to help with Elections. You need a certain number of people at the polling places so that the votes are secure and handled properly. You can call Rebecca in the Elections office to get signed up.

**4. PUBLIC COMMENT**

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List (\$2,575,623.89)

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$2,575,623.89. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

**6. HEARING (continued from January 8, 2014)**

Resolution of Intent to Adopt Missoula County Growth Policy Profile Update (Chapter 2)

Lewis YellowRobe gave update and showed PPT Presentation. We did receive some comments since the January 8, 2014 Public Meeting.

**Staff Recommendation:**

Adopt a Resolution of Intent to Adopt the Missoula County Growth Policy Profile (Chapter 2) update as amended by the Missoula Consolidated Planning Board with additional amendments in Attachment 2 of the Request for Commission Action and the staff memos dated January 17, 2014, and January 22, 2014, based on the Findings of Fact and Conclusions of Law.

**Public Comment**

**Jim Cusker:** As Lewis pointed out, I looked at Table 13 which was in the draft document that you received on Page 36. If you have that handy why don't you look at it. You notice that the insertion of two additional data points effectively messes up the entire table; percentages are all wrong. Those two data points however are very important. Those data points refer to all other soils in Missoula County that are non-agricultural use and the publicly owned land is in Missoula County. Consequently in trying to find a way that would incorporate those two data points while maintaining the integrity of the original table 13, I gave two recommendations. Lewis feels that the second table does a better job and I agree with him. In looking at it however, I see that and this was very recently brought to my attention ~ if you'll look at table 13a that I provided you. It says; soil acreage in Missoula County suitable for agriculture gives a soil designation and the number of acres in the percent of the county total. The first entry on that table says public land unavailable for agriculture. Wait a minute, isn't the grazing of cattle on public land a form of agriculture? Indeed it is. This could be easily corrected by changing the title of table 13a ~ Soil acreage in Missoula County suitable for *crop agriculture*. That same designation might be made line by line, public land unavailable for crop agriculture. And in each case, private land with soils unsuitable for crop agriculture, they well might be used for grazing.

The last one; public lands with soils suitable for crop agriculture. If that were done, that would certainly bring further clarification and would not neglect the fact that grazing is an important agriculture activity which might occur on public land.

Table 13b, this would essentially be the original table 13b that was found in the document before any changes were suggested. The only change that I would suggest on that one is to place the soils that are of agriculture importance. And once again perhaps with that very title we should put 'of agricultural crop importance'. Because that indeed is the way these USDA soil types are designated and when you look at the tables in the USDA handbook they'll tell you, okay on prime farmland you can expect 100 bushels per acre of wheat. Whereas, on farmland of statewide importance you can expect perhaps 50-60, etc. so I think that would be perhaps advisable. The order of soils on table 13b are listed in descending order of importance with prime farmland being the most productive. You might notice as you look at that that there's just over 1,000 acres in the county and that's designated as prime farmland. Going down one more; prime farmland if irrigated, same productivity anticipated there, except you've got to irrigate it. And if you're wondering where that prime farmland without irrigation is, it's up nine mile, which is rather interesting. But I would suggest that prime farmland be listed first, prime farmland if irrigated be listed second, prime farmland of statewide importance be listed third because that's the third most productive. With the last one being farmland with local importance.

**Commissioner Landquist:** I'm a real firm believer in saying what we mean and mean what we say and I think Jim Cusker brought some interesting and valuable information to our attention to add that word crop. But I also think maybe if there was the ability to put a small tiny font print here, to put underneath it; just a statement that they are suitable for grazing. That it would help people in the future when we're not here or Jim's not here, that institutional knowledge that goes into making these documents what they are, that there's some way we can go the extra mile and spell that out.

**Chair Curtiss:** Maybe it should be included in the paragraph up above, somewhere.

**Commissioner Landquist:** I just don't want to lose that institutional knowledge that went into that.

**Chair Curtiss:** I'm wondering if instead of being under the table, it should be in the document. So the one paragraph says; soils are evaluated based on their capability to support agricultural production. You could put something behind that saying; other soils may support grazing...or something.

**Jim Cusker:** If I may make a suggestion. In the paragraph that precedes the table, Table 13 lists the type of acres of agricultural soils in Missoula County. Once again, crops should be inserted there ~ of agricultural crops in Missoula County. Although there was a total of 1.6 million acres, etc., etc. only 130,000, less than 8% are suitable for crop agriculture. Then the suggestion that Michele stated, perhaps could be inserted. Perhaps words to the effect that public and private land unsuitable for crop agriculture is very important for grazing.

**Commissioner Landquist:** I think that's important language that you brought to our attention and I think it's important that we incorporate both of them.

**Chair Curtiss:** So that one sentence would read; although there are a total of 1.6 million acres in Missoula County only 130,000 are suitable for crop agriculture. Then we'd insert a sentence; other lands including public lands may support grazing.

**Lewis Yellow Robe:** May support grazing in other?

**Chair Curtiss:** I'd put other lands, including public lands, may support grazing. Just pretty simple.

**Annie Hyser, Community Food and Agricultural Coalition (CFAC):** The last draft that you put out that had all the strikeouts and add-ins was really easy to read, very helpful. Thank you.

#### Executive Session

**Chair Curtiss:** I'd like to thank Lewis and other staff that helped you pulling this all together. This was very easy to understand and not see where we made changes and where those ideas came from. I have one question with the Hazardous Waste sites we would only update and add the ones that were in Missoula County, right? That were provided by DEQ?

**Lewis Yellow Robe:** Yes. That list is page 4 of 6 that is an entire state wide report so yes you're right, just the Missoula County. I know the report does include information from other counties in Montana, but yes, you're right only Missoula County is listed in this report.

**Chair Curtiss:** And the land ownership that the Salish Kootenai Tribes have provided is in this working draft, right?

**Lewis Yellow Robe:** Not yet, no. It's in the memo that I provided this morning and I apologize for the lateness of the memo. You'll see the new map in the material. The new map in the memo then has that current land status or land ownership information that reflects the CSKT land at 96,229 acres and then individually owned held in trust by the Indian affairs at 1,435 acres. So that information then is reflected in the map and then also in the pie chart that's below the figure information. Our GIS Manager, Nate Rogers, it took him a little while to work with the data and get us these figures and he was finally able to accomplish that task yesterday.

**Commissioner Landquist:** I'd also like to thank staff for their work on this but I'd especially like to thank the public that came forward to point various things out to us to help us make a whole better document. It's always better when the public comes forward and helps us crunch some things because many eyes on documents like this see the things that maybe we would of glazed over. These things are supposed to guides us for a good long while so thank you very much.

JAN 23 2014

**Chair Curtiss:** Procedurally, I think we would just work with the memo from today and incorporate that into the draft from January 8<sup>th</sup>. I think we worked through the crop and grazing language okay, if you're alright with that. I know that Robin has been taking notes but we'll have the finished document that she can add to the minutes in the end so that was on page 36. We'll also incorporate the additional Hazardous Waste sites and the information and maps regarding the Salish and Kootenai Tribe ownership. So with those documents...our action today is to adopt a Resolution of Intent to adopt and then we would official adopt at a point in the future. Do we set that date today?

**Lewis Yellow Robe:** Yes and when you adopt the Resolution would that be at an Administration Meeting or at a future Public Hearing?

**Chair Curtiss:** I don't know.

**Commissioner Landquist:** I was wondering why and I think I know the answer to this – is it to allow for possible more public comment? The reason we do the Resolution of Intent to adopt, rather than just adopt right now?

**Chair Curtiss:** Yes.

**Lewis Yellow Robe:** And perhaps another waiting period of a week or two.

**Commissioner Carey:** Maybe at our next Public Meeting?

**Lewis Yellow Robe:** Yes and staff could incorporate all the material if this is the direction the Commissioners are taking, the Planning Board revisions, then the public comments that have been received since the Public Hearings beginning on December 18<sup>th</sup>, January 8<sup>th</sup> and January 22<sup>nd</sup> and also the revisions that the County Commissioners provided to staff that are included in the memo that's attached from January 17<sup>th</sup>, this working draft memo.

**Chair Curtiss:** So we're not required to give 30 days from this point?

**Lewis Yellow Robe:** No. There is no legal, the law doesn't have a time period it just indicates a Resolution of Intent.

**Chair Curtiss:** Seems like folks have had lots of time so we wouldn't have to give it a month.

**Commissioner Landquist:** I think two (2) weeks works.

**Lewis Yellow Robe:** Two weeks, okay.

#### Motion

Commissioner Landquist made motion that the Board of County Commissioner approve the Resolution of Intent to Adopt for the changes in Chapter 2 of the Growth Policy for Missoula County as incorporating the last changes that we have just reviewed today and included in this memo. Commissioner Carey 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 are in recess at 1:57.

Following Public Meeting, BCC signed Resolution No. 2014-002, dated January 22, 2014. Resolution of Intent to Adopt Chapter 2 – Missoula County Profile of Missoula County Growth Policy. Original to C&R.

#### THURSDAY, JANUARY 23, 2014

BCC met in regular session; all three present. Evening: ML attended meeting of Fair Planning Committee.

#### ADMINISTRATIVE MEETING

Contract – BCC signed, dated January 23, 2013. Between County and Jason Emery to serve as Technology Director for County. Term/November 18, 2013-November 19, 2016. Amount/\$94,993.60 yearly. Originals to C&R and Jason Emery/IS.

2014 Cooperative Agreement – JC signed. Between Missoula City-County Board of Health (MCCHD) and MT DPHHS to establish and facilitate payment schedule for disbursing funds to MCCHD for inspections of licensed establishments (MCCHD opted not to do plan reviews of body art establishments). Amount/close to \$110,000. Three originals to Julie Mohr/MCCHD for further handling.


Request: Records Disposal/Transfer Authorization – JC signed. From Ceresse Parker. Court Notes (6/27/2003-11/12/2003. To be destroyed.

Additional discussion item(s): None.

**FRIDAY, JANUARY 24, 2014**

BCC met in regular session; quorum present. Morning: BC volunteered at Project Homeless Connect, held at First United Methodist Church. Noon: BC, Barb Martens, et al participated in a tour of LaLonde Ranch. ML out of office all day.

  
Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, JANUARY 27, 2014**

BCC met in regular session; all three present. Afternoon: JC attended CPR training.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Flathead Reservation Land in Trust Application update; 4) Director's update.

Request: Records Disposal/Transfer Authorization – JC signed. From Risk & Benefits: 1) 1099s (1/1/2005-12/31/2008); 2) Claims Batch (Medical/Dental/Vision) (7/1/2005-6/26/2006). To be destroyed.

**TUESDAY, JANUARY 28, 2014**

BCC met in regular session; all three present. Luncheon: BCC, Dale Bickell, et al attended 2014 State of Missoula Event, held at DoubleTree. Afternoon: BCC interviewed HD97 Candidates Todd Mowbray and Nick Lockridge.

Indemnity Bond – JC signed. Bagels on Broadway, Missoula, Principal for MCPS Warrant #27101351, issued September 10, 2013 on County 212 Fund. Amount/\$155.40 (for bagels). Warrant lost.

Indemnity Bond – JC signed. Rocky Mountain Mechanical, Missoula, Principal for Claims A/P Warrant #27104259, issued November 6, 2013 on County General Fund. Amount/\$117.36 (for repairs). Warrant lost.

Indemnity Bond – JC signed. Clinton PTSA, Clinton, Principal for Clinton School Dist. #32 Warrant #19010386, issued November 21, 2013 on County Claims Fund. Amount/\$120.00 (for student shirts). Warrant lost.

Indemnity Bond – JC signed. Patricia M. Coonce, Lolo, Principal for Lolo School Dist. #7 Warrant #28049, issued December 20, 2013 on County Payroll Fund. Amount/\$1,156.00. Warrant lost.

**ADMINISTRATIVE MEETING**

Bid Award – BCC approved and awarded bid to Triple W Equipment for the purchase of six motorgraders to replace County's current fleet. (Four bids received). Amount/\$1,319,961.66 (with guaranteed buy back of \$1,192,836 at end of five years). Original to Greg Robertson/Public Works.

Request – BCC approved/JC signed Request for Reconveyance, dated January 28, 2014 to Stewart Title of Missoula to release subdivision improvements security held by a trust indenture for Donald Calder/East Missoula Addition No. 2 Subdivision. Amount/\$83,500 Original to James McCubbin/County Attorney's Office.

Application – BCC approved/JC signed Board of Investments INTERCAP Loan Application documents for Public Works for Capital Improvements, as follows: 1) purchase three trucks to replace existing fleet vehicles for Building Division; 2) purchase three dump trucks for Road Dept.; and 3) installation of new security features for PW facility. Amount/\$487,288. Two originals to PW for further handling.

Resolution No. 2014-003 – BCC signed, dated January 28, 2014. Budget Amendment for Public Works relating to miscellaneous line item adjustments and capital improvements in amounts of \$477,000 (Expenditures) and \$796,014 (Revenue for Forest Reserve Act and InterCap Loan). For total disclosure, expenditures included in formal 2014\_Operating Budget/ Revenue Estimates for County. Original to C&R.

Lease Agreement – BCC signed, dated January 4, 2013. Between County (Grants & Community Programs) and Dodd Development Co., Inc., for office space at 305 West Main, Superior, MT for the Healthy Relationships Project Mineral County Outreach Specialist. Term/one (1) year lease from January 6 – December 31, 2014. Amount/\$1,800 yearly; funded by Rural Domestic Violence grant (in amount of \$500,000 which runs October 1, 2012-September 30, 2015). Originals to C&R and Shantelle/GCP.

Agreement – BCC signed, dated September 26, 2013. Between County and UofM Psychology Department to ensure Rural Domestic Violence grant goals [see previous journal entry] are successfully met by providing mental health services/group facilitation for rural victims of IPV in Seeley Lake, MT. Amount/not to exceed \$39,474. Term/August 1, 2013-July 31, 2015. Originals to C&R and Shantelle/GCP.

Task Order #14-07-4-31-130-0 to contract between MCCHD and MT DPHHS for Immunization Program Master Contract (for period July 1, 2012-June 30, 2019). Task Order provides \$37,120 for period January 1 – December 31, 2014. Three originals to Julie Mohr/MCCHD for further signatures/handling.

Agreement – BCC signed, dated January 28, 2014. Between MCCHD and Child Care Resources for provision of daycare and child care health consulting by conducting approx. 100 on-site health training/consultation visits in Missoula County child care facilities. Amount/\$24,055. Term/July 1, 2013-June 30, 2014. Two originals to Julie Mohr/MCCHD.

Agreement – BCC signed, dated January 27, 2014. Between MCCHD and Flagship Program to expand services to Western MT Addiction Services Amount/\$10,000. Term/January 2 - September 30, 2014. Two originals to Julie Mohr/MCCHD.

Request – BCC approved request from County Attorney to transfer \$50,000 to County Attorney budget to hire outside counsel regarding litigation with the US DOJ. Funds originally set aside by BCC as contingency funds with respect to any action necessary to defend/resolve a complaint by the US DOJ against the County Attorney's office. Original to Fred VanValkenburg/CA.

Additional discussion item(s): None

### WEDNESDAY, JANUARY 29, 2014

BCC met in regular session; all three present. Morning: BCC interviewed HD97 Candidate Vivian Brooke. Afternoon: ML attended Ribbon Cutting and Open House of new Rocky Mountain Hospice.

#### CAO MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 2/CY2014 - Pay Date/January 24, 2013. Total Payroll/\$1,366,730.31. To County Auditor.

Grant Agreement – BCC approved/ML signed [previous version signed. December 3, 2013]. #DTFH6114G00001 between County and U.S. Dept. of Transportation/Federal Highway Administration Grant for National Infrastructure Investments (FY 2013 TIGER Discretionary Grants) for Missoula to Lolo Trail Project. Amount/\$4,580,363 (government share). Term/November 15, 2013-March 15, 2016. Three originals to Greg Robertson/PW for further handling.

Letter – DB signed, dated January 27, 2014 to E. Sullivan, Margaret A. Cargill Foundation, Eden Prairie, MN, verifying relationship between County and PHC, and including copy of the co-applicant agreement between County and MCCHD.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Registers dated January 23, 2014. Amount/\$16,165.82. To County Auditor.

Additional discussion item(s): None.

#### NO PUBLIC MEETING HELD THIS DATE

### THURSDAY, JANUARY 30, 2014

BCC met in regular session; all three present. Morning: JC participated in Accreditation Site Visit (Health Board session), held at Health Department. Early evening: JC/ML attended NorthWestern Energy Community Reception, held at UofM Gallagher Business Building.

#### ADMINISTRATIVE MEETING

House District 97 Vacancy – Due to resignation of Nancy Wilson from HD97, BCC appointed Todd Mowbray (from three candidates chosen by the Democratic Central Committee) to take Ms. Wilson's place for a term that ends December 31, 2014. Notice was sent to Secretary of State. Original to C&R.

Agreement – BCC signed. Between County and Dr. Jessica Suess to serve as 9-1-1 Center Medical Director for the Emergency Medical Dispatch Program (to replace Dr. Greg Moore who is moving from Missoula). Amount/\$5,000 yearly. Term/January 30, 2014-January 30, 2016. Originals to C&R and Chris Lounsbury/OEM.

Grant Signature Certification – BCC signed. To update Chair's name for 2014 in order to release Grant Award funds from MT Dept. of Commerce, CDBG Program, Helena in amount \$450,000 for construction of new Tom Roy Youth Guidance Home in Missoula. Term/July 1, 2012-June 30, 2014. Two originals to Jean Harte/GCP for further handling.

Request for Funds Form – BCC approved/JC signed. Draw #3 (in amount of \$11,970) from CDBG funds for Tom Roy Youth Guidance Home construction project. Balance remaining after draw/\$368,298. Project term/July 1, 2012-June 30, 2014. Original to Jean Harte/GCP.

Request – BCC signed Request for Reconveyance, dated January 30, 2014 to Stewart Title of Missoula to release security held for payment of cash in lieu of parks payment to Donald Calder for East Missoula Addition No. 2 Subdivision. Payment was made in 2012; no need for County to retain security. Original to James McCubbin/County Attorney's Office.

Letter – BCC signed, dated January 28, 2014 to Charles Stortz/VP, Logistic Systems, Missoula, in compliance with contracts signed April 8, 1991 and October 12, 2005, providing written notice of its intent to terminate software contract with Logistic Systems effective May 1, 2014. Sent via Registered Mail.

1091 Jan 31 2014

Letter – BCC signed, dated January 25, 2014 to MT Dept. of Agriculture/MT Agricultural Development Council, Helena, in support of MT Mobile Processing Company's application for a Growth through Agriculture Economic Development grant. Grant will help to purchase a large animal mobile slaughter unit for use primarily in western MT.

Additional discussion item(s): None.

FRIDAY, JANUARY 31, 2014
--------------------------

BCC did not meet in regular session. Most of day: BC participated in MT Office of Tourism Workshop "Coming Together to Expand Montana's Tourism Story", held at Hilton Garden Inn.



Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

MISSOULA COUNTY COMMISSIONERS' JOURNAL: FEBRUARY, 2014
--------------------------------------------------------

BCC = BOARD OF COUNTY COMMISSIONERS

JC = Commissioner Jean Curtiss, Chair

BC = Commissioner Bill Carey

ML = Commissioner Michele Landquist

The following Claims Lists were signed during the month of FEBRUARY 2014:

Date Signed	Claims List Date	Who signed	Amount
February 3, 2014	January 31, 2014	BCC	\$8,715.49
February 3, 2014	February 3, 2014	BCC	\$10,533.63
			\$4,791.81
			\$6,774.65
			\$95,044.23
February 4, 2014	February 3, 2014	BCC	\$1,644.49
			\$20,236.13
			\$2,690.88
			\$991.37
			\$4,193.86
			\$5,994.10
			\$98.49
			\$311.44
			\$76.50
			\$649.39
			\$4.79
February 4, 2014	February 4, 2014	BCC	\$499.56
			\$1,412.91
			\$1,142.11
			\$20,025.00
February 5, 2014	January 22, 2014	BCC	\$278.58
February 5, 2014	February 3, 2014	BCC	\$117,247.56
February 5, 2014	February 4, 2014	BCC	\$35,929.95
			\$25,605.90
			\$415.00
			\$412.36
			\$397.18
			\$419.97
			\$1,000.00
			\$1,121.17
			\$8,781.94
			\$524.33
February 6, 2014	February 5, 2014	BCC	\$69,171.35
			\$43,483.38
			\$7,851.65
February 6, 2014	February 5, 2014	BCC	\$1,004.94
			\$10,000.00
			\$422.51
			\$1,572.43
February 6, 2014	February 5, 2014	BCC	\$528.00
			\$2,373.33
			\$39,737.46
			\$26,027.23
December 20, 2013	PHC Amerisource ACH		\$26,027.23
January 31, 2014	PHC Amerisource ACH		\$10,887.39
February 5, 2014	PHC Smartfill ACH		\$31,505.77
February 11, 2014	February 10, 2014	ML, BC	\$2,017.66
			\$8,281.84
			\$19,886.70
			\$1,470.78
			\$729.25
			\$7,181.87
			\$173,801.39
			\$2,817.38
			\$4,755.66
			\$4,136.03
			\$232.38





February 24, 2014	February 24, 2014	JC, BC	\$78,953.45
			\$54,350.00
			\$55,373.03
			\$120,000.00
February 25, 2014	February 24, 2014	BCC	\$1,881.35
			\$3,928.86
			\$38,890.49
			\$3,085.68
			\$178.74
			\$28,247.03
			\$8,552.12
			\$2,592.00
February 25, 2014	February 18, 2014	BCC	\$4,531.45
February 25, 2014	February 25, 2014	BCC	\$45.71
			\$107.25
			\$13,212.84
February 26, 2014	February 25, 2014	BCC	\$322.96
			\$5,569.79
			\$1,126.71
			\$150.00
			\$603.64
			\$2,171.50
			\$302.76
			\$83.50
February 27, 2014	February 25, 2014	BCC	\$7,417.32
February 27, 2014	February 26, 2014	BCC	\$1,901.80
			\$28,861.70
			\$7,811.74
			\$202.66
			\$209,282.80
March 3, 2014	February 26, 2014	BCC	\$1,034.67
			\$815.21
			\$240.00
March 3, 2014	February 27, 2014	BCC	\$5,858.57
			\$11,172.20
February 14, 2014	PHC Amerisource ACH		\$23,813.29
February 19, 2014	PHC Smartfill ACH		\$21,222.35
February 21, 2014	PHC Amerisource ACH		\$12,068.42
February 26, 2014	PHC Smartfill ACH		\$21,147.06
February 28, 2014	PHC Amerisource ACH		\$11,510.42

All Claims Lists were returned to the Accounting Department.

#### MONDAY, FEBRUARY 3, 2014

BCC met in regular session; all three present.

Plat – BCC signed. Owners Canyon River Properties, LLC, for Canyon River, Phase 3, a 9-lot subdivision of a portion of Tract 1 of Canyon River, Phase 2 Golf Course Lots 1, 2 and 3, located in the SW¼ of Section 18 and the NW¼ of Section 19, T 13 N, R 18 W, PMM, Missoula County. Total area: 2.36 acres.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Stillwaters on the Clark Fork No. 3 Phasing Plan Amendment (*action*); 4) Open Space Bond Summary & Update; 5) Director's update.

Letter – BCC [approved February 3, 2014]; signed and dated March 6, 2014. To Paul Druyvestein, DJ&A, P.C., Missoula, conditionally approving phasing plan amendment for Stillwaters on the Clark Fork No. 3 subject to a Weed Management Plan in COA #16. Final plat submittal deadlines are extended for Phase 1 through 12 (December 15, 2019 to December 15, 2029) as set forth therein.

#### TUESDAY, FEBRUARY 4, 2014

BCC met in regular session; all three present. Morning: BCC and CFO Andrew Czorny participated in Audit Exit Conference, held in Admin 206.

#### ADMINISTRATIVE MEETING

Reimbursement Agreement Extension – JC signed. Between County and Western Federal Lands Highways Division of Federal Highway Administration, used to acquire necessary rights-of-way to permit construction of Petty Creek Road Project. One parcel is outstanding, which may result in litigation.

Agreement extended from February 1, 2014 to February 1, 2015. Two originals to Greg Robertson/Public Works.

Agreement – BCC signed. Between County and AvePoint Public Sector, Inc. to evaluate suitability of Sharepoint as new technology for ECMS platform for IS Dept. Amount/\$20,000. Term/March 1 – 31, 2014. Originals to C&R and AvePoint.

Board Appointments – BCC made following Board appointments:

- Consolidated Planning Board (all for new 2-year terms to December 31, 2015): Reappointed Jerry O'Connell and appointed Christine Johnson as Regular Members; and appointed Nathan Lucke as new Alternate.
- Larchmont Golf Course Board: Appointed Michael Fredrickson as 2<sup>nd</sup> Alternate for term to December 31, 2016.
- Tax Appeal Board: Reappointed Michael Nave as Regular Member for term to December 31, 2016.
- Zoning Board of Adjustment (both for new 2-year terms to December 31, 2015): Reappointed Jerry Ford and Larry Reichelt to new terms as Regular Members.

Change Order – BCC signed. #1 to contract between County and A&E Architects & Jackson Construction for County Courthouse Phase 3A Annex/2<sup>nd</sup> Floor Office Remodel Project. Order is for additional work to 2<sup>nd</sup> floor in Annex and wool carpet for Phase 5 in Courthouse. Additional amount/\$144,328.66 for new total base contract sum of \$1,476,952.66. Project End/July 1, 2014. Original to C&R.

Change Order – BCC signed. #6 to contract between County and A&E Architects & Jackson Construction for County Courthouse Phase 2 - Office Remodel Base Project. Order is for additional work set forth therein. Additional amount/\$12,359.99 for new total base contract sum of \$5,072,484. Project End/April 7, 2014. Original to C&R.

Additional discussion item(s): Impact Fee Committee Bylaws.

#### WEDNESDAY, FEBRUARY 5, 2014

BCC met in regular session; all three present. Late afternoon: ML attended Missoula City-County Broadband Planning Workshop, held at City Council Chambers.

Monthly Report – ML examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of the District Court, Shirley Faust, for month ending January 2014.

At County Attorneys Departmental Meeting, BCC moved to approve and grant settlement authority in Barkell Case to James McCubbin and Steve Niday up to amount of agreement with Federal Government.

#### CAO MEETING

Amendment – BCC approved/signed Exhibit 8.22, dated February 5, 2014. Missoula County Employee Benefits Plan Amendment, declaring YWCA of Missoula as an employer eligible to enroll employees/dependents into the County's self-funded health plan, effective upon ratification.

Policy Resolutions – BCC signed, dated February 5, 2014. Two (2) Resolutions pertaining to Missoula County-Seeley Lake Refuse District ("District"), as follows:

- 1) Resolution No. 2014-004 – Prohibits salvaging of any disposed materials by district employees and the public; and
- 2) Resolution No. 2014-005 – Prohibits acceptance of any gratuities in exchange for providing assistance while conducting regular business.

Originals to C&R.

Letter – BCC signed, dated January 5, 2014 to US Senator Max Baucus, Missoula Office, expressing gratitude for his hard work for the people of MT; in particular, his commitment to serving the citizens of Missoula County with dedication and accessibility.

Additional discussion item(s): McHealth Advantage Wellness Program [Letter signed February 6<sup>th</sup>].

#### NO PUBLIC MEETING HELD THIS DATE

#### THURSDAY, FEBRUARY 6, 2014

BCC met in regular session; quorum present in afternoon. Morning: BC/ML participated in Annual Detention Center Inspection Tour. JC attended Ethics Workshop, held at Holiday Inn. Afternoon: BCC participated in Employee Service Awards, held in Admin B14. Evening: BC participated in Election Training. JC attended The Nature Conservancy's Reception & Dinner, held at DoubleTree.

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 January 2014.

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 January 2014.

ADMINISTRATIVE MEETING – Canceled (No Agenda Items)

Request: Records Disposal/Transfer Authorization – JC signed. From Justice Court 1: a) Tickets/Minors in Possession (1/1/1996-12/31/2002); and b) Tickets/Minors in Possession-Criminal (1/1/2000-12/31/2002). To be destroyed.

Letter – BCC signed, dated February 5, 2014 to Awards Review Committee, MT Worksite Health Promotion Coalition/Cardiovascular Health Program, DPPHS, Helena, in support the MC Health Advantage Wellness Program. The BCC values the importance and impact the program has on the present and future health of all plan members.

**FRIDAY, FEBRUARY 7, 2014**

BCC met in regular session; quorum present. ML out of office all day. Afternoon: JC participated in Aging Services Multi-County Coordinating Committee conference call.

  
Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, FEBRUARY 10, 2014**

BCC met in regular session; quorum present. JC out through Thursday, February 13<sup>th</sup> at MACo MidWinter Conference, held in Billings. Noon: BC spoke at Lions Club, held at DoubleTree. Evening: ML attended meeting of Bonner Community Council.

Indemnity Bond – BC signed. Versare Solutions, Minneapolis, MN, Principal for Claims-A/P Warrant #27105479, issued December 5, 2013 on County Building Reserve Fund. Amount/\$2,118 (for room divider). Warrant lost.

Indemnity Bond – BC signed. American Opportunities, Nashville, TN, Principal for Claims-A/P Warrant #27103211, issued October 15, 2013 on County Student Fund. Amount/\$6,561 (for Fundraiser). Warrant lost.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Rich Ranch OSB Project – Approval Resolution; 4) Director's update.

**TUESDAY, FEBRUARY 11, 2014**

BCC met in regular session; quorum present. JC out through Thursday, February 13<sup>th</sup> at MACo MidWinter Conference, held in Billings.

Replacement Warrant - BC signed. Ramon Chavez (-Villarfal), Missoula, Principal for Justice Court #2 Warrant #55006224, issued November 27, 2013 on County 7166.000.000.10100 Fund. Amount/\$685 (for Bond exoneration). Not received in mail; no bond of indemnity required.

ADMINISTRATIVE MEETING

Resolution No. 2014-006 – BCC signed, dated February 11, 2014. Rescinding certain rules and regulations for Missoula County Parks and Recreation areas and adopting rules and regulations for the safe and orderly use of County Parks and Recreation areas. Original to C&R.

Agreement – BCC signed. Between County and Great West Engineering for replacement of the Riverview Drive Bridge over Clearwater River in Missoula County. Term/January 10 – June 30, 2014. Amount/\$480,372 from TSEP grant; \$138,000 from County Bridge Fund. Project term/March 2012-December 2014. Originals to C&R and Erik Dickson/PW.

Letters – BCC signed two (2) letters, dated February 11, 2014 to Bea Hanson/Principal Deputy Director, Office of Violence Against Women, DOJ Programs, Washington, D.C. re: USDOJ OVW: FY 2014 Encourage Arrest Policies and Enforcement of Protection Orders ("EAP/EOP") CFDA# 16.590; Announcement OVW-2014-3691:

- 1) Non Supplantation Letter – certifying any funds awarded to County's JUST Response Program through EAP/EOP grant program will be used to supplement existing funds and will not replace non-federal funds appropriated for providing services to domestic/dating violence and child victimization.

- 2) Certification Letter – certifying to adherence of Missoula County's laws and official policies.

Originals to Jenny Daniel/GCP.

Request: Records Disposal/Transfer Authorization – BC signed following:

- 1) From Accounting: Month End Reports (6/1/2005 - 10/31/2005). Destroy.
- 2) From Accounting: RSID Bonds/Redeemed Coupons (1/1/1998 - 7/1/2008). Destroy.

Additional discussion item(s): None.

**WEDNESDAY, FEBRUARY 12, 2014**

BCC met in regular session; quorum present. JC out through Thursday, February 13<sup>th</sup> at MACo MidWinter Conference, held in Billings.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 03/CY2014 - Pay Date/February 7, 2014. Total Payroll/\$1,392,604.30. To County Auditor.

CAO MEETING – *Canceled*

Resolution No. 2014-008 – BCC signed, dated February 12, 2014. Expending up to \$84,000 of 2006 Open Space Bond Proceeds towards purchase of conservation easement on approx. 122 acres of land owned by Jack/Belinda Rich near Seeley Lake for the Rich Ranch Open Space Bond Project. Original to C&R.

Resolution No. 2014-007 and Letter – BCC signed, dated February 12, 2014. In support of granting a license to MB Auto Parks LLC for a motor vehicle wrecking facility at 9227 and 9301 Futurity Drive in Missoula County, subject to conditions set forth therein. Public Hearing held February 12, 2014.

Letter – BCC signed, dated February 13, 2014. To Brady Christensen, CHMM, Motor Vehicle Recycling & Disposal Program MT DEQ, Helena, enclosing MB Auto Parts' Application for a Wrecking Facility License, and reiterating the BCC's support via Resolution #2014-007 attached to letter.

**PUBLIC MEETING – February 12, 2014**

**1. CALL TO ORDER**

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

**Commissioners Absent:** Commissioner (Chair) Jean Curtiss

**Staff Present:** James McCubbin, Deputy County Attorney, Erik Dickson, Public Works, Kali Becher, CAPS, Nancy Heil, CAPS, Scott Barton, Environmental Health Junk Vehicle Coordinator, Jim Carlson, Director Environmental Health, Steve Smith, Surveyor Public Works, Marianne Lemons, Clerk & Records Office

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC ANNOUNCEMENTS**

The Missoula County Employees' Council is having a Valentine's Day Bake Sale, Friday, February 14th at the Courthouse Rotunda, 8:30 a.m. – 3:00 p.m. Stop by to purchase your last minute Valentine treats.

**4. PUBLIC COMMENT**

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List (\$2,221,056.79)

**Executive Session**

Commissioner Landquist made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$2,221,056.79. Commissioner Carey seconded the motion. The motion carried a vote of 2-0.

**6. HEARINGS**

**7.**

**a. Hidden Trails Subdivision HOA (Establishing Parking Restrictions)**

**Erik Dickson gave staff report and showed PPT Presentation.** The Resolution that is before you today for your consideration is a consideration to restrict parking on portions of the interior streets of the Hidden Trails Subdivision in East Missoula. This was approved in 2003 as a planned unit development. As a planned unit developed had smaller lots, increased density, some reduced road sections, reduced right-of-ways and was likely to lead to some on-street parking problems. The infrastructure was completed in 2004 but the full build-out of the residential lots was not complete until probably 2007 or 2008. In 2008, I think is when we received the first request from the Home Owners Association (HOA) to restrict on-street parking, there were concerns for the lack of service by Public Works and the potential lack of service from emergency responders due to the narrow streets and the on-street parking. There were numerous requests and numerous responses from both the Commissioner's Office and Public Works suggesting to the HOA what would be necessary to implement these parking restrictions. A lot of it went back to the fact that it would take a lot of buy-in from the residents to adhere to the parking restrictions and also rely on enforcement from the Sheriff's Dept. Those requests went on and off from 2008 through 2010, a lot of holdups along the line. It wasn't until 2013 that the HOA made the request again, so there was that gap between 2010 and 2013 and they requested both through the HOA themselves and

through the East Missoula Community Council that we consider the parking restrictions. They followed the advice that was offered in 2010 by Greg Robertson, from our Office, that they contact the East Missoula Fire Department and Emergency Responders and also to continue the discussions internally with the residents to convince them of the need for the parking restrictions. The current board did that, they had continued discussions at their monthly HOA meetings. They obtained signatures on a petition indicating their approval by the residents that they wanted these restrictions. Again, as I mentioned, they contacted the East Missoula Fire Department who submitted a letter of recommendation for the parking restrictions. Ultimately they went to the solution of...based on their own observations of recommending which streets and which locations the parking be restricted. Just for reference I've included some photos here so you can see what streets those are (PPT Presentation). When you look at Discovery Way, looking from Staple Street, you see cars that are parked on both sides of the street. This portion of Discovery Way is 32 feet wide so by the time you take up 16 feet of travel lane, with parking spaces, and then you're left with a 16 foot drivable surface, which most fire departments want a 20 foot clear driving surface to pass. And also, if this were the case in the winter, then obviously we couldn't get through with a snow plow, which is one of the major concerns from residents that we weren't providing service through the winter.

The proposal from the Home Owners Association is to restrict parking in areas marked in red (looking at the PPT Presentation), along community mailboxes and locations with fire hydrants or just near the intersections. Again, these recommendations are based on their own observation of where the parking restrictions would have the least impact on the residents. They've proceeded as we've requested to move ahead with this request and give us an option that is apparently reasonable for their own needs and for rural fire needs.

### Public Comment

**Jim Hamill:** I actually went around a couple nights and got signatures from residents, I can give that to you. The way it sits now, there's so many cars on the street we'd end up having to park out on the highway, out by the mini-storage. Discovery Way has been plowed every time it's snowed this year, Bonner hasn't been but it isn't a big issue. If we have to park out on the highway there would be walking conditions that we'd have to endure to get into our subdivision (showing photos). The HOA doesn't take care of the common areas and you'll see in one of those pictures where the sidewalks aren't plowed or shoveled. In regards to Discovery Way, when it is plowed and it has been plowed, it's not all the way to the curb so there's a berm of snow sticking up probably five (5) feet away from the curb, so you can't park on Discovery Way anyway with the plowing.

**Commissioner Carey:** How often did you say it was plowed by the County?

**Jim Hamill:** Discovery has been done every time the snow has fallen. Last year when it got really bad I believe they came out with a smaller pickup and did Utah and Connor Court.

**Commissioner Carey:** So where we have a petition on the one hand from the HOA to do this, you're telling us that there are people who don't want it done?

**Jim Hamill:** I went around the neighborhood for two (2) nights and I got a lot of signatures and I couldn't find anybody that was for the parking restrictions.

**Erik Dickson:** This was the petition that was received with the East Missoula Community Council in their May 2013 letter.

**Commissioner Carey:** Is there any way to get together and figure out what would work?

**Jim Hamill:** We don't have monthly meetings. The board has monthly meetings, but our Association has yearly meetings. In the annual meetings it's been shot down every time they brought up. There are one (1) or two (2) people on the board that really want this. The majority of the people living in the neighborhood do not want it.

**Commissioner Landquist:** We did also receive a letter from the fire department in support of the restrictions.

**Jim Hamill:** I had talked to East Missoula Fire when I was on the board, that's been two (2) years ago, they said they had a contingency plan if they couldn't get their trucks down the streets. They had made hoses that would extend on either end, I don't remember the gentlemen's name that I talked to out at East Missoula Fire.

**Erik Dickson:** This is the letter; you have a copy in your packet from Travis Wafstet, the Assistant Chief. He said that this week they were getting a new truck. Basically says that their new truck would not fit down the streets if there was parking, either alternating side or near an intersection.

**Commissioner Landquist:** That confirms what I was told the other night at the Bonner Community Council, there was someone there from rural fire that knew that this was coming up on our agenda. I don't know, I guess things have probably changed since you were on their board.

**Jim Hamill:** No, it's the same board members and our last annual meeting was last month and it wasn't brought up to a vote, it was just mentioned that there was going to be hearing on it.

**Commissioner Carey:** About how many signatures did you get?

9-1-14

**Jim Hamill:** There are five and a half (5½) pages and I think eleven (11) per page. I probably could have gotten more.

**Commissioner Landquist:** Some of them live in the same house. Here are four (4) people that live in the same house that signed.

**Commissioner Carey:** Anything else to add to that right now?

**Jim Hamill:** That's all I have.

**Commissioner Carey:** Does the county need to consider liability issues when we've been told that the fire department can't make it down the street?

**James McCubbin:** This is a discretion decision for you, based on public health and safety and general public interests, so those are all factors that you need to weight. I don't read the East Missoula Fire Departments letter as saying that they won't be able to respond in this area if there aren't parking restrictions. It may be a convenience factor, which if they (unaudible). That letter is absolutely something you should take into account. Also a lot of this has to do with the convenience of travel in the neighborhood and whether the streets are going to be hard to travel on. There are lots of communities in Montana and certainly in other states; I'm sure we've all been to cities where if the street is fully packed with cars on both sides, you basically have one car at a time and I'm not aware of that being a major liability issue anywhere. So I don't think we're looking at that so much as just looking at the best of public benefit. Another factor is if the point is to not have parking on both sides of the street, the proposed map is not entirely consistent on that point. There are certain areas where...you look at Utah Drive, maybe the width of the drive expands, it's hard to tell with the trees. The NE section of the road you'd have parking on both sides, but on the rest of it you wouldn't, so I have been looking at that...wondering about that. When you do parking restrictions you want to have it consistent to meet whatever goal you're trying to achieve. Same with Judy Drive, although I think that extends past the subdivision. I think this is a discretionary decision for the Commissioners. I have spoken with Erik about whether a legal review was required. The statute said, that are sighted in the proposed Resolution, are well established and we've done essentially the same Resolution for different areas before. I wasn't really looking at this as a legal review issue.

**Commissioner Carey:** Is there a way we can take some time to see if we can work an agreement with these folks? I'd hate to have this neighborhood pitted against each other.

**Erik Dickson:** Yes. We can go back to the Home Owners Association and if we need to have...I didn't realize there was a separate monthly meeting from your annual meeting, so if we need to get together on a larger scale. As I mentioned, these restrictions that were proposed by the board were based on their observations as...I recognize what James is saying; if we restrict the parking entirely on one side of the street it should be continuous but I think their attempt here was to leave portions where they could park on the street, kind of a compromise I suppose. Which was around their mailboxes, the intersections and the fire hydrants so if there's something that can be negotiated amongst themselves, we are I guess as we can provide service especially on Discovery. I didn't realize it was as consistent as it was, but whenever there's a narrow street we're a little hesitant to go in there, so depending on the day, depending on the parking situation that may change.

**Commissioner Landquist:** What I came up with from this petition and I was quick, so I could have made mistakes...out of the 57 signatures, 43 of them are from the same actual address, so if you want to look at it that way and break it down a little differently. This happens to be one of the first road reviewer field trips that I went on, when I first came on to the Commission. I was quite frankly shocked and appalled that something like that would be approved knowing that people will eventually be parking on the street and it would be problematic for emergency services, let alone for the county to do their job in plowing roads. At that time, I remember the neighbors in the area were conflicted with some of them were for it, some of them were against it. One of the problems being; not everybody can park in their garages, the way that they had expected to because of the curvature over the garage. How was this sold to the county and get passed? Was this one of those subdivisions that was sold to the county as; "Oh, the covenants are going to say no parking on the street, there won't be parking on the street"? Does the covenant for this place address any of that parking on the street, at all?

**Erik Dickson:** No.

**Jim Hamill:** The covenants say you have two off-street spots; which is your garage and your driveway. When we first moved in - I have a Dodge minivan and there wasn't anything in the garage, I tried to put it in there and it doesn't fit, can't get in the doors. But it doesn't say anything about on-street parking.

**Commissioner Landquist:** So it says you either park in your driveway or the garage but it doesn't say necessarily that you'll not be allowed to park on the street; it's just 'assumed'?

**Jim Hamill:** Right.

**Commissioner Carey:** It just strikes me that it would be better if the neighborhood had a general buy into this, rather than....

**Jim Hamill:** And they've tried for the last 3 or 4 years that we've lived there to do these restrictions and it's been shot down.

**Commissioner Landquist:** It's never going to happen.

**Jim Hamill:** My issue with it is that we've got a lot of elderly people that live out there and some of those pictures show if you have to park out on the highway and walk in at night, there are no sidewalks coming into the subdivision. And then the subdivision itself, the HOA doesn't take care of their sidewalks.

**Commissioner Landquist:** It's real unfortunate that something like this even got approved. But that was before my time and I don't know who else was on the Commission at the time but it's a bad deal all the way. I feel like we're between a hard spot here – I don't want people parking out on the highway, we can't have that, but by the same token, we have to make sure emergency services can get through and the snow plow drivers can get through. I'd really like to hear what our snow plow drivers have to say. I understand what the gentleman's saying as far as they sent a smaller one out, I don't know Erik, do you know how many smaller ones we have and what kind of high demand they are compared to the larger plows that the county has?

**Erik Dickson:** We just have one; it's basically a large crew-cab, one ton Dodge truck. We send our single axels through there but they're still bigger, wider than that smaller one and the blades are a lot larger. When we were doing that last year, the demand was so high for our other areas that we had that truck as a backup and we did send it to some of these tight area just as a spot clean up. So we have the one truck and it was bouncing to different parts of the county, so it wouldn't be typically a regularly assigned route for that truck.

**Commissioner Carey:** I just don't know if there's any point in not acting today or...it sounds like this has been going on for quite a while, the division is not going to be healed anytime soon in terms of what people want out there.

**Erik Dickson:** Right. I can go back to the Home Owner's Association, their representative wasn't able to be here today, he's out of town. I can check back in with him and see if they can...I don't know if there's any need to try to have a special meeting on it. Sounds like it's a regular discussion that hasn't been a unanimous decision so maybe give them one more attempt.

**Commissioner Carey:** Maybe meet a month from today, I realize winter's going to be pretty much finished by then but is it worth trying to work something out. Mr. Hamill's shaking his head yes.

**Commissioner Landquist:** I would like to at least see if we can work something out with the HOA and if all else fails maybe come back with a modified agreement. Because according to the Hidden Trails Home Owners Association that wrote us regarding; to ensure that they have numerous families with children in this subdivision and he was also requesting so that they can be seen when they cross the road that the street corner curbs be marked yellow and this would also allow for emergency and county service vehicles to turn in and out of each street. There's also something in here that talks about the difficulties for the mail being delivered at their mailbox clusters. If all else fails, maybe we could make sure that proper 'no parking' markings are made where fire hydrants are, as well as where people are supposed to be crossing roads and where the mailbox clusters are. We could make sure that part is done and maybe...to make sure that they're really adhering to it because I don't know...if they're having trouble getting to the mailboxes, I don't know how much distance before or after is marked but maybe increase that enough so that the mail truck can get in there and do what they need to do. I'd be ready to move forward on it and give it a whirl because I don't think leaving it up to the Home Owners it will ever get done and I am concerned for safety but I still think we need to work out the highway too. That's huge.

**Commissioner Carey:** Should we recess this hearing for two (2) weeks? Is that going to give people enough time to meet?

**Commissioner Landquist:** When do they have their annual HOA meeting?

**Jim Hamill:** They had it in January.

**Commissioner Carey:** But you do meet monthly?

**Jim Hamill:** The board members do.

**Commissioner Landquist:** Then they can have a special one and let everybody come out too.

**Jim Hamill:** The yellow corners and the hydrants and mailboxes are painted that way now.

**Commissioner Landquist:** And are people following it? Maybe we should just expand on those a little bit. I'm just looking for some sort of compromise here because I see the problem and you admitted that you guys have a minivan and you can't park in your garage. Are those square curbs or rounded curbs? Those are square county curbs aren't they, darn it. Those rounded kind you can do the European model and park half way up on the boulevard.

#### **Executive Session**

Commissioner Landquist made motion that the Board of County Commissioner recess this hearing until March 12, 2014. Commissioner Carey seconded the motion. The motion carried a vote of 2-0.

01/15/2014

## b. Rich Ranch Open Space Bond Project (Seeley Lake)

**Kali Becher gave staff report.** This project proposes to use up to \$84,000 of Open Space Bond funds towards the purchase of a conservation easement on 122 acres of land owned by Jack and Belinda Rich in the Woodworth Meadows area near Seeley Lake. Five Valleys Land Trust would hold the conservation easement on the property. On January 14, 2014 the Board of County Commissioners determined that this is a qualified Open Space Bond Project and adopted Reimbursement Resolution 2014-001 and this qualifies the project for Open Space Bond funding. Missoula County Open Lands Citizen Advisory Committee met on January 16, 2014 and voted unanimously to recommend this project for approval. The 2008 Interlocal agreement related to the Open Space Bond established the general purposes of the bond. This project meets the following purposes; providing open space and scenic landscape, conserving working ranches and managing for growth. The 122 acres being placed under conservation easement is under undeveloped pasture land, with important agricultural soils. Only one structure is existing; this is a barn and under the conservation easement no other structures would be permitted besides those for agricultural purposes. The total estimated project cost is \$281,400.00 with an estimated conservation easement value of \$250,000.00. Since the final appraisal is not available at this time, Five Valleys Land Trust is asking for bond funds to cover 30% of the total cost and this would be up to a cap of \$84,000.00. The bond funds will be applied towards the purchase of the conservation easement and Five Valleys Land Trust has raised additional funds for the project and the estimated match for this project in private to public dollars is 2.35 to 1, with a bond cost of roughly 688 per acre. Staff recommends approval of this project; there are no special conditions for approval and a draft Resolution is attached to your Request for Commissioners Action (RCA).

**Public Comment**

**Alicia Vanderheiden, Missoula County Open Lands Committee (OLC):** I'm here to share our enthusiastic support of the Rich Ranch proposal for open space bond funding. OLC members received the written proposal, participated in a question and answer session in person with the land trust and land owners and attended a site tour. The project scored highest in scenic and historic values and is a prime example of the benefit of open space bond money working to support the counties working landscapes in its rural communities. The land owners have a clear love of the land and provide excellent stewardship. In their role as outfitters they share these values broadly with neighbors and visitors alike. We ask that you fully fund the request that is before you. Thank you.

**Sara Richie, Five Valleys Land Trust:** Showing maps and photos of the Rich Ranch land. An overview of the funding that Kali already detailed for you but we're very fortunate this project to have a number of programs that fit well with this project. We've been able to apply for match funding. Some of our match funding is already secured, including the Montana Association of Land Trust Travelers for Open Lands Program request of \$5,000. The land owner donation, both cash and in-kind and then we are currently applying for a federal program, the Farm and Ranch Land Protection Program for \$125,000.00. So our request, again, for you today is 30% of the project cost, up to \$84,000.00. The easement is designed to protect the 122 acres of productive farm soils, as well as a scenic view shed from Cottonwood Lakes Road. Thank you.

**Executive Session**

**Commissioner Landquist:** We took a field trip up there and the heavens were good to us again, we luck out and have some of the best weather on some of our field trips. What a fantastic place, what a fantastic job they've done at managing the ranch. It's my understanding one of the...besides from them wanting to just conserve the area, one of the things that they're going to be doing with the proceeds from this is purchasing even more land that will already have a conservation easement on it. So they'll be adding to their ranch as well, is that correct for record?

Yes. That is correct.

**Commissioner Landquist:** While it's a fact that not all of our conservation easements include the public access, actual public access to those places, the public certainly from so many directions has the benefit of this fantastic view shed. Not only what's shown on here but as we drove around when you're up there in that kind of country, the view shed is spectacular and magnified so much more and it wouldn't be that if it hadn't been for their good stewardship and their land management policies. I certainly appreciate that.

**James McCubbin:** Just to clarify for the record; I understand if there's an intention of using the funding from this to purchase additional lands that would reflect upon the good stewardship practices of these owners. My understanding is that would not be a requirement of this or a condition of this funding. I want to keep the record clear that they're not.

**Commissioner Landquist:** It certainly isn't but there's a misconception out there, I appreciate you mentioning that James but there is a misconception out there with some folks who seem to think that people are selling off their development rights to their properties are getting rich at county taxpayers expense and in most cases what we have found is that that's not true. What they're doing is they're like some of us that for years have considered themselves land rich and money poor and continue to even when they come into a little bit of money. Continue to become land rich and money poor because they love the land so much that they buy more of it, so they can be monetarily poor but have all this land around them. So I was mostly saying that for the benefit of people out there that had that conception as well as the people out there that feel like all these conservation easements should offer some public access to them and while some have in the past, it's not a requirement of the county and it never was a requirement of the county when that



bond was going before the voters to be voted on. My next question is; this is really bad timing for this question because we are continuing to have issues with the county's website, which we were informed is right now being declared clinically dead and going through more emergency measures to fix it and get it operational. These wonderful photos and powerpoints that we have, I know that we've put together a collection of a survey, so to speak, of all of our open space projects, including with maps and some pictures of each one ~ that is available for people to access on our website, is that correct?

**Kali Becher:** Yes. It's called the Open Space Bond Atlas. If you go the Missoula County website and then the Community & Planning Services Page, they'll be a link at the top for our Communities and Conservation ~ click on that and there's a hyperlink to the Open Space Bond Atlas. From there you can see an overview of what's happened with the bond money to date, as well as specifics on each project and maps and pictures and that has recently been updated so all the projects are on there.

**Commissioner Landquist:** That's pretty much what I wanted to say for the record because I know there was some letters to editor with some information that wasn't quite accurate and that often times stirs the pot of negativity around some of these things. If you want to be negative that's fine, just have your facts right, that's all I ask. This is a good project and I'm really proud and honored to be a part of being able to support it. It's a good buy for the money.

**Commissioner Carey:** I agree. I'd like to thank Jack and Belinda Rich and the Open Lands Committee, Five Valleys, our staff for all the good work you've put in to make this possible. For me it's the kind of gift to the public that will increase in value over the years.

#### **Motion**

Commissioner Landquist made motion that the Board of County Commissioners approve the expenditure of up to \$84,000.00 in Open Space Bond Funds via the attached Resolution towards the purchase of a conservation easement on approximately 122 acres for the Rich Ranch Project, based on the findings that the project does qualify for funding. Recommendations of the Open Lands Advisory Committee, public hearing comments and staff analysis. Commissioner Carey seconded the motion. The motion carried a vote of 2-0.

#### **c. Motor Vehicle Wrecking Facility License Application (MB Auto Parts – Futurity Drive)**

**Scott Barton gave staff report.** I just passed out an updated preliminary Resolution to you with six (6) items that we would like to have included as conditions for approving this Resolution. The fence currently is 2/3 of the way built but it needs, after talking with Steve Hutchings at the Missoula County Public Works Building Division, it needs to be engineered and it needs to be permitted before it can be completed.

**Commissioner Landquist:** Is it that tall of a fence or something, is that why it needs to be engineered?

**Scott Barton:** Sections of it are over the eight (8) foot limit, yes. We would also ask that the shielding of the property be completed before the license is issued by the DEQ. That's part of ARM Rule 17.50.201, that MB Auto Parts finish the shielding at the chain-link gate that they have at the entrance of the property. It's required to have either fiber-glass or some kind of slates put in it to prevent public view into the property. That the fence, the shielding conforms to the rules of the junk vehicle program, specifically 17.50.202 that addresses the quality of the material and the type of construction. Currently the material is not of the type that's outlined in that section the Rule, so it actually needs to be approved by DEQ before it's used and then just to make sure it meets all the standards. The fence posts on the property are of multiple heights, they vary a good 18 inches in height above the fence line. We'd ask that they cut those all to a common height. After the license is issued that they abide by the rules of the junk vehicle program and that all the junk vehicles are kept within the shielding.

**Commissioner Landquist:** Is this a new junk yard?

**Scott Barton:** Yes. This is a new wrecking yard that was applied for on January 27, 2014. The location of the property is; it's two addresses lots 3 & 4 but the addresses are 9227 and 9301 Futurity Drive.

**Jim Carlson:** As in previous hearings for licenses in this neighborhood, to remind the Commissioners, the Missoula Industrial Park is unpaved and the roads are a significant source of particulate pollution and the soils in that area have high clay content. When people drive out, especially in the Spring and the Fall and carry lots of mud onto old Hwy 10, a lot of that's resuspended by high speed traffic. We'd like to ask all current and future business owners out there

participate in a paving RSID to control dust and particularly in light of the fact that that area, after having been an industrial park for 40 years, is getting to be used more and more in higher density development, it's time to look to pave those streets. We would ask that the applicant participate in a probable future paving SID in the area.

**Commissioner Landquist:** What have we done in the past Jim? I know we've approved some others in the area, have we put in a contingency thing such as approval based on...

**Jim Carlson:** State law already has voting procedure for RSIDs. We've been advised to make other licensing and other activity is probably not appropriate to require that they waive the right to protest on something that's as far away as licensing. And certainly we need the support of all the business men in the area to do that. So if you're asking if we are asking for leverage at this point and time, no we are not.

**Commissioner Landquist:** Seems like this would be the time to do it. I get what you're saying.

#### Public Comment

**Tom Orr:** I'm here on behalf of MB Auto Parts, LLC, the applicant. We're asking that you approve it. We had an opportunity to review the proposed conditions 1-6 and we agree with those. We're going to get the fence into shape. I understand Mr. Carlson's concerns about dust and mud out there; I think that at a certain time the business people...it will probably become something that the business people will want. I think at this point it would be inappropriate to add that as a condition. We're asking for the support of the County Commission to approve this application subject to the six (6) conditions in the Resolution. There's two other similar businesses out there so we're sort of gonna become part of the group out there. Auto Parts Recycling was the one that you previously approved and I think Pacific Steel has a place out there.

**Commissioner Landquist:** But that one's not active yet, right?

**Tom Orr:** They're not active. We're just trying to be a good neighbor. I guess another thing for the record is that this will part out the owner of MB Auto Parts to move some junk vehicles from an area that isn't presently permitted and bring that into compliance.

#### Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the license for MB Auto Parts LLC based on the six (6) conditions that staff mentioned. Commissioner Carey seconded the motion. The motion carried a vote of 2-0.

#### d. Petition to Alter & Abandon a Portion of Utility Easement (Ramos Addition)

**Marianne Lemons:** On January 28, 2014 our office received a petition from Chad and Andrea Fero to abandon or alter a 30 foot utility easement benefitting Lot 1, as shown on the plat of Ramos Addition, located in S18, T12N, R19W beginning at the Northerly right-of-way limits of Lorraine Drive, as shown on the plat of Ramos Addition and ending at the Northerly property line of Lot 2 of Ramos Addition. Missoula County has been petition to abandon 10 feet of the 30 foot utility easement, relocate the utility easement to parallel the east property line of Lot 2 and decrease the utility easement from 30 feet to 20 feet, as shown on exhibit A. They would also like to pair a 10 foot telecommunications easement within the border of the 20 foot private access easement along its easterly boundary line as shown on exhibit A. The Missoula County Surveyors Office and the Missoula County Attorney's Office have reviewed the petition. Utility owners have provided written consent. All effected land owners and 14 Missoula County free holders have signed the petition and the petitioners have paid the Clerk & Records fee, and a notice of Public Hearing has been posted two (2) consecutive times in the Missoulian.

#### Public Comment

None

#### Executive Session

**Commissioner Landquist:** I'd like to point out that we don't get this kind of request very often, as you've probably been informed. We're going to handle these similar to how we handle other requests for road abandonments, which means we start the hearing process here but offering the ads have been placed. We also offer the public an opportunity to come before us and tell us why we should or shouldn't do this abandonment. Then one of us Commissioners, whosever turn it is, because we take turns between the three (3) of us, going out and doing an actual on-site visit to the site. You only get so much in printed form with plat maps and so on, so one of us will go out with either our surveyor or someone from Public Works to take a site visit. Then we'll come back and reopen the hearing, so to speak, and make our decision based on a written up report at that time. So we've decided that's what we'll do for this type of request as well so that we have some sort of consistent process in place. Robin, do you have the calendar of what Commissioners turn it is? I'm guessing Bills.

**Robin Moore, Secretary:** Yes, it's Bills turn.

**Commissioner Landquist:** How soon could we get this site visit done and get it back on our schedule.

**Robin Moore:** We don't have the schedule in front of us; we will need to ask Patty Rector, our Office Manager for the calendar.

**Commissioner Carey:** So we can recess this hearing until we have a chance to look at schedule.

**Commissioner Landquist:** We usually get these done pretty quickly.

**Robin Moore:** Is snow a factor?

**Commissioner Landquist:** As long as we can reach the site. The site's reachable right?

**Commissioner Carey:** What do you mean reachable? (laughter)

**Commissioner Landquist:** Like it's not way up on the side of a cliff. That's what I mean by reachable, it is winter time and we're finally getting winter.

**James McCubbin:** You usually ask if the property owners want to be present.

**Commissioner Carey:** Do the property owners want to be present?

Answer is no.

**Ryan Shoemaker, Gavin, Inc. Architects:** If you have any questions on this, I can answer those now but it's pretty straight forward.

**Commissioner Carey:** So we'll recess until...do we have a good date to get back on this? It shouldn't take more than a couple weeks.

**Commissioner Landquist:** We should be able to contact them by this afternoon; it's just a question of going upstairs and checking the calendar.

**Robin Moore:** The 26<sup>th</sup> is our next public meeting.

**James McCubbin:** Is the property fairly apparent as to where this is? Because I notice it looks like it's a bunch of bare land. That boundary may or may not be easy to identify.

**Ryan Shoemaker:** Yes, it's pretty apparent there's a house adjacent to it, it's built on the property next door. It's accessible from Lorraine Drive, the top lot is. If there needs to be help to find the lot, I could come or one of the property owners could come with.

**Commissioner Carey:** Steve, are you planning on coming as well.

**Commissioner Landquist:** As we were briefed earlier on this, it's really more like sort of a relocation, sort of, of the easement.

**Steve Smith:** Yes, I can attend. I'll be one of the designated individuals from Public Works.

**Commissioner Carey:** Okay. We'll have Patty get in touch with you. So we'll recess this hearing until the 26<sup>th</sup> of this month. Meanwhile, we'll take a look at the actual property.

#### 8. OTHER BUSINESS

None

#### 9. RECESS

Being no further business to come before the Board the Commissioners are in recess at 2:34.

### THURSDAY, FEBRUARY 13, 2014

BCC did not meet in regular session. JC out through this date at MACo MidWinter Conference, held in Billings. ML out of office through Friday, February 14<sup>th</sup>.

ADMINISTRATIVE MEETING – Canceled (No Agenda Items)

### FRIDAY, FEBRUARY 14, 2014

BCC met in regular session; quorum present. ML out of office through this date.

Indemnity Bond – BC signed. Kelly Yarns, Missoula, Principal for BREDD Warrant #30246557, issued December 5, 2013 on County 7215 Fund. Amount/\$36.65 (for reimbursement). Warrant lost.

Replacement Warrant - BC signed. Office City, Missoula, Principal for Central Services Warrant #30247778, issued January 17, 2014 on County 6031.1000.6020 Fund. Amount/\$203.89 (for office supplies). Not received in mail; no bond of indemnity required.

Replacement Warrant - BC signed. Concept Development Corp., Fountain Hills, AZ, Principal for Sheriff Warrant #30230149, issued October 30, 2012. Amount/\$2,695 (for EOD-OPS Pack/Dave Ball). Not received in mail; no bond of indemnity required.

  
Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, FEBRUARY 17, 2014****THE COURTHOUSE AND ADMINISTRATION BUILDINGS CLOSED FOR THE OBSERVED  
PRESIDENTS' DAY HOLIDAY****TUESDAY, FEBRUARY 18, 2014**

BCC met in regular session; all three present in morning. Noon: BCC met with District Court Judges. Afternoon and evening: JC participated in Election Training.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Missoula College Environmental Assessment; 4) TTAC Grants Subcommittee County priorities; 5) Director's update.

**ADMINISTRATIVE MEETING**

Budget Transfer – BCC signed, dated February 12, 2014. Control #14-010 for CAPS General transfer in amount of \$28,708 (\$14,354 x2) to create new budget lines in the Subdivision/Zoning and Permits sections for office rent payments. Original to T. Graham/Accounting.

Grant Amendment – BCC approved/JC signed Amendment #1 to Grant Agreement #RPG-14-0379 between Missoula Valley Water Quality for feasibility study to retrofit pretreatment device for storm drain system. Amount/\$10,000. Revised contract states County is applying for grant for PER of Buckhouse Bridge outfall, and funding from DNRC is \$7,500 (w/matches from WQD and MDT) to provide total funding package of \$10,000. Term/Spring 2014-December 2014. Two originals to Julie Mohr/MCCHD for further handling.

Contract Amendment – BCC signed. To contract between County and CTA Architects for Health Dept. Remodel Project. Amendment adds additional costs of \$20,400 for misc. work (as set forth therein). Also, Contract Completion Date is extended December 31, 2014 (vs. 2013). Two originals to Julie Mohr/MCCHD for further handling.

Memorandum of Understanding and Form – BCC approved/JC signed. MOU for County's JUST Response Program (Missoula's coordinated response to domestic violence). Partners include GCP, Sheriff's Office, City-County CVA Program, YWCA Missoula and First Step Resource Center (St. Patrick Hospital). Amount/\$298,546. Term/September 1, 2014 – August 31, 2017. Program maintains/expands work from previous/current Encourage Arrest grant funds through USDOJ OVW: *Encourage Arrest Policies and Enforcement of Protection Orders*.

Form – JC signed Confidentiality Notice Form pertaining to the Missoula City-County JUST Response Program's Encourage Arrest Grant funding [see journal entry above]. Originals to Jenny/GCP.

Form and Resolution – JC signed a County-sponsored TSEP Infrastructure Planning Grant Application Form (on behalf of Buena Vista Community, Inc.). Buena Vista Trailer Park wishes to connect to City sewer (located within Training Drive right-of-way). Grant amount/\$15,000 (with \$15,000 loan match from Neighborworks MT). To Greg Robertson/PW for further handling.

Resolution No. 2014-009 – JC signed, dated February 18, 2014. Pertaining to above TSEP Grant to complete a PER for Buena Vista Trailer Park's proposed sewer project. To C&R.

Additional discussion item(s): Public Works departmental update.

**WEDNESDAY, FEBRUARY 19, 2014**

BCC met in regular session; all three present. Afternoon: BCC met with Senator Cliff Larsen, et al for a Legislative update. Evening: JC attended meeting of Evaro-Finley-O'Keefe Community Council.

Plat/Agreement – BCC signed. Owners/Developer: Lloyd A Twite Family Partnership. Linda Vista Thirteenth Supplement Subdivision, an Urban Residential subdivision in the N½ of Section 13, T 12 N, R 20 W, PMM, Missoula County. Total area/19.23 acres). Improvements Agreement/Guarantee – BCC signed. Improvements remaining are street improvements. Estimated costs/\$118,775; secured by irrevocable letter of credit issued from US Bank. Improvements to be made on/before January 9, 2016.

**CAO MEETING**

Resolution No. 2014-010 – BCC signed, dated February 19, 2014. Adopting an Update to the Missoula County Growth Policy Profile (Chapter 2). BCC held public hearings on December 18, 2013, January 8, 2014 and January 22, 2014. Original to C&R.

Resolution No. 2014-011 – BCC signed, dated February 19, 2014. Budget Amendment for Public Works (Road Fund & building Division) showing revenue from InterCap Loan in amount of \$140,000 and expenditures of same to Construction Machinery and Equipment to purchase six replacement motor graders (instead of original four per original 2014 budget). For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

Application – JC signed. State Board of Investments for INTERCAP Loan Program funds in the amount of \$560,000 to purchase six replacement motor graders for Public Works road fleet (per bid award to Triple W Equipment in January 2014 and buyback credit). Original to Amy Rose/PW for further handling.

Grant Contract – BCC approved, ML signed. (#MT-BSTF-1-14-04) between County and MT DOC for Big Sky Economic Development Trust Funds (BSTF) Program (Category I: Economic Development Job Creation) on behalf of Nutritional Laboratories International, Missoula, to purchase equipment and create new jobs in MT. Amount/up to \$412,500. Project to be completed by August 21, 2015. Originals to Kelly Yarns/BREDD.

County Transportation Ballot – JC voted “FOR” approval of four (4) changed routes for Lolo School District, as follows: Routes 1SP (am AND pm); and Routes 2SP (am AND pm); Ballot returned to Superintendent of Schools.

Additional discussion item(s): Public Works Departmental update.

NO PUBLIC MEETING HELD THIS DATE

**THURSDAY, FEBRUARY 20, 2014**

BCC met in regular session; all three present. Morning: BCC, Pat O'Herren, et al met with Mike O'Herron re: DNRC issues.

Afternoon Site Visit – BC accompanied Steve Smith on site visit to Ramos Addition.

ADMINISTRATIVE MEETING

Resolution No. 2014-012 – BCC signed, dated February 20, 2014. Setting Sheriff's Fees for Service of Civil Process, as set forth therein. [Last revised July 1, 2006]. Original to C&R.

Motions – BCC approved two (2) General Release and Voluntary Resolution Agreements for claims arising out of alleged political discrimination and retaliation by Releasees against Releasor in the following Civil Causes:

- 1) *Terry J. McDermott v. Missoula County Sheriff's Office, Carl Ibsen, Mike Dominick, Missoula County*, MT Dept. of Labor & Industry, Human Rights Bureau Case No. 013106432; and
- 2) *Jason P. Johnson v. Missoula County Sheriff's Office*, MT Dept. of Labor & Industry, Human Rights Bureau Case No. 01331016301.

Sum of Settlement for both Releasors: \$60,000. To Hal Luttschwager/Risk & Benefits for further handling.

Contract – JC (for BREDD) and BCC signed, dated February 20, 2014. (#MT-BSTF-2-14-12) between BREDD (BitterRoot Economic Development District, Inc.) and MT Dept. of Commerce for up to \$26,250 in DOC grant funds under the Big Sky Economic Development Trust fund to assist BREDD with completion of an Industrial Lands Assessment that encompasses all of Missoula County. County Matching Fund obligation/\$26,250. Project to be completed by September 15, 2015. Originals to C&R and Marcy Allen/BREDD.


Letter – BCC signed, dated February 19, 2014 to Beth Shumate/Trails Program Manager, MT State Parks, Helena, in support of Milltown State Park's application for Recreation Trails Program funds. A trailhead will be built on Bandmann Flats at the Park, as well as a one-mile trail connection to the Park Overlook.

Additional discussion item(s): None.

**FRIDAY, FEBRUARY 21, 2014**

BCC met in regular session; quorum present in afternoon. ML out of office until noon. JC out all morning at Summit for Healthy Children, held at UofM Center.

  
Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, FEBRUARY 24, 2014**

BCC met in regular session; all three present. Late afternoon: BCC met with Ursula Johnson of AFGE Local 1120.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Purcell Lolo Family Transfer; 4) Director's update.

**TUESDAY, FEBRUARY 25, 2014**

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Budget Transfer – BCC signed, dated February 25, 2014. Control #14-008 for Health Dept. (Animal Control Budget) budget transfers in amounts of \$5,000 and \$100 to allow use of proper codes as required and to allow tracking of income for mailed dog licenses, etc. Original to T. Graham/Accounting.

Resolution No. 2014-014 – BCC signed, dated February 25, 2014. Budget Amendment for Health Dept. to accept revenue of \$40,000 to Air Quality Budget from MT DEQ to increase capital expenditure to purchase/install electronic sign by Elementary School in Seeley Lake. For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

Resolution No. 2014-013 – BCC signed, dated February 25, 2014. Budget Amendment to transfer \$50,000 (previously approved by BCC) from General Fund Reserves to County Attorney Fred VanValkenburg's FY 2014 budget for cost of outside counsel to file lawsuit against the DOJ. For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

Contract – JC signed. Between County and HDR Engineering, Inc. for Lolo 901 District Well No. 1 electrical and control system improvements. Amount/\$5,061. Term/February-June 2014. Two originals to Amy Rose/Public Works for further handling.

Contract – JC signed. Between County and HDR Engineering, Inc. for Lolo 901 District Booster Pumping Station improvements. Amount/\$8,119. Term/February-June 2014. Two originals to Amy Rose/Public Works for further handling.

Change Order – BCC signed. #2 to contract between County and Sirius Construction for misc. items (set forth therein) relating to new County Grants Building Project. Additional amount/\$8,566.46 for new total base contract sum of \$894,966.18. Project End/March 19, 2014. Originals to C&R & Larry Farnes/Facilities.

Change Order – ML signed. #3 to contract between County and Outback Construction for Missoula County Detention Center Outdoor Recreation Project. Additional amount/\$5,607 (for 1) provision of conduit; and 2) reimbursement for rental of ground heating equipment from Western States Rental) for new total base contract sum of \$302,556. Project Term/September 15, 2013-March 31, 2014. Originals to C&R & Larry Farnes/Facilities.

Additional discussion item(s): None.

<b>WEDNESDAY, FEBRUARY 26, 2014</b>
-------------------------------------

BCC met in regular session; all three present.

CAO MEETING

Contract – BCC signed. Between County (PHC) and Amanda Moffett-Frey to serve as part-time pharmacist at PHC. Term/January 10 – June 30, 2014. Amount/\$45.67 per hour. Originals to C&R and Andrea Laine/PHC.

Contract – BCC signed. Between County (PHC) and Eric Edwards, FNP-C for services at PHC-Seeley Lake. Term/January 1 – March 31, 2014. Amount/\$96,262 yearly. Originals to C&R and Andrea Laine/PHC.

Proclamation – BCC and Mayor Engen signed. Proclaiming the month of March 2014 as *March for Meals Month in Missoula, Montana* and inviting citizens to thank the volunteers and recognize the value of Missoula Aging Services' "Meals on Wheels" Program. Proclamation also encourages citizens to volunteer.

Additional discussion item(s): Frenchtown Mill Redevelopment Team – NPL Listing for the site.

PUBLIC MEETING – February 26, 2014

**1. CALL TO ORDER**

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

**Staff Present:** James McCubbin, Deputy County Attorney, Jennie Dixon, CAPS, Steve Smith, Surveyor Public Works, Shyra Scott, Clerk & Recorder

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC ANNOUNCEMENTS**

**Proclamation: *March for Meals Month***

Commissioner Carey read the Proclamation.

Chair Curtiss mentioned that the Missoula Aging Services needs volunteer for the Meals on Wheels Program. You don't have to deliver every week; they can use people for substitutes for when someone isn't available. If interested, call Missoula Aging Services at 728-7682. They also have some opportunities for folks that are 55 and older to volunteer with the foster grandparents and senior companions. There's a stipend for the volunteers, they can pay for gas if you need.

**4. PUBLIC COMMENT**

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List (\$3,019,477.52)

**Executive Session**

02/12/2014

Commissioner Landquist made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$3,019,477.52. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

**6. HEARING****Purcell (Joseph) Family Transfer (Lolo)**

**Jennie Dixon read the staff report.** This is a consideration of an exemption affidavit submitted by Mr. Joseph Purcell, owner of 160 acres located in the Mill Creek drainage up Hwy 12 from Lolo. Mr. Purcell and his family live on an 8 ½ acre parcel on Severin Meadows Trail that is directly adjacent to this 160 acre tract. Mr. Purcell proposes to create three (3) additional parcels to transfer to his two (2) adult children, Emmy and Brandon and to his wife Betsy. He proposes to divide the original property into two (2), twenty (20) acre tracts, one each for his two children and a 100 acre tract for his wife. Mr. Purcell will then retain ownership of the southwestern 20 acres of the property. If this family transfer is approved it is recommended that a shared access easement be shown on the new survey. The claimant has not previously used exemptions to divide properties in Missoula County and as it does not appear at this point that this request is an attempt to evade subdivision review, staff recommends approval of this family transfer request.

Jennie Dixon asked Mr. Joseph Purcell the standard family transfer questions.

**Public Comment**

None

**Executive Session**

Commissioner Landquist made motion that the Board of County Commissioners approve the request by Joseph Purcell 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 Carey seconded the motion. The motion carried a vote of 3-0.

**7. HEARING & DECISION (continued from February 12, 2014)****Petition to Alter & Abandon a Portion of a Utility Easement (Ramos Addition)**

**Steve Smith read the Viewers Report,** signed by Commissioner Carey and Steven Smith. There's also an exhibit attached to the viewer's report. But also as viewers, we wanted to point out there is an existing utility easement just to the North of this proposed location, at which it would align with that existing one. We'll call it a straight shot for an utility companies go from a public road right-a-way and serve any the parcels or lots beyond or in this case to the North.

**Commissioner Landquist:** Does it make it any wider? Or just overlays it?

**Chair Curtiss:** You didn't see the exhibit with the red. Right now it's kind of a meandering easement. Right now it meanders through the property and this would move it over here and align it up with the one that exists on the adjacent property.

**Public Comment**

None

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners accept the Viewer's Report to alter the utility easement as requested by the applicant. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

**Chair Curtiss:** So we have the official viewing report, do we make a copy of this to provide with the, James, to the applicant?

**James McCubbin:** Yes. That would be appropriate.

**Chair Curtiss:** So we'll make sure that we mail that to the...

**Commissioner Landquist:** We have to record it too, right?

**James McCubbin:** Yes. And you should a record a resolution reflecting the decision today. I can finalize it in an Admin Meeting.

**Chair Curtiss:** Is that something you write for us? Or does Steve usually do that?

**James McCubbin:** Yes, I think Steve would usually do that. And I think we've got ones for just utility easements.

**Commission Landquist:** So when that gets recorded, how does the process work to make sure that say – the property gets sold and does this end up somehow getting traceable to the deed for that property or something? So that it stays with it?

**Steve Smith:** How about this – I'll defer to our Clerk & Records Office but just perhaps they could assist with that question.

**Shyra Scott:** When we index it, the Resolution that we record, we'll site the property information on there, so it'll be searchable in our records.

**Commissioner Landquist:** So if somebody even searches the property, they'll find that Resolution somewhere even though it's in different books and pages?

**Shyra Scott:** Yes.

**8. OTHER BUSINESS**

None

**9. RECESS**

Being no further business to come before the Board the Commissioners are in recess at 1:51.

**THURSDAY, FEBRUARY 27, 2014**

BCC met in regular session; all three present. Afternoon: JC attended Election Training.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 04/CY2014 - Pay Date/February 21, 2014. Total Payroll/\$1,373,741.65. To County Auditor.

Amendment – BCC signed, dated February 18, 2014. To contract between County (and Western MT Addiction Services ("WMAS") for additional one-time payment of \$110 in alcohol tax dollars to WMAS (last year's initial allocation was too low) for alcohol prevention/intervention/treatment. Term/July 1, 2013 – June 30, 2014. Originals to C&R and Peggy Seel.

Contract & Resolution – BCC signed, dated February 27, 2014. Between County and Community Development Services of MT ("CDS") for consulting services to create a TIF/TEDD or expand Bonner TIFID in Bonner vicinity. Amount/up to \$27,000. Term/Phase 1 to begin after contract signed; Phase 2 to begin no later than April 30, 2014. Project End Date/March 30, 2015. Originals to C&R and Barb Martens.

Resolution No. 2014-016 – BCC signed, dated February 27, 2014. Budget Amendment for Special Projects in amount of \$27,000 (from Revenue to Expenditures) for Community Development Services of MT consulting services [see above entry]. For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

Contract – BCC signed, dated February 18, 2014. Between County and A&E Architects to oversee structural upgrades to Missoula Development Park LaLonde log cabin, located on West Harrier. Amount/\$4,803. Term/upon signing of contract – September 30, 2014. Originals to C&R and Barb Martens /Special Projects.


Letter – BCC signed, dated February 27, 2014. To Captain Kowalski, Asst. Commander Rodrick, and Sergeant Evans, Missoula County Detention Center ("MCDC"), commenting on the BCC's recent inspection of the MCDC. BCC found safety and security of facility is well planned and executed, as well as adequate opportunities for recreation. BCC appreciates professional manner in which MCDC is managed.

Additional discussion item(s): Peggy Seel to introduce Kevin Stewart, new Director of WMAS; and Nick Roberts, new Director of Flagship Program.

**FRIDAY, FEBRUARY 28, 2014**

BCC did not meet in regular session; all three out of the office due to weather conditions.

  
Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC



009125

MISSOULA COUNTY COMMISSIONERS' JOURNAL: MARCH, 2014

BCC = BOARD OF COUNTY COMMISSIONERS

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

The following Claims Lists were signed during the month of MARCH 2014:

Date Signed	Claims List Date	Who signed	Amount
March 4, 2014	February 27, 2014	BCC	\$123,100.46
March 4, 2014	March 3, 2014	BCC	\$140,966.70
			\$1,996.61
			\$25,125.07
March 4, 2014	March 4, 2014	BCC	\$30,578.56
			\$18,803.99
			\$109.87
			\$86.45
			\$793.06
			\$5,630.87
March 6, 2014	March 4, 2014	BCC	\$23,882.12
			\$1,247.99
			\$160.00
			\$965.28
			\$3,004.00
			\$936.61
			\$170.25
			\$14,802.58
March 6, 2014	March 5, 2014	BCC	\$715.00
			\$82.00
			\$526.53
			\$105.51
			\$1,719.68
			\$209.97
			\$535.55
			\$18.00
March 7, 2014	March 5, 2014	JC, BC	\$1,286.84
			\$19,695.78
March 7, 2014	March 6, 2014	JC, BC	\$5,807.38
			\$4,678.85
			\$13,367.19
			\$105,743.18
			\$2,398.76
March 10, 2014	March 10, 2014	BCC	\$57,889.18
			\$21,972.58
			\$176,651.00
			\$15,241.03
March 5, 2014	PHC Smartfill ACH		\$44,494.40
March 7, 2014	PHC Amerisource ACH		\$42,571.38
March 11, 2014	February 25, 2014	BCC	\$2,000.42
March 11, 2014	March 6, 2014	BCC	\$5,115.70
March 11, 2014	March 10, 2014	BCC	\$3,476.28
			\$2,311.79
			\$98,520.90
			\$35,684.98
March 12, 2014	March 3, 2014	BCC	\$1,717.50
March 12, 2014	March 10, 2014	BCC	\$404.69
			\$887.80
			\$4,814.03
			\$735.47

01/10/2015

March 12, 2014	March 11, 2014	BCC	\$56,025.95
			\$777.99
			\$6,278.09
			\$10,565.64
			\$884,501.11
			\$850.00
March 12, 2014	March 11, 2014	JC, BC	\$437.94
			\$413.30
			\$250,490.50
			\$6,811.61
			\$1,680.98
March 12, 2014	March 12, 2014	JC, BC	\$7,033.93
			\$30,400.00
March 13, 2014	March 12, 2014	BCC	\$122,825.20
			\$382.43
			\$700.58
			\$281.28
			\$1,803.92
			\$4,250.21
			\$1,543.90
			\$2,478.11
			\$8,993.47
			\$24,136.96
March 13, 2014	March 13, 2014	BCC	\$635.79
			\$5,479.77
			\$37.72
			\$1,060.00
March 14, 2014	March 13, 2014	BCC	\$20,046.66
			\$4,683.73
			\$681.60
			\$85.93
			\$111.69
			\$1,223.00
			\$6,994.75
March 17, 2014	March 14, 2014	BCC	\$188.83
March 19, 2014	March 17, 2014	BCC	\$12,062.82
			\$3,765.12
			\$160.00
March 19, 2014	March 18, 2014	BCC	\$30,462.60
			\$368.32
			\$807.85
			\$167,551.05
			\$9,040.11
			\$4,449.71
			\$34.15
			\$4,234.29
			\$784.76
			\$120,279.06
March 19, 2014	March 18, 2014	JC, BC	\$39,596.80
			\$1,221.04
			\$7,281.07
			\$417,381.57
			\$4,688.91
			\$3,465.93
March 19, 2014	March 19, 2014	JC, BC	\$25.00
March 20, 2014	March 19, 2014	ML, JC	\$10,058.26
March 20, 2014	March 18, 2014	ML, JC	\$25,994.13
			\$66.98

March 20, 2014	March 20, 2014	ML, JC	\$13,630.69
			\$15,284.89
			\$24,929.48
			\$333.32
			\$1,512.02
			\$226.33
			\$13.50
			\$508.71
			\$1,256.18
			\$18,043.17
March 12, 2014	PHC Smartfill ACH		\$19,456.02
March 29, 2014	PHC Smartfill ACH		\$49,620.75
March 24, 2014	March 20, 2014	BCC	\$105.46
			\$3,248.62
			\$91,700.04
			\$8,696.01
			\$160.88
			\$2,999.00
			\$547.30
March 25, 2014	March 19, 2014	BCC	\$940.48
March 25, 2014	March 24, 2014	BCC	\$1,668.98
			\$2,139.42
			\$821.92
			\$3,059.79
			\$1,044.21
			\$7,987.50
			\$2,110.36
March 21, 2014	PHC Amerisource ACH		\$16,312.38
March 26, 2014	March 24, 2014	BCC	\$70,847.99
			\$21,625.91
			\$148.06
March 26, 2014	March 25, 2014	BCC	\$1,584.20
			\$9,885.00
			\$429.44
			\$312.81
			\$713.55
			\$61.00
			\$7,110.00
			\$1,205.63
			\$3,237.25
			\$404.80
			\$108.14
			\$45.71
			\$105.00
			\$7.50
\$71,595.97			
March 27, 2014	March 26, 2014	BCC	\$32,546.95
			\$30,389.10
			\$2,551.05
			\$7,749.02
			\$100.00
			\$195.00
March 28, 2014	March 26, 2014	BCC	\$6,154.00
March 28, 2014	March 27, 2014	BCC	\$6,916.37
			\$9,982.69
			\$12,783.57
			\$609.00
			\$321.75
			\$95.16
			\$121.72
			\$104,582.55

March 26, 2014	PHC Smartfill ACH	\$39,376.80
March 28, 2014	PHC Amerisource ACH	\$37,524.89

All Claims Lists were returned to the Accounting Department.

#### MONDAY, MARCH 3, 2014

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) 2014 Land Stewardship Award Program; 4) Potomac School Ag Exemption Covenant Lifting; 5) Wye Commercial Phasing Plan Amendment (*action*); 6) Response to DARLOA [letter sent March 13<sup>th</sup>]; 7) Director's update.

#### TUESDAY, MARCH 4, 2014

BCC met in regular session; all three present. Afternoon: BCC participated in lunch and tour of Blue Marble Biomaterials.

#### ADMINISTRATIVE MEETING

Agreement – BCC signed, dated March 4, 2014. Between MC-CHD and Chippewa Cree Tribe of the Rocky Boy's Reservation to provide professional nutrition services for his risk WIC clients. Term/June 1, 2013 – September 30, 2014. Amount/\$350 per month. Two originals to Julie Mohr for further handling.

Amendment – ML signed. #1 to Task Order #14-07-5-21-014-0 between MC-CHD and MT DPHHS (WIC Program). Supplemental funding in amount of \$20,000 for completion of additional WIC related functions (EBT Project work). Total contract amount/\$452,469. Term/February 25 – September 30, 2014. Two originals to Julie Mohr for further handling.

Notice – ML signed, dated March 4, 2014. At Public Meeting on Wednesday, April 23, 2014, BCC will hold hearing/act on allocation of County funds for fuels mitigation projects. Funds originate from federal government (Secure Rural Schools/Community Self-Determination Act of 2000 spent under Title III). Public comment welcome prior to/on hearing date. BCC also reviewed/approved a draft Resolution pertaining to allocation of these County funds. Originals to Chris Lounsbury/ OEM.

Resolution No. 2014-015 – BCC approved/signed, dated March 4, 2014. Approval of petition to alter/ partially abandon (reduce in width) the existing 30-foot wide utility easement affecting Lot 2 of Ramos Addition, located in the NW¼ of Section 18 of T 12 N, R 19 W, PMM, Missoula County. Public Meeting held February 26, 2014. Original to C&R.

Additional discussion item(s): None.

#### WEDNESDAY, MARCH 5, 2014

BCC met in regular session; all three present.

Indemnity Bond – JC signed. Clint Erwin Hilliard, Missoula, Principal for Sheriff/Detention Warrant #60038132, issued February 24, 2014 on Inmate Commissary Fund. Amount/\$80 (for trust account). Warrant lost.

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 February 2014.

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 February 2014.

Monthly Report – ML examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of the District Court, Shirley Faust, for month ending February 2014.

#### CAO MEETING

Resolution No. 2014-017 – BCC signed, dated March 5, 2014. Supporting and authorizing submittal of an application to the MT Dept. of Commerce for a Big Sky Trust fund Grant on behalf of Blue Marble Biomaterials. BREDD to manage the grant on behalf of Missoula County. Original to C&R.

Request – BCC approved request from Clerk & Recorder's Office to increase usable donated sick leave hours for employee Lisa Stevens as she recovers from a stroke. Lisa is granted an additional 240 hours, for a total of 480 hours available for use in 2014. Original to Shyra/C&R office, for further handling.

Memorandum – BCC signed a Memorandum, dated March 5, 2014, to all County employees who work under Sheriff Carl Ibsen, Chris Lounsbury, Jason Emery and Greg Robertson for their diligent and professional work during the recent record snowfall.

Additional discussion item(s): None.

01151180

**SPECIAL PUBLIC MEETING – March 5, 2014****1. CALL TO ORDER**

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

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

None

**4. PUBLIC COMMENT**

**Jeffrey James Halverson, Orange Acres:** In light of the ruling of the Dunrovin Ranch, I wanted to bring up a few things; I was there and attended the court case as well. The Judge, McClain asked Deputy County Attorney, James McCubbin why was the Health Department so interested, why was the county pursuing the Miller's after all they've been through? After all the money they've already spent on attorney fees and everything they've done to try to comply with the law. He shook his head and he did not understand. He said I don't understand why you're targeting these people and why you guys are standing in the way of these good people. I wanted to speak and say the Millers are good people and I too want to know why. I think this is something the County Commissioners should really look into as well. I want to bring up the track record; there was the subdivision for purpose of mortgage case that McCubbin also lost. Then he appealed it to the State Supreme Court and lost it again there. Whose interest was that in? Who was the benefit of this and why is the county against these cases? As well as the case like mine, I let homeless people and veterans stay on my property for free. And I filed a counter-claim now, I don't know if McCubbin is keeping you up to date. But the court case basically at this point, they have ruled that my property can never have anything...so much as more than a three (3) bedroom house and I have an eight (8) acre piece of property. I'm on the reservation, tribal members less than 1,000 feet from my house. They've put three (3) septic tanks in, as far as I know, they don't have to get any permits. They can build five (5) feet from my property and septic tanks, which the county is saying I can't build a septic tank. They've said that just like in the Miller's case; McCubbin said the law was funny, or fuzzy, or doesn't seem to make any sense. When you look at the permits on mine, that were before I purchased the property, they said the county's permits didn't make sense. The COSA says the septic field had to be one hundred (100) feet from the irrigation ditch and the county approved it sixty (60) feet from the irrigation ditch. Then before I bought it I went in and I went to the Health Department and I asked them; is this a commercial piece of property? Is it suitable for use? I want you to know I'm a minister, I help people. I don't preach because I have a stutter, I don't talk well. I practice what I preach though and I believe in forgiveness. The first thing that happen when we had a stipulation for preliminary junction; the county asked to inspect my property without a warrant, I said sure come on up, I want to show you what I do for people. I want to show you the safe, clean environment I provide for people, instead of camping on the Courthouse lawn, instead of camping at the WalMart parking lot where there's 75 RV's in the summer ~ and you're suing me for doing the same exact thing. When Tom Barger came to me and said you can't let people camp on your land ~ but the county can let people camp on the Courthouse lawn, it didn't make any sense and I asked why, and that was what I'm guilty of. I'm guilty of asking why and for that I've been targeted. I've come here to ask you again to reconsider and sit down at the negotiation table and look at my case again. I've asked to talk to Hal Luttschwager and I understand he can't talk to me. But I would ask the Commissioners again, as I've asked before. You've seen now that McCubbin has been wrong and people are saying why are...not me, but people like representative Ellie Hill. She said in a radio interview; the judge left the door open for the Millers to sue and get loss of use of their property, and get loss of business and damage to their reputation because of what McCubbin has accused them of. I am asking you to re-evaluate your contract, your deal with McCubbin and get a second attorney, and let me sit down with him. Let me go over my case, he doesn't have to say a word, I just want to show him my case and I want to say; Now am I wrong, or is the county wrong? I've sued the county for damages, for money now. I don't want the taxpayer's money, I want the taxpayer's money to stop being wasted in all these cases that McCubbin has done. It's just like every tax payer in Missoula have all asked why? I just want to sit down and say can we settle this in a way that makes for my property....right now my property's not worth making my mortgage payments on. Because, if I can never build on it, if I can never have anything but a three (3) bedroom house and a business with six (6) employees, you've basically condemned my land. That's why I have to fight. I can't afford \$40,000 or \$150,000 like the Millers have spent on an attorney because it wouldn't be worth spending it on, I'd be better just to tear down my house or walk away and take everything I own. I can't afford that kind of stuff. And you're using the taxpayer's money. McCubbin's strategy is; okay maybe there's a fine or something like that or maybe something you're guilty of but we're going to make you spend \$50,000 in court to prove you're innocent on a stupid violation, and that's his strategy. What is the point of it? People want to know, the Missoulia wants to know ~ Why? Why are the Commissioners intent of abusing people like that and not helping people? That's what I'm asking. Like I said; I'd like to sit down again, I'd love it if you want to talk about communication, you want to talk about being open and everything. Let's just sit down and figure out a solution to this problem. If you want to come see my place, I let the people come see it before; I want you to see what I've done. I've dropped off my 300 sign-in sheets to Mr. Carey and I said you can call all these people, I've never charged anybody rent to stay here. Ask them what they think of me. We're starting a letter campaign in the Missoulia. I've got probably 50 people writing letters about how good of things I do for people. I don't do things to ask people favors and do things that ask people to come back and defend me later on but I'm going to lose everything I own and I'm gonna have to drag everybody into this and say look at what the county's done to me, all I've done is tried to help people.

01/26/2014

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List (\$700,041.43)

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$700,041.43. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

**6. HEARING**

Lifting of Ag Covenant for Potomac School District #11 (COS 2703)

**Jennie Dixon gave staff report.** This five (5) acre tract is vacant and has been utilized by the school since December 1981 for a variety of school activities. In September of 1981 Mr. Hall created this tract through agricultural exemption and subsequently sold the property to the school district. The school district now proposes to improve the property with the multi-use recreation. The community consensus is to create a setting for an assortment of activities for school sporting events and public recreational use. The district has secured over \$100,000 to date for the development of this site as a community recreational facility. To continue with this plan, the school district is now requesting the agricultural covenant placed on the property be lifted. Staff recommends approval of this request to lift the Ag exemption off of COS 2703 for the Potomac School District.

**Alisha Vanderheiden:** The issue of the agricultural covenant came to our attention through the Public Works Department when the school had applied for permits to do some of the work that we've already been doing the last couple of years that was related to culverts. So it came to our attention that there was this covenant on the property and we were informed that even at a recreation site and even the septic field that was approved by the county in the 90's was not legal under the existing covenant. We needed to make sure that we did our due diligence and try to make sure that the project was going to move forward appropriately. This opportunity came to our attention with the amendment in the language to the subdivision review. I brought supporting documents and plans with us that have been well circulated throughout the districts ~ the plans for the site with the multi-purpose grass recreation field and pavilions.

**Chair Curtiss:** So there's not a plan to build other than pavilion type things, you're not going to build a building?

**Alisha Vanderheiden:** No.

**Chair Curtiss:** The reason why it took a little while is because we had to amend our regulations to figure out a way to help public entities lift Ag covenants.

**Executive Session**

Commissioner Landquist made motion that the Board of County Commissioner approve the request by Potomac School District 11 to lift the Agricultural Exemption from the property described as COS 2703 based on the fact there does not appear to be an attempt to evade subdivision review. Commissioner Carey 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 are in recess at 1:45.

Following the Public Meeting, BCC signed Resolution No. 2014-050, dated March 27, 2014, revoking an agricultural covenant (COS #2703) located in Section 14, T 13 N, R 16 W, PMM, Missoula County. Potomac School District 11 proposes to build a public multi-use recreation center at this location. Public Hearing held March 5, 2014. [Document recorded March 28, 2014].

**THURSDAY, MARCH 6, 2014**

BCC met in regular session; all three present. BCC participated in meeting re: Rural Land Managers Memorandum of Understanding.

Indemnity Bond – JC signed. Anderson's, Minneapolis, MN, Principal for Claims-A/P Warrant #27103194, issued October 11, 2013 on County Student Fund. Amount/\$99.20 (for Homecoming supplies). Warrant lost.

Replacement Warrant - JC signed. Tamera Hochhalter, Missoula, Principal for Frenchtown School Dist. #40 Warrant #260-72907, issued September 12, 2011 on County Payroll Fund. Amount/\$796.98 (for cheerleader coaching). No bond of indemnity required.

**ADMINISTRATIVE MEETING**

Resolution No. 2014-018 – BCC signed, dated March 6, 2014. Providing for submission to the people (via the Primary Election on June 3, 2014) the question of whether to establish a Local Government Study Commission. Original to C&R.

Contract – BCC signed. Between County (PHC) and Chung-Wei Kao, DMD to serve as Staff Dentist at PHC. Term/March 19, 2014–June 30, 2015. Amount/\$118,000 yearly. Originals to C&R and Andrea Laine/PHC.

Contract – BCC signed. Between County (PHC) and Missoula Correctional Services (“MCS”) for PHC services at MCS. Term/July 1, 2013 – June 30, 2015. Amount/\$32,000 for FY14; \$33,000 for FY15. Originals to C&R and Andrea Laine/PHC.

Tax Form – JC signed Form 8879-EO – 2012 Exempt Organization return for County’s Comprehensive Medical Benefit Plan (in order to file Form 990 electronically to the IRS). Returned to A. Czorny/CFO.

Resolution No. 2014-019 – BCC approved/signed, dated March 6, 2014. Budget Amendment requested by Bonner Property Development for Bonner Mill Industrial TIF funding in amount of \$20,000 (from Property Taxes to Expenditures/Public Infrastructure) for Blackfoot River Cleanup Project (Spring 2014). For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

Supplement – ML signed. To Memorandum of Agreement between County and MT DOT re: 2013 Air Quality Initiative (MACI) Program Equipment/flush truck purchase. Supplement clarifies timing for payment. Two originals to Greg Robertson/PW for further handling.

Agreements – BCC signed the following Agreements between County (MCCHD) and Missoula County Public Schools (MCPS) to provide Health Fundango Project BMI surveillance and screening services to children in following districts,

- 1) With MCPS District 1; term/December 13, 2013-December 31, 2014.
- 2) With DeSmet Elementary School #20; term/December 13, 2013-December 31, 2014.
- 3) With Lolo School District #7; term/February 15, 2014-February 28, 2015.
- 4) With Seeley Lake School District #34; term/January 20, 2014-January 19, 2015.

Two originals to Julie Mohr/MCCHD.

Agreement – BCC signed. Between County (MCCHD) and Northwest Community Health Center (a WIC agency) to provide Registered Dietitian services to qualified WIC clients. [Previous offeror listed as Lincoln County]. Term/March 1, 2014-September 30, 2015. Two originals to Julie Mohr/MCCHD.

Agreement – BCC signed. Between County (MCCHD) and CHC Software, Inc. to upgrade/maintain HDIS (Public Health Services) software program. Amount/\$1,596.37. Term/February 14, 2014-February 13, 2015. Two originals to Julie Mohr/MCCHD.

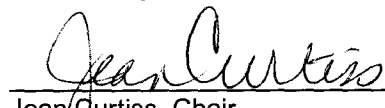
Loan Agreement – BCC approved/signed a CDBG loan request from Western MT Mental Health Center in amount of \$175,000 to purchase property at 1347 Dakota Street to construct 8 units of affordable housing for the homeless. Project term/Summer – Winter 2014. [City Council approved 2014 City of Missoula CDBG grant in March of 2014. WMMHC to pay County 2% of loan amount principal until it receives City CDBG grant funds. Originals to C&R and Cindy Wulfekuhle/GCP for further handling.

Additional discussion item(s): None.

**FRIDAY, MARCH 7, 2014**

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

  
Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, MARCH 10, 2014**

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) TTAC & TPCC update; 4) Discussion on management strategies for County-owned property on Kehrwald Drive; 5) Director's update.

**TUESDAY, MARCH 11, 2014**

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Request – BCC approved request from County Parks & Trails Advisory board to purchase dog waste stations for Big Sky Park. Estimated cost/\$1,351.99 (funds available in budget). Original to Lisa Moisey/Parks.

Resolutions – BCC signed, dated April 9, 2013, canceling certain Special District Elections for May 6, 2014 Election (and electing by acclamation parties who filed nominating petitions for open positions) for the following:

- 1) #2014-021/Bonner Community Council – Donald Felton elected by acclamation for new 3-year term.
- 2) #2014-022/Clinton Irrigation District – Pat Byrne elected by acclamation for new 3-year term.
- 3) #2014-023/East Missoula Community Council – Ken Jenkins and Richard H. Stephens elected by acclamation for new 3-year terms.
- 4) #2014-024/East Missoula RFD – Robert G. Starr elected by acclamation for new 3-year term. No petitions received for two remaining 3-year terms; to be appointed.
- 5) #2014-025/Evaro-Finley-O'Keefe Community Council – Janet C. Stevens elected by acclamation for new 3-year term. No petition received for one remaining 3-year term; to be appointed.
- 6) #2014-026/Frenchtown Irrigation District – Gyla M. Steiner elected by acclamation for new 3-year term.
- 7) #2014-027/ Frenchtown RFD – Dana Cotnoir and Adriane Beck elected by acclamation for new 3-year terms.
- 8) #2014-028/Greenough-Potomac Fire Service Area – William W. Talbert elected by acclamation for new 3-year term.
- 9) #2014-029 and #2014-037/Missoula Irrigation District: Jim Hemphill and Robert J. Cole elected by acclamation for new 3-year terms. No petition received for one 2-year term; to be appointed.
- 10) #2014-030/Missoula RFD– Larry O. Hanson elected by acclamation for new 3-year term.
- 11) #2014-031/Seeley Lake/Swan Valley Hospital District – Jeffrey Aresty and Mary Ann Morin elected by acclamation to new 3-year terms.
- 12) #2014-032 and #2014-040/West Valley Community Council – Colbert Howell, Sr. elected by acclamation to new 3-year term. No petitions received for one remaining 3-year term; to be appointed.
- 13) #2014-033/Big Flat Irrigation District – No petitions received for one new 3-year term; to be appointed.
- 14) #2014-034/Clinton RFD– No petitions received for one new 3-year term; to be appointed.
- 15) #2014-035/East Missoula RFD– No petitions received for three new 3-year terms; to be appointed.
- 16) #2014-036/Evaro-Finley-O'Keefe Community Council – No petitions received for two new 3-year terms; to be appointed.
- 17) #2014-038/Swan Valley Community Council – No petitions received for one new 3-year term; to be appointed.
- 18) #2014-039/Swan Valley Fire Service Area – No petitions received for one new 3-year term; to be appointed.

Grant Application – BCC approved/JC signed MT Board of Crime Control Mini-Grant Application on behalf of Frenchtown Community Coalition to hold a Town Hall Meeting to discuss a video competition among students to focus on preventing underage substance abuse ("Above the Influence Campaign"). Amount/\$5,000 for advertising/prizes/assistance of videographer. Term/April 1 – June 30, 2014. Original to Peggy Seel/GCP for further handling.

Agreement Amendment – BCC signed. To contract between County and The Salvation Army/Winter Shelter Program. Amendment provides additional \$5,000 (BNA contingency funds) for shelter assistance during months of November 2013-April 2014 to an additional 18 households (for total of 135 households served). Originals to C&R and Peggy Seel/GCP.

Additional discussion item(s): None.

### WEDNESDAY, MARCH 12, 2014

BCC met in regular session; all three present in morning. Early morning, BCC attended BID Ratepayers Breakfast, held at Florence Hotel. ML ill and out of office all afternoon.

#### CAO MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 05/CY2014 - Pay Date/March 7, 2014. Total Payroll/\$1,398,795.76. To County Auditor.

Job Creation Grant Contracts – BCC signed, dated March 12, 2014. MT Dept. of Commerce Big Sky Economic Development Trust Fund ("BSTF") Program grant contracts between:

- 1) #MT-BSTF-1-14-04-MP: Category 1: Economic Development Projects Management Plan between County, Bitterroot Economic Development District, Inc. ("BREDD") and Nutritional Laboratories International ("NLI") for proper management of the grant. Amount/\$75 per hour + expenses.
- 2) #MT-BSTF-1-14-04-AB: Business Assistance Agreement between County and NLI, setting forth terms of grant award and respective duties. Amount/\$7,125 per eligible net new job created/not to exceed \$391,875. Term/August 21, 2013-August 21, 2015.



- 3) #MT-BSTF-1-14-04-SR: Category 1: Economic Development Projects Sub-Recipient Agreement between County and BREDD to help NLI with purchase of equipment and creation of jobs in Missoula. Amount/\$75 per hour/not to exceed \$20,625. Term begins upon all signatures received.

Resolution No. 2014-041 – BCC signed, dated March 12, 2014. Budget Amendment for BREDD to show BSTF grant funds revenue in amount of \$412,500, and expenditures thereof for contracts [noted above]. For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

Contract originals to C&R and BREDD; Resolution to C&R.

Board Appointment – BCC reappointed Ruby Chavez to the Big Flat Irrigation District 3, for a new 3-year term until the 2017 Special District Election held.

Letter – BCC approved/BC signed, dated March 11, 2014 to April Norton, LOR Foundation, Jackson, WY in support of the Seeley Lake Regional Outdoor Center for Kinetic Sports (SLROCKS) application to the LOR Foundation for funding of the yurt project.

Letter – BCC signed, dated March 12, 2014 to Michael Cotter, U.S. Attorney/District of MT, Helena, and Jonathan Smith, U.S. Department of Justice ("DOJ"), Washington, D.C., in response to DOJ's invitation to meet to discuss resolution of litigation between Missoula County Attorney Fred VanValkenburg and the DOJ. The County Attorney has legal standing to litigate this matter; the BCC does not have jurisdiction in pending litigation, but has responsibilities to provide effective services to victims of violent crime. The MT Attorney General has supervisory powers over county attorneys. Original to Natasha Jones.

Additional discussion item(s): None.

#### **PUBLIC MEETING – March 12, 2014**

##### **1. CALL TO ORDER**

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

**Commissioners Absent:** Commissioner Michele Landquist

**Staff Present:** James McCubbin, Deputy County Attorney, Erik Dickson, Public Works

##### **2. PLEDGE OF ALLEGIANCE**

##### **3. PUBLIC ANNOUNCEMENTS**

Our mics are not working today so please speak loudly when you make comment. MCAT will be recording the hearing and Robin will be taking minutes.

March is National Meals on Wheels Month.

##### **4. PUBLIC COMMENT**

None

##### **5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List (\$1,687,057.38)

##### **Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$1,687,057.38. Chair Curtiss seconded the motion. The motion carried a vote of 2-0.

##### **6. HEARING (continued from February 12, 2014)**

Hidden Trails Subdivision HOA (Establishing Parking Restrictions)

##### **Erik Dickson gave update with PPT Presentation.**

Brief summary since our last meeting; we've received multiple requests since 2008 to restrict parking in the Hidden Trails Subdivision. We have given the HOA Board the request to get the residents of the subdivision to agree on a proposal that would be suitable to everyone. The current board did and submitted the initial parking restrictions. At the last public hearing there was a number of residents of the subdivision that came to speak on behalf of what seemed to be a fair number that were not in favor of these proposed restrictions. The Commissioners direction was that we meet and try to come up with some sort of negotiated location of the restrictions that would be agreeable to everyone involved. The board did hold a meeting on Monday night, which I was able to attend; they did try to work something that I think was agreeable at the time. The current proposal is to not restrict parking on the North side of Connor Court in its entirety or on Utah or on Judi. They still wanted to try to restrict the parking at the corners in the cul-de-sac for the needs of emergency access turn around and at the community mailboxes and fire hydrants. The current proposal; aside from the cul-de-sac it essentially reflects existing state law; it restricts parking near an intersection or within 30 feet of a stop sign on an approach of a road. It should help, that's the desire. Rather than install of the signs, both the board and the residents, I think, agreed on the fact that we would provide curb marking rather than signs. That is acceptable to both Montana state law and Federal law that identified in the manual on uniform traffic control devices.

**Chair Curtiss:** I remember that the last two houses on Judi Drive that were approved were separate from the original subdivision. Through that subdivision approval, I just drove out there again this afternoon to refresh my memory, the part that's marked on the original on Judi Drive on the north side, says no parking now. That was part of the subdivision approval. That's because at that time the fire department said; we don't want this restricted because of the fire lanes. I remember making the motion and saying; ok, then there needs to be no parking (inaudible). Is this changing that?

**Erik Dickson:** We did have some discussion on that Monday night. I was a little unclear because the no parking signs were referenced and the fact that the curb on the north side of Judi had been painted, it was not by us, it was by a board member at the time or a resident but someone had painted the curb yellow. We weren't sure and I didn't see it before hand, as to what the restrictions were, whether or not it was just for those first one or two houses that were not part of the subdivision or if it was to apply for the whole portion of Judy Drive.

**Chair Curtiss:** It was the last two houses. That was part of the subdivision approval so I'm not sure whether...it was restricted by the subdivision approval, so I don't know whether we can change that one. It was done on the testimony of the fire department.

**Erik Dickson:** If it is still in effect with what the original subdivision and the signs are still in place, so anything that we propose would be just curb marking, which would be at the intersections. If that needed to be extended the full length of Judi Drive, we could certainly do that.

**Chair Curtiss:** Do you propose then they would just be painted yellow?

**Erik Dickson:** Yes

**Chair Curtiss:** And in front of fire hydrants, do we leave yellow or red?

**Erik Dickson:** I believe it's all just yellow. The (in auditable) doesn't differentiate; they prefer yellow or white markings.

**Chair Curtiss:** There was some comment in the minutes about East Missoula Fire getting a new fire truck that was larger than what they had before, so do we feel this will still accommodate them? Was that discussed at the meeting this week?

**Erik Dickson:** It was mentioned. Jim Hamill, that had spoken at the last hearing, I believe was, I don't know if he still is on the board or had spoken with the fire board. He said the only difference with the new truck was that it was slightly longer. It might have a little more difficult time in the curves but he did say that the fire department does have what they consider a contingency plan if we can't make it down the street with longer hoses and access to alleys and front and back of the houses on Connor Court. He made it sound as if it was acceptable to them. I did invite the fire department Chief and the (in auditable) and didn't get a response from them but we do still have their letter from May 29<sup>th</sup> in the file with their comments.

#### **Public Comment**

**Michael Ivanoff, President of the HOA Board:** I was at the meeting Monday night. After thinking about it, after the meeting, we came up with this as a first step and I heard that mentioned at the meeting. I got to thinking about it over the evening and in reality, the reason the fire department I believe stated, in here in their letter, they said that they would have difficulty getting down the cul-de-sac because there's vehicles parked on both sides. I think they're referring to those corners but more to the back. Their contingency plan is to just run hoses. They do not have access with their big fire truck so they're going to have to bring down one of their small pickups and then pump to these two story apartment buildings. Looking at PPT photos. Public safety is the most important issue. The HOA board stands by the no parking Resolution you submitted, speaking to Erik, we have to stand by that Resolution that we want no parking on the north side of each of those streets, in order to have access by the ladder truck.

**Chair Curtiss:** So at your special meeting on Monday, was there a vote taken?

**Michael Ivanoff:** No. I believe this was an offer on the table, to paint the curbs and it sounded like a good first step. In my consciousness I couldn't, after thinking about the fact that those are two (2) story homes and the bedrooms are upstairs on the majority of all those homes. On Discovery Way, the west side, those are two (2) story homes, the second floor enters into the hillside but it's basically a daylight basement so the access for the fire fighters is restricted as well there I believe. Ideally, my hope was no parking, as the fire department said. No parking on one side of each street, so they can get down there. So my biggest concern is the chance that there's a loss of life. I talked to a few of the insurance companies, Farmers and State Farm, they explained to me because there is a reduced service for the fire department, not being able to get down Connor, they just have a pickup with a fire hose. There's potential there that they may have a change of protection class because they're not getting adequate equipment down that road, the fire fighters. I heard from the fire department myself that there's contingency plan but that's it, running a long fire hose with a pickup truck. When the petition was collected, I heard from a few of the neighbors that that was what was mentioned. Even Jim Hammill at that meeting Monday night, when I asked him what was spoken from the petition, I haven't even read the petition, I was never presented with it...that they were just informed it's a contingency plan. They weren't told that the new fire truck has no access to their street. That's where my concern is, if someone's trapped on the second apartment or a second floor bedroom, they may not be able to escape without that ladder truck available. That's where I stand and I feel as an HOA Board we have to stand there to protect their mortgages, their insurance rates. If a fire does take place it might spread to another house, we're there to protect their well-being.

9111125

**Commissioner Carey:** So you're not accepting the county's proposal?

**Michael Ivanoff:** I prefer the original, the one that was presented on the 12<sup>th</sup>; I'd like to stand with that one. That's how we stand as an HOA Board. IT is unanimous as a board decision; we've talked about this in the past. I believe in the last meeting there was some discussion about if there's only one or two people on the board but it's actually majority of the board.

**Chair Curtiss:** I also noticed that it looked like there's a Ballard and some paint where people have access to the mountain?

**Michael Ivanoff:** Yes.

**Chair Curtiss:** Should that be marked though on this list?

**Michael Ivanoff:** That's how I've discovered this information from the fire fighters. I talked to the Asst. Chief because he stopped there to check his keys to make sure they have access to the water tower. It's painted yellow right now but it's very hard to see.

**Chair Curtiss:** It seems like it should be included in the plan.

**Michael Ivanoff:** I asked the water company if they would paint, they said no, they don't do those things. That's another point, when this came up originally with the previous board; they've been pursuing this since 2009, 2008 possibly. They were trying to get some word on getting it painted, they went through and painted the street corners and in front of most all the mailboxes, except for the cul-de-sac. There's not an obvious paint there anymore and in the winter time it's very difficult to see.

**Lindsay Campbell:** I live on Discovery Way, right in the middle. I have to say I'm adamantly against the parking restricting in the original proposal and agree with the ones that are here presented. Mostly for a supply and demand issue, there's very little parking, if any in our subdivision as it is. I know when the subdivision was originally approved it was approved under the guides of two (2) off street parking for every resident. That also doesn't take into account that we have multiplexes, as was brought up. Those have 1.5 parking units per structure, with college kids 1.5 really doesn't work out so well. There are quite a few rentals. Most of the houses that are Connor and Judi, their parking spaces are garages, they are tiny garages. I drive a Ford Escape and it fits in the middle of my two car garage, leaving me with one (1) parking spot. We also have a very popular trailhead and there is no easily accessible other parking in our neighborhood. As you are aware, we all live right off of Hwy 200, so if we did this, Jim went out and counted on Connor, if we restricted it to one (1) side, that would be seven (7) on-street parking for quite a few houses and two (2) multiplexes...and seven (7) on-street parking if we went to the original. This is a nice compromise but regardless we still need enforcement. As you said, there are existing state laws that you can't park in front of a mailbox, you can't park in front of a fire hydrant and you can't park in curves, people do it anyway. So really no matter what we do, we still need help from the county and the Sheriff's Department to come through and write tickets and tow. No matter what we do, without enforcement, it really doesn't matter. Bottom line, enforcement is going to be the key...the key to public safety and the key to fixing any problems.

**Chair Curtiss:** I noticed today when I was out there that some of the garages, if you just park on the apron in front of the garage, the end of your car is restricting the sidewalk. Looked to me like the ones on Connor happen to be deeper, they're set back a little bit more, so there might be room for your car without restricting the sidewalk. Where Utah turns and goes a different direction, it's a little bit restricted there but it seems like most of the people on the right hand side, as you're heading out towards 200, have space that they park closer to their own house. I admit that I was here when we approved this subdivision and I'll tell you that I wouldn't do it again. I'd be more concerned about the size of the roads because the houses are still affordable and that's because they didn't have to put in as much infrastructure but I think the public safety issue is a...and the design of the garage doors is just the oddest thing ever. The door is there, you just have to get rid of that arch, it's not easy to do but it could happen.

**Michael Ivanoff:** The loss of space is with the no parking; six (6) spots along the side and same here (looking at PPT photos) six (6) spots that are lost here on Utah. And as you said, there are no driveways on the south side of Utah, so that's all available parking. Plus, they have their two (2) car garages and they have ample two (2) car spots on their driveways, in most cases. People buy into the neighborhood with the knowledge that that's the house their given, this is the neighborhood they're given. For fire safety, I'd say, they need to park in their lots, in their garages and allow a fire truck to access. There's still parking on that street.

**Chair Curtiss:** So Michael, if we didn't count the cul-de-sac, which you're not supposed to obstruct anyway in the corners and such, you'd be losing four (4) spots on Connor, six (6) on Utah...

**Michael Ivanoff:** On this part of the neighborhood. Since these are multi-family units and I'm thinking about the ladder truck here, if this was no parking as you had in your original, I would say that that's probably a reasonable thing to continue.

**Chair Curtiss:** There is a parking lot there.

**Michael Ivanoff:** Yes, they have two parking lots.

**Chair Curtiss:** Those two (2) parking lots are equivalent of 1.5 per unit?

**Michael Ivanoff:** Yes. They have eighteen (18) spots total for the twelve (12) units. The original builders still own these.

**Chair Curtiss:** I noticed it says Discovery is 32 feet; the others are a little narrower.

#### Executive Session

**Commissioner Carey:** On a close call like this, I want to error on the side of public safety.

**Chair Curtiss:** Erik, I'm looking to see if we could compromise a little bit. Mr. Ivanoff just talked about the continuation of Utah there, or does it change names?

Same name

**Chair Curtiss:** I noticed there were quite a few cars parked there today when I went by. Do you think that section of Utah, that's going to lose another four (4) or five (5)? Is that pretty narrow? I think we should add since it's a plan showing where the yellow paint happens that we should add that little piece in front of the access to the water tower and the mountain. There's some yellow paint there and a Ballard maybe self-applied so people can't drive up there.

#### Motion

Chair Curtiss made motion that the Board of County Commissioners amend Exhibit 1, the map, to include a designation of no parking in front of the access to the water tower on the corner of Discovery. Commissioner Carey seconded the motion. The motion carried a vote of 2-0.

**Chair Curtiss:** James, do we just adopt the Resolution then with the corrected Exhibit?

**James McCubbin:** Yes, I think that's correct if that's the way you want to go. One suggestion I have for the language for the draft Resolution you've got is in the second to last paragraph. Being if further resolved, the County Public Works Director place appropriate signs indicating restrictions....

**Erik Dickson:** You should have...

**Chair Curtiss:** There's a new one. It says curb markings instead.

**James McCubbin:** Oh okay.

**Chair Curtiss:** But we wouldn't take down this...I guess we could take down the sign on Judi that's already there and was part of that subdivision.

**Erik Dickson:** I probably would replace it.

**Chair Curtiss:** Okay so the Resolution now says...resolved part says; Parking within Hidden Trail Subdivision in the north ½ of S24, T11, R19W is hereby prohibited as shown on Exhibit 1. So we'd say on amended Exhibit 1?

**James McCubbin:** It'd still be Exhibit 1 to this Resolution.

**Chair Curtiss:** Be it further resolved that the County Public Works Director provide curb markings indicating restrictions. And then be it further resolved that the Missoula County Sheriff's Department is hereby requested to take such action as required to assure compliance of the parking regulations and the effected easements.

So what this does is...Ms. Campbell is right that enforcement is the only thing that makes any of it work. But right now, if the neighbors called and said somebody is parked in the wrong place and I can't get in my driveway or whatever, the Sheriff's Office doesn't have as much authority to drag you away, or drag the car way, whatever. But a regulated parking area does do that.

#### Motion

Commissioner Carey made motion that the Board of County Commissioners adopt the Resolution dated March 12, 2014. Chair Curtiss 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 2:04.

Following the Public Meeting, BCC signed:

Resolution No. 2014-020 – Dated March 12, 2014. Regulating parking on Discovery Way, Connor Court, Utah Avenue, and Judi Drive, located in the Hidden Trail Subdivision (N½ Section 24, T 13 N, R 18 W), PMM Missoula. {Public Hearings held February 12<sup>th</sup> and March 12<sup>th</sup>, 2014}.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated March 13, 2014:

- Approving request from Sandra McDonald Smith, Missoula, to refund motor vehicle taxes/fees paid for #5GADT135S642349879 (contingent on providing proof of sale).

- Approving request from Liberty Electric Inc., Missoula, to refund motor vehicle taxes/fees paid for #844157 (contingent on providing proof of sale).
- Approving request from Summit Beverage, Missoula, to refund motor vehicle taxes/fees paid for #1220012 (contingent on providing proof of sale).
- Approving request from Lisa A. Haugen, Missoula, to refund motor vehicle taxes/fees paid for #2436127 (contingent on providing proof of sale).
- Approving request from Sharon Williams, Missoula, to refund penalty/interest for taxpayer id #90424990.
- Approving request from Mountain Water Co., Missoula, to refund motor vehicle taxes/fees paid for #1869417 (contingent on providing proof of sale).
- Denying request from Walter & Susie Smith, Missoula, to refund penalty/interest for taxpayer id #3201102. Per Montana Law, BCC has no authority to do so.
- Letter to Partners in Home Care, Inc. (Amanda Yeoman), Missoula, stating the registration she requested be refunded was processed on the State of MT Dept. of Justice website; she must send her request for refund to the Helena DOJ office (not Missoula County).
- Approving request from Magda Podlipny, Missoula, to refund motor vehicle taxes/fees paid for #2580918 (contingent on providing vehicle was totaled).
- Denying request from Laurie Criger, Missoula, to refund penalty/interest for taxpayer id #3110604. Per Montana Law, BCC has no authority to do so.
- Approving request from Kim Fulks, Missoula, to refund motor vehicle taxes/fees paid for #2848551 (contingent on providing proof of sale)
- Approving request from Franz Family Bakeries/Wes Burnett, Missoula, to refund motor vehicle taxes/fees paid for #2533325 (contingent on providing proof of registration in the state of Oregon).
- Letter to Catherine Wombold, Missoula, stating the BCC does not have authority to refund motor vehicle/fees paid online using the State of MT DOJ website. Refund Request form must be sent to Motor Vehicle Division, Helena. State received funds; they must issue refund.
- Approving request from Holly Giarrapito, Missoula, to refund motor vehicle taxes/fees paid for #1GNUKBE01AR226908 (contingent on providing of sale and original tabs).
- Denying request from Leo Michael Might, Missoula, to waive 2011 taxes. Per legislature, BCC has no discretion in this area. Copy of letter sent to Missoula Office of DOR.
- Approving request from Debra L. Neilson, Missoula, to refund 2013 overpayment of motor vehicle taxes charged for  $\frac{3}{4}$  ton pickup when vehicle is  $\frac{1}{2}$  ton pickup.

THURSDAY, MARCH 13, 2014
--------------------------

BCC met in regular session; quorum present. Morning: ML attended Reserve Street Crossing Study Focus Group, held at MRA Conference Room. Evening: ML attended meeting of West Valley Community Council.

#### ADMINISTRATIVE MEETING

Contract – BCC signed. Between County and Seeley Lake Elementary Board of Trustees (“School”) for installation, maintenance and use of electronic sign on grounds of school at 200 School Lane, Seeley Lake. To be used for community events, etc. and air quality/open burning notification. Term/upon signature – June 30, 2019. Amount/approx. \$400 yearly for electricity. Two originals to Julie Mohr/Health Dept. for further handling.

Contract – JC signed. Between County and YESCO LLC to provide all labor and materials for new double-face freestanding EMC sign (including LED electronic message center) at Seeley Lake Elementary School. Term/upon signature – June 30, 2014. Amount/\$39,460. Two originals to Julie Mohr/Health Dept. for further handling. [See above entry].

Resolution No. 2014-042 – BCC signed, dated March 13, 2014. Budget Amendment for Health Dept. in amount of \$11,500 showing revenue from DEQ Riparian Awareness Grant/Water Quality District, and expenditures in same amount for outreach and contracted services for term March-May 2014. [See above entry]. For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

Letter – BCC signed, dated March 11, 2014. Bill Swain, Double Arrow Ranch and Land Owners Association (“DARLOA”) Board President stating the County will discontinue efforts to zone the Double Arrow Ranch, per the DARLOA Board’s request to do so due to lack of support among membership.

Additional discussion item(s): None.

## FRIDAY, MARCH 14, 2014

BCC met in regular session; all three present.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated March 13, 2014. Amount/\$17,602.89. To County Auditor.

  
Vickie M. Zeier

Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

## MONDAY, MARCH 17, 2014

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Target Range Survey; 4) Subdivision Regulations rewrite update; 5) Director's update.

## TUESDAY, MARCH 18, 2014

BCC met in regular session; all three present. Noon: ML attended Chamber of Commerce Luncheon (discussion with Mayor Engen re: purchase of Mountain Water), held at MonTEC.

Replacement Warrant - BC signed. Ponderosa Development, Lolo, Principal for Finance Warrant #30241596, issued August 2, 2013 on County 7920 Fund. Amount/\$101.21 (refund for abated tax bill). Not received in mail; no bond of indemnity required.

ADMINISTRATIVE MEETING

Resolution No. 2014-046 – BCC signed, dated March 18, 2014. Finalizes petition action to partially relocate and partially abandon a 1902 petitioned public road right-of-way for Petty Creek Road (located in Sections 12 and 13, T 14 N, R 23 W, PMM, Missoula County). Original to C&R.

Resolution No. 2014-044 – BCC signed, dated March 18, 2014. Canceling June 3, 2014 Soil Conservation Supervisor Election, and electing by acclamation those that filed nominating petitions: Travis Greenwalt, Art Peneck, Sidney Wills and Robert Schroeder. Original to C&R.

Agreement – JC signed. Between County and Missoula Urban Transportation District for extension of Missoula County Employee Pass Program. Term/July 1, 2013 – June 30, 2014. Amount/\$8,025. Original to C&R.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated March 18, 2014. Amount/\$926.60. To County Auditor.

Letter – BCC signed, dated March 18, 2014 to Ed Toavs, MDT, Missoula, enclosing comments received from Evaro-Finley-O'Keefe Community Council (2/23/14), responding to speed study performed in Evaro area (9/23/14). BCC asks that MDT consider these comments before they prepare formal recommendation to Transportation Commission.

Additional discussion item(s): Road Vacation – Lewis & Clark Drive (Lolo).

## WEDNESDAY, MARCH 19, 2014

BCC met in regular session; all three present.

CAO MEETING

Resolution No. 2014-043 – BCC signed, dated March 19, 2014. Appointing Amy Blixt as Justice of the Peace for Department #1, replacing retiring Justice of the Peace John Odlin. Effective Date: April 1, 2014, and until the person elected at the next general election (2014) is certified. Original to C&R.

Budget Transfer – BCC signed, dated March 19, 2014. Control #14-012 for IS Dept. in amount of \$1,500 to cover additional training/travel required for Mike Snook to attend a GIS conference in Billings. Original to accounting.

Resolution No. 2014-045 – BCC signed, dated March 19, 2014. Budget Amendment for IS Dept. for transfer of \$3,595 from Tech Fund Reserve to a new code to allow Jason Knudson to attend a VMWare class. For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

Resolution No. 2014-047 – BCC signed, dated March 19, 2014. Budget Amendment for IS Dept. for transfer of \$216,000 from Tech Fund Cash to Expenditures for upgrade (Vmware Cluster) to physical infrastructure supporting County systems/servers/applications. For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

Contract – BCC signed. Between County and Ballard\*King & Assoc., Ltd. to perform a Market Analysis and Operating Pro Forma for Fort Missoula Regional Park. Term/upon signature– July 1, 2014. Amount/ \$21,000 (shared with City). Originals to Lisa Moisey/County Parks for further handling.

Additional discussion item(s): Boundary Line Agreement (Bugbee Nature Preserve)

NO PUBLIC MEETING HELD THIS DATE

**THURSDAY, MARCH 20, 2014**

BCC met in regular session; all three present. Morning: JC participated in March for Meals Community Champions Day, held at Providence Center. Afternoon: JC met with Pat O'Herren, et al (Urban Growth Commission), at City Council Chambers.

ADMINISTRATIVE MEETING

Agreement – BCC signed. Between County (MCCHD) and Granite County for provision of public health nursing services in Granite County. Amount/\$45,758. Term/July 1, 2013-June 30, 2014. Two originals to Julie Mohr/ MCCHD.

Agreement – BCC signed. Between County (MCCHD) and Janet Bush, Consultant, for services related to completion of response to State of MT RFP#14-2943R: Maternal, Infant, Early Childhood Home Visiting SafeCare Augmented. Amount/\$2,700. Term/March 20, 2014-April 23, 2014. Two originals to Julie Mohr/ MCCHD.

Resolution No. 2014-048 – BCC signed, dated March 20, 2014. Budget Amendment for Health Dept. in amount of \$11,000 to show revenue from DNRC, MDOT, and Cash (WQD), and expenditures in same amount for additional expenses associated with Buckhouse Bridge stormwater treatment. Project/Fall 2013-May 2014. Montana DNRC #RPG-14-0379. For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

Contract – BCC signed. Between County (PHC) and Jazmin Nelson, DMD to serve as Staff Dentist at PHC. Term/April 16, 2014–June 30, 2015. Amount/\$120,000 yearly. Originals to C&R and Andrea Laine/PHC.

Contract – BCC signed. #14-07-4-51-011-0 between County (PHC) and MT DPHHS for HIV prevention services. Term/January 1, 2014–March 31, 2014. Amount/\$6,468. Three originals to Andrea Laine/PHC for further handling.

Contract – BCC signed. #14-07-4-51-018-0 between County (PHC) and MT DPHHS for HIV prevention services. Term/January 1, 2014–December 31, 2014. Amount/\$25,872. Three originals to Andrea Laine/PHC for further handling.

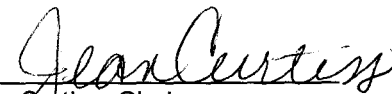
Confidentiality Statement/Conflict of Interest Disclosure – BC signed, dated March 20, 2014; required annually by all PHC Board members.

Additional discussion item(s) None

**FRIDAY, MARCH 21, 2014**

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

  
Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, MARCH 24, 2014**

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Director's update.

**TUESDAY, MARCH 25, 2014**

BCC met in regular session; all three present. Morning: ML attended WUI Listening Session, held at City Council Chambers. Noon: JC/BC attended Missoula Cultural Council Awards Luncheon, held at DoubleTree.

03/17/2014

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 06/CY2014 - Pay Date/March 21, 2014. Total Payroll/\$1,377,218.85. To County Auditor.

Project Prospectus – BCC approved/JC signed Prospectus for South Avenue Bridge Project (between County and MDT), which briefly describes basic aspects of project. Next step in certification process will be agreement. Original to Erik Dickson/Public Works.

Master Contract and Task Orders – BCC signed. Between County and A&E Architects (and subcontractors) for design services for the Fairgrounds Master Plan. Amount/\$181,287 (breakdown below). Term/March-December 2014. Originals to C&R and A&E.

Task Order #A1: Develop Implementation Plan which will collect data and create site layout based on the master plan concept (\$112,667); and

Task Order #A2: Schematic design for Weed/Extension Learning Center that will be located at Fairgrounds (\$68,620).

Originals to C&R and A&E.

Additional discussion item(s): None.

**WEDNESDAY, MARCH 26, 2014**

BCC met in regular session; all three present. Morning: BCC held meeting with Carl Ibsen, et al re: Mental Health Services at MCDF. Afternoon: JC attended celebration for Health Dept's receipt of national acknowledgement by new national Public Health Accreditation Board. Afternoon: JC participated in CDC conference call.

At County Attorneys Departmental Meeting, BCC reviewed/JC signed: Eminent domain Settlement Agreement and Release between Jason Barkell (Releasor) and Missoula County/U.S. Federal Highway Administration (Releasees) in amount of \$42,500 for acquisition of right-of-way easement for Petty Creek Road improvements. Original to J. McCubbin/County Atty's Office.

CAO MEETING

Budget Transfer – BCC signed, dated March 26, 2014. Control #14-011 for Grants & Community Programs in amount of \$9,677 to reflect more accurate salaries/expenditures for Frenchtown SAP Mill Levy Prevention Coalitions; to replace some expenditure lines with other expenditures inadvertently omitted from 2014 budget. Original to T. Graham/Accounting.

Budget Transfer & Amendment – BCC signed, dated March 26, 2014. Control #14-006 for Grants & Community Programs in amount of \$27,600 to show payments from Western MT Addiction Services, Inc. are to be budgeted in a contract revenue account. In order to comply with federal regulations, this Transfer corrects FY14 budget from HHS Block Grant account to a Contract Revenue account. Original to T. Graham/Accounting.

Resolution No. 2014-049 – BCC signed, dated March 26, 2014. Budget Amendment for Grants & Community Programs in amount of \$2,400 to show revenue from DPHHS Block Grant Contract and expenditures in same amount for office supplies/general training. For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

County Transportation Ballot – JC voted "FOR" approval of changed Route 7 (which becomes Route 7A, with increase from 42.8 miles to 78.6 miles daily) for Frenchtown School District. Effective January 31, 2014. Ballot returned to Superintendent of Schools.

Additional discussion item(s): Adopt Seeley/Swan Community Wildfire Protection Plan. OEM to draft resolution for public process.

NO PUBLIC MEETING HELD THIS DATE**THURSDAY, MARCH 27, 2014**

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Request – BCC approved request from Missoula Art Museum to exhibit County's historic Paxson paintings on 100<sup>th</sup> anniversary of hanging of the paintings. Term/June 1, 2014-August 31, 2014. This is opportunity to educate public about these historic paintings, as well as the County Courthouse renovation project. To Anne Hughes/BCC Office.

Revised County Policy – BCC approved Policy No. 2014-01 (Adopted as 2007-06, 11/6/2007; Amended March 27, 2014). Revisions update procedures for requesting, selecting, changing art work so they are less onerous. To Anne Hughes/BCC Office.

Request – BCC approved request from Human Resources for an exception to County HR Policy 210.00 Temporary Assignment at a higher rate to allow increase of up to 23% over employee's regular rate of pay



(vs. current rate of up to 10% over regular rate). Purpose is to provide \$5 per hour increase as requested by Judge Karen Orzech for period April 1 – December 31, 2014 because employee is taking on overall administrative duties for both Depts. 1 and 2 in Justice Court. To HR for further handling.

Contract – BCC signed. Between County and Clark Fork Maintenance for mowing and maintenance care services for Cottage Court and Canyon View Parks. Amount/up to \$2,550 (from RSID 911 and 904 funds, as set forth therein). Term/April 1 - October 31, 2014. Originals to Christine Dascenzo/CAPS.

Request – BCC approve transfer of EDA County RLF Management responsibilities to MT Community Development Corporation (MTCDC). [Item signed by JC April 9, 2014; see April Journal].

Letter – BCC approved/JC signed, dated April 2, 2014 to Honorable Ken Calvert and James Moran/House Appropriations Committee, and Senators Jack Reed and Lisa Murkowski, Senate Appropriations Committee, Washington, D.C., in strong support for appropriation of \$60 million for the Collaborative Forest Landscape Restoration Program, as requested in the President's FY2015 budget. [Letter sent electronically].

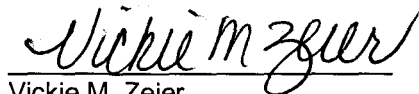
Additional discussion item(s): NACo Dental Discount Card Program

**FRIDAY, MARCH 28, 2014**

BCC met in regular session; all three present.

**SATURDAY, MARCH 29, 2014**

Early evening: BC presented retirement plaque to Deputy John Hinckley, held at Press Box.



Vickie M. Zeier  
Clerk & Recorder



Jean Curtiss, Chair  
BCC

**MONDAY, MARCH 31, 2014**

BCC did not meet in regular session. JC out of office all day for Child Development Center (CDC) Director Interviews. Late morning: BC swore in Interim Justice of the Peace/Dept. 1, Justice/Courtroom and Substitute Judges. ML on vacation.

Community and Planning Services Update – Canceled

MISSOULA COUNTY COMMISSIONERS' JOURNAL: APRIL, 2014
-----------------------------------------------------

BCC = BOARD OF COUNTY COMMISSIONERS

JC = Commissioner Jean Curtiss, Chair

BC = Commissioner Bill Carey

ML = Commissioner Michele Landquist

The following Claims Lists were signed during the month of APRIL 2014:

Date Signed	Claims List Date	Who signed	Amount
April 2, 2014	April 1, 2014	JC, BC	\$2,869.95
			\$409.76
			\$19,097.82
			\$9,717.13
			\$818.52
			\$8,146.21
			\$1,703.89
			\$22,291.14
			\$536.55
			\$90.50
			\$2,627.83
			\$34.44
			\$13,243.00
			\$627.58
			\$750.00
			\$855.09
			\$71.71
			\$194.84
			\$147.00
			\$75.00
April 2, 2014	April 1, 2014	JC, BC	\$4,308.21
April 2, 2014	April 2, 2014	JC, BC	\$90,571.94
			\$1,401.17
April 7, 2014	April 2, 2014	BCC	\$613.35
April 7, 2014	April 3, 2014	BCC	\$7,052.74
			\$12,753.44
			\$7,431.78
April 7, 2013	April 4, 2014	BCC	\$373,727.67
April 8, 2014	April 3, 2014	ML, BC	\$2,603.00
April 8, 2014	April 7, 2014	ML, BC	\$2,419.65
			\$13,926.64
			\$8,663.34
			\$2,025.12
			\$5,089.75
			\$49,342.23
			\$1,161.95
			\$1,650.00
			\$9,086.99
			\$6,973.80
			\$182.78
			\$4,421.64
			\$69.02
April 9, 2014	April 7, 2014	JC, ML	\$7,523.51
			\$11,688.64
			\$1,221.64
			\$7,775.00
			\$2,589.93

April 9, 2014	April 8, 2014	JC, ML	\$328.00
			\$22,083.23
			\$838.56
			\$30.00
			\$32,850.38
			\$4,958.30
			\$1,879.69
			\$8,953.07
April 10, 2014	April 9, 2014	JC, ML	\$901.00
			\$703.95
			\$5,751.95
			\$7,570.71
			\$1,043.99
			\$2,547.99
			\$250.00
			\$317.68
			\$1,112,907.64
			\$1,480.24
April 2, 2014	PHC Smartfill ACH		\$22,820.30
April 4, 2014	PHC Amerisource ACH		\$17,971.90
April 9, 2014	PHC Smartfill ACH		\$31,565.20
April 11, 2014	April 10, 2014	JC, BC	\$4,795.51
			\$19,570.32
			\$3,352.15
			\$5,211.60
			\$193.75
			\$825.00
			\$208.64
April 14, 2014	April 14, 2014	BCC	\$157,049.81
April 15, 2014	April 14, 2014	BCC	\$29,971.24
			\$124,624.78
			\$126,991.53
			\$4,787.86
			\$6,676.50
April 16, 2014	April 15, 2014	BCC	\$8,444.75
			\$9,175.08
			\$189,000.00
			\$3,054.84
			\$5,640.02
			\$3,041.12
			\$2,889.27
			\$14,737.23
			\$13,616.43
			\$3,948.25
April 17, 2014	April 15, 2014	BCC	\$13,217.33
April 17, 2014	April 16, 2014	BCC	\$5,128.79
			\$220.00
			\$2,947.06
			\$433.42
			\$1,198.69
			\$46.50
			\$65.00
			\$1,052.20
			\$290,829.17
April 17, 2014	April 16, 2014	JC, ML	\$12,761.46

April 17, 2014	April 17, 2014	JC, ML	\$1,645.51
			\$2,767.84
			\$2,992.15
			\$89,924.15
			\$30.00
			\$1,400.00
			\$1,627.18
			\$27,110.00
			\$1,023.02
April 21, 2014	April 15, 2014	BCC	\$4,528.36
April 21, 2014	April 21, 2014	BCC	\$633.39
			\$23,566.30
April 22, 2014	April 21, 2014	BCC	\$2,469.96
			\$200,014.93
			\$3,540.59
			\$578.32
			\$11,285.21
			\$186.50
			\$50.00
			\$112.26
			\$138.34
			\$628.47
			\$111,338.28
			\$21,751.27
			\$21,527.19
			\$94,535.50
			\$100.95
			\$12,500.00
			\$14,191.00
			\$414.96
			\$16,202.99
			\$18.00
			\$673.20
April 24, 2014	April 22, 2014	JC, ML	\$77,494.13
			\$25,162.90
			\$2,604.84
April 24, 2014	April 23, 2014	JC, ML	\$464.25
			\$1,946.13
			\$39,469.33
			\$6,577.07
			\$71,048.08
			\$125.18
April 11, 2014	PHC Amerisource ACH		\$16,913.64
April 16, 2014	PHC Smartfill ACH		\$36,635.52
April 18, 2014	PHC Amerisource ACH		\$34,371.58
April 23, 2014	PHC Smartfill ACH		\$51,607.78
April 28, 2014	April 23, 2014	BCC	\$49,511.91
April 29, 2014	April 23, 2014	BCC	\$10,498.49
			\$645.68
April 29, 2014	April 24, 2014	BCC	\$10,312.02
April 29, 2014	April 28, 2014	BCC	\$6,664.80
			\$3,846.12
			\$830.37
			\$10,679.66
			\$783.82
			\$664.23
			\$98,055.10
April 30, 2014	April 28, 2014	BCC	\$14,522.80
			\$409.40

April 30, 2014	April 29, 2014	BCC	\$1,199.95
			\$1,200.00
			\$209,673.51
			\$14,003.95
			\$2,726.35
April 25, 2014	PHC Amerisource ACH		\$44,382.86
April 30, 2014	PHC Smartfill ACH		\$26,249.85

All Claims Lists were returned to the Accounting Department.

#### TUESDAY, APRIL 1, 2014

BCC did not meet in regular session. JC at CDC Director Interviews until noon. In the afternoon, JC also attended RAC at Fort Missoula. ML out of office all week.

#### ADMINISTRATIVE MEETING - Cancelled

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated April 1, 2014. Amount/\$2,680.01. To County Auditor.

#### WEDNESDAY, APRIL 2, 2014

BCC met in regular session; quorum present. Early evening: JC/BC attended annual meeting of Friends of the Historical Museum at Fort Missoula, held at Holiday Inn. ML out of office all week.

Replacement Warrant - JC signed. MTAG Cust. ATCF II, New Orleans, LA, Principal for Treasurer Warrant #30245844, issued November 18, 2013 on County 7150 Fund. Amount/\$2,273.70 (for property assignment 132872). Not received in mail. No bond of indemnity required.

Replacement Warrant - JC signed. Matthew A. Smith, Missoula, Principal for Financial Services Warrant #31321206, issued June 28, 2013 on County Payroll Fund. Amount/\$121.86 (for wages). Not received in mail. No bond of indemnity required.

Indemnity Bond – JC signed. John C. Adams, Missoula, Principal for Financial Services Warrant #31320371, issued March 22, 2013 on County Payroll Fund. Amount/\$660.74 (for wages). Warrant lost.

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 March 2014.

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 March 2014.

#### ADMINISTRATIVE MEETING

Agreement – BCC signed, dated April 2, 2014. Between County and MCCHD for WIC program assistance. Amount to MCCHD/\$10,000. [Current program is \$28,000 short to pay WIC staff; Health Dept. will make up \$8,000 and City is contributing \$10,000]. Term/July 1, 2013-June 30, 2014. Originals to C&R and Grants.

Board Appointments – BCC appointed the following to new 3-year terms until the May 2017 Special District Election is held:

- 1) Marcia Tapp to Swan Valley Community Council,
- 2) Vern Sharp (reappointed) to Swan Valley Fire Service Area Board; and
- 3) Roy Handley (reappointed) to Clinton Rural Fire Dept. Board.

Letter – BCC signed, dated April 2, 2014 to Anthony Foxx, Office of Secretary of Transportation, Washington, D.C., requesting that the USDOT support the City of Missoula's grant application for \$21 million in TIGER funds to reconstruct Russell Street from Broadway to Dakota Street.

Additional discussion item(s): CAPS (Hilary Schoendorf) review of Sundown Acres Subdivision.

#### SPECIAL PUBLIC MEETING – April 2, 2014

##### 1. CALL TO ORDER

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

**Commissioners Absent:** Commissioner Michele Landquist

**Staff Present:** Hilary Schoendorf, CAPS

##### 2. PLEDGE OF ALLEGIANCE

##### 3. PUBLIC ANNOUNCEMENTS

None

**4. PUBLIC COMMENT**

**Jeff Smith, co-chair 350 Missoula:** Our mission is to encourage the transition to a renewal energy based society. 350 is an affiliate of an international organization called 350.org. Our name refers to the level of CO2 in our atmosphere that scientists believe is safe, the level at which there will be no permanent changes to our climate....350ppm (parts per million). Unfortunately last year for the first time scientist measured 400ppm in the atmosphere. We're climbing by 2% a year. I think the County Commissioners have an opportunity; at least I want to bring to your attention an opportunity to weigh in on an issue of importance to Missoula County. There are two different Environmental impact statements being drafted right now about the Otter Creek Coal Mine, in southeastern Montana. The first is being done by the State Department of Environmental Quality, which is run by someone that we know very well in Missoula...Tracy Stone Manning. The Department is looking at the impacts of the new mine, which at its peak will generate about 30 million tons a year of coal. This coal is for export to China and will come through Missoula County on trains, for the most part. We think that the cumulative impacts include some of the train traffic that will come through Missoula County and the effects it will have on our health and safety and our environment. We're encouraging elected officials from Missoula County to write the Department of Environmental Quality and ask them to, as part of their environmental impact statement, to include a public hearing in Missoula County.

**Kate Campbell, first female brakeman hired by the railroads since WWII:** I worked on the railroad for 16 years as a 'brakeman'. I'm interested in a lot of aspects of this because we in Missoula County are going to get all the impacts and none of the benefits of this product that will be passing through our community. There are various estimates of how many more will be coming through every day. We're not talking about two (2) or three (3) more trains a day, we're talking about ~ Washington State seems to have settled on the estimate of 18 trains a day. It's all speculative and dependent on how much coal they take out of the mine, which will go up every year. Let's go with the lowest number...looking at 18 more trains through Missoula every day, these trains are 125 cars long, they're each 110 tons, so they are really hard on the railroad track which is worrisome in terms of derailments and weakened areas of track. One of the main issues is the dust ~ the coal dust that's going to come off of these cars, along with some coal nuggets. Another issue is blocking crossings. Our county goes from Beavertail Hill Park to Alberton and there are just over a dozen at-grade crossings. There's a law that states that any improvements, any mitigation to the infrastructure of at-grade crossing improvements 95% of it reverts to the public. By law, the railroad is only responsible for 5%. Spokane was granted a public hearing; a lot of Montanans drove over to that public hearing. I would say that conservatively it was 10-1 opposing this plan. The range of testimony surprised me. There were nurses and doctors, that are familiar with childhood asthma, that are worried about coal dust. The things that really stood out for people were the noise, the banging of those cars at crossings, the diesel fumes, the coal dust and the hindrance of emergency vehicles at the at-grade crossings. Public safety and health is a huge issue here that's being taken seriously by Washington representatives. The other thing, and this again is speculative, but I don't think it's too far off the mark; we could potentially start to see Bakken Oil shipments coming through Missoula, depending on who they sign contracts with, where that oil is going. So we're going to get coal unit trains and potentially Bakken Oil unit trains through here. I would argue that the constituency in this county will be directly affected; this is not a virtual threat. I encourage you to think about your constituency in the county and to understand that many thousands of people will be affected by this and to help us request a hearing in Western Montana for the accumulative effects of this project.

**Commissioner Carey:** How long, do you know, are they planning to operate the Otter Creek Mine at the level you're talking about?

**Kate Campbell:** That's a really good question and I've heard like 20 years or something. It's a stunningly short period of time, considering that the impact that this is going to have on us. It's not a long term process. The millions of tons that are estimated to come out of there ~ by 2018 they are saying between 74 and 99 million tons of coal will come out of Otter Creek. By 2023 between 128 to 170 million tons. This coal is being sent to Asia, this is not for domestic market.

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List (\$2,223,766.27)

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$2,223,766.27. Chair Curtiss seconded the motion. The motion carried a vote of 2-0.

**6. HEARING**

Sundown Acres (3 lots on 4.79 acres) Sundown Road, Target Range Area.

**Hilary Schoendorf gave staff report.** I'm here to present the proposal for Sundown Acres Subdivision, 3 lots on 4.79 acres. The subject property contains a single family residence and existing barn. There's an irrigation ditch that runs along the Southern boundary line. There's an existing driveway that bisects the property and accesses the existing single family residence. The subject property is located in the Target Range west end zoning district, this zoning district allows for one single family residential unit per property and has a minimum lot size of one (1) acre. The property is located in the 2010 Target Range Neighborhood Plan; it designates this property as one (1) dwelling unit per acre...so it's in line with the zoning. The preliminary plat shows that the proposed lot 1 will contain the existing house; it'll be approximately an acre. Proposed lot 2 will contain the existing barn. Lot 2 will be restricted to be used only for agricultural purposes and it is also approximately an acre. Lot 3 is vacant currently but it's the proposed location for a new home, it is 2.77 acres. The existing driveway that is

currently there is proposed to be abandoned and a new onsite road will access all three (3) lots, that road is on the Eastern side of the property line called Downriver Drive. The applicants are again designating lot 2 approximately an acre to Ag land to mitigate the impacts for the loss of land. Lot 2 currently as proposed is for Ag purposes and this is done through the covenants...this is the language that is included in the covenants; lot 2 of this subdivision shall be used exclusively for agricultural purposes. And structures erected on the said properties such as a barn, toolshed or corral must be intended for agricultural purposes only and used as such. This restrictive covenant shall run with the said real property and be revocable only by mutual consent of the property owner of the said property and the Missoula Board of County Commissioners. Staff added two (2) conditions to basically strengthen this restriction so that in the case it was overlooked in the covenants, we requested that it be placed on the face of the plat, as well in a deed with the property. There's currently a 20 foot irrigation easement along the southern boundary and there is an irrigation ditch easement that will run along the western boundary of lot 3 and along the southern boundary of lot 2. No water rights are being abandoned or transferred. The off-site road is Sundown Road in this case, its 20 feet wide within a 60 foot county right-of-way, it meets the road standards for the Missoula County Subdivision Regulations. The proposed Downriver Drive, which accesses all three (3) lots; Missoula County Subdivision Regulations state that for an onsite road that access three (3) lots it has to be 18 feet wide for the paved width. For a road that accesses two (2) lots, it can narrow to 14 feet wide. At this point, what's being proposed is Downriver Drive starts off at 18 feet wide and then narrows right after the first driveway to 14 feet. At this point at 14 feet it has 3 foot shoulders on each side, so it gives it a 20 foot width, which allows it to meet fire code. This is also a loop driveway so it provides a turnaround as well. The applicants are requesting two (2) variances from the pedestrian facility standards. Missoula County Regulations required that a walkway goes along the perimeter of the subdivision along a roadway; so in this case a walkway would be required along Sundown. And also a walkway would be required along one side of the onsite road, so they are requesting that a variance from these two standards. This is really because this is kind of viewed as a...although this a three (3) lot subdivision, we looked at it as a two (2) lot subdivision since lot 2 is only being used for agricultural purposes and does not have a buildable right, so only two (2) homes can be built. This standard is only triggered during a three (3) lot subdivision and not a two (2) lot. They're proposing an individual well and septic system for lot 3 for the new home. Lot 1 has an existing septic and drainfield and there's no proposal for water supply or wastewater treatment for lot 2, since it's only to be used for Ag purposes. Staff recommends approval subject to the conditions that are in the staff report.

**Chair Curtiss:** Is there an RSID waiver for a future sidewalk on Sundown Road?

**Hilary Schoendorf:** There is. It's on page 18 ~ #6.

**Peter Walker-Keleher, DJ&A:** Hilary did an excellent job of presenting the project; I don't have anything to add at this time.

**Fred Stewart:** On behalf of the Target Range Homeowners Association and I'm also an adjoining property owner to the north of this particular property. I had an opportunity to make comments earlier, as a Target Range Homeowner Association representative. I talked to Hilary this morning to find out that indeed one of the comments that I had made earlier had been incorporated into her presentation. I was glad to hear that. We're okay with the request for variances in terms of the walkways and so on; I think that's totally appropriate with the character of the neighborhood. There were a couple of things that I wanted to comment on and I don't know that it's specific for this particular property, you guys will have to help me on that. The protection of the Ag land is something that I'm personally quite interested in and the homeowners are quite interested in as an important resource in the community. I wonder about the wording which is in the covenant and the suggestion was that it would be not just in the covenants but, it would be part of the deed as well. Even so, the wording is not air tight, in that it says; "at some future point, if the owner and the County Commissioners agree mutual consent, then it could change out of Ag purpose and into residential purpose", I'm assuming. So I'm wondering if in this case, and possibly in other cases, I'm not familiar with the wording that's typically used, but I'm wondering if it wouldn't be possible to just say that; "this land is dedicated for agricultural purposes." Leave out the part about; "unless at some future time the Commissioners and the owner by mutual consent decided to do something different."

**Chair Curtiss:** Fred, I think that language comes from State law regarding – we normally do this type of thing through what's called an exemption process, to allow for a lot to be created without going through subdivision to maintain it for agriculture. So that is the language that's in State law. But in order for it to have the Ag exemption taken off, it still has to go through subdivision review. So it has a whole other process, that we give the community another opportunity, to see if things had changed in your neighborhood that it made sense or not.

**Fred Stewart:** I understand that and Hilary explained that to me well this morning, but it's still a comment that I think that in any time there's...

**Chair Curtiss:** I think this is the first time we've ever had somebody come and say I want to do a subdivision and one (1) lot would be agricultural only. Usually those come to us just separately as an exemption in law, like the family transfer and boundary line relocations. This is from the law so we used it this way.

**Fred Stewart:** It's my observation, that's my comment. Another comment had to do with information that was on an earlier document and I didn't go to the website to look at all of the detail. A comment that I made earlier was in reference to the share of the road cost to be borne by the agricultural lot. My recollection is that the Ag lot would be responsible for 50% of future maintenance cost of the road and the driveway and I just felt...

**Chair Curtiss:** Is that in the covenants then?

**Hilary Schoendorf:** I'm not sure where that language is.

**Fred Stewart:** It may have been in the covenants. So my point was that agricultural use of that driveway would most likely be pretty limited. It seemed that putting 50% of future cost of Ag, the use of that...who ever owns that lot would be relatively high and would make it more expensive for agricultural production over time. That's a common argument that I think we hear, is that these small parcels that go into Ag – they're too small to be economically viable and they are just going to become a weed patch? So I just wanted to bring that up as a problem that could exist for someone who wanted to use it for agricultural purposes. And to put a little bit different hat on; I would be interested in extending my orchard there and my next door neighbor is interested in that property. There will be interest in that property for Ag purposes and trying to set an example of how agriculture could be given an advantage, not an unfair advantage but some advantage, in terms of what the costs are to keep it in agriculture, I think would be helpful.

**Peter Walker-Keleher:** I was just looking at the latest version and I believe that we have 20% allocated to lot 2, the agricultural lot. I just spoke with the owner and there's no problem with putting all that cost on the owners of lot 2 & 3. I think to Mr. Stewart's point in terms of not wanting to be punitive towards the owners of the agricultural lot.

**Hilary Schoendorf:** You mean 1 & 3? Not lot 2.

**Peter Walker-Keleher:** The cost should just go to lots 1 & 3, thanks.

**Chair Curtiss:** The Irrigation easement that's shown – the 10 foot one...That's just an easement it's not going to extend the water at this time, right?

**Hilary Schoendorf:** I believe it is the construction of a future easement for piping. Is that true?

**Chair Curtiss:** I just wondered if the extension of the irrigation facilities to lot 2 & lot 1 are part of what would be done before you file a plat or if it's just putting the easement there for future.

**Peter Walker-Keleher:** At this point it's easement. Then the owners of lot 2 or lot 1 would have the right to construct either an irrigation ditch or lay pipe, but that would not be a part of this construction prior to final plat.

**Chair Curtiss:** But it does have in the language that the rights to the irrigation water go to all three (3) lots, right?

**Peter Walker-Keleher:** Correct. And I think the irrigation right...the water right is held by the Missoula Irrigation District. But the intent of those easements is that water can be conveyed to those other two lots.

**Chair Curtiss:** One other comment I wanted to make is just in regard to the comments from CFAC, where they commented they'd like to see more land in the agriculture lot. This is very unique, I think, to have the lot actually created for Ag purposes only but that doesn't mean that some of the 2.7 acres that are left in the new lot, with the new house, can't be used for Ag too. I think that's a fair proposal.

#### **Executive Session**

**Chair Curtiss:** Hilary, where would we offer to change that one condition for driveway maintenance. Can we add one?

**Hilary Schoendorf:** It's not addressed in the staff report but we could add a condition. Maybe I could draft a condition pretty quickly.

**Chair Curtiss:** So that would be to amend the covenants?

**Hilary Schoendorf:** Yes, to amend the covenants.

**Chair Curtiss:** Which tab?

**Hilary Schoendorf:** Appendix D, Section 3.

**Chair Curtiss:** Peter, is that what you want to do is just split 50/50 for lot 1 & 3?

**Peter Walker-Keleher:** Yes.

**Hilary Schoendorf:** So we can just say; the covenants shall be amended as follows, lot 1 and lot 3 to pay 50% of all maintenance costs for the roadway.

**Chair Curtiss:** So it would be to amend the covenants section 3, driveway maintenance.

**Hilary Schoendorf:** So you're changing the first sentence to say; lots 1 and 3 shall share...(striking out lot 2). And change the next to last sentence to say; lot 1 to pay 50% and lot 3 to pay 50% (striking out lot 2 to pay 20%).



Chair Curtiss: Yes.

**Motion**

Commissioner Carey made motion that the Board of County Commissioners approve the above changes to Appendix D, Section 3, Driveway Maintenance. Chair Curtiss seconded the motion. The motion carried a vote of 2-0.

**Motion**

Commissioner Carey made motion that the Board of County Commissioners approve the variance request from article 3.3.7.3 to waive the requirement for a pedestrian walkway on one side of the on-site road, Downriver Drive, based on the findings and fact in the staff report. Chair Curtiss seconded the motion. The motion carried a vote of 2-0.

**Motion**

Commissioner Carey made motion that the Board of County Commissioners approve the variance request from article 3.3.7.3 to waive the requirement for a pedestrian walkway along the perimeter of the subdivision that abuts the road Sundown Drive, based on the findings and fact in the staff report. Chair Curtiss seconded the motion. The motion carried a vote of 2-0.

**Motion**

Commissioner Carey made motion that the Board of County Commissioners approve the Sundown Acres Subdivision based on the findings and facts in the staff report, and subject to the recommended conditions of approval, and the amended covenants in the staff report. Chair Curtiss 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 2:20.

**THURSDAY, APRIL 3, 2014**

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

ADMINISTRATIVE MEETING

EMPG Application – JC signed. State of MT DES Emergency Management Performance Grant application for funding to reimburse Deputy DES Coordinator position, additional equipment for Emergency Operations Center/Incident Management Team/training. Amount requested/\$87,483. Term/October 1, 2014 – September 30, 2015. Two originals to Chris Lounsbury/OEM.

Notice – JC signed, dated April 3, 2014. Notice of Public Comment Period for Adoption of Seeley Swan Fire Plan 2013 Revision as component of Missoula Community Wildfire Protection Plan. Comments must be submitted before Public Meeting on May 28, 2014 at 1:30 pm. Original to Chris Lounsbury/OEM.

Plan Amendment – BCC signed, dated April 3, 2014. Exhibit 8.23 to Missoula County Employee Benefits Plan amending Medical Benefits, as well as Medical/Dental/Vision/Life Benefits Eligibility, as set forth therein. Original to C&R.

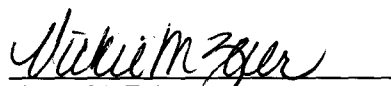
Resolution No. 2014-051 – BCC signed, dated April 3, 2014. Budget Amendment for CAPS showing use of County Open Space Bond funds in amount of \$84,000 towards purchase of conservation easement in Woodworth Meadows area near Seeley Lake, MT (Rich Ranch Open Space Project/County portion). For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

Request – BCC approved request from Dale Bickell, CAO to offer new CAO position to Vickie Zeier and to negotiate a contract for final BCC approval. BCC conducted internal recruitment for new CAO position.

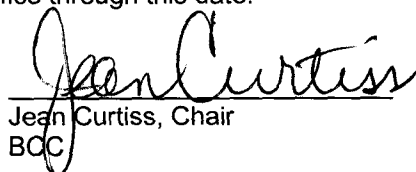
Additional discussion item(s): None.

**FRIDAY, APRIL 4, 2014**

BCC met in regular session; quorum present in afternoon. JC at CDC Director Interviews all morning. Afternoon: JC met with Paul and Dan Villa. ML out of office through this date.



Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, APRIL 7, 2014**

BCC met in regular session; all three present. Afternoon: JC attended Special Water Quality District Board meeting, held at Health Department.

Monthly Report – ML examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of the District Court, Shirley Faust, for month ending March 2014.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Bonner Property Development BLR; 4) Director's update.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated April 7, 2014. Amount/\$37,250.52. To County Auditor.

#### TUESDAY, APRIL 8, 2014

BCC met in regular session; quorum present. JC out all day at Forest Land Assessment Committee meeting, held in Helena.

ADMINISTRATIVE MEETING – *Canceled*

#### WEDNESDAY, APRIL 9, 2014

BCC met in regular session; quorum present. BC out through Thursday, April 10<sup>th</sup> at MT Gerontology Society's 34<sup>th</sup> Annual Conference, held at Hilton Garden Inn.

Replacement Warrant - JC signed. Victoria Allen, Missoula, Principal for Elections Warrant 322518, issued November 11, 2013 on County 1000.000.144.410610.112.00000 Fund. Amount/\$119.52 (for 2013 Municipal Election Wages). Not received in mail; no bond of indemnity required.

Replacement Warrant - JC signed. Thomas Morin, Missoula, Principal for Elections Warrant 250413, issued March 11, 2014 on County 1000.000.144.410610.357.00000 Fund. Amount/\$55 (for 2014 Election Judge Training). Not received in mail; no bond of indemnity required.

Replacement Warrant - JC signed. Victoria Allen, Missoula, Principal for Elections Warrant 322865, issued November 11, 2013 on County 1000.000.144.410610.112.00000 Fund. Amount/\$8.89 (for 2013 Municipal Election Wages). Not received in mail; no bond of indemnity required.

#### ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 07/CY2014 - Pay Date/April 4, 2014. Total Payroll/\$1,394,079.97. To County Auditor.

Addendum – BCC signed, dated April 9, 2014. To annual contract between County and PHC for State HB 130 FY14 funding for PHC's Access to Therapy Program, as well as match money for Dept. of Corrections grants to provide mental health for inmates transitioning to release status. Amount/\$19,074. Term/July 26, 2013 – June 30, 2014. Source grant provided through DPHHS/AMDD. Originals to C&R and Erin Kautz/Grants.

Contract – BCC signed, dated March 31, 2014. Between County and Western MT Health Center (WMMHC) for State HB 130 FY14 funding to continue services under Strategic Crisis Intervention Plan. Amount/\$33,700. Term/July 26, 2013 – June 30, 2014. Source grant provided through DPHHS/AMDD. Originals to C&R and Erin Kautz/Grants.

Subrecipient Agreement and Financial Assistance Award – JC signed both. Between County and MT Community Development Corporation (MTCDC), approving transfer of Economic Development Administration grant funds for use as a RLF, on behalf of Pyramid Mountain Lumber. Due to dissolution of MAEDC (past recipient with County of said EDA funds), MTCDC is new manager of grant funds. Originals to C&R and Cindy Wulfekuhle/Grants.

Memo – BCC signed, dated April 9, 2014. To employee of Detention Center, denying his grievance. BCC determined there was no contract violation.

Additional discussion item(s): None.

#### PUBLIC MEETING – April 9, 2014

##### 1. CALL TO ORDER

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

**Commissioners Absent:** Commissioner Bill Carey

**Staff Present:** Jennie Dixon, CAPS, Brandee Tyree, Missoula Forum for Children and Youth,

##### 2. PLEDGE OF ALLEGIANCE

##### 3. PUBLIC ANNOUNCEMENTS

PROCLAMATION: *Prescription Drug Misuse Awareness Week*  
Chair Curtiss read the Proclamation

Brandee Tyree gave an update regarding the Missoula Forum for Children and Youth. She also gave an update regarding the Drug Misuse Program.

**4. PUBLIC COMMENT**

**Gypsy Ray, Frenchtown Coalition:** We're having a community meeting April 15<sup>th</sup> at the Frenchtown High School ~ Stop Underage Drinking in Frenchtown MT, with Keynote Speaker Andy Duran, Executive Director for LEAD.

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List (\$708,196.16)

**Executive Session**

Commissioner Landquist made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$708,196.16. Chair Curtiss seconded the motion. The motion carried a vote of 2-0.

**6. HEARING (Certificate of Survey)**

Bonner Mill Site Boundary Line Relocation

**Jennie Dixon gave staff report.** This is a request from Bonner Property Development, LLC, to utilize the boundary line relocation exemption for property located on Highway 200 East and White House Lane in Bonner, described as Tracts 3A-1 and 28A, COS #6348 and Tracts 25, 26, 27 and 29, COS #5999, Sections 21 and 22, T13N, R18W, P.M.M., Missoula County, Montana.

**Nathan Lucke, Territorial Landworks:** Showed boundary/lot maps and explained the boundary line relocations.

**Executive Session**

Commissioner Landquist made motion that the Board of County Commissioners approve the request by Bonner Property Development, LLC, to use the boundary line relocation exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Chair Curtiss second 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 2:09.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated April 10, 2014:

- Denying request from Electronic Bill Payment Services, Sioux Falls, SD, to waive penalty/interest for taxpayer id #3575704. Per Montana Law, BCC has no authority to do so.
- Denying request from Electronic Bill Payment Services, Sioux Falls, SD, to waive penalty/interest for taxpayer id #2011091302. Per Montana Law, BCC has no authority to do so.
- Approving request from Debra Neilson, Missoula, reconsidered their March 2014 decision, and will go back to 2008 and refund amount overcharged for 2008 GMC ½ ton truck. (Ms. Neilson paid amount in error charged for ¾ ton truck).
- Approving request Daniel Kosch, Lolo, to refund motor vehicle taxes/fees paid in error for vehicle #1265578.

**THURSDAY, APRIL 10, 2014**

BCC met in regular session; quorum present. Morning: JC attended Sentinel Kiwanis meeting for presentation of Lyle Heath Volunteer Awards. BC out all day at MT Gerontology Society's 34<sup>th</sup> Annual Conference, held at Hilton Garden Inn.

**ADMINISTRATIVE MEETING**

Corrected Resolutions – BCC signed, dated April 10, 2014. Correcting previous Resolutions that contained errors re: Special Districts May 2014 Election, as follows:

- 1) Resolution No.2014-052 (replacing Res. #2014-021): Bonner Community Council; corrects number of terms open (one vs. two), as well as misspelled name of Donald Felton.
- 2) Resolution No.2014-053 (New Vacancy Resolution): Bonner Community Council; as a result of correcting terms.
- 3) Resolution No.2014-054 (replacing Res. #2014-023): East Missoula Community Council; corrects number of terms open (one vs. two).
- 4) Resolution No.2014-055 (replacing Res. #2014-028): Greenough-Potomac Rural Fire District Board of Trustees; corrects number of terms open (two vs. one).
- 5) Resolution No.2014-056 (New Vacancy Resolution): Greenough-Potomac Rural Fire District Board of Trustees, as a result of correcting terms.

Originals to C&R.

Change Order – ML signed. #4 to Contract between County and MT Outback Construction, Inc. for County Detention Center Outdoor Recreation Project. Order provides new FS electrical boxes/covers needed to protect wiring for added cameras. Amount/\$2,418.62. New total contract amount/\$304,974.62. Term/September 15, 2013 – March 31, 2014. Originals to C&R and Larry Farnes/Facilities.

Request – BCC reviewed two proposals and chose Great West Engineering to develop a preliminary engineering report and RRGL application for Buena Vista Park Cooperative Association's project to connect with City sewer. Original to Greg Robertson/Public Works for further handling.

Amendment – BCC signed. #2 to Contract between MCCHD and CTA Architects for remodel of Waiting Area and Offices at MCCHD. Amendment addresses architectural costs for unexpected code requirements involving basement sprinkler heads and final plan changes in preparing drawings/specifications for bid. Additional amount/\$6,500. Term/November 11, 2012 – December 31, 2014. Two originals to Julie Mohr/MCCHD for further handling.

Letter – BCC signed, dated April 9, 2014. To Scott Graham, Missoula White Pine Sash Site ("Sash Site") Project Manager ("Sash Site"), MT DEQ, Helena, commenting on clean-up of former Sash Site. BCC believes clean-up should be as complete as possible to protect public health and our sole source aquifer. Plan also needs to protect uses currently allowed through zoning, including residential.

Letter – BCC signed, dated April 8, 2014. To S. Johnson/Compliance Specialist, DOR, Liquor Licensing, Helena, re: application for new MT Retail Off Premises Consumption Beer/Wine License for Dale's Dairy, 2106 Clements Road, Missoula. Search of County's Property Information System show 1<sup>st</sup> half of 2013 taxes in amount of \$6.42 have not yet been paid. Penalties/Interest may accrue daily.

Additional discussion item(s): CAO transition and Elections function. BCC directed staff to schedule a public hearing on May 14<sup>th</sup>.

#### FRIDAY, APRIL 11, 2014

BCC did not meet in regular session. ML out all morning at Real Change Redesign Workshop, held at First Interstate Bank. BC out all day

Letter – BCC signed, dated April 11, 2014 to Michael Cotter, U.S. Attorney/District of MT, Helena, and Jonathan Smith, U.S. Department of Justice ("DOJ"), Washington, D.C., in response to their letter received April 10<sup>th</sup> re: MT Attorney General's Office contact with the DOJ to initiate settlement discussions with the Missoula County Attorney. BCC favors a negotiated settlement, as stated in BCC's March 12, 2014 letter. [Note: Letter NOT sent].

  
Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

#### MONDAY, APRIL 14, 2014

BCC met in regular session; all three present. Late morning until mid-afternoon: BCC attended State of the Community Luncheon, hosted by City Club (ML spoke on behalf of BCC). Afternoon: BCC, et al, held meetings re: Missoula College, and Snowbowl Road/Maintenance issues.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Subdivision Regulations rewrite update; 4) Director's update.

#### TUESDAY, APRIL 15, 2014

BCC met in regular session; all three present. Noon: JC served on panel at press conference for *Prescription for Prevention* Summit, held at City Council Chambers.

#### ADMINISTRATIVE MEETING

Change Order – BCC signed. #1 to Contract between County and A&E Architects for County Courthouse Phase 3A Annex 2<sup>nd</sup> Floor Office Remodel. Order addresses asbestos abatement/3<sup>rd</sup> Floor West. Amount/\$17,875. New total contract amount/\$1,350,499. Term to July 1, 2014. Originals to C&R and Larry Farnes/Facilities.

Loan Program Agreement – BCC signed, dated April 7, 2014. Between County and Susan Miner, property owner at 136 Dallas, Lolo, for RSID 8901 Lolo Water/Sewer District Loan Agreement for moderate-or low-income owner-occupied household secured by real property. Funds from CDBG Program income RLF. Amount/\$2,850. Originals to C&R and Jean Harte/GCP.

Agreement – JC signed. Between County and Great West Engineering, Inc. to develop a preliminary engineering report and RRGL application for Buena Vista Park Cooperative Association's ("BVPCA") project to connect with City sewer ("Buena Vista Wastewater System Improvements"). Agreement effective April 10, 2014. Project funded by TSEP planning grant with balance paid by BVPCA. Two originals to Greg Robertson/Public Works for further handling.

Application – JC signed. Mill Levy verification (\$206,538.46) for DNRC Conservation District Grant Program HB223 Grant Application for Missoula Conservation District for the *Montana Biological Weed Control Coordination Project*. Amount requested/\$15,000; total project cost/\$65,450. Application approved by Missoula Conservation District Board of Supervisors meeting on April 14, 2014.

Request: Records Disposal/Transfer Authorization – JC signed. From Sheriff/Detention: Detention Payroll/Timesheets, dated January-December 2009. To be destroyed.

Request: Records Disposal/Transfer Authorization – JC signed. From Sheriff/Detention: a) Paper copies of Booking Records (arrests prior to 12/31/2003); and b) Inmate medical/dental records (arrests prior to 12/31/2003). Destroy/check if confidential or private.

Request: Records Disposal/Transfer Authorization – JC signed. From Sheriff/Detention: Juvenile arrests sealed/DOB 1985 or prior. Destroy/check if confidential or private.

Additional discussion item(s): None.

### WEDNESDAY, APRIL 16, 2014

BCC met in regular session; quorum present. Morning: JC attended *Prescription for Prevention* Summit, held at Hilton Garden Inn. Noon: BC/ML/DB, et al, attended MDA Officers Luncheon, held at 218 E. Main. Afternoon: JC participated in Neurobiology of Trauma Webinar. Afternoon: BCC held meeting with DB & Pat O'Herren re: Milltown State Park.

#### ADMINISTRATIVE MEETING

Amendment – BCC signed, dated April 9, 2014. To SFY14 Agreement for Missoula Foster Child Health Program between MCCHD and DPHHS (Missoula Child/Family Services Division. Amendment expands MCCHD responsibilities and payment to MCCHD from CFSD for services of \$90 per child served. New total contract amount/\$121,207. Term/October 13 2013 – June 30, 2014. Two originals to Julie Mohr/MCCHD for further handling.

Additional discussion item(s): 1) Homeland Security Grant Application; 2) Flooding update.

#### NO PUBLIC MEETING HELD THIS DATE

### THURSDAY, APRIL 17, 2014

BCC met in regular session; all three present. Morning: ML attended 2014 Missoula Housing Report Press Conference, held at Hilton Garden inn. Afternoon: BCC held meeting with FEMA and MT DNRC.

#### ADMINISTRATIVE MEETING

Request – BCC approved/authorized DB & BC to sign MT Dept. of Commerce Reimbursement Request for Payment Form for ALCOM's first Big Sky Economic Development Trust Fund (BSTF) Job Creation Grant (#MT-BSTF-1-13-11) Payment awarded to County on January 17, 2013. Amount requested/\$292,500. Original to Kelly Yarns/BREDD.

Request – BCC approved request from Parks/Trails budget for their 2014 contribution to County Weed District's *Leave No Weeds* program. Original to Christine Dascenzo/CAPS/Parks.

Memorandum of Agreement – BCC signed. Between County and Buena Vista ("BV") Community, Inc. for assistance with connecting to City of Missoula sewer system. MOA obligates BV Park owners to pay local match requirement of TSEP grant obtained to develop preliminary engineering report. BV amount/\$15,000 (via low-interest loan from NeighborWorks MT). Original to C&R.

Memorandum of Understanding – BCC signed, dated April 17, 2014. Between County (OEM) and The Salvation Army to manage in-kind donated items in the event of a local disaster. Originals to C&R and OEM.

Addendum – BCC signed. To Master Contract between County and A&E Architects for design and construction management of Phase 3B, 3<sup>rd</sup> floor/Courthouse Annex (Courtrooms). Total proposed fee/\$272,500. Term/January 2014 – February 2015. Originals to C&R and A&E.

Agreement – BCC signed. DUI Task Force contract between County (MCCHD) and County Grants & Community Programs (on behalf of the Missoula Underage Substance Abuse Prevention [MUSAP] Program). Amount/not to exceed \$4,250 (from Driver's License Reinstatement Fees). Term/July 1, 2013-May 31, 2014. Two originals to Julie Mohr/MCCHD.

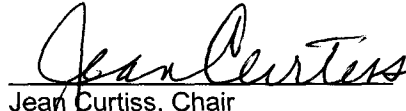
Additional discussion item(s): City Life Center update.

### FRIDAY, APRIL 18, 2014

BCC met in regular session; quorum present in afternoon. Morning to early afternoon: JC attended Mental Health/CDC meeting. Afternoon: JC participated in Public Health System Improvements Task Force conference call. Afternoon: JC/ML attended Lowell School Health Center Open House.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated April 18, 2014. Amount/\$6,710.51. To County Auditor.

  
Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, APRIL 21, 2014**

BCC met in regular session; all three present. Afternoon: JC attended County Resource Advisory Council meeting. Evening: JC attended Next Generation Broadband Feasibility Study Presentation, held at City Council Chambers.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Wylder Seeley Lake Shoreline Permit (*action*); 4) Bentgrass Meadows Subdivision Phasing Plan Amendment (*action*); 5) Glacier Creek Meadows Phasing Plan Amendment (*action*); 6) Director's update.

Shoreline Permit – JC signed. #2014-08 for Applicant James M. Wylder to replace an existing dock with one of same size at 212 C Street on Lot 68, Seeley Lake Shoresites. Original to Todd Kietz/GCP.

Letter – BCC signed, dated May 19, 2014 to Carl Saunders, Missoula, approving phasing plan amendment for Bentgrass Meadows Subdivision. Final plat submittal deadlines are extended as follows: Phase 1 to March 19, 2018; and Phase 2 to March 19, 2020.

Letter – BCC signed, dated May 19, 2014 to Glacier Creek Meadows, LLC, c/o John Keller, Seeley Lake, conditionally approving phasing plan amendment for Glacier Creek Meadows Subdivision. Final plat submittal deadlines are extended as follows: Phase 1 to April 27, 2016; Phase 2 to April 27, 2018; Phase 3 to April 27, 2020; and Phase 4 to April 27, 2022.

**TUESDAY, APRIL 22, 2014**

BCC met in regular session; all three present. Afternoon: BCC, et al, held meeting re: Broadband Feasibility Study.

**ADMINISTRATIVE MEETING**

County Payroll Transmittal Sheet – BCC signed. Pay Period: 08/CY2014 - Pay Date/April 18, 2014. Total Payroll/\$1,410,704.79. To County Auditor.

Contract – BCC signed, dated April 22, 2014. Between County (OEM) and Selkirk Training Group for staff development with Management Team and 9-1-1 dispatch staff. Amount/ \$13,000. Term/April 1 – December 30, 2014. Originals to C&R and Chris Lounsbury/OEM.

Memorandum of Understanding – JC signed, dated April 17, 2014. For cooperation and management of New Invasive Terrestrial Plans on lands within the Flathead Reservation, and Lake, Sanders and Missoula Counties. Term/May 1, 2014 – December 31, 2018. Five originals to Bryce Christiaens/Weed District for further handling.

Mutual Aid & Assistance Agreement – BCC signed, dated April 22, 2014. Between Missoula Correctional Services, Inc. and Missoula County Detention Facility to provide sharing of resources, personnel, and equipment in the event of a local disaster or other emergency. Term/for 5 years, with renewal. Originals to C&R and Sheriff's Department

Contract – BCC signed. Between County and BTL Lining, Inc., Prineville, OR, (lowest bidder) to install pond liner for approx. 79,000 sq. ft. pond at Larchmont Golf Course. Amount/not to exceed \$60,500. Term/May 5 – May 8, 2014. Original to C&R.

Amendments – BCC approved amendments to four (4) MT Dept. of Commerce ("DOC") BSTF Category 1 Job Creation Grant Contracts between Missoula County and following, on behalf of the Recovery Center Missoula ("RCM"). DOC decided the eligible business for the grant was RCM's parent organization, Western MT Mental Health Center ("WMMHC"); these Amendments change these contracts to reflect same.

- 1) JC signed. #MT-BSTF-1-13-12A: With DOC for provision of funding.
- 2) BCC signed. #MT-BSTF-1-13-12-AB-A: Business Assistance Agreement with WMMHC.
- 3) BCC signed. #MT-BSTF-1-13-12-MP-A: Management Plan with BREDD.
- 4) BCC signed. #MT-BSTF-1-13-12-SR-A: Sub-Recipient Agreement with BREDD.

Project end: February 5, 2015. Originals to C&R and/or BREDD.

Resolution No. 2014-057 – BCC signed, dated April 22, 2014. Supporting and authorizing submittal of an application to the MT Dept. of Commerce for a Big Sky Trust Fund Category 1 Job Creation Grant on behalf of Advanced Technology Group (ATG). BREDD to manage grant on behalf of Missoula County. Original to C&R.

Request – BCC approved/authorized DB & BC to sign MT DOC Reimbursement Request for Payment Form for the Recovery Center/WMMHC's Big Sky Economic Development Trust Fund (BSTF) Category 1 Job Creation Grant (#MT-BSTF-1-13-12). Payment awarded to County on February 5, 2013; contract end/February 5, 2015. Amount requested/\$75,000 (total grant budget). Original to Kelly Yarns/BREDD.

Additional discussion item(s): Bear Creek Road issues.

**WEDNESDAY, APRIL 23, 2014**

BCC met in regular session; all three present.

Site Visit - JC accompanied Greg Robertson on site visit to Lewis & Clark Drive, and Lolo to Lolo Hot Springs Road.

**ADMINISTRATIVE MEETING**

Budget Transfer – BCC signed, dated April 24, 2014. Control #14-013 for CAPS/Parks in amount of \$29,800 to create unique budget codes for Spring 2014 Matching Grants (as set forth above).

Resolution No. 2014-059 – BCC signed, dated April 23, 2014. Budget Amendment for Road Dept. for transfer of \$200,000 from Land Sale Account and \$200,000 from Cash/Land Sale Account to Road for match required for Lolo to Missoula Trail TIGER grant. For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

Contract – BCC signed. Between County (PHC) and Lynne Rogers, FNP-C to serve as Nurse Practitioner at PHC locations in Missoula and Seeley Lake. Term/May 5, 2014–June 30, 2015. Amount/\$93,000 yearly. Originals to C&R and Andrea Laine/PHC.

Contract – BCC signed. Between County (PHC) and Todd Fife, MD to serve as Physician at PHC. Term/August 18, 2014–June 30, 2016. Amount/\$128,000 yearly. Originals to C&R and Andrea Laine/PHC.

Amendment – JC signed. #1 to Contract No. 14-07-4-51-104-0 between County (PHC) and DPHHS for HIV Medical Case Management Services. Term of contract changed (adding one year) to July 1, 2014 – March 31, 2015. Amount/\$157,000 (includes \$72,000 for case management; no more than \$7,200 for admin expenses). Three originals to Andrea Laine/PHC.

Amendment – JC signed. #1 to Contract No. 14-07-3-01-010-0 between County (PHC) and DPHHS for colon, breast and cervical cancer screenings. Term/July 1, 2013 – September 30, 2014. Amount/\$187,610. Three originals to Andrea Laine/PHC.

County's Major Subdivision Application Form – BCC approved/JC signed. For subdivision of Lot 1B, Block 4, Missoula Development Park/Phase 1B and Lot 1, Block 4, MDP/Phase 1, and relocation of boundary line between Parks 12 & Lot 1B. Owners/Subdivider: County and First Interstate Bank. Purchase price/approx. \$495,000 (\$3 sq ft), plus half of subdivision fee of \$11,750. Term/April 2014-Closing. Original to Barb Martens for further handling.

Resolution No. 2014-060 – BCC signed, dated April 23, 2014. Budget Amendment for El Mar Estates Maintenance SID (El Mar HOA) for Capital Outlay expenditure in amount of \$5,000 for FY14 park projects that include a basketball court and landscaping. For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

Resolution No. 2014-058 – BCC adopted at meeting this date/JC signed, dated April 23, 2014. Reimbursement Resolution financing up to \$500,000 for 317 Woody Street renovation to house CVA program. Resolution required for County to seek reimbursement through a future debt issuance. Project/September 2012-January 2013. Original to C&R.

Deed Restriction Agreement – JC signed. Between County (Purchaser) and Randy Johnson (Grantor) for property at 3417 Kehrwald (as part of FEMA acquisition project with grant funds). Property has been cleared of all debris. Deed Restriction limits future use of property and erection of new structures. Originals to Todd Kietz/GCP for further handling.

Requests – JC signed, April 23, 2014. Request for Full Reconveyance stating County has fully paid/satisfied its debt as legal owner/holder of promissory note in original sum of \$14,291 secured by Deed of Trust (Sept. 23, 1994) for property at 3417 Kehrwald Drive, wherein Randy Lee Johnson is Grantor and Stewart Title of Missoula County, Inc. ("Stewart") is Trustee, and Missoula County is Beneficiary. JC also signed Substitution of Trustee, naming Stewart as Successor Trustee for above property. Originals to C&R.

Additional discussion item(s): None.

**PUBLIC MEETING – April 23, 2014**

**1. CALL TO ORDER**

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

**Staff Present:** Deputy County Attorney James McCubbin, Greg Robertson, Public Works, Shyra Scott, Clerk and Records Office

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

Proclamation ~ Sentinel Kiwanis Missoula Volunteer & Missoula Youth Volunteer Day, April 10, 2014.  
Chair Curtiss read the Proclamations.

Western Days at Historical Fort Missoula this weekend.

**4. PUBLIC COMMENT**

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List (\$2,941,043.67)

**Executive Session**

Commissioner Landquist made motion that the County Commissioners approve the Current Claims List in the amount of \$2,941,043.67. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

**6. HEARINGS****a. Petition to Abandon a Portion of a Public Right-of-Way (Portion of Lewis & Clark Drive & Lolo to Lolo Hot Springs Road)**

Shyra Scott verified that Mr. Jenks paid the appropriate fees, and that he obtained the appropriate signatures.

**Chair Curtiss:** Two different LLC's are affected.

**Mr. Jack Jenks:** I'm one of the land owners of Tract 2, COS 5520. This could be viewed as phase 2 ~ in 2010 when we were developing and building the multi-family apartment complex next door, we came to the Commissioners and asked you to abandon this same portion of road, just farther to the west.

Mr. Jenks gave update and showed PPT Presentation of the property.

**Chair Curtiss:** Are you planning to build a second building there in the near future or is that a possibility?

**Mr. Jenks:** We don't have anything definite yet. Right now I'm trying to decide whether to hold on to it or sell it, but either case, I think it makes sense to abandon that road through the middle of it, just to stop the traffic going through it. We don't have anything on the drawing board as far as development.

**Chair Curtiss:** If I remember correctly, when you improved that flag pole at that flag lot, you provided space for people to walk.

**Mr. Jenks:** That's correct. As part of that abandonment process, we gave the county a non-motorized easement, trail easement that runs up the flag pole. Right now it stops right about in the middle of that lot that we project that Lewis & Clark Drive could or should be located. I've had some decision with Mr. Robertson about that and we would be willing to extend that non-motorized trail easement along the southerly boundary and then up the easterly boundary, so that you would have access all the way down to Hwy 12. Part of that then would be to abandon this little piece of the easement here because at that point it goes nowhere.

**Chair Curtiss:** So, if that's something that the Commission agrees with – that the abandonment was okay, would we want that as part of this? Normally we don't condition things but we could offer that up so that it's still part of this, right?

**Greg Robertson:** Initially when the abandonment was considered, there was a request for an easement because of some of the development that was occurring.

**Chair Curtiss:** And the kids walk to school.

**Greg Robertson:** Yes. Now that things are coming along with the Lolo to Missoula trail, it's going to increase the need to consider that piece of area on the survey. With that offer it will satisfy any concerns that I have for providing access for those folks along Hwy 12.

**Chair Curtiss:** Because we can't legally convert one right-of-way to another but when somebody offers something up we can it.

**James McCubbin:** Exactly and you can condition road abandonments. For example, you could partially agree to a petition, if you wanted to do that. Normally we wouldn't be able to impose this type of condition without an offer from the owner because it could be considered a taking. But since it's been offered you can certainly accept that condition. That does affect the safety on it for the kids and so forth. That seems like a really good idea from my perspective.  
One other note is on the stem of the trail that we current have, was the abandonment of that path included in this petition?

**Mr. Jenks:** No, it's not. I didn't really consider that a road.



**James McCubbin:** It's not.

**Chair Curtiss:** Is there another process for abandoning that?

**James McCubbin:** Normally we would process an abandonment of any kind of public way the same way we do a road petition. There's no statute on how does a county abandon a trail easement, there's no real law on that that I'm aware of. So I've advised in the past that we process it the same way as we do a road abandonment.

**Chair Curtiss:** But right now it provides access for people to get to your apartment complex and in the future whether you develop or someone else, it could still provide for that, so you'll have to think about whether that is needed.

**Mr. Jenks:** Well all I'm asking to abandon that easement from the middle of that lot down to the corner.

**Chair Curtiss:** It has to be part of the petition, right?

**James McCubbin:** Informally, I just did a little sidebar with Greg and the stub trail easement that is being asked to be abandoned is not substantive, there's no developed trail there. And the proposed new trail easement would replace that, essentially alter it. I'm told by Greg that there's no substantive use of the trails so under those circumstances I think you can abandon that piece of stub trail today. I don't think we need a separate process.

**Chair Curtiss:** We can't do it today anyway.

**James McCubbin:** Right, but as part of this process is what I'm saying. You're right; this is just the first hearing. That is something that you should confirm when you are on site, that that won't substantially change anything. Ideally when we get to a Resolution if we could include that in the findings that would be a good idea as well. But we need to specifically spell out if that's the decision after the viewing that the road is being abandoned but that's on a condition upon on a grant of the trail easement and I can assist with drafting that up. I think we did that documentation for the prior one.

**Mr. Jenks:** That was all one package deal on the first time.

**James McCubbin:** Right. I just wanted to do that analysis because we didn't specifically have that announced for this hearing process. It's minor enough and not being a substantiate change, I think we're okay with proceeding with this.

**Chair Curtiss:** We take turns as to who the Commissioner is to do the viewing and it's my turn. I called Greg a little bit ago and told him I have some open time this afternoon so after this meeting, I think we can make it out there by 3:00. So if anyone would like to join us. Are you available Mr. Jenks?

**Commissioner Landquist:** Are there going to be some jersey dividers or something there so that cars can't drive on it anymore?

**Greg Robertson:** Yes.

**James McCubbin:** Just to respond to that. The abandonment as proposed would not actually prevent people from driving along the border of that property. We could put a sign up where that driveway/intersection is saying; dead end, no through access. You can't actually put a jersey divider to the edge of the abandonment.

**Chair Curtiss:** No but I think some of the traffic was coming from the apartments.

#### **Executive Session**

Hearing recessed until May 14<sup>th</sup>. Viewing today at 3:00 p.m. with Chair Curtiss and Greg Robertson. Decision will be made on May 14<sup>th</sup>.

#### **b. Adopt Resolution to Authorize Expenditure of Title III Funds**

Chris Lounsbury from the Office of Emergency Management could not be here today because he's out of town.

These are dollars that we get from the Federal Government Secure Rural Schools and Community Self Determination Act. Missoula County has chosen to take our portion to be used for Fuel Mitigation on private property in the WUI. Information has been out for public comment but I don't see that we have received any. The Resolution would authorize the use of \$120,000 in Title III Funds for use in reimbursing local fire service agencies for fire wise communities program projects that they undertake to assist home owners.

#### **Public Comment**

None

**James McCubbin:** I will toss in some public comment since we don't have fire personnel present. I provide legal assistance to fire districts fairly regularly and I know that by large they consider this to be a very helpful and useful program.

**Executive Session**

Commissioner Carey made motion that the County Commissioners adopt the Resolution to authorize expenditures of Title III Funds. 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 are in recess at 1:56.

Following the Public Meeting, BCC signed Resolution No. 2014-061, dated April 23, 2014. Authorizing use of funds (\$120,000) under Title III of the Secure Rural Schools and Community Self-Determination Act for reimbursement to local fire service agencies for Firewise Communities Program projects (to assist homeowners in fire sensitive ecosystems with landscaping that can increase protection of life/property). Funds allocated as follows: 1) Missoula RFD: \$30,000; 2) Frenchtown RFD: \$38,000; 3) Greenough-Potomac Fire/Blackfoot Challenge: \$8,700; 4) Swan Ecosystem: \$20,000; 5) Missoula City FD: \$14,500; and 6) Clinton RFD: \$8,700.

**THURSDAY, APRIL 24, 2014**

BCC met in regular session; quorum present. BC out of office through Friday, August 25<sup>th</sup> at SACHA (re: Senior Housing Co-ops) Annual General Meeting, held in Calgary, Alberta. Afternoon: ML/JC attended groundbreaking at WMMHC John e. Lynn Apartments, 1347 Dakota Street. Evening: ML attended Potomac Volunteer Dinner, held at Greenough Community Center.

Plat – JC/ML signed. Owners Bradley T. and Veronica C. Morris. West Rattlesnake Addition, Block 2, Lot 6, located in the SW¼ of Section 14, T 13 N, R 19 W, PMM, Missoula County. Boundary Line Agreement signed to establish West Bank of Rattlesnake Creek as Common Boundary on Bugbee Nature Preserve and Morris property.

Indemnity Bond – JC signed. CTA, Billings, Principal for A/P-Claims Warrant #27106229, issued December 23, 2013 on County Misc./Federal Fund. Amount/\$26,591.39 (for facility study fees). Warrant lost.

**ADMINISTRATIVE MEETING**

Amendment – BCC signed, dated April 15, 2014. To Agreement between County and Missoula Tavern Owners Association for operation of beer garden at Western MT Fair. Amendment allows cash sale of miscellaneous products (tomato juice, chewing tobacco, cigarettes) if cash register is used to record sales. Allowable deductions from gross revenue have also been adjusted to include 50% of cost of insurance. Originals to C&R and Barb Berens/Auditor.

Grant – JC signed Signature Page, authorizing County Sheriff's Office to apply/renew West Central MT Drug Task Force Grant (#RFP 14-09(G)). Funds help pay for one County Sheriff's narcotic detective (approx. \$73,000), and provides \$5,000 to each of Lake, Ravalli, Mineral Counties, and CSKT Tribal Law Enforcement for personnel costs. Term/July 1, 2014 – June 30, 2015. Original to Josh Clark/Sheriff's Office for further handling.

Application – JC signed. On behalf of County Sheriff's Office for Dept. of Homeland Security Grant (managed by DES Services) for advanced training for bomb techs/supplies for ongoing monthly training/disruption tools. Amount/\$15,000. Term/October 1, 2014 – September 30, 2015. Original to Jeremy Meeder/Sheriff's Office.

Application – JC signed. On behalf of County Sheriff's Office for Dept. of Homeland Security Grant (managed by DES Services) to upgrade existing Remotec F6A robot to include new radio and total refurbishing (to extend service of robot by approx. 15 years). Amount/\$99,857. Term/October 1, 2014 – September 30, 2015. Original to Jeremy Meeder/Sheriff's Office.

Agreement & Budget Transfer – JC signed four (4) Agreements between County Parks and Trails Advisory Board and following for monetary awards from Spring 2014 Matching Grant Awards for park improvements. Grants will expire two years from contract date:

- 1) East Missoula Lions Club County Park for up to \$4,000 for park maintenance.
- 2) Historical Museum at Fort Missoula for up to \$1,800 to install pathway from street to Iris garden.
- 3) Potomac School District #11 for up to \$15,000 for community recreation complex.
- 4) UM Wildland Restoration Program for up to \$9,000 for County conservation parks.

Budget Transfer – BCC signed, dated April 24, 2014. Control #14-013 for CAPS/Parks in amount of \$29,800 to create unique budget codes for Spring 2014 Matching Grants (as set forth above).

Budget Item to Teresa Graham; originals of Agreements to Christine Dascenzo/Parks.

County Transportation Ballot – JC voted "FOR" approval of twenty-eight (28) route changes/additions for MCPS. Ballot returned to Superintendent of Schools.

Letter – BCC signed, dated April 22, 2014. To Ron Milam, Missoula, thanking him for his time and effort in organizing and indexing old survey records, which were given to County in order to make them available to public and to save them from being lost or destroyed. Original to Steve Niday for signatures from Public Works/Surveyors.

Additional discussion item(s): None.

**FRIDAY, APRIL 25, 2014**

BCC did not meet in regular session. BC out of office through this date at SACHA (re: Senior Housing Co-ops) Annual General Meeting, held in Calgary, Alberta. ML out of office all day.

  
Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**SATURDAY, APRIL 26, 2014**

Evening: ML presented plaque to Judge John Odlin at his Retirement Celebration, held at Best Western Grant Creek Inn.

**MONDAY, APRIL 28, 2014**

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) EQC Letter to County Commissioners; 4) Director's update.

**TUESDAY, APRIL 29, 2014**

BCC met in regular session; all three present in morning. Afternoon: JC attended *Local Fire Management Leadership Training: "Neighborhood Relationships Panel"*, held at Ruby's Reserve Street Inn. Late afternoon: JC attended State Parks Stakeholders Focus Group meeting, held at Travelers' Rest.

Replacement Warrant - JC signed. Anders Brooker, Missoula, Principal for MCPS Warrant #28-231693, issued April 18, 2014 on County Payroll Fund. Amount/\$1,254.79 (for wages). Not received in mail; no bond of indemnity required.

**ADMINISTRATIVE MEETING**

Grant Agreement – JC signed. Treasure State Endowment Program/MT DOC Contract #MT-TSEP-PL-15-823 with County and Buena Vista Park for assistance with development of preliminary engineering report in order to connect to City sewer. Grant amount/\$15,000 (with match from NeighborWorks MT low-interest loan). Two originals to Greg Robertson/Public Works for further handling.

Bid Award – BCC approved bid award to Knife River (as lowest bidder) for FY15 asphalt for maintenance of existing paved roads. Amount/\$272,400 (\$45.40/ton). To Erik Dickson/Pubic Works.

Contract – BCC signed, dated April 24, 2014. Between County and Destination Missoula for planning/design of Urban Wayfinding system for the Missoula Development Park and Missoula International Airport. Amount/\$10,000. Term/March 18, 2013-2014. Originals to C&R & Barb Martens/Special Projects.

Amendment – BCC signed. To Interagency Agreement with County and Federal Highway Administration for Petty Creek Road Monument. Agreement extended for six months (to November 1, 2014) to allow for completion of work. County to receive \$3,290 to reset primary survey monument destroyed during road construction. Term/March 18, 2013-2014. Two originals to Steve Niday/Surveyors for further handling.

Signatory Designee – BCC approved request from Water Quality District that Health Officer Ellen Leahy be authorized signatory for BCC with regards to grant application/contract with DNRC for Preliminary Engineering work associated with potential stormwater pretreatment project at outfall located at Buckhouse Bridge. Funding for \$7,500 awarded from DNRC for project. Original to Travis Ross.

Letter – BCC signed, dated April 24, 2014 to Dr. Gregory Ridgeway/Acting Director, National Institute of Justice ("NIJ"), Washington, DC, in support of University of Montana Criminology Research Group's application for NIJ grant funds to pursue research on sexual assault and effective responses in Missoula.

Letter – BCC signed, dated April 29, 2014 in response to March 28, 2014 letter from 13 Missoula County Employees requesting BCC take action to rescind authorization for the 30 years of service Voluntary Employee Beneficiary Association (VEBA). BCC stated members of VEBA already have option to vote annually on whether or not to continue participation in a VEBA group. BCC has referred letter to HR.

Additional discussion item(s): FY2015 Budget schedule.

WEDNESDAY, APRIL 30, 2014
---------------------------

BCC met in regular session; all three present. BCC held Farewell Party for CAO Dale Bickell.

Indemnity Bond – JC signed. Katrina Stout, Seeley Lake, Principal for MCPS-A/P Warrant #27109531, issued March 12, 2014 on HS Fund. Amount/\$103 (for staff development). Warrant mutilated.

Indemnity Bond – JC signed. Missoula Electric Cooperative, Missoula, Principal for Finance Warrant #30251090, issued April 3, 2014 on County Claims Fund. Amount/\$1,717.50 (for electrical service). Warrant lost.

Replacement Warrant - JC signed. Kathy Inc. – Wheat Montana, Milltown, Principal for Elections Warrant #30249409, issued February 27, 2014 on County 1000 Fund. Amount/\$596.64 (for Election treats). Not received in mail; no bond of indemnity required.

Replacement Warrant - JC signed. David Ponsford, Redmond, OR, Principal for Treasurer's Office Warrant #251078, issued April 3, 2014 on County 7150 Fund. Amount/\$6,851.20 (for Tax ID 5925509/ Assignment). Not received in mail; no bond of indemnity required.

#### ADMINISTRATIVE MEETING

Grant Application – JC signed. State of MT DES Homeland Security Grant Program application for funding to purchase equipment for County Type III All Hazard Incident Management Team. Amount requested/\$50,000. Term/October 1, 2014 – September 30, 2015. Original to Adriane Beck/OEM.

Agreement – JC signed. Between County (PHC), National Association of Counties, and Careington International Corp. for provision of Dental Discount Program with PHC dentists. Term begins May 1, 2014; end date TBD. Two originals to JC and Kim Mansch/PHC for further handling.

Contract – BCC signed, dated April 30, 2014. Between County and Professional Consultants, Inc. (chosen from five companies who responded) to develop an Industrial Lands Needs Assessment to determine adequacy of industrial land base to meet future needs over next 20 years. Amount/\$43,000. Term/April 30 – September 1, 2014. Originals to C&R and Barb Martens/Special Projects.

Amendment – JC signed. #1 to Task Order #14-07-6-11-035-0 between MC-CHD and MT DPHHS (Public Health Emergency Preparedness). Supplemental funding in amount of \$7,575 for services specified in Preparedness Deliverable Guide. New total contract amount/\$121,207. Term/July 1, 2013 – June 30, 2014. Three originals to Julie Mohr/MCCHD for further handling.

Additional discussion item(s): 1) Indian Center Tobacco Prevention Program update; 2) CTEP Project.

NO PUBLIC MEETING HELD THIS DATE

## MISSOULA COUNTY COMMISSIONERS' JOURNAL: MAY, 2014

BCC = BOARD OF COUNTY COMMISSIONERS

JC = Commissioner Jean Curtiss, Chair

BC = Commissioner Bill Carey

ML = Commissioner Michele Landquist

The following Claims Lists were signed during the month of MAY 2014:

Date Signed	Claims List Date	Who signed	Amount
May 1, 2014	April 30, 2014	BCC	\$40,935.14
			\$1,806.30
			\$5,457.86
			\$251,343.67
			\$5,655.92
			\$3,803.31
			\$352.08
			\$11,441.68
			\$690.52
			\$45.73
			\$66.24
			\$742.00
May 1, 2014	April 30, 2014	JC, ML	\$34,401.63
May 1, 2014	April 24, 2014	JC, ML	\$3,750.00
May 1, 2014	May 1, 2014	JC, ML	\$8,561.33
			\$19,224.38
			\$7,000.00
May 5, 2014	April 17, 2014	BCC	\$33.38
May 5, 2014	May 1, 2014	BCC	\$80,921.87
			\$5,253.66
			\$16,693.72
May 5, 2014	May 5, 2014	BCC	\$52,585.90
			\$2,291.84
			\$9,302.37
			\$7,152.93
			\$202.93
			\$7,314.87
			\$1,000,000.00
			\$21,932.00
May 6, 2014	May 5, 2014	ML, BC	\$9,559.69
			\$138.99
			\$28,347.67
May 6, 2014	May 6, 2014	ML, BC	\$1,585.04
			\$215.35
			\$850.67
			\$710.93
			\$84,072.61
			\$2,042.32
			\$259.75
			\$1,137.48
			\$3,346.48
			\$1,452.00
			\$1,764.89
			\$60.00
			\$946.11
			\$44.74
			\$125.00
\$17,000.00			
April 30, 2014	PHC Smartfill ACH		\$26,249.85
May 2, 2014	PHC Amerisource ACH		\$47,270.15

May 9, 2014	May 7, 2014	BCC	\$5,499.43
			\$3,926.00
			\$1,280.81
			\$3.10
			\$4,981.55
			\$2,305.05
			\$4,054.29
May 7, 2014	PHC Smartfill ACH		\$25,479.36
May 9, 2014	May 8, 2014	BCC	\$9,893.08
			\$753.60
			\$16,626.57
			\$1,637.04
May 12, 2014	May 8, 2014	BCC	\$8,338.26
May 12, 2014	May 12, 2014	BCC	\$7,935.58
May 13, 2014	March 19, 2014	BCC	\$60.00
May 13, 2014	May 13, 2014	BCC	\$8,551.60
			\$1,138.64
			\$1,184.55
			\$2,256.60
			\$54,113.92
			\$23,350.68
			\$5,822.40
			\$52,896.11
May 13, 2014	May 13, 2014	BCC	\$417.98
			\$1,600.38
May 9, 2014	PHC Amerisource ACH		\$44,385.49
May 14, 2014	May 13, 2014	BCC	\$1,489,467.99
			\$284.96
			\$561.72
			\$503.68
			\$1,408.06
May 15, 2014	May 14, 2014	BCC	\$2,735.80
			\$45,685.42
			\$30,970.22
			\$7,721.05
			\$487.00
			\$1,274.61
			\$5,000.00
May 16, 2014	May 14, 2014	JC, BC	\$2,252.86
			\$87,292.19
May 16, 2014	May 15, 2014	JC, BC	\$19,861.69
			\$6,988.41
			\$34,267.14
			\$1,001.00
May 21, 2014	May 19, 2014	BCC	\$44,514.57
			\$22,619.28
May 21, 2014	May 20, 2014	BCC	\$2,094.61
			\$41,143.78
			\$4,102.30
			\$5,186.39
			\$2,260.86
			\$522,190.00
			\$9,131.11
			\$423.50
			\$4,319.86
May 22, 2014	May 14, 2014	JC, ML	\$46,288.52
May 22, 2014	May 20, 2014	JC, ML	\$9,557.50
			\$80,843.23
May 22, 2014	May 21, 2014	JC, ML	\$13,375.11

May 23, 2014	May 21, 2014	JC, BC	\$3,846.24
			\$47,280.44
			\$660.00
			\$1,654.19
			\$2,897.38
			\$204.95
May 23, 2014	May 22, 2014	JC, BC	\$23,364.52
			\$209.50
			\$13,034.01
			\$4,721.55
			\$17,907.12
			\$31,237.31
			\$457.77
			\$198.54
			\$226,130.92
May 27, 2014	May 23, 2014	BCC	\$18,568.63
			\$1,462.60
			\$6,433.85
May 28, 2014	May 27, 2014	BCC	\$29,400.98
			\$18,295.75
			\$5,768.09
			\$1,485.00
May 28, 2014	May 28, 2014	BCC	\$18,083.44
			\$2,920.55
			\$275.00
			\$26,000.00
May 29, 2014	May 23, 2014	BCC	\$2,466.01
May 28, 2014	May 28, 2014	BCC	\$69.86
			\$2,572.88
			\$4,991.32
May 29, 2014	May 29, 2014	BCC	\$13,923.80
			\$3,476.25
May 14, 2014	PHC Smartfill ACH		\$74,199.61
May 16, 2014	PHC Amerisource ACH		\$32,732.95
May 21, 2014	PHC Smartfill ACH		\$28,885.20
May 23, 2014	PHC Amerisource ACH		\$103,167.37
May 30, 2014	May 29, 2014	JC, BC	\$343,021.66
			\$13,697.65
May 30, 2014	May 30, 2014	JC, BC	\$11,119.40
			\$3,752.27
			\$5,263.38
			\$1,250.00
May 29, 2014	PHC Smartfill ACH		\$31,151.79
May 30, 2014	PHC Amerisource ACH		\$43,554.71

All Claims Lists were returned to the Accounting Department.

#### THURSDAY, MAY 1, 2014

BCC met in regular session; all three present. Afternoon: JC participated in Neurobiology of Sexual Assault Webinar. BCC participated in tour of Montana Processing Bus, held at Fairgrounds.

#### ADMINISTRATIVE MEETING

Resolution No. 2014-062 – BCC signed, dated May 1, 2014. Re: 2014 Special District Election to be held May 6, 2014: Adopting letters of acclamation for Lolo Community Council Candidates Bob Ensminger and Nicole Rowley for new 3-year terms. Original to C&R.

Application – BCC reviewed/JC signed. CTEP Prospectus Applications for several trail projects (as set forth therein). County has a balance available for such projects, and must submit applications to MT DOT for funding by June 1, 2014. A portion is obligated to the Frenchtown Trail project (under construction and a future phase). Originals to Greg Robertson/Public Works for further handling.


Proposal – JC signed. Revised South Avenue Bridge Project Proposal, between County and MDT (Federal Aid Project #BR 9032(65)), based on MDT's comments after initial proposal on March 25, 2014. Proposal briefly describes basic aspects of project and is next step in certification process. Federal Funds/\$521,000. Project begins August 2014. Original to Erik Dickson/PW for further handling.

Additional discussion item(s): None.

**FRIDAY, MAY 2, 2014**

BCC met in regular session; all three present.

  
Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, MAY 5, 2014**

BCC met in regular session; all three present. Afternoon: BCC visited Milltown State Park for an update from FWP.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Buckelew Shoreline Permit (*action*); 4) Director's update.

Shoreline Permit – JC signed. #2014-07 for Applicant Nick Buckelew to replace a previous dock (which has been removed) at 722 Perimeter Road South, Big Sky Lake Estates. Original to Jamie Erbacher, CFM/CAPS.

**TUESDAY, MAY 6, 2014**

BCC met in regular session; quorum present. 2014 School/Special District Election was held this date.

Monthly Report – ML examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of the District Court, Shirley Faust, for month ending April 2014.

**ADMINISTRATIVE MEETING**

County Payroll Transmittal Sheet – BCC signed. Pay Period: 09/CY2014 - Pay Date/May 2, 2014. Total Payroll/\$1,406,868.24. To County Auditor.

Resolution No. 2014-063 – BCC signed, dated May 6, 2014. Budget Amendment for Technology for transfer of \$87,000 from Tech Fund Cash to CIP Replacement Pool to cover coverage in Tech Fund due to large number of PC workstations required to be updated. For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

Request – BCC approved variance to Purchasing and Contracts Policy to permit County to engage Nicole Noonan for FY14 Audit. Audit fees to be included in FY15 Budget. Original to Barb Berens/Auditor.

Additional discussion item(s): None.

**WEDNESDAY, MAY 7, 2014**

BCC did not meet in regular session; quorum unavailable. For most of the day, BCC attended MACo Spring Districts 10 & 11 Meeting, held in Missoula.

**ADMINISTRATIVE MEETING - Canceled**

**NO PUBLIC MEETING HELD THIS DATE**

**THURSDAY, MAY 8, 2014**

BCC met in regular session; all three present. Noon: JC attended CCR Luncheon, held at Holiday Inn. BC participated in Lenox Sustainable Communities Tour, 307 Woody.

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 April 2014.

**ADMINISTRATIVE MEETING**

Agreement – BCC signed. Between County and B&N Weed Control to treat noxious weeds along MT DOT road right-of-ways (approximately 200 acres). Amount/\$11,959. Term/May 5 – June 25, 2014. Originals to C&R and Bryce Christiaens/Weed District.



Agreement – BCC signed. Between County and WMA Noxious Weed/Range Specialist, LLC to treat approx. 80 miles of noxious weeds along BLM road-ways (Gold Creek/Belmont/Nine Mile Prairie/ Cramer Creek/Union Creek/Steve's Pass and Goose Rock areas. Amount/\$16,000. Term/May 5 – October 30, 2014. Originals to C&R and Bryce Christiaens/Weed District.

Agreement – BCC signed. Between County and Mountain Valley Plant Management to treat noxious weeds below high water mark along Blackfoot and Clark Fork Rivers.. Amount/\$13,000. Term/July 1 – September 30, 2014. Originals to C&R and Bryce Christiaens/Weed District.

Signature Page – JC signed, dated May 8, 2014. DNRC RRGL Uniform Application for Buena Vista Sewer Improvement Project between County, Buena Vista Community and DNRC RRGL Program. Application for grant consideration to be filed by May 15, 2014. Originals to Greg Robertson/PW for further handling.

Bid Award and Agreement – BCC signed. Between County and WE Dust Control (sole bidder) for FY2015 palliative dust abatement. Amount/\$225,000. Term/May 19 – June 28, 2014. Originals to C&R and Erik Dickson/Public Works.

Contract – BCC signed, dated May 5, 2014. Between County and Vannoy Enterprises, LLC (lowest bidder) for mowing/trimming services for County-owned land with the Missoula Development Park (not County parkland, which is paid for by MDPPOA). Amount/\$15,158. Term/May–September 2014. Originals to C&R and Barb Martens/Projects.

Contract – BCC signed, dated April 30, 2014. Between County and DockDogs, Inc. for entertainment at the 2014 Western MT Fair. Amount/\$9,000. Term/August 5–10, 2014. Original to C&R.

Letter – BCC signed, dated May 8, 2014 to Joe Kolman, Environmental Quality Council, Helena, supporting Governor Bullock's recommendation to the Secretary of Agriculture of specific forest restoration projects per the Farm Bill. BCC has active participation in current/future collaborations, and commits to working with federal partners to create/maintain healthy ecosystems.

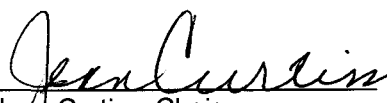
Additional discussion item(s): 1) Bear Creek Road (Greg Robertson to follow-up); 2) July 4<sup>th</sup> Holiday plans.

#### FRIDAY, MAY 9, 2014

BCC met in regular session; all three present in afternoon. ML out of office in the morning.

Request: Records Disposal/Transfer Authorization – JC signed. From Elections: School voted/unvoted/unused, etc. ballots. Dated May 8, 2013.

  
Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

#### MONDAY, MAY 12, 2014

BCC met in regular session; all three present. Noon: ML/BC attended City Club Luncheon, held at DoubleTree. Afternoon: BCC met with Pat O'Herren, et al re: Milltown State Park.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Emerald Estates Subdivision Phasing Plan Amendment [See May 19<sup>th</sup> Journal entry]; 4) Martina Creek DNRC Grant Application; 5) Director's update.

#### SPECIAL PUBLIC MEETING – May 12, 2014

##### 1. CALL TO ORDER

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

**Commissioners Absent:** Commissioner Michele Landquist

**Staff Present:** James McCubbin, Deputy County Attorney, Erik Dickson, Public Works

##### 2. PLEDGE OF ALLEGIANCE

##### 3. PUBLIC ANNOUNCEMENTS

Our mics are not working today so please speak loudly when you make comment. MCAT will be recording the hearing and Robin will be taking minutes.

March is National Meals on Wheels Month.

##### 4. PUBLIC COMMENT

None

##### 5. ROUTINE ADMINISTRATIVE ACTIONS

Current Claims List (\$1,687,057.38)

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$1,687,057.38. Chair Curtiss seconded the motion. The motion carried a vote of 2-0.

**6. HEARING** (continued from February 12, 2014)  
Hidden Trails Subdivision HOA (Establishing Parking Restrictions)

**Erik Dickson gave update with PPT Presentation.**

Brief summary since our last meeting; we've received multiple requests since 2008 to restrict parking in the Hidden Trails Subdivision. We have given the HOA Board the request to get the residents of the subdivision to agree on a proposal that would be suitable to everyone. The current board did and submitted the initial parking restrictions. At the last public hearing there was a number of residents of the subdivision that came to speak on behalf of what seemed to be a fair number that were not in favor of these proposed restrictions. The Commissioners direction was that we meet and try to come up with some sort of negotiated location of the restrictions that would be agreeable to everyone involved. The board did hold a meeting on Monday night, which I was able to attend; they did try to work something that I think was agreeable at the time. The current proposal is to not restrict parking on the North side of Connor Court in its entirety or on Utah or on Judi. They still wanted to try to restrict the parking at the corners in the cul-de-sac for the needs of emergency access turn around and at the community mailboxes and fire hydrants. The current proposal; aside from the cul-de-sac it essentially reflects existing state law; it restricts parking near an intersection or within 30 feet of a stop sign on an approach of a road. It should help, that's the desire. Rather than install of the signs, both the board and the residents, I think, agreed on the fact that we would provide curb marking rather than signs. That is acceptable to both Montana state law and Federal law that identified in the manual on uniform traffic control devices.

**Chair Curtiss:** I remember that the last two houses on Judi Drive that were approved were separate from the original subdivision. Through that subdivision approval, I just drove out there again this afternoon to refresh my memory, the part that's marked on the original on Judi Drive on the north side, says no parking now. That was part of the subdivision approval. That's because at that time the fire department said; we don't want this restricted because of the fire lanes. I remember making the motion and saying; ok, then there needs to be no parking (inaudible). Is this changing that?

**Erik Dickson:** We did have some discussion on that Monday night. I was a little unclear because the no parking signs were referenced and the fact that the curb on the north side of Judi had been painted, it was not by us, it was by a board member at the time or a resident but someone had painted the curb yellow. We weren't sure and I didn't see it before hand, as to what the restrictions were, whether or not it was just for those first one or two houses that were not part of the subdivision or if it was to apply for the whole portion of Judy Drive.

**Chair Curtiss:** It was the last two houses. That was part of the subdivision approval so I'm not sure whether...it was restricted by the subdivision approval, so I don't know whether we can change that one. It was done on the testimony of the fire department.

**Erik Dickson:** If it is still in effect with what the original subdivision and the signs are still in place, so anything that we propose would be just curb marking, which would be at the intersections. If that needed to be extended the full length of Judi Drive, we could certainly do that.

**Chair Curtiss:** Do you propose then they would just be painted yellow?

**Erik Dickson:** Yes.

**Chair Curtiss:** And in front of fire hydrants, do we leave yellow or red?

**Erik Dickson:** I believe it's all just yellow. The (in auditable) doesn't differentiate; they prefer yellow or white markings.

**Chair Curtiss:** There was some comment in the minutes about East Missoula Fire getting a new fire truck that was larger than what they had before, so do we feel this will still accommodate them? Was that discussed at the meeting this week?

**Erik Dickson:** It was mentioned. Jim Hamill, that had spoken at the last hearing, I believe was, I don't know if he still is on the board or had spoken with the fire board, he said the only difference with the new truck was that it was slightly longer. It might have a little more difficult time in the curves but he did say that the fire department does have what they consider a contingency plan if we can't make it down the street with longer hoses and access to alleys and front and back of the houses on Connor Court. He made it sound as if it was acceptable to them. I did invite the fire department Chief and the (in auditable) and didn't get a response from them but we do still have their letter from May 29<sup>th</sup> in the file with their comments.

**Public Comment**

**Michael Ivanoff, President of the HOA Board:** I was at the meeting Monday night. After thinking about it, after the meeting, we came up with this as a first step and I heard that mentioned at the meeting. I got to thinking about it over the evening and in reality, the reason the fire department I believe stated, in here in their letter, they said that they would have difficulty getting down the cul-de-sac because there's vehicles parked on both sides. I think they're referring to those corners but more to the back. Their contingency plan is to just run hoses. They do not have access with their big fire truck so they're going to have to bring down one of their small pickups and then pump to these two

story apartment buildings. Looking at PPT photos. Public safety is the most important issue. The HOA board stands by the no parking Resolution you submitted, speaking to Erik, we have to stand by that Resolution that we want no parking on the north side of each of those streets, in order to have access by the ladder truck.

**Chair Curtiss:** So at your special meeting on Monday, was there a vote taken?

**Michael Ivanoff:** No. I believe this was an offer on the table, to paint the curbs and it sounded like a good first step. In my consciousness I couldn't, after thinking about the fact that those are two (2) story homes and the bedrooms are upstairs on the majority of all those homes. On Discovery Way, the west side, those are two (2) story homes, the second floor enters into the hillside but it's basically a daylight basement so the access for the fire fighters is restricted as well there I believe. Ideally, my hope was no parking, as the fire department said. No parking on one side of each street, so they can get down there. So my biggest concern is the chance that there's a loss of life. I talked to a few of the insurance companies, Farmers and State Farm, they explained to me because there is a reduced service for the fire department, not being able to get down Connor, they just have a pickup with a fire hose. There's potential there that they may have a change of protection class because they're not getting adequate equipment down that road, the fire fighters. I heard from the fire department myself that there's contingency plan but that's it, running a long fire hose with a pickup truck. When the petition was collected, I heard from a few of the neighbors that that was what was mentioned. Even Jim Hammill at that meeting Monday night, when I asked him what was spoken from the petition, I haven't even read the petition. I was never presented with it...that they were just informed it's a contingency plan. They weren't told that the new fire truck has no access to their street. That's where my concern is, if someone's trapped on the second apartment or a second floor bedroom, they may not be able to escape without that ladder truck available. That's where I stand and I feel as an HOA Board we have to stand there to protect their mortgages, their insurance rates. If a fire does take place it might spread to another house, we're there to protect their well-being.

**Commissioner Carey:** So you're not accepting the county's proposal?

**Michael Ivanoff:** I prefer the original, the one that was presented on the 12<sup>th</sup>; I'd like to stand with that one. That's how we stand as an HOA Board. IT is unanimous as a board decision; we've talked about this in the past. I believe in the last meeting there was some discussion about if there's only one or two people on the board but it's actually majority of the board.

**Chair Curtiss:** I also noticed that it looked like there's a Ballard and some paint where people have access to the mountain?

**Michael Ivanoff:** Yes.

**Chair Curtiss:** Should that be marked though on this list?

**Michael Ivanoff:** That's how I've discovered this information from the fire fighters. I talked to the Asst. Chief because he stopped there to check his keys to make sure they have access to the water tower. It's painted yellow right now but it's very hard to see.

**Chair Curtiss:** It seems like it should be included in the plan.

**Michael Ivanoff:** I asked the water company if they would paint, they said no, they don't do those things. That's another point, when this came up originally with the previous board; they've been pursuing this since 2009, 2008 possibly. They were trying to get some word on getting it painted, they went through and painted the street corners and in front of most all the mailboxes, except for the cul-de-sac. There's not an obvious paint there anymore and in the winter time it's very difficult to see.

**Lindsay Campbell:** I live on Discovery Way, right in the middle. I have to say I'm adamantly against the parking restricting in the original proposal and agree with the ones that are here presented. Mostly for a supply and demand issue, there's very little parking, if any in our subdivision as it is. I know when the subdivision was originally approved it was approved under the guides of two (2) off street parking for every resident. That also doesn't take into account that we have multiplexes, as was brought up. Those have 1.5 parking units per structure, with college kids 1.5 really doesn't work out so well. There are quite a few rentals. Most of the houses that are Connor and Judi, their parking spaces are garages, they are tiny garages. I drive a Ford Escape and it fits in the middle of my two car garage, leaving me with one (1) parking spot. We also have a very popular trailhead and there is no easily accessible other parking in our neighborhood. As you are aware, we all live right off of Hwy 200, so if we did this, Jim went out and counted on Connor, if we restricted it to one (1) side, that would be seven (7) on-street parking for quite a few houses and two (2) multiplexes...and seven (7) on-street parking if we went to the original. This is a nice compromise but regardless we still need enforcement. As you said, there are existing state laws that you can't park in front of a mailbox, you can't park in front of a fire hydrant and you can't park in curves, people do it anyway. So really no matter what we do, we still need help from the county and the Sheriff's Department to come through and write tickets and tow. No matter what we do, without enforcement, it really doesn't matter. Bottom line, enforcement is going to be the key...the key to public safety and the key to fixing any problems.

**Chair Curtiss:** I noticed today when I was out there that some of the garages, if you just park on the apron in front of the garage, the end of your car is restricting the sidewalk. Looked to me like the ones on Connor happen to be deeper, they're set back a little bit more, so there might be room for your car without restricting the sidewalk. Where Utah turns and goes a different direction, it's a little bit restricted there but it seems like most of the people on the right hand side, as you're heading out towards 200, have space that they park closer to their own house. I admit that I was here when we

approved this subdivision and I'll tell you that I wouldn't do it again. I'd be more concerned about the size of the roads because the houses are still affordable and that's because they didn't have to put in as much infrastructure but I think the public safety issue is a...and the design of the garage doors is just the oddest thing ever. The door is there, you just have to get rid of that arch, it's not easy to do but it could happen.

**Michael Ivanoff:** The loss of space is with the no parking; six (6) spots along the side and same here (looking at PPT photos) six (6) spots that are lost here on Utah. And as you said, there are no driveways on the south side of Utah, so that's all available parking. Plus, they have their two (2) car garages and they have ample two (2) car spots on their driveways, in most cases. People buy into the neighborhood with the knowledge that that's the house they're given, this is the neighborhood they're given. For fire safety, I'd say, they need to park in their lots, in their garages and allow a fire truck to access. There's still parking on that street.

**Chair Curtiss:** So Michael, if we didn't count the cul-de-sac, which you're not supposed to obstruct anyway in the corners and such, you'd be losing four (4) spots on Connor, six (6) on Utah...

**Michael Ivanoff:** On this part of the neighborhood. Since these are multi-family units and I'm thinking about the ladder truck here, if this was no parking as you had in your original, I would say that that's probably a reasonable thing to continue.

**Chair Curtiss:** There is a parking lot there.

**Michael Ivanoff:** Yes, they have two parking lots.

**Chair Curtiss:** Those two (2) parking lots are equivalent of 1.5 per unit?

**Michael Ivanoff:** Yes. They have eighteen (18) spots total for the twelve (12) units. The original builders still own these.

**Chair Curtiss:** I noticed it says Discovery is 32 feet; the others are a little narrower.

#### **Executive Session**

**Commissioner Carey:** On a close call like this, I want to error on the side of public safety.

**Chair Curtiss:** Erik, I'm looking to see if we could compromise a little bit. Mr. Ivanoff just talked about the continuation of Utah there, or does it change names?

Same name

**Chair Curtiss:** I noticed there were quite a few cars parked there today when I went by. Do you think that section of Utah, that's going to lose another four (4) or five (5)? Is that pretty narrow? I think we should add since it's a plan showing where the yellow paint happens that we should add that little piece in front of the access to the water tower and the mountain. There's some yellow paint there and a Ballard maybe self-applied so people can't drive up there.

#### **Motion**

Chair Curtiss made motion that the Board of County Commissioners amend Exhibit 1, the map, to include a designation of no parking in front of the access to the water tower on the corner of Discovery. Commissioner Carey seconded the motion. The motion carried a vote of 2-0.

**Chair Curtiss:** James, do we just adopt the Resolution then with the corrected Exhibit?

**James McCubbin:** Yes, I think that's correct if that's the way you want to go. One suggestion I have for the language for the draft Resolution you've got is in the second to last paragraph. Being if further resolved, the County Public Works Director place appropriate signs indicating restrictions....

**Erik Dickson:** You should have...

**Chair Curtiss:** There's a new one. It says curb markings instead.

**James McCubbin:** Oh okay.

**Chair Curtiss:** But we wouldn't take down this...I guess we could take down the sign on Judi that's already there and was part of that subdivision.

**Erik Dickson:** I probably would replace it.

**Chair Curtiss:** Okay so the Resolution now says...resolved part says; Parking within Hidden Trail Subdivision in the north ½ of S24, T11, R19W is hereby prohibited as shown on Exhibit 1. So we'd say on amended Exhibit 1?

**James McCubbin:** It'd still be Exhibit 1 to this Resolution.

**Chair Curtiss:** Be it further resolved that the County Public Works Director provide curb markings indicating restrictions. And then be it further resolved that the Missoula County Sheriff's Department is hereby requested to take such action as required to assure compliance of the parking regulations and the effected easements.

So what this does is...Ms. Campbell is right that enforcements the only thing that makes any of it work. But right now, if the neighbors called and said somebody is parked in the wrong place and I can't get in my driveway or whatever, the Sheriff's Office doesn't have as much authority to drag you away, or drag the car way, whatever. But a regulated parking area does do that.

#### **Motion**

Commissioner Carey made motion that the Board of County Commissioners adopt the Resolution dated March 12, 2014. Chair Curtiss 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 2:04.

### **TUESDAY, MAY 13, 2014**

BCC met in regular session; all three present. Early Evening: BCC attended Retirement Celebration for Bob Brown, held at Fort Missoula. Evening: ML attended meeting of Lolo Community Council.

#### **ADMINISTRATIVE MEETING**

Application – JC signed. Sub Grant Application being submitted to MT BOCC by Sheriff's Office for continuation of Western Region Juvenile Detention Grant. Total/\$275,531 for Region; \$88,223 for Missoula County. Term/July 1, 2014 – June 30, 2015. Original to Gary Elliott/Sheriff for further handling.

Resolution No. 2014-068 – BCC signed, dated May 13, 2014. Setting Fee Structure for Geographic Information Systems ("GIS") products produced. Effective May 13, 2014, fees for any GIS map or document will be \$.025 per sq. inch; custom work set at \$35 per hour, plus \$.015 per sq. inch for materials. Original to C&R.

Budget Amendment Request – BCC approved. From County Attorney to transfer \$11,600 within Technology Fund to pay for contract with New Dawn Technology to provide for purchase of licenses, support and training with respect to Justice Web Program. Term/May 13 – June 30, 2014. [No accompanying paperwork submitted.]

Form – BCC signed, dated May 13, 2014. Designation Form listing Missoula County State Approved Chemical Dependency Service Providers to receive earmarked alcohol tax monies for chemical dependency treatment and prevention services. For FY 15, only Western MT Addiction Services applied for the funds; they will receive 100% of funding allocated (approximately \$160,000). [Missoula Indian Center and Recovery Center Missoula did not submit applications]. Original to Peggy Seel for further handling.

Board Appointments – BCC appointed the following to new terms on the Aging Services Governing Board:

- Reappointed Jonathan Weisul, Margaret McManus, Maureen Fleming and Leslie Halligan to new three-year terms (7/1/14 - 6/30/17).
- Appointed Larry Riley to fill unexpired term to June 30, 2015.

Project Documents - JC signed, dated May 13, 2014. Documents relating to Buena Vista Community Wastewater System Improvements Project:

- Resolution No. 2014-067 – Authorizing submission of DNRC Renewable Resource Grant Application;
- Resolution No. 2014-066 – Accepting findings of Environmental Assessment and determining an Environmental Impact Statement is not necessary;
- Resolution No. 2014-065 – Adopting Preliminary Engineering Report and accepting recommended funding scenario; and
- Uniform Application Form for MT Public Facility Projects.

Resolutions to C&R; Application Form to Amy Rose/Public Works.

Resolution No. 2014-064 – BCC signed, dated May 13, 2014. Budget Amendment for Public Works/Road & Bridge Fund for \$176,000 transfer from Cash Reserves for several line item expenditures (as set forth therein). For total disclosure, expenditures included in formal 2014 Operating Budget/Revenue Estimates for County. Original to C&R.

Notice of Award – JC signed. Formalizing Bid Award between County and D. Lower Construction, Inc. as lowest bidder to remodel at 301 West Alder. Amount/\$596,270. Original to Ellen Leahy/Health Dept. for further handling.

Change Order – BCC signed. #2 to Contract between County and Jackson Construction for County Courthouse Phase 3A Annex 2<sup>nd</sup> Floor Office Remodel. Order addresses demo issues, rerouting electrical, AHU unit for Phase B, and finishing Justice Court chairs. Amount/\$83,401.01. New total contract amount/\$1,560,353.67. Term to July 1, 2014. Originals to C&R and Larry Farnes/Facilities.

Letter – BCC signed, dated May 8, 2014 to MT District Court Council, Office of Court Administrator, Helena, supporting an additional District Court Judge for the Fourth Judicial District in Missoula County, as one is much needed.

Letter – BCC signed, dated May 13, 2014 to Steve Story, DNRC-Water Resources Division ("WRD"), Helena, stating the County looks forward to collaborating with DNRC-WRD on the Swan River, as well as Clearwater River floodplain, to develop detailed flood study utilizing the LiDAR data collected under DNRC grant. BCC suggests a planning meeting be scheduled.

Additional discussion item(s): None.

### WEDNESDAY, MAY 14, 2014

BCC met in regular session; all three present. Afternoon: JC attended meeting of *Let's Move! Missoula* Steering Committee, held at United Way.

#### ADMINISTRATIVE MEETING

Grant Agreements – JC signed. Seven (7) Noxious Weed Trust Fund Project Grant Agreements between MT Dept. of Agriculture, County Weed District and "Project Funding Recipients" as follows for period April 1, 2014 – October 31, 2015:

- 1) MDA #2014-019: Working Dogs for Conservation Foundation, to increase search for Dyers Woad on Mount Sentinel. Amount/\$4,000; (Project total/\$11,500);
- 2) MDA #2014-065: Clearwater River Yellowflag Iris Eradication Project. Amount/\$3,000.
- 3) MDA #2014-049: Leave No Weeds (Missoula County education program for 5<sup>th</sup> graders). Amount/\$3,000.
- 4) MDA #2014-013: Youth in Restoration Project. For natural resource youth crew out of Weed Dist. Office. Amount/\$9,000.
- 5) MDA #2014-050: Statewide Biological Control Workshops. For education, monitoring, collection workshops out of Weed Dist. Office. Amount/\$7,545.
- 6) MDA #2014-058G: Woodworth Weed Management Area. Cost-share funding for private landowners to treat noxious weeds. Amount/\$29,000.
- 7) MDA #2014-053: Swan Valley Cooperative Weed Management Project. Cost-share funding for private landowners to treat noxious weeds. Amount/\$19,000.

Originals to C&R and Bryce Christiaens/Weed Dist.

Board Appointment – BCC appointed Andy Hayes as a new member of the Weed Board. Mr. Hayes will fill an unexpired term to December 31, 2016, at which time he is eligible for reappointment to a new 3-year term.

Application – JC signed. Grant application being submitted to DNRC for mine reclamation work on Martina Creek and Ninemile Creek in the Ninemile Valley. This is a cooperative project between County and Trout Unlimited. Total project costs/\$795,000. Estimated term/September 2015 – October 2017. Original to Kali Becher/CAPS for further handling.

Addendum – BCC signed. #2 to Purchase/Sale Agreement and Receipt for Earnest Money dated November 7, 2013 between County Airport Industrial District and White-Leasure Development Company for Lot 2A, Block 11, MDP-Phase 2. Addendum extends due diligence period from 180 to 360 days; new deadline is November 8, 2014. Originals to Barb Martens/Projects.

Additional discussion item(s): None.

#### PUBLIC MEETING – May 14, 2014

##### 1. CALL TO ORDER

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

**Staff Present:** Clerk & Recorder, Vickie Zeier, Deputy County Attorney, Dori Brownlow, Human Resources Director, Patty Baumgart

##### 2. PLEDGE OF ALLEGIANCE

##### 3. PUBLIC ANNOUNCEMENTS

**Commissioner Landquist** announced Bob Browns retirement from the Fort Missoula Historical Museum. His retirement party was held last night at the Historical Museum at Fort Missoula. He will be missed.

**Chair Curtiss:** We'll have a new Historical Museum Director starting July 1<sup>st</sup>.

##### 4. PUBLIC COMMENT

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List (\$4,451,892.91)

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$4,451,892.91. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

**6. HEARING**

Consideration of Election Administrator Position

**Chair Curtiss** read a letter from the commission.

**Vickie Zeier** read the responsibilities of the Elections Administrator. Vickie feels this should be an elected position; she stands by the voters of Missoula County.

**Patty Baumgart** read the job description and the hiring process; this is an employment contract, not to be confused with an independent contract for service. This is a Department Head level position. Jobs are posted in the Missoulian, on the County Webpage and the State Job Service which posts all over the State of Montana; we could use additional, if there are professional resources that can be identified. For the younger generation especially, we post on places like Craigslist and sometimes use Monster and things of that nature to make sure our word is out there. We can hold forums or whatever you decide is the best way for applicants to show their qualifications.

**Chair Curtiss:** This is a public hearing and I know in listening to what's been presented so far, it sounds like we've made up our minds, we have not made up our minds. We want the public to have the knowledge that we really have thought this through and vetted different ideas so that we aren't just going into this blind if we decide to go forward. Again, I would ask you to think about the pieces that we're trying to solve, the things that Vickie talked about that's such a challenge with this person having really three (3) jobs.

**Public Comments**

**Commissioner Landquist** read the names of the public comments that have received via email. All of these were against taking this position away as an elected position. The one from Summit at least did say that they support the County Commissioners proposal to remove the election duties from the Clerk & Recorder position and establish a new Administrator full time for that position, which would be accountable to the Chief Administrative Office (CAO). They still wanted that position to be elected, I believe, and nonpartisan.

**Todd Mobray, Representative for House District 97:** I'd like to thank you for having this hearing and listening to the communities' comments. Thank you for giving us what I think, is a really a very well-run county. I know this being an election year people are talking about areas that they feel need improvement, but by in large we have one of the best running counties in the State. I don't think any of us would have a problem with the current commission picking an election administrator but unfortunately you're not going to be in office in perpetuity. As we've seen to the south, sometimes the commission can take on a totally different tone. Perhaps the Assistant County Attorney can answer this, but I presume that whatever minimum requirements this commission would have set, the requirements for the position could be changed by a different commission, is that correct?

**Dori Brownlow:** That would be correct. It would be up to whoever is entering a new contract.

**Todd Mobray:** So whatever requirements that might be suitable now could be changed. It also strikes me that what we're dealing with here is auspices and accountability. For example, running a large county is much more than the three (3) of you can do, so you hire staff to do it. If running the elections had become complex and I appreciate understanding how complex that is, I used to have a print shop in Lake County where we printed the ballots for the elections, so I was intimately involved with the elections. I understand since those days they have become vastly more complex. It strikes me that if you can hire someone to help run the elections, so could the Clerk & Recorder ~ is that possible from legal standpoint?

**Dori Brownlow:** Yes. Vickie can talk to that; she does have staff that helps with elections.

**Chair Curtiss:** We do have staff but still the Clerk & Recorder is the one that's responsible.

**Todd Mobray:** Responsible, accountable and under auspices these elections are run. That makes them directly accountable to the voters, which I think is very valuable. I think it's probably one of those notions that you're exploring and I hope that you're sincere when you say that you're just exploring it and you haven't made up your mind. Vickie's thank you to the voters for making her a better election administrator seems to me to prove the point that having the election administrator accountable to the voters has been for her a very valuable experience. I don't think we really need to fear that the voters of Missoula are going to pick some renegade. I think we can be confident in the wisdom of crowds.

**Ben Darrow:** I'm a registered voter. I'm very opposed to removing the Elections Office control from the Clerk & Recorder. First of all, there's some ---- of that position by signing this report on the commission and elections administration, I've read that report and it very specifically addresses elected vs. non-elected officials and does not take a stance, I'll provide the County Commission with that exact quote. I believe it's slightly ahead of where Vickie sighted but it very specifically does not take a stance, so that report should not be used to make our decision one way or another, in my mind. It does

bring up some very important points about how professionalism is important. If we have elected officials they would be responsive, if we have elected official who care about making sure people can vote, like Vickie has, then we won't get great elections. When you are faced with this decision...that strikes me, I have one last question; would you even be considering this change if Vickie were not moving on? You have decided to make a change in the structure of the Elections Office because of this personnel change that you're going through at the County. That really seems to be poor motivation. The reason for that being poor motivation is because you're making policy decisions based on personnel and you need to make policy decisions based upon, not for people but who will be serving long into the future. You may think you could get someone better by having them appointed because of the wisdom of the commission, but I'm telling you, you're going to spend more, you're going to get someone with a good resume but do you really want to hire someone from outside Missoula ~ from Billings or DC to run our elections here? I think that personal touch or the person is connected to the voters is very valuable. We're not going to end recruiting a better candidate by having our ads on craigslist compared to having an election. That's what I really want you to consider, what produces the best results for the voters in Missoula? Election is the way to go.

**Commissioner Landquist:** I'd like to address one thing that Ben said; we probably would be sooner or later having this dialog about the elected position because we found out during the interview processes that with everybody that we interviewed, and how they felt about certain divisions and their duties. We did find out when we interviewed Vickie that she had been bugging Dale Bickell, our former Chief Administrative Officer (CAO) to get this off of her head, one of the many hats that she was wearing under his umbrella, in one way or another because of the value that she saw of it being more of a full-time job and the conflicts that happen during elections and the busy season. This was on her radar for a long time, it was just really the first that we became aware of it; it had been more between her and the former Chief Administrative Officer (CAO).

**Pam Walzer:** I'm the Communications Director for The Missoula County Democrats; we have a Resolution to retain the Elections of the Elections Administrator. Whereas the Montana Democratic Party platform states, we support an open and honest election procedures that ensure any citizen entitled to vote be provided that opportunity, late, same day and online registration, mail ballots for any voter who choses one. We oppose all efforts to suppress lawful voting through repeal of current practices, the imposition of unnecessary barriers to voting, or intimidation and misinformation schemes. Therefore be it resolved that the Missoula County Democratic Central Committee calls on the Missoula County Commissioners to vote against removing the Elections Administration duties from the office of County Clerk & Recorder and making an appointed position. Doing so would disenfranchise Missoula County voters from their right to select their Elections Administrator.

On my own behalf; moving the Elections Administrator to a staff position under the Chief Administrative Office or the Board of County Commissioners does nothing to remove the appearance of partisanship, rather it moves a critical Government duty administrative elections from a directly accountable elected position, Clerk & Recorder, to a very and directly accountability to the County Commissioners. Some of the suggestions within the May 9<sup>th</sup> consideration papers that we've seen were thoughtful, such as formalizing an advisory committee and those ideas can continue to improve elections administration in Missoula. But these improvements can be implemented within our current system. One of the things that seem to be glossed over is that the Elections Administrator does not do her job in a vacuum; she has a very capable and highly trained staff and deputies to help her accomplish her duties. This will continue whether or not the Clerk & Recorder retains the duties of the Elections Administrator or the County Commission delegates these duties to a staff position under their purview. From the discussion we had last night at our meeting with Commissioner Curtiss, there's no plan to increase staffing with administrative move of the Elections Office. So what is changing? What is changed is which elected officials are ultimately responsible for the conduct of elections. Today it is the Clerk & Recorder. Please retain the duties of the Elections Administrator within the Clerk & Records Office.

**Vondeen Kopetski:** A couple things that I wanted to maybe ask for clarification on because I might be confused; although you're talking about hiring an Elections Administrator, there still would be an elections for County Clerk & Recorder, correct? That person just would not have the duties of the elections. I think some people are confused about that so I wanted to clarify that. Before I make my comment, I also wanted to say in my professional experience from your Human Resources Administrator, the idea of hiring someone and then putting them on probation is the way it's done these days. Almost all professional positions have a period of probation and sometimes that probation period can be up to a year but 6 months to 9 months is certainly standard.

I speak in favor of this decision. I speak in favor of hiring an Election Administrator.

**Lauren Meyer:** In favor of making this a hired position.

**Daniel Viehland:** Thank Vickie for her service to Missoula County voters. Opposition to this change is about the future. It's really vital that the person who safe guards our voting process is directly responsible to the voters.

**Tyler Gernance:** We're not creating any new positions; it's difficult for me to imagine how this is elevating a work load if we're not actually creating any new positions. The same number of people are doing the job; I don't see how it gets any easier. This should remain an elected position. Thank you for your service, you all do a fantastic job.

**Kayje Booker:** I'm here with Forward Montana, an organization intimately involved with Elections. I appreciate that you want us to bring our ideas about what this could look like and are offering this opportunity for public comment, but I wish that the process had been done differently. Vickie has



raised some real concerns with the way the office is currently structured, the work load for example. I am for looking at this position and considering ways that we can improve it, I don't think that this is the answer and I would love a public process in which we could, at greater length and a longer period of time to think about other ways that this office could be structured.

**Vondeen Kopetski:** I wanted to say something about being accountable to the voters and what that means. I think that one of the things that nobody said is because we're all monitory to the work that Vickie did and grateful for it; what an opportunity we would be missing is she did not have the opportunity to supervisor the Election Administrator that you guys would hire. It is not true that there is greater accountability to the voter through an elected official. Conversely if you hire an individual, that individual is directly responsible to the voters through each of you and through the administrator and through the process of a probationary period, during which you can determine if that individual has the criteria and the ability and the skill for which you hired that individual. So you have a more direct and effective controls over that person's ability to perform their job then you do with any elected official.

**Bradley Seaman:** I have a procedural question; in an organization if we were to seek forward and hire an elections administrator in an organization or a voter and that person was not doing their job effectively, what would the process be to look about trying to make their position further? If a voter had decided that they thought the Elections Administrator was not doing their job infidelity, what would that process be?

**Dori Bownlow:** I believe that process would be something that the county would need to undertake, if there were issues with their performance. It would be a Human Resources issue as far as they still would have progressive discipline within that contract. If there was reporting it would be something that the Human Resources would handle.

**Chair Curtiss:** I think you're asking it like the first step though. You would do like everybody else does, you would come and tell the Commissioners that you didn't think someone that was an employee of the county was doing their job, and then we go through what you're talking about.

**Bradley Seaman:** With that form of accountability, if there was bringing forward a lot of different oppositions to somebody hired in, it would be then the job of the county Commissioners directly and the Elections Administrative Council to help determine whether or not they were performing their task to fidelity, right?

**Chair Curtiss:** It might mean that there was some corrective discipline or corrective measures that could be put in place, or could lead to terminating their contract.

**Bradley Seaman:** Currently the way that we have our Elections Administrator tied with Clerk & Recorder, if I have decided that you're not performing your task with fidelity, my option is to proceed forward with a recall, correct? I'm just hearing a lot of talk about what would be the accountability towards voters. I think there's a lot of confusion personally from me in how we can keep somebody who would be hired in accountable to voters through the process of using an elections administrative committee and what exactly they would have (in auditable) as far as providing recommendations, providing effect Human Resource actions and bringing these forward. I feel like a lot of our/my mind concerns will come through from how we can provide accountability towards the position if we were to move forward in making it an appointed position versus an elected position. I think for me personally that's where I really get caught in, is would this be the first administrative action, where do the public people get that opportunity to bring it forward? Would it be brought forward directly to the County Commissioners? Would it be brought forward to the Chief Administrative Office? And how we can help work on that accountability.

**Vickie Zeier:** If the Commissioners chose to make this an appointment position, one of the things I would highly recommend that the Commissioners do is to have an official Election Advisory Board. This board would have ~ the one I have, the Election Advisory Task Force is something I created, really doesn't have any teeth, it's more or less a place for me to express what's going on with Elections and hear concerns from citizens. I actually see the Elections Advisory Board as a very formal procedure where complaints come from, the constituents of each of these board members would bring forward. Obviously, that discussion hasn't happened of who's going to be members of that board. I do think that it's critical that there be some way to get the information from the public into this process. I believe that would be a board. I've used my task force for many, many things and they have been valuable to my process and I honestly believe they would be valuable to the Commissioners and to an appointed election administrator. So I think if there's a board you would have the option of going straight to the Commissioners, you have an option of going to the board, you have the option of always going to whoever is in charge of that person, if it's a CAO.

**Patty Baumgart:** I think it's a really good question because this is an issue that you have to look at from two perspectives; one is that this would be an employee and if in an employment contract, yes you're right this could get bound up in certain aspects if we didn't approach it correctly. I saw an Anne Hughes white paper, she discussed this concept of an Elections Advisory Council, that makes a great amount of sense but it's advisory all the same. It really is incumbent on the Commissioners to hold the CAO accountable, the CAO to hold the Chief Selection Administrator accountable. But accountability would have to be considered when setting the contract because the terms of that contract, in how you can terminate it, aren't just wide open. They would have to be written in very careful about what considerations they would give. Some of our template languages hits the real obvious; if you steal, if you drink, if you...the usual cardinal sins. There would have to be consideration if there's cardinal sins to an elections administrator written in. Otherwise, you are dealing with a contract that does have an end. The worst, worst case scenario is you pay out that contract for two (2) – three (3) years and that

has certainly happened, it's nothing anybody's ever glad to do with tax dollars, but it can occur. The best case scenario is that due diligence has been done by the CAO through a probationary period through monitoring performance, through listening to citizens input and making impact on that Administrator to hopefully improve performance and be on target. But I think the comparison that this woman, Vondeen, made is real important because based with a recall possibility that is pretty laborious indeed too. So just look at it for the face of what it is; you have a contract with certain ways to get out of it, you have a recall process that I don't understand at all but it is a good question you ask.

**Bradley Seaman:** To follow-up with that; at the end of the term of the contract say it was a three (3) year contract and the Elections Administrator would appoint for it. What would be the process for either continuing that contract or searching for a new Elections Administrator?

**Patty Baumgart:** When the contract terminates the Commissioners could deem at that moment there would be language that said that if they did not intend to renew they'd give, let's say 60-day notice. Vickie if you're not going to be the Elections Administrator anymore, they would have to take steps then to reinstate a process to a point or to choose to do it as a direct I pick you kind of political appointment. That's not the recommended method of filling this position obviously.

**Chair Curtiss:** So the Commissioners have a similar type of contract with the CAO, the CFO, the COO, the IT Director, our Public Works Director and so as a general practice they're renewed unless there's some issue.

**Bradley Seaman:** And that would be a point and time where public could come forward to make comment if they felt like the Elections Administrator was not doing very well? It would actually be a year short then the current elected term. There are a lot of benefits and drawbacks to this and I'm not envious for your decision. Thanks for answering more questions for me.

**Anne Hughes:** Any Department Head is accountable to every citizen to Missoula County and any complaints or criticisms about their work that they do or their staff is taken very seriously and handled by the Chief Administrative Officer (CAO) and the Board of County Commissioners (BCC) when appropriate. That process is there whether you're a voter or tax payer or a student.

**Lee Gordan:** The history in Montana of Election appointed commissioners is scary. Your basic concern is money, how much money you're spending, not how well the voters are doing. It's scary! What you do over time as Commissioners as the voting goes down we become much more, much more, much more controlled by money. That's been the history throughout the state and throughout the country.

**Lauren Meyer:** Voter access is critically important but I don't think that looking at this one factor, whether it's a hired or elected position and looking at voter turnout and assuming that there's necessarily a relation there. I know some people have brought up a study which I haven't read so I can't speak to it but I would also say that while voter access and turnout is critically important, other issues like voter fraud are also important too. Have voter turnout as the end all/be all for a reason for hiring or election the position, I think is not right.

**Chair Curtiss:** I appreciate all of you coming today. The Commission plans to recess the hearing today and continue the hearing on June 11<sup>th</sup> at our Public Meeting that day. This will give us time to research some of the points that have been brought up and weight things. We'll be taking comment that day also, you don't need to come and repeat what you said today, it's all part of the record.

#### **Executive Session**

Hearing is recessed today and will reconvene June 11<sup>th</sup>.

#### **7. HEARING & DECISION (Continued from April 23, 2014)**

Petition to Abandon a Portion of a Public Right-of-Way (portion of Lewis & Clark Drive & Lolo to Lolo Hot Springs Road)

Chair Curtiss read the viewer's report by Greg Robertson and Chair Curtiss.

Mr. Jenks, the property owner where the easement goes through, read the report and has no further comments.

#### **Public Comment**

None

#### **Executive Session**

Commissioner Landquist made motion that the Board of County Commissioners approve the Viewers Report and abandon that portion of Lewis & Clark Drive to Lolo Hot Springs Road with conditions for the pedestrian right-of-way to remain. Commissioner Carey seconded 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 are in recess at 2:40.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated May 16, 2014:

- Approving request from Debra K. Evans, Missoula, to refund taxes for tax years 2009 thru 2013 due to an error in appraisal of property for taxpayer id #5954300. County Finance Dept. will correct bills and send refund check after they receive corrected info from Dept. of Revenue.
- Replying to request from Edmund Suess, Missoula, to refund penalty/interest for taxpayer id #3017905. Per Montana Law, BCC has no authority to do so except in very limited circumstances. However, BCC has requested DOR to provide appraisal info on this property to see if any tax relief can be offered.
- Letter to Wes Redden, DOR, Missoula, pertaining to request [above] from Edmund Suess, Missoula. BCC requests appraisal info re: tax id #3017905 for review at June 11, 2014 meeting with C&R.

#### THURSDAY, MAY 15, 2014

BCC met in regular session; all three present. Morning: ML attended Special Districts Discussion with Mayor Engen, held at MonTEC. Afternoon: ML attended new Bike Station Ribbon Cutting Ceremony, held at South Entrance of Missoula Public Library. Evening: BC attended meeting of Open Lands Citizen Advisory Committee.

#### ADMINISTRATIVE MEETING

Budget Transfer – BCC signed, dated May 15, 2014. Control #14-009 for Health Dept. in amount of \$3,353 (FY2014) needed to transfer to Grants line item for services provided by Forum for Children/Youth from MCCHD (from MIECHV ID funds) to Grants for Missoula Best Beginnings Coordinator. Original to Teresa Graham/ Accounting.

By-Laws – BCC approved/signed, dated May 15, 2014. Amended Bylaws for the Missoula County Big Sky Park Stewardship Committee. BCC also affirmed appointment of Cindy Arnott to represent Horseman's Council on the Committee. Originals to C&R and Lisa Moisey/Parks.

Contract – JC signed. Between County and Great West Engineering for engineering services for Swan River bank stabilization at Guest Ranch Road river channel. Amount/\$1,350 (from Bridge Fund). Term/ October 17, 2013 – October 31, 2014. Originals to C&R and Erik Dickson/Public Works.

Signature Page – JC signed, dated May 15, 2014. Construction grant application for DNRC RRGL Mill Creek stream bank and Spring Hill Road culvert stabilization. Morrison-Maierle has completed required Technical Report. Maximum construction grant available is \$100,000. Originals to Greg Robertson/PW for further handling.

Contract – BCC signed, dated May 6, 2014. Two (2) contracts between County and the following for entertainment at the 2014 Western MT Fair. Amount/\$74,000. Term/. Original to C&R.

- 1) Sankey Pro Rodeo for all aspects of PBR and PRCA events August 5–9, 2014. Amount/\$68,000; and
- 2) Sankey Pro Rodeo Company for provision of personnel, stock, and production of bull riding and rodeo events (Ranch Rodeo). Amount/\$6,000. Originals to C&R.

Agreement – BCC signed. Two (2) Confidentiality and Non-Disclosure Agreements re: County's submission of BSTF Category I Grant Applications to MT DOC on behalf of Advanced Technology Group ("ATG") and Blue Marble Biomaterials ("Blue Marble"). Applications being submitted through BREDD. Agreements clarify that any confidential documents/requests remain confidential. ATG original to C&R; Blue Marble original to Kelly Yarns/BREDD for further handling.

Amendment – BCC signed. To contract between MCCHD and Lower D Construction for WIC Kitchen Remodel project. Added is expense of \$647 to patch drywall/touch up texture and paint entire 1<sup>st</sup> Floor conference room (location of demo kitchen). Two originals to Julie Mohr/MCCHD for further handling.

Task Order – JC signed. #15-07-5-21-085-0 between MCCHD and MT DPHHS (WIC Program Master Contract 7/1/12-6/30/19). Funding in amount of \$1,820 for WIC Farmers' Market Nutrition Program for period July 1, 2014 – June 30, 2015. Three originals to Julie Mohr/MCCHD for further handling.

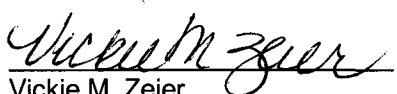
Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated May 13, 2014. Amount/\$115,201.66. To County Auditor.

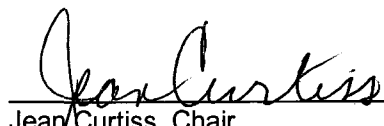
Request: Records Disposal/Transfer Authorization – JC signed. From PHC: a) Adult dental charts (1/1/2003 - 12/31/2003); and b) Adult medical records (1/1/2003 - 12/31/2003). Destroy.

Additional discussion item(s): *Reaching Home* Project update.

#### FRIDAY, MAY 16, 2014

BCC met in regular session; all three present. Afternoon: ML attended meeting re: Real Change, held at United Way.

  
Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

MONDAY, MAY 19, 2014
----------------------

Indemnity Bond – JC signed. Hastings Books & Music, Missoula, Principal for MCPS Warrant #27107533, issued January 29, 2014 on County 201 Fund. Amount/\$138.80 (for books). Warrant lost.

BCC met in regular session; all three present. Noon: JC attended Retirement Celebration for Shelley Meyer, held at Health Dept. Evening: ML attended meeting of East Missoula Community Council.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Subdivision Regs Rewrite update; 4) Phasing Plan Amendments (*action*) for: (a) Emerald Estates; and (b) The Ranch Club; 5) DEQ Public Hearings/Otter Creek; 6) Director's update.

Letter – BCC signed, dated May 21, 2014 to John Lee, Missoula, approving phasing plan amendment for Emerald Estates Subdivision. Final plat submittal deadlines are extended as follows: Phase 1 to December 31, 2018; Phase 2 to December 31, 2020; and Phase 3 to December 31, 2024.

Letter – BCC signed, dated May 21, 2014 to Tom Butorac/1<sup>st</sup> Interstate Bank, Missoula, approving phasing plan amendment for The Ranch Club Subdivision. Final plat submittal deadlines are extended as follows: Phases 7 and 8 to December 31, 2018; Phase 9 to December 31, 20121; Phase 10 to December 31, 2023; and Phase 11 to December 31, 2025.

TUESDAY, MAY 20, 2014
-----------------------

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

ADMINISTRATIVE MEETING

Agreement – BCC signed, dated May 2, 2014. Between County and Providence Health & Services-Montana d/b/a St. Patrick Hospital ("SPH") to continue urgent mental health services under current FY14 Strategic Crisis Intervention Plan initiatives for HB 130. Amount/\$54,080 (DPHHS grant funded). Term/July 26, 2013-June 30, 2014. Originals to C&R and SPH.

Agreement – BCC signed, dated May 13, 2014. Between County and Dr. Catherine O'Day to continue urgent mental health services (at Detention Facility) under current FY14 Strategic Crisis Intervention Plan initiatives for HB 130. Amount/\$43,680 (DPHHS grant funded). Term/July 26, 2013-June 30, 2014. Originals to C&R and Erin/GCP.

Resolution No. 2014-069 – BCC signed, dated May 20, 2014. Establishing Missoula Board of County Commissioners as the Board of Directors for the Western MT Fair Foundation. BCC will also appoint two additional directors to bring total number of members to five. [In August 2007, BCC rescinded resolution creating the County Fair Commission]. Original to C&R.

Contract – BCC signed. Between County and Sirius Construction to remodel 317 Woody Street building into new office space for Crime Victims Advocates. Amount/\$327,109). Term/June 1-September 21, 2014. Originals to C&R and Larry Farnes/Facilities Maintenance.

Contract – BCC signed, dated May 20, 2014. Between County and Professional Consultants, Inc. for civil engineering services for design and construction oversight of pedestrian trail in Parks 9 and 11 in Missoula Development Park. Amount/\$10,500. Term/upon contract signing – January 1, 2015. Originals to C&R and Barb Martens/Projects.

Budget Transfers – BCC signed three (3) transfers, dated May 19, 2014. For Public Works, as follows:

- 1) Control #14-015 in amount of \$95,000 to transfer remaining Road funds from dust abatement FY14 to be used for gravel projects.
- 2) Control #14-016 in amount of \$4,500 to transfer Road unused balance funds from equipment rental allocation to purchase Ford Ranger truck from Building Code Division surplus for Road fleet.
- 3) Control #14-017 in amount of \$4,500 to transfer Bridge unused balance funds from equipment rental allocation to purchase Ford Ranger truck from Building Code Division surplus.

Originals to Teresa Graham/Accounting.

Contract Amendment – BCC signed, dated May 14, 2014. To 2009 contract between County and Missoula Motor Parts for their in-house fleet turn-key program (for five years to May 26, 2014). Contract extended 90 days to keep program running while a new RFP is advertised/evaluated. New term to August 25, 2014. Originals to C&R and Amy Rose/Public Works.

Amendment – JC signed. #1 to Task Order #14-07-3-01-083 between MCCHD and MT DPHHS (WIC Program Master Contract). Additional funding in amount of \$3000 from DPHHS for Cardiovascular Disease & Diabetes Prevention Program (9CVDDPP) lifestyle intervention curriculum. Intended to cover the additional cost of billing Medicaid and administering the incentives. March 1, 2014 through June 30, 2014.

Amendment – JC signed. #2 to Task Order #14-07-5-21-014-0 between MCCHD and MT DPHHS (WIC Program Master Contract). Additional funding in amount of \$43,000 from Regional WIC reallocation funds (based on % of state caseload served by each local agency). New total contract amount/\$495,474. Term/October 1, 2013 – September 30, 2014. Three originals to Julie Mohr/MCCHD for further handling.

Additional discussion item(s): Senior Leadership meeting update.

**WEDNESDAY, MAY 21, 2014**

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Request – BCC reviewed/referred to Investment Committee before signature - Updated County of Missoula Workers Compensation Trust fund Investment Policy & Guidelines Statement.

Contract – BCC signed, dated May 21, 2014. Between County and Professional Consultants, Inc. for engineering services to rehabilitate asphalt along Airway Blvd, and install sidewalk along one side from roundabout to Hwy 10 W. Amount/\$34,000. Term/May 21, 2014 – January 1, 2015. Originals to C&R and Barb Martens/Projects.

Amended Contract – BCC signed, dated May 21, 2014. To contract between County and Ibey Sprinkler/Landscape, Inc. for maintenance services for MDP Airway Blvd/Expressway roadway medians (dated July 2012, amended March 2013). Additional tasks include fall short mow/weed spraying/planting beds mulch maintenance, etc. Added amount/\$5,700; new contract amount/\$27,910. Term/July 2014 – October 2015.

Resolution No. 2014-070 – BCC signed, dated May 21, 2014. Budget Amendment for transfer in amount of \$11,825 from Land Sales Cash Fund for MDP Landscaping Maintenance Account (see above amended contract entry) . For total disclosure, expenditures included in formal 2014 Operating Budget/Revenue Estimates for County. Originals to C&R.

Agreement – BCC signed, dated May 21, 2014. Between County (Airport Industrial Dist.) and Friends of Valley Christian for parking on Lot 2A, Block 11, MDP-Phase 2 for the school fundraiser 3on3 hotshot event, to be held May 25<sup>th</sup>-26<sup>th</sup>. Originals to C&R and Barb Martens/Projects.

Request – Per letter to BCC from 113 not-for-profit organizations, businesses and individuals, requesting that a parks/trails bond measure be placed on the November 2014 ballot, BCC set June 2014 public meeting/hearing dates for this proposal. Deadline for decision is August 10, 2014.

Additional discussion item(s): Partnership for a zero-fare Mountain Line (referred to next day's meeting).

NO PUBLIC MEETING HELD THIS DATE

**THURSDAY, MAY 22, 2014**

BCC met in regular session; all three present. Morning: BC participated in 2015 – 2020 Consolidated Plan Webinar.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 10/CY2014 - Pay Date/May 16, 2014. Total Payroll/\$1,422,020.43. To County Auditor.

Resolution No. 2014-071 – BCC signed, dated May 22, 2014. Emergency Proclamation declaring risk of flooding due to run-off from active snow melt and increase to stream/river flows in Lolo Creek, Clearwater River, Swan River, and Blackfoot, Clark Ford and Bitterroot drainage. Emergency exists as of May 22, 2014; Proclamation ensures that all agencies have access to Emergency Operations Plan should need arise. Original to C&R.

Agreement – BCC signed, dated May 22, 2014. Between County and Missoula Westside Little League for use and maintenance of County Park Land located at Big Sky Park in exchange for operating Little League ball field complex. Term is for 10 years (2024). Originals to Lisa Moisey/Parks for further handling.

Board Appointments – BCC appointed the following to new terms until the May 2017 Special District Election is held:

- 1) Rita Henkel (reappointed) to new 5-yr term on the Library Board (to 6/30/19).
- 2) Chuck Keegan and Jim Valeo (reappointed) to new 3-yr terms on the Missoula Development Authority (to 6/30/17).
- 3) Dan Morgan, Martha Yates, Chris Hale (Regular Members), and Bill Dahlgren (1<sup>st</sup> Alternate), (reappointed to new 3-yr terms on the Parks & Trails Advisory Board (to 6/30/17).

Additional discussion item(s): 1) Interoperability Montana; 2) FEMA discussion to consolidate grants; 3) MACo Legislative items; 4) Election day schedule (June 3<sup>rd</sup>).

**FRIDAY, MAY 23, 2014**

BCC met in regular session; quorum present. Morning: JC attended meeting of *Reaching Home* Project, held at Mayor's Office. ML out of office all day.



Vickie M. Zeier  
Clerk & Recorder



Jean Curtiss, Chair  
BCC

**MONDAY, MAY 26, 2014**

**ADMINISTRATION BUILDING AND COURTHOUSE CLOSED FOR THE MEMORIAL DAY HOLIDAY**

**TUESDAY, MAY 27, 2014**

BCC met in regular session; all three present.

**ADMINISTRATIVE MEETING**

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated May 27, 2014. Amount/\$90,386.06. To County Auditor.

Additional discussion item(s): Next monthly meeting with Mayor, BCC, City CAO & County CAO was set for June 5, 2014.

**WEDNESDAY, MAY 28, 2014**

BCC met in regular session; all three present. Noon: ML attended Retirement Celebration for Erin Horner, held at Animal Control.

Indemnity Bond – JC signed. Sue Furey, Missoula, Principal for AP-Claims Warrant #27108489, issued February 18, 2014 on County Student Fund. Amount/\$247.54 (for student activity). Warrant lost.

**ADMINISTRATIVE MEETING**

Contract – BCC signed, dated May 28, 2014. Between County and Vickie Zeier to serve as the new CAO of Missoula County. Amount/\$114,488.40 annually. Term/June 15, 2014–June 15, 2017. Originals to C&R and Vickie Zeier.

By-Laws Revision – BCC signed, dated May 28, 2014. Bylaws of the Open Lands Citizen Advisory Committee amended in order to replace references to "Rural Initiatives (RI)" with "Community and Planning Services (CAPS)" (due to merger in 2013 of RI and Office of Planning and Grants to form CAPS). Two originals to Kali Becher/CAPS.

Annual Plan - BCC approved/signed Missoula City-County Health Department's (Health Promotion Division) Missoula County DUI Task Force FY2015 Annual Plan to be submitted May 30, 2014 to the State Highway Traffic Safety Bureau, MT DOT, Helena. Document is annual work plan, budget and membership for County DUI Task Force. Original to C&R.

Agreement – BCC signed, dated May 28, 2014. Between BCC and MCCHD for FY2014 Foster Child Health Program services. Amount to MCCHD/\$41,313 (from grant funds). Term/July 1, 2013-June 30, 2014. Originals to C&R and Grants.

Additional discussion item(s): Agenda for Mayor/BCC/CAOs meeting on June 5<sup>th</sup>.

**PUBLIC MEETING – May 28, 2014****1. CALL TO ORDER**

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

**Staff Present:** Chris Lounsbury, Office of Emergency Services

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

**Chair Curtiss:** Tuesday is Election Day. If you want to vote before Tuesday and you're not registered, you can go to the Fairgrounds to register before Tuesday.

**Commissioner Landquist:** Exhibit at Fort Missoula celebrating 150 years.

**Proclamation:** UM Retirees' Day  
Chair Curtiss read the proclamation

**4. PUBLIC COMMENT**

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List (\$1,508,807.35)

**Executive Session**

Commissioner Landquist made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$1,508,807.35. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

**6. ADOPTION**

Seeley-Swan Fire Plan 2013 Revision as a Component of the Missoula County Community Wildfire Protection Plan

**Chris Lounsbury:** We have not received any comments. Two questions from the public had been answered over the phone.

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the Seeley Swan Fire Plan. 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 are in recess at 1:37.

**THURSDAY, MAY 29, 2014**

BCC met in regular session; all three present. Early morning: JC participated in Human Rights Bureau Phone Interview. Noon: ML attended Retirement Celebration for Paula Torrey, held at Library. Early evening: BC/ML attended Senior Center Completed Construction Celebration.

**ADMINISTRATIVE MEETING**

Construction Contract – BCC signed. Between County and D. Lower Construction, Inc. (as lowest bidder - with continued architectural services by CTA Architects) for remodel at 301 West Alder. Amount/\$596,270. Term/May 29 – January 15, 2014. Original to Julie Mohr/Health Dept. for further handling.

Request – BCC approved expenditure from CAPS/Parks of up to \$2,000 from RSID 902 for All Rain Sprinklers to hand treat noxious weeds in Tom Green Memorial Park, as part of continued implementation of County Parks & Trails Integrated Weed Management Plan. Term/Spring – Summer, 2014). Original to CAPS.

Request – BCC approved/authorized ML & BC to sign MT DOC Reimbursement Request for Payment Form for ALCOM's Big Sky Economic Development Trust Fund (BSTF) Category 1 Job Creation Grant (#MT-BSTF-1-13-11). Payment awarded to County January 17, 2013; contract end/January 17, 2015. Amount requested/\$360,000; new total grant balance/\$540,000. Original to Kelly Yarns/BREDD.

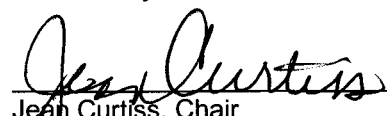
Stop Payment Request – BCC approved stop payment of a \$6,000 check sent by Clerk of Court to Respondent, Laura Heuertz, from Dennis Vandermeer, Petitioner, in re the marriage of Petitioner and Respondent, Justice Court #2, Cause No. DR-08-275. Check was sent to old address instead of waiting to send to an address requested by the Respondent. New draft will be issued when Respondent obtains an indemnity Agreement.

Additional discussion item(s): Canvass Board.

**FRIDAY, MAY 30, 2014**

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

  
Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

## MISSOULA COUNTY COMMISSIONERS' JOURNAL: JUNE 2014

## BCC = BOARD OF COUNTY COMMISSIONERS

JC = Commissioner Jean Curtiss, Chair

BC = Commissioner Bill Carey

ML = Commissioner Michele Landquist

The following Claims Lists were signed during the month of JUNE 2014:

Date Signed	Claims List Date	Who signed	Amount
June 4, 2014	May 30, 2014	JC, ML	\$1,230.66
			\$15,169.35
			\$1,600.00
June 4, 2014	June 3, 2014	JC, ML	\$2,506.11
			\$8,155.36
			\$6,796.75
			\$15,792.86
			\$321.91
			\$18,547.97
			\$1,744.88
			\$297,547.25
June 6, 2014	June 3, 2014	JC, BC	\$4,348.24
June 6, 2014	June 4, 2014	JC, BC	\$45,255.61
June 6, 2014	June 5, 2014	JC, BC	\$49,767.06
			\$444.40
			\$26,534.33
			\$198,413.18
			\$3,397.86
June 9, 2014	June 5, 2014	BCC	\$287,336.44
June 9, 2014	June 6, 2014	BCC	\$1,855.53
			\$14,475.02
			\$535.23
June 9, 2014	June 9, 2014	BCC	\$21,594.37
			\$7,030.23
			\$404.88
			\$5,103.92
June 10, 2014	June 5, 2014	BCC	\$66,057.70
June 10, 2014	June 9, 2014	BCC	\$67,391.27
			\$7,897.77
			\$30,178.90
			\$1,047.31
			\$25,547.26
			\$10,410.91
June 11, 2014	June 9, 2014	BCC	\$31,179.33
			\$27,060.04
			\$370.59
			\$1,064.24
June 11, 2014	June 10, 2014	BCC	\$23,524.58
			\$28,167.82
			\$2,850.69
			\$5,811.91
			\$1,225.57
			\$275.92
			\$1,150.00
			\$4,200.00
			\$125.00
			\$1,006.48
			\$200.78
June 11, 2014	June 10, 2014	BCC	\$2,491.01
			\$33.23
			\$90.00
			\$1,498,185.70
June 11, 2014	June 11, 2014	BCC	\$1,500.00
June 4, 2014	PHC Smartfill ACH		\$49,136.87
June 6, 2014	PHC Amerisource ACH		\$14,467.64



June 12, 2014	June 10, 2014	JC, BC	\$8,022.55
June 12, 2014	June 11, 2014	JC, BC	\$10,472.72
			\$13,220.61
June 12, 2014	June 12, 2014	JC, BC	\$45,116.81
			\$1,051.57
			\$8,558.32
			\$6,202.96
June 13, 2014	June 12, 2014	JC, BC	198329.65
			27565.57
June 16, 2014	June 16, 2014	BCC	\$33,227.48
June 17, 2014	June 16, 2014	BCC	\$101.22
			\$21,743.83
			\$20,010.41
			\$8,238.37
			\$83.88
			\$2,803.80
June 18, 2014	June 16, 2014	JC, ML	\$3,538.92
			\$6,506.01
			\$1,750.00
			\$1,648.15
			\$30,039.64
June 18, 2014	June 17, 2014	JC, ML	\$38,743.88
			\$4,407.68
June 19, 2014	June 17, 2014	JC, ML	\$454.26
			\$4,325.93
June 19, 2014	June 18, 2014	JC, ML	\$65,102.28
			\$822.19
			\$1,838.80
			\$3,771.22
June 23, 2014	June 18, 2014	JC, ML	\$648,629.81
			\$7,144.00
			\$2,448.28
			\$12,281.09
June 23, 2014	June 19, 2014	JC, ML	\$4,437.04
			\$1,313.47
			\$647.00
			\$3,411.01
			\$183.20
			\$563.00
			\$45.73
			\$839.34
			\$33,664.26
June 24, 2014	June 23, 2014	JC, ML	\$29,715.03
			\$7,931.08
			\$3,520.90
			\$24,202.04
			\$2,315.95
			\$40,521.65
			\$461.13
			\$6,584.14
June 25, 2014	June 23, 2014	BCC	\$3,104.24
			\$30,761.00
			\$5,633.07
			\$95,128.05
			\$2,765.83
June 25, 2014	June 24, 2014	BCC	\$228,979.77
			\$1,981.34
			\$234,104.20
			\$18,673.00
			\$40,709.52
			\$18,000.00
			\$445.72

June 25, 2014	June 25, 2014	JC, ML	\$3,938.40
			\$1,596.11
			\$330.55
			\$1,072.24
			\$8,951.87
			\$16,139.63
			\$70.00
			\$128.00
			\$6,500.00
June 26, 2014	June 24, 2014	BCC	\$16,548.75
June 26, 2014	June 25, 2014	BCC	\$2,460.34
			\$10,856.48
			\$20,077.68
			\$17,111.10
			\$15,518.34
			\$11,492.79
			\$2,353.83
			\$9,294.68
			\$1,644.82
June 27, 2014	June 25, 2014	BCC	\$182.18
			\$110.04
			\$242.26
			\$8,725.64
June 27, 2014	June 26, 2014	BCC	\$12,404.84
			\$187,095.88
June 30, 2014	June 25, 2014	JC, BC	\$99.95
June 11, 2014	PHC Smartfill ACH		\$12,408.67
June 13, 2014	PHC Amerisource ACH		\$43,804.63
June 18, 2014	PHC Smartfill ACH		\$30,546.64
June 20, 2014	PHC Amerisource ACH		\$32,763.23
June 26, 2014	PHC Smartfill ACH		\$43,221.72
June 27, 2014	PHC Amerisource ACH		\$21,117.73
			\$16,284.03

All Claims Lists were returned to the Accounting Department.

#### MONDAY, JUNE 2, 2014

BCC met in regular session; all three present.

Replacement Warrant - JC signed. Douglas Reisig, Missoula, Principal for Hellgate Elementary SD#4 Warrant #20611, issued May 14, 2014 on County Claims Clearing Fund. Amount/\$450.40 (for travel reimbursement). Warrant lost.

Community and Planning Services Update - BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Running W Ranch Phasing Plan Amendment (*action*); 4) Director's update.

Letter - BCC signed, dated June 23, 2014 to Dennis Williams, Missoula, approving phasing plan amendment for Running W Ranch Subdivision. Final plat submittal deadlines are extended as follows: Phase 3 to May 31, 2018; Phase 4 to May 31, 2019; Phase 5 to May 31, 2020; Phase 6 to May 31, 2020; Phase 7 to May 31, 2021; Phase 8 to May 31, 2022; Phase 9 to May 31, 2023; Phase 10 to May 31, 2023; and Phase 11 to May 31, 2024.

#### TUESDAY, JUNE 3, 2014

BCC did not meet in regular session; quorum unavailable. Special District/School Election held this date.

ADMINISTRATIVE MEETING - Canceled

#### WEDNESDAY, JUNE 4, 2014

BCC met in regular session; quorum present. BC in Helena all day.

Monthly Report - ML examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of the District Court, Shirley Faust, for month ending May 2014.

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 May 2014.

ADMINISTRATIVE MEETING

Memorandum of Understanding – BCC signed, dated May 20, 2014. Between City and Missoula County for 2014 Edward Byrne Memorial Justice Assistance Grant (#2014-H3317-MT-DJ). Total amount/\$62,706; City to pay County \$17,887 for part-time property clerk position; City to use balance of \$44,819 for purchase of body-cameras, jail interview room cameras, electronic control devices, cartridges, etc. One original to C&R.

Bid Award – BCC approved bid award to Triple W Equipment (as lowest bidder with buy back option) for purchase of rubber tire backhoe for Public Works. Purchase Amount/\$108,765.55 (buy back of \$78,800). To Erik Dickson/Public Works.

Employment Agreement – BCC signed. Between County (PHC) and Kim Mansch to serve as Executive Director of PHC. Term/July 1, 2013–June 30, 2014. Amount/\$115,000 yearly. Originals to C&R and Andrea Laine/PHC.

Employment Agreement – BCC signed. Between County (PHC) and Katherine Krebsbach, DO to serve as a primary care physician at PHC. Term/August 18, 2014–June 30, 2016. Amount/\$155,000 yearly. Originals to C&R and Andrea Laine/PHC.

Contract – BCC signed. Between County (PHC) and Flathead City-County Health Department for local case management assistance to Ryan White Part C Early Intervention Service clients in Flathead County area. Term/April 1, 2014–March 31, 2015. Amount/not to exceed \$4,000. Originals to C&R and Andrea Laine/PHC.

Contract – BCC signed. Between County (PHC) and Salish Kootenai College for outreach services in Salish/Kootenai area to people with HIV, as well as education re: Ryan White Program. Term/April 1, 2014 – March 31, 2015. Amount/not to exceed \$2,000. Originals to C&R and Andrea Laine/PHC.

Grant Agreement – JC signed. FY2013 Continuum of Care Program Grant Agreement between County and HUD for Western MT Mental Health Center's SHARE House program. Amount/\$130,093; County to receive \$4,575 for administration costs. Three originals to Melissa Gordon/Grants.

Additional discussion item(s): None.

NO PUBLIC MEETING HELD THIS DATE

## THURSDAY, JUNE 5, 2014

BCC met in regular session; all three present. Morning: JC attended "Let's Move! Missoula" Leadership Team meeting held at Missoulain Building; BCC also held conference call re: Senior Co-op Housing. Evening: BCC held Public Meeting.

Mayor/CAO and BCC/CAO Monthly Meeting Agenda: (Held at 11:00 am at Missoula Redevelopment Office)

- 1) Public comment
- 2) Department/Joint Operations/Appointed Boards update
  - a. Status of Interlocal Agreement for Grants
  - b. Parks & Trails Bond update
  - c. Lolo to Missoula Trail update and any City issues
  - d. Two new City TIF Districts
- 3) Other issues
- 4) Adjournment

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 11/CY2014 - Pay Date/May 30, 2014. Total Payroll/\$1,424,092.45. To County Auditor.

Board Appointment – BCC appointed Michael Heisey as the citizen member of the new Bonner TIF Advisory Board. Mr. Heisey's 3-year term will run July, 1, 2014 –June 30, 2017. The other members of the Board are the current members of the Missoula Development Authority.

Participating Agreement – BCC approved/JC signed. Between County and the USDA, Forest Service, Lolo National Forest, to treat noxious weeds on Lolo National Forest and US Forest Service Region One property. Term/June 9–November 15, 2014. Amount/not to exceed \$9,100 (funds from USFS). Two originals to Bryce Christiaens for further handling.

Agreement – BCC signed. Between County and Monture Creek Land Management to provide noxious weed control along road right-of-ways, throughout trail networks, and on public lands in Missoula County. Term/June 15–November 15, 2014. Amount/not to exceed \$15,000 (funds from USFS and MDP). Two originals to Bryce Christiaens for further handling.

Agreement – BCC signed. Between County and Jerald Dewey for continued bio-control monitoring and releases in Missoula County on DNR/MT FWP/BLM and private land. Term/June 15–October 31, 2014. Amount/not to exceed \$5,030 (funds from partnering agencies). Originals to C&R and Bryce Christiaens.

Agreement – BCC signed. Between County and Working Dogs for Conservation for EDRR search dog effort on Mount Sentinel (for new invader noxious weed Dyer's woad). Term/June 1–October 31, 2014. Amount/not to exceed \$11,000 (funds from UofM/\$1,000; City of Missoula/\$1,000; Noxious Weed Trust Fund/\$4,000; and Missoula Weed District/\$5,000). Originals to C&R and Bryce Christiaens.

Participating Agreement – BCC approved/JC signed. Between County Weed District and the USDA, Forest Service, Flathead National Forest for UofM's Flathead Biological Station to pilot eDNA sampling on Holland Lake to determine its feasibility/better understand sampling protocol for eDNA. Term/June 16–October 31, 2014. Amount/not to exceed \$7,000 (funds from Flathead National Forest). Two originals to Bryce Christiaens for further handling.

Contract – BCC signed. Between County and SouthWest Systems, Inc. to replace old video system currently at Detention Center. Amount/\$225,000 (funds previously set aside by Sheriff's Dept. for project). Term/July 1-August 1, 2014. Originals to C&R and Jason Emery/Technology.

Agreement – BCC signed. Renewal agreement between County and MT Supreme Court, Office of the Court Administrator ("OCA"), Helena, for continued technical support for 4<sup>th</sup> Judicial District Court Judges and staff and Youth Court staff in Missoula County. Amount/shall not exceed \$6,426 per year (funds previously set aside by Sheriff's Dept. for project). Term/July 1, 2013-June 30, 2015. Originals to C&R and Jason Emery/Technology.

Resolution No. 2014-073 – BCC signed, dated June 5, 2014. Budget Amendment for CAPS to transfer \$50,000 from CAPS cash line to contracted services (to fund one time consulting expenses re: Growth Policy Update Project. For total disclosure, expenditures included in formal 2014 Operating Budget/Revenue Estimates for County. Original to C&R.

Employment Agreement – BCC signed. Between County (PHC) and Sheryl Alexander, PA-C, DC to serve as Physician Assistant at PHC, Seeley Lake location. Term/March 12, 2014–June 30, 2015. Amount/\$50 per hour. Originals to C&R and Andrea Laine/PHC.

Request for Funds – JC signed. Draw #3 for CDBG funds (Contract #MT-CDBG-12PF-03) for Tom Roy Youth Guidance Home construction project. Amount requested/\$310,200.37. Balance remaining after this draw/\$6,191.12. Project term: July 1, 2012-June 30, 2014. Original to Jean Harte/GCP.


Additional discussion item(s): Canvass Board Members (BC, JC and Barbara Berens will canvass).

**SPECIAL PUBLIC MEETING #1** – Held at 7:00 pm at Creamery Bldg, 401 W. Railroad. Consider Citizen Request to Place Parks & Trails Bond Measure on November 2014 Federal General Ballot – [No Minutes taken; RECORDING available.] Second Special Meeting held and Resolution No. 2014-079 signed by JC on June 25, 2014 (see June 25<sup>th</sup> Journal entry).

#### FRIDAY, JUNE 6, 2014

BCC met in regular session; all three present.

  
Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

#### MONDAY, JUNE 9, 2014

BCC met in regular session; all three present.

Monthly Reports – JC examined/approved/ordered filed the End of Period Disbursement Reports for Justice Court 1, Justice of the Peace, as follows: 1) month ending April 30, 2014 (Amy Blixt/5:00 pm); 2) month ending April 30, 2014 (John Odlin/11:59 pm); and 3) month ending May 31, 2014 (Amy Blixt/5:00 pm);.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Jon Beal Shoreline Variance (info); 4) Director's update.

#### TUESDAY, JUNE 10, 2014

BCC met in regular session; all three present.

#### ADMINISTRATIVE MEETING

Memorandum of Understanding – BCC signed, dated June 10, 2014. MOU between MT Attorney General Tim Fox, Missoula County Attorney Fred Van Valkenburg, BCC, Acting Assistant US Attorney General Jocelyn Samuels, and US Attorney for Montana Michael Cotter concerning negotiated agreements that resolve ongoing dispute between the Missoula County Attorney's Office (MCAO) and USDOJ regarding handling of sex assault cases. US asserts it has jurisdiction to investigate/bring suit against MCAO. County, MCAO and MT AG deny USDOJ has any authority over locally elected county attorneys. Nothing in MOU constitutes any concession by any party. Amount: +/- \$200,000. Term/June 10, 2014 to two years after signing. Original to C&R.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated June 10, 2014. Amount/\$44,977.65. To County Auditor.

Additional discussion item(s): Continuing discussion re: MCAO and USDOJ issue.

**WEDNESDAY, JUNE 11, 2014**

BCC met in regular session; all three present. Morning: BCC held interviews with candidates for new Clerk & Recorder/Treasurer position.

**ADMINISTRATIVE MEETING**

Resolution No. 2014-076 – BCC signed, dated June 11, 2014. Budget Amendment for Health Dept. showing FY 2014 budget Revenue of \$45,000 paid to MCCHD by DPHHS/CFSD and disbursements thereof for Missoula Foster Child Health program. For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

Contract – BCC signed. Between County and David Tanner/North by Northwest a Digital Studio to produce a broadcast-quality video presenting the history of the WWII-era Alien Detention Camp at the Historical Museum at Fort Missoula. Amount/\$30,000 (funded by a National Park Service Grant). Term/May 1, 2014-August 31, 2015. Originals to C&R and Kristina Swanson/Historical Museum.

CTEP Project Specific Agreements – JC signed three (3) agreements between County and State of MT Dept. of Transportation for following projects to be funded by CTEP funds and County local match:

- 1) #UPN 8808 – Airport Road Trail (Seeley Lake); Hwy 83 to the High School. Total project cost/\$111,380.
- 2) #UPN 8810 – Blue Mountain Road Trail (Missoula); Hwy 93 to Blue Mountain Road Recreation Area Parking Lot. Total project cost/ \$276,950.
- 3) #UPN 8811 – Grant Creek Road Trail (Missoula County); City limits to Mellot Lane. Total project cost/\$293,954.

Two originals of each to Greg Robertson/Public Works for further handling.

Contract Modification – BCC signed, dated June 11, 2014. To #20123LEGL0004 (Title IV-E Legal Services) between County Attorney and MT DPHHS for paralegal services for dependent neglect cases. Contract is extended for period July 1, 2014–June 30, 2015. Amount/\$40,898.99. Originals to C&R and Marnie McClain/County Attorney's Office for further handling.

Contract Modification – BCC signed, dated June 11, 2014. To Purchase of Service Contract #20133LEGL0001 (Title IV-E/Paralegal Services) between County Attorney and MT DPHHS for child abuse/neglect cases on behalf of DPHHS. Contract extended for period July 1, 2014–June 30, 2015; total reimbursement amount/not to exceed \$42,125.96. Originals to C&R and Marnie McClain/County Attorney's Office for further handling.

Request – Per County Personnel Policy 214.20 "Exempt Overtime Pay", BCC approved request from County Health and Human Resources to allow overtime pay to exempt employee Kate Siegrist, Health Services Director, for necessary overtime work during vacancy, recruitment and transition of new Public Health Nutrition Manager. Estimated period for this allowance is four months with limit of 10 hours per week, effective June 9, 2014. Approx. amount/\$22,000. Original to Patty Baumgart/HR for further handling.

Contract – JC signed. Between County (4<sup>th</sup> Judicial District Youth Court) and State of Montana for Youth Probation prevention funding for prescription drug misuse/abuse awareness activities. Amount/\$7,650). Term/April 1, 2014-June 30, 2014. Originals to C&R and Peggy Seel/GCP for further handling.

Resolution No. 2014-075 – BCC signed, dated June 11, 2014. Appointing three (3) members to the Missoula County Post-Election Audit Committee, effective June 11, 2014, as follows: 1) Nora Morris; 2) Kathryn Sehestedt; and 3) new member Rose Bjornstad. Kyle Hartse and Laure Stevens will serve as alternate members. Original to C&R.

Request – Per CFO Andrew Czorny, BCC approved Amendment to Mastercard Multicard Acknowledgement and Agreement between County Treasurer and First Interstate Bank (the "bank"), dated April 28, 2014, effective July 1, 2014. County is implementing a "P-Card Program" with the bank, which enables use of one credit card vs. multiple cards. Two originals to Jacque Harris for further handling.

Request – Per request from Parks & Trails staff, BCC set public hearing for June 25, 2014 for a possible bond measure supporting parks/trails in the City/County of Missoula. Original to Lisa Moisey/CAPS/Parks.

Letter – BCC signed, dated June 10, 2014 to Big Sky Trust Fund ("BSTF") Program, Big Sky Economic Development Trust Fund, MT DOC, Helena, stating the Western MT Mental Health Center's BSTF Category I grant project for the Recovery Center Missoula is successfully completed. Center has been operating over a year and has met project goals, as well as providing more than 10 eligible jobs.

Additional discussion item(s): Volunteers within the County.

**PUBLIC MEETING – June 11, 2014****1. CALL TO ORDER**

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

**Staff Present:** Vickie Zeier, Clerk & Recorder, Dori Brownlow, Deputy County Attorney, Todd Klietz, CAPS, Shyra Scott, Clerk & Recorder

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

Chair Curtiss reminded everyone of the Historical Museums 4<sup>th</sup> of July Event.

**4. PUBLIC COMMENT**

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List (\$2,139,228.57)

**Executive Session**

Commissioner Landquist made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$2,139,228.57. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

**6. HEARINGS**

- a. Shoreline Permit Variance (Jon Beal, Lindbergh Lake)  
Jon and Kristie Beal joined via conference phone

**Todd Klietz** gave staff report and presentation.

**Jon Beal** gave his update. Thank you for allowing me to appear by telephone. They will remove all the pressure treated lumber and take care of all those concerns as part of this permit, if it is approved. I was not able to talk with the dock contractor about the proposal that he submitted to Mr. Klietz to address the length issue, the slight variation I talked Mr. Klietz late yesterday and sent him an email. The dock contractor believes that he can safely remove part of the walkway to move the dock in. I'd ask Mr. Klietz if he could have a two (2) foot leeway there versus a foot and a half for large enough air in the construction of the length, so that would make it 88 feet. I don't mean to speak for Mr. Klietz but I do not believe that that is objectionable to him. The other thing that I would like to request that the dock size that Mr. Klietz originally agreed to recommend was 770 square feet versus the 704 and I'd like to request we keep that because I'd like to talk to the dock contractor for safety purposes, having a larger area of the dock pushed back towards the shore for when we have our elderly parents and grandkids there so we have more than a four (4) foot walkway to enter and exit the boat. So that would mean our variance of the dock will still be at least 41 feet smaller than the existing dock that's on the lake variance. The reason for this change in the dock is one; the existing dock is decaying and breaking up in the lake, it also has uncontained Styrofoam and we'll remove all of that from the lake and replace everything with approved materials. That will also allow us to build a safe mooring place for modern boats. Modern boats have different mooring requirements than the older boats and they also need more water depth with the 4 stroke motors to reduce the gas and oil that's goes in the water versus the 2 stroke that use to get all boats. An example of this is a (in audible) boat slip doesn't even fit our neighbors speed boat that's 15 years old and that requires it. We also are reconfiguring the dock for a pontoon boat. I'd like to thank the County Commissioners and Mr. Klietz for his work on this. And I will be available if I can answer any questions.

**Chair Curtiss:** Mr. Beal, just to clarify the additional square footage you would like to have is so that you could make the ramp wider, not increase the size of the dock?

**Jon Beal:** I need to talk to the dock contractor who has been out in the field since yesterday and I wasn't able to speak with him about the redesign configuration. But, the wing portion I would like to be able to make wider than four (4) feet, it would not extend out to the lake (in audible) to make a wider more stable platform to enter and exit the platoon boat. I also wanted to talk to him about modifying one size as well to make it easier for people to access a canoe and paddle board. It would still be the smaller configuration, 41 feet less than the existing dock. This was the size that Mr. Klietz originally proposed to recommend for approval to the County Commissioners.

**Chair Curtiss:** So total square footage would be 770?

**Jon Beal:** Yes ma'am

**Chair Curtiss:** Todd, would you like to add anything to that? Of course we haven't seen what the drawings look like but we can kind of picture it in our minds, I guess.

**Todd Klietz:** Yes, I think what Mr. Beal is representing is this area right there (looking at slide) to make that area wider for the shore, not extend the boat back out further into the lake for it to become more of an affability issue but make this closer toward the shore. The existing...that portion of the existing dock is roughly ten (10) feet wide versus as proposed on Monday is four (4) feet wide.

**Commissioner Landquist:** What's the part he's talking about for canoes and stuff?

**Jon Beal:** On the northern end of the dock, the longest portion of the dock, I wanted to talk to the dock contractor about making a small jet out to hold the front end of the canoe, so you could actually tie the front end in and make it more stable. I haven't had a chance to talk with him yet. This addition again would be much smaller than the existing dock but I'd like a little leeway to adjust the configuration of the dock, not extending it further into the lake but adjusting the size of it and the shape.

**Chair Curtiss:** Currently I believe you're dock has two (2) jet out things, so you park the boat between them, right?

**Jon Beal:** That's correct.

**Chair Curtiss:** You want something to be able to moor the canoe too.

Todd and Dori, do you think if we just condition it with as approved by...we would condition it to have additional square footage to meet the variance requirements and the configuration has to be approved in the end?

**Todd Klietz:** I think what we could do is have Jon talk to the dock builder and then based on the variance today, if the Commissioners are agreeable to a variance today to allow that, I could bring the configuration back to you next Monday and have you sign off at that point and time.

**Chair Curtiss:** Okay.

#### Public Comment

**Mike McCue:** I have the cabin right next door to the Beal's. I don't have any objection to the dock. But I'm curious about the buoy, I didn't know anything about a buoy or what that is, could you go through that again?

**Todd Klietz:** On the drawing that was submitted by Mr. Beal a few weeks ago, the buoy location would be consistent with the length of the proposed dock and it wouldn't be outside really the foot print of the entire dock but located right there. The buoy requirements are here but they can't extend further than 70 feet from the shoreline. Again, that they have to be reflective and marked with a flag. A boat that is moored to the buoy cannot swing more than 15 feet and that boat cannot come closer than 20 feet from the property line. Any boat that's moored to a buoy has to be lit at night. Jon, would you like to discuss why you're requesting a buoy?

**Jon Beal:** The buoy will be on the point of the dock, if the regulations allowed us to build a rectangular slip we would have but there's not enough space for that. So where the normal rectangular would be to pull on the pontoon boat, that's going to be a buoy that's within the footprint of the dock and that will be the third mooring point for the pontoon boat. The boat dealer recommended that we have a four (4) point attachment for the pontoon boat versus a three (3) point so it will not be outside the footprint of the dock.

**Mike McCue:** Okay thank you it actually is an improvement for the space between our two docks and so our family has no objection to that.

**Christie Beal:** Thank you Mr. McCue.

**Tom Giles:** I'm a full-time resident at Lindbergh Lake and have been for many years. I read the variance request; I've also personally inspected the dock itself. I think all of the salient points have been addressed to you folks. The one thing I would like to point out is that I live down the lake a short ways, we have a dock and it's in a little bit better condition than the present dock that is there but I'll tell you, when the kids are there and the grandkids are there and our friends are there, the dock is very crowded. I can really appreciate the increase in the size of the dock and all that the Beal's have done to stay within a configuration that would be acceptable to everyone in that bay. I've talked to a lot of my friends on the lake and we are all in support of the Beal's variance application.

#### Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve Jon Beal's request for a buoy and a variance to construct 770 square foot dock on Lindbergh Lake with the recommended conditions of approval that all pressure treated wood being removed from the shoreline, protection zone. The proposed dock extends no further than the existing dock and existing railroad tie be removed from the shoreline protection zone. That the actual configuration will be approved by the Commissioners next week. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

b. Petition to Annex Property into Missoula Rural Fire District (located in Section 2, T11N, R20W)

**Shyra Scott** gave staff report. We have received a petition to annex several parcels of land located in Missoula County into the Missoula Rural Fire District. The legal description of the property is located in Bitterroot Meadows Subdivision, Lot 1 located at 6120 Delarka Drive in Lolo. Lot 2 at 6130 Delarka Drive in Lolo. Lot 3 at 6150 Delarka Drive in Lolo. Lot 6 at 6180 Delarka Drive in Lolo. Lot 7 at 6190 Delarka Drive in Lolo. Lot 9 at 6210 Delarka Drive in Lolo. Lot 14 at 6225 Delarka Drive in Lolo. Lot 15 at 6215 Delarka Drive in Lolo. Lot 16 at 6205 Delarka Drive in Lolo. Lot 17 at 6195 Delarka Drive in Lolo. Lot 18 at 6185 Delarka Drive in Lolo. Lot 24 at 6135 Delarka Drive in Lolo. Lot 25 at 6125

Delarka Drive in Lolo. All in Missoula County. That particular parcel of land situated in N ½ of the NW ¼ of SW ¼ of S10, T12N, R20W principal meridian, County of Missoula, State of Montana. Being more particularly described as Tract 1A of COS 4548, records of Missoula County located at 7785 Alta View, Missoula.

**Chair Curtiss:** These are some of the things that we find sometimes that we think everybody's been annexed into a fire district, which doesn't mean they don't have protection because we know Missoula Rural would have protected them but they haven't been paying for Missoula Rural so now they will be.

**Chris Newman, Fire Marshall, Missoula Rural Fire District:** Yes, I recommended to our Board that these petitions for annexation be accepted. The Board of Trustees accepted that recommendation and approved the annexations and asked that they be sent to the County Commissioners for approval.

#### Public Comment

None

#### Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve the petition to annex a partial of land as has been described, they will be annexed into the Missoula Rural Fire District. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

#### c. Consideration of Election Administrator Position (cont'd from May 14, 2014)

**Chair Curtiss** gave update from previous meeting and read the Resolution for Elections Administrator. The Resolution that is coming from staff discussion and from Vickie Zeier's recommendation is to appoint an Elections Administrator pursuant to MCA 13-1-301.

I think that just for folks to understand what we're doing here is we heard some concerns about people feeling that; "what if this person didn't do a good job? Wasn't accountable to the public? Then we're stuck with it." This is saying that we're not stuck with it. If we change the position once, it can be changed again and this puts into place a review process. Another question that came up last time or another point that was made is that elected ~ there's a report from Wisconsin saying pointed election administrators aren't as accountable as elected. So we asked Vickie Zeier to look at the numbers in Montana related to voter turnout in the counties that have appointed folks compared to ours.

**Vickie Zeier:** I took the five (5) counties that currently have an appointed election administrator and just went to the Secretary of the State website, which is out there for anyone to review, and looked at those five (5) counties and compared them to Missoula County's voter turnout. The voter turnout overall; Big Horn County was at 47.90% turnout. The elections that I gathered the information for are the 2004 primary, the 2004 general, the 2006 primary and general, the 2008 primary and general, the 2010 primary and general and, of course, the 2012 primary and general. So as I said, Big Horn was at 47.90% turnout, Carbon County was at 59.30% turnout, Lake County was at 53.20% turnout, Missoula County had a turnout of 46.30% turnout, Sheridan County had 59.90% turnout and Yellowstone County 52.40. This is strictly just looking at the voter turnout, there were no other variables taking into consideration, it was just something to review for the Commissioners, they asked if I could find somewhere where voter turnout. I did not compare any other elections partly because all different jurisdictions with off election years like the City Elections, those are done by acclamation and are not elected and so it would have been very hard to do those comparables. We have a job description that's a draft at this point. This is an appointment, this is not a hiring. There will be a contract, the contract will expire for this employee at three (3) years or have to be renewed and it works with the Resolution that the County Commissioners are looking at adopting. I'll be happy to answer any questions.

**Commissioner Landquist:** When we talked about this the last time, you had made a recommendation that a board be setup that would oversee this. Is that still the case? And is that something, if it is the case, should be in this Resolution as far as part of that process and how that would work?

**Vickie Zeier:** I'll answer part of the question; Dori gets to answer that other part. I would strongly encourage that this position have an Advisory Board that is official. I've had what I called the Election Advisory Board for...well, I started it clear back in 1993. It kind of disbanded after about the late 90's and then when we started implementing all the eight (8) requirements. I created this committee but I really think it needs to be more formalized. I do believe there's a need for that and I think they should have a position to come to you if they see problems or whatever. I'll let Dori answer to whether it has to be in the Resolution or not.

**Dori Brownlow:** I do believe that it should be by Resolution. You could put it in the present one, although I would recommend so that there's time to develop the criteria for the Board and the responsibilities. The Board could be part of that Resolution so I guess I would recommend waiting but if you decide to do this and have an Election Administrator, that person could work too in putting together what the responsibilities and duties and authority of the Board.

**Commissioner Landquist:** So it would be an additional Resolution or this one could be revised to reflect that Board?

**Dori Brownlow:** I'd do an additional Resolution, so if you need to make changes to that down the road you're amending that Resolution and not the one making the appointment.

**Chair Curtiss:** So if we vote in favor of this Resolution and make the decision today we could additionally add and in the future create an Advisory Board?



Dori Brownlow: Correct.

#### Public Comment

**Jeffrey Langan:** Thank you for listening to me today. I want to say also, Michele thank you for your service to this community, we really appreciate it. I'm a precinct committee member for the Democrat central committee in Missoula. I'm also Chairman of that central committee's issues committee in Missoula. I've been a proud resident for over 40 years; I've raised three (3) kids here. I'm proud of how this community helped them grow. When I was 19 I just couldn't wait to move here. I served this county as juvenile probation office back in the 70's and I started Friend to Youth in Missoula, which is a program that served abused and unprivileged kids for over 35 years here. I worked polls and ran political campaigns back in the 70's, I chaired voter registration and get out the vote drives for Democratic Party at that same period and my how things have changed since then. I just finished serving as an election judge, going through the training, working in the processing center, watching the procedures and extrapolating those procedures in my own mind, the permutations of how these things must take place. I founded two (2) private companies over the last 25 years and built them to multi-million dollar sales. Now one of these was a manufacturing company where minutia, that is seconds spent on each manufacturing function was virtually the only thing that kept us from being swallowed up by cheap Chinese imports. Good management I found in that process was always about the procedures; I hired the George S. May Company once, the most expensive consultation organization in the country, to consult me at \$2,500.00 a day and at one point I asked them, "why are all you people, the front man and all the rest of them, why are you people ex-military?" They said, well, the bottom line is it's all about procedures and nobody knows procedures like the military. I always found that an organization had to stand alone, on its procedures; it's always about procedures not specific people. And it's always a bad idea to try and chase personnel with public policy. Now, I just watched Vickie Zeier perform yet another outstanding job in the primary election and I still don't quite understand what about our elections process is problematic that a policy change of this nature must be made. I'm not here today to talk about all the specific, I'm sure you've heard a ton of that, the specific options or to talk about things that infringe upon the job that you do, we put our trust in you, our Commissioners. We respect what you are doing and we appreciate the job that you do. But the bottom line is that the citizens of Missoula and the Democratic Party can be trusted, can continue to be trusted to do an outstanding job selecting the next Clerk & recorder. I'm aware that you've looked at a few smaller mostly smaller counties; I just wanted to point out the research that you refer, that most of us have read, involved 1200 election offices in the State of Wisconsin. It was actually, that is scientific research par reviewed journal produced, and scientific research and the issue of course with looking at these smaller significantly more conservative counties is that scientific methods simply do not apply. It would have been interesting to know what their voter turnout was before they went to an appointed administer versus after, but it wouldn't of been a much scientific value. Billings... Yellowstone County has been brought up and I just think it's significant to point out; Billings is a Republican strong hold of this State. They changed their election office from elected to appointed under Republican Commissioners. That county now sees mostly mail-in ballots and the concept is over there that the Democrats have given up on voting. Billings today has one (1) polling place, one. I can't imagine how that must disenfranchise the elderly and the underprivileged of that community. These Commissioners in Yellowstone County were following the National Republican marching orders, which were, get control of elections by any means. We know that that mantra exists across the country and as Democrats we fought them at every turn. This proposal that you consider now would put us in a small minority of communities in the Western Region. I who have appointed offices; I have the most recent survey across the country ~ 4500 offices researched. And as thorough as can be done, it's dated to 2006 but at that time 89% of the election offices in the Western Region were elected not appointed. The majority of offices that are appointed are in Republican hands. I don't who suggested it may have been one of you folks that at minimum perhaps we stand back for a moment, appoint a volunteer citizen and professional study commission to take a look at this, whether this office should be elected or appointed and whether it should be stand alone or continue to remain in the Clerk & Records Office. As to whether a panel of judge should be elected, as is the case in some communities. Again, I have the research on that currently but in conclusion, I've tried to think about as we dealt with this in the Democratic Party, I've tried to think about, why are people so opposed to this, to this proposal? We've seen all the legislatures all of our elected officials, all of the candidates write letters to the editor opposing it. We see the Missoulain editorial board opposing it. We see all these letters to the editor opposing it. We put the Resolution that the Democrat Party made to a vote and it was...there was only one vote opposed to that Resolution. So here's what I think; out in the further reaches of this State they still call this the people's republic of Missoula and I've always been kind of proud when people brought that up because it's WE the people in Missoula who make decisions here, unlike some of the cliques and power of brokers across the state and in other communities. What I think is of deepest concern to folks opposed to this proposal is that across this country we hover around an equally divided electorate we see election after election that is 49/51 50/50 virtually. The most important issue to Republicans right now is how to disenfranchise voters through manipulations of the elections process. So the issue is more important than simple administrative efficiencies or philosophies to the people who are opposed to this. I don't believe that you or anyone else intends or designed this proposal to disenfranchise voters. But it puts us one step closer to exactly that and more importantly because democrats have controlled this Commission for of all our recent memory and I mean believe me I go back a long way, because of that the accusation will be made to the detriment of our reputation in Missoula, to the detriment of our Democratic candidates, to the detriment of their power and the legislature is they hold that largest group. The bottom line is it's Republicans who monkey with elections, not Democrats and that's the concept. We in Missoula have this higher standard that we need to conform to. Every decision we make here, every decision should represent the most important principal of the Democratic Party, that the right to vote shall be unabridged and unimpeded. That no voter should ever be disenfranchised, including from the very mechanism of the elections themselves and this burden falls on you. So we

employ you, don't take the decision about how they get to vote essentially, out of the hands of the citizens of this county. Most citizens view this as the most important government function that we provide. That in Missoula we know and we need to say to everybody across the country, we work for the voters, no matter what, it's the voters who count. Thank you so much for your time.

**Cynthia Wolken:** I'm also on the Democratic Central Committee and I am a candidate on the ballot this November. I would echo everything Jeff has said and would urge you to keep election duties to an elected office holder. I think this is sort of a good government issue. I think transparency and accountability are really key. And I think even with the best of intentions and I think you guys all have great intentions, I feel like transparency and accountability will decrease regardless once these duties move to a bureaucrat. I also have a real concern that over time decision making on elections is gonna be driven more by budgetary concerns than access for voters and making sure that most people have the greatest chance to vote every election, primary elections, general elections. I don't think we should be supporting a policy that sets up a potential conflict between access and budge because we all know that democracy costs money and I don't think we should move that to a position where that might be an issue. I do like all the requirements that were drafted except I don't understand the carrying 65 pounds one but that's okay - must the ballots. I think these are all really good and all really required. I would leave it to the voters of Missoula to decide whether our Elections Administrator is qualified and I would just respectfully request you not move forward this. Thank you.

**Mary Gray:** I'm a Democrat. I'm also with the Democratic Central Committee. I have a written statement by Todd Mowbray, Representative for House District 97. He was unable to attend and I'd like to submit this:

My comments: The statistics that Vickie presented to you, she herself mentioned that they were not weighted in any way shape or form, so they're basically antidotal evidence. They're not scientific in any way, shape or form. You've been given scientific evidence and studies. You haven't found specific scientific evidence and studies that say it's better to have it as an appointed position, you've only been able some antidotal evidence that's unexamined. That's not the way Democrats work, we don't just poo-poo science and we don't embrace antidotal evidence as \_\_\_\_\_. One of the reasons why so many people feel such passion is the visual fear of disenfranchisement. It would happen, you're taking it away from us being able to vote for someone that's effecting our elections, actually making the elections possible, making our votes count when they need to be counted. We should be able to, if there's a problem with that person, have them directly responsible to the electorate and not have another group of people, three (3) people to have to go through. It needs to be direct, if there's a problem let us take care of it. We're the ones that it effects the most, there's no need to have another barrier to have to go through, find out maybe it's going to take six (6) years to get different people in to try and finally fix the Election Administrators Office. Let them be accountable to us, the people that are affected the most. I was pretty harsh last night at the Democratic Central Committee about the fact is honestly, the way people are viewing this, if you vote for it, it's just going to be temporary. You will be seen as disenfranchising people. You'll have to fight back every time you have an open hearing, a public hearing. You can be viewed as that way; you may not wish that in any way, shape or form. What you are trying to do is actually...because Vickie has done an incredible job as an Elections Administrator and she's built a system that's actually nationally recognized in excellence, you're trying to preserve that. But you're trying to fix something that's not broken and in doing so, the view that people are seeing, what people are seeing you do is disenfranchising people. They're not looking at the fact that you're just trying to preserve something. It's working now, it's not broken, leave it alone. They will not view this in any positive manner and it will be temporary, we'll have it back into elections as an elected position pretty soon, if you do this. I can almost guarantee it and as a matter of fact I'm willing to take that bet if anyone is willing to bet me? Please be careful at what you do, appearance does mean stuff, its incredible important. Please be very, very careful and make certain that your decision is based on facts that have been examined and not just facts that you want to get to support the position. Thank you so much.

**Jerry O'Connell:** Actually I don't have much to say because everything they said covered the ground so I will thank them for their wisdom and simple add; If this was put in place and was a nominated position rather than elected, I'm not concerned with the way you three (3) Commissioners would handle it. I'm comfortable with you folks as individual's and politicians and decision makers. But things can change and can change much quicker than anybody ever envisions. Change is going on all around in Missoula County, just ask Erik Cantor.

**Chair Curtiss:** Did he move to Missoula County?

**Jerry O'Connell:** No, but it's an indicator what can happen in elections and the pressure of that far right to change things and to slip into positions of power where they weren't expected is...creeps me out a little bit frankly. The thought of should that happen in our county with this rule in place, what kind of dastardly acts could take place? I don't want to see us in that position to have to worry about that. So I would strongly hope that we can keep this as an elected position and I'm all for that concept of the people republic of Missoula, I love it and I want to keep it that way.

**Lauren Myer:** I am a Republican, Vice President of Missoula County Republican Women. Today I'm not speaking as a Republican; I'm just speaking as a concerned citizen. I can say that I've been to hundreds and hundreds of Republican meetings of all different stripes and flavors and I can tell you voter disenfranchisement is not on the agenda, in fact. So I just wanted to clear up that misconception, it's not something we're worried about, in fact the opposite. I also want to point out that appointed Elections Administrator positions are becoming more frequent across the country now. It's a trend that increasing, including in such Republicans strong holds as Seattle. Oh wait, that's a Democratic strong hold, in fact the whole State of Washington has appointed Election Administrator Offices as well and I

hope we all recognize they are probably not under the control of Republicans. In conclusion I want to put forth my support again in favor of this Resolution of supporting the professionalization of the position of Elections Administrator.

**Representative Bennett:** I will join the chorus of saying that I think that our system works as it works right now is an excellent system. We are very fortunate to ask somebody that has the opportunity to interact with many Election Administrators and County Clerks to have the very best one here in our backyard. Vickie and her staff, I want to make sure to include them because it is a team effort and they have done an incredible job. Have done a really wonderful job of putting together our elections and making sure that everybody's accountable or they remain accountable to people. To me the largest issue here is accountability. I think that we fortunate here in Missoula because 9 times out of 10 the things that the people want are the things that Vickie has in mind and there's a couple things that she's brought up here and there that we've gone back and forth on and she's been incredible responsive to the issues that people brought up. When we were talking about pulling consolidation a few people raised a few polling locations that said we'd like to keep these ones and we did and we found a compromise. I think that that's a great showing of what accountability the people is all about. I think having this position being elected has resulted in strong responsiveness between the people and our Elected Administrator. I do think it's really important that we think about this decision not in the light of the people who are in your positions now but in light of who will be there in the future. We don't know who's going to be sitting at these three (3) positions in the future. We don't know who will be our Election Administrator 20 years into the future. Because I have a lot of faith in the people who are here right now but I don't know anything about what the future holds, we won't always have the people here that we trust. I'm not here to point fingers at one party or another but there is a movement nationwide to lead towards more voter suppression efforts. There are people who want to take away opportunities to register to vote, they want to take away different dates when people can register, they want to require ID's or limit the ID's you can use. That's simply a reality, we saw those bills in the legislature and this fall we're going to be voting on a ballot initiative to eliminate same day voter registration, that's where we are. In a world that exists where these attempts are being made, I think that we need an Elections Administrator that is accountable to the people so that if anything like that were to ever cross their mind the people would be able to answer and be able to push back against that. We might end up with a commission that agreed with that. I'm fearful of a situation where we wouldn't have that recourse where only a commission would be the people in charge. I think it's important to say that making this an appointed position doesn't really remove the partisanship because they're still being appointed by partisan elected commission. Certainly they won't have to stand for election but being appointed by political people is certainly the same sort of thing in my mind. I think it's also important to say that all jobs are gonna have a learning curve. I know that was a strong argument for maintaining this as an appointed position so that we could try to keep some of that institutional knowledge and I understand the desire to do that because that makes sense in some senses. But right now we have a brand new Sheriff that's coming in, we have a brand new County Attorney, people that have never had these positions before, they are very important positions. They're gonna have to learn they're gonna have to take on that job and I think our County Election Administrator, our County Clerk & Recorder is gonna have to be able to do that as well, and I think they will. These going to be some hiccups but they're gonna learn from their predecessors and they're gonna have an opportunity to step up and have new and creative ideas about how to make our elections more accountable. The advisory committee that you all mentioned I think is probably a step in the right direction but it's not accountability. I serve currently on the elections advisory committee and the same day voter registration committee that Vickie has been so good to put together and it's been incredibly helpful to be able to offer advice and feedback to that whole group as we try to come back with these things. But at the end of the day I don't get to have a vote, I don't get to make a decision; the person who's our Election Administrator gets to make those final decisions. That's the reality of what it will be if we allow if allow for this advisory committee, certainly they can say; hey, hold on we don't really like the direction you're going but at the end of the day it's not their decision to make. So I think that, if we're looking to the future, I think it's not so much just the bit about accountability because I've heard from the people we were here last time and they said somebody's who's appointed versus elected is just as accountable to the people as anybody else and that's just not the case. It all comes down to who you're accountable to. It's my preference and I think it's the preference of the people in this community to have somebody who's not accountable to a County Commission or just accountable to ten or so members on Advisory Committee, they want somebody who's accountable to all the voters. I think that's what we should come to expect. So what I'd like to leave with is a compromise that I would like to bring to you as a possible opportunity to come forward or to move forward with; I recently in my other capacity as a State Legislature offered to build draft to create a position of an Elected Election Administrator position. A new position that counties could create if they're so inclined. I would like to work with you to advance that through the legislature and see it pass so we can accomplish the goals that you would like to see of a new position that is outside of politics that is a person who would be able to take on that burden and not be encumbered by all that other duties of a Clerk & Record but also accomplish the things that so many of us in the audience care about of being elected. I'm open to the idea of that person being a nonpartisan elected office to try to eliminate some of that issue but I think that's a better way forward. Keep that person elected but maybe make it a separate position so that we can have our cake and eat it too, in many ways. Thank you for the opportunity and I hope that you will consider not moving forward with this proposal but considering a different one.

**Chair Curtiss:** Representative Bennett how do you propose that that addresses the one problem that we talked about is that every four (4) years that person is still on the ballot, has to maintain hands-off of an election process that we are saying that we them to be accountable for?

**Representative Bennett:** That is going to continue to be a problem for all elected officials. If we want to keep this position elected and accountable to the people, they're gonna have to run for elections, that's just part in partial of how that works. That's an issue that I think we've been able to survive with pretty well into the last few years. Vickie has come up with some very creative strategies to make sure that everything runs well and that everybody is able to vote up until Election Day and get registered and do everything they need to do despite the fact that she's been on the ballot a number of times and even contested in some elections. That is unfortunately something that we're just not going to be able to deal with but I think that is the important piece of keeping that accountability that is the most important.

**Commissioner Landquist:** You said you would work with us on maybe creating a compromise and maybe having something worked out into law so that it's an elected election administrator a non-partisan, I don't see non-partisan working on something as simple as our Missoula City Council. How do you expect something like that to work on something like a local Election Administrator? How do you really ensure that somebody's really non-partisan when they run for office?

**Representative Bennett:** I can't control what is in people's hearts. There is no person out there, especially someone that's thinking about getting involved in helping with elections and being an Elections Administrator that hasn't thought about their views on different issues. You're never going to have somebody who is totally non-partisan. Obviously our members of our City Council have their own political leanings both left and right, but they run as non-partisan offices. I think the non-partisan piece is just an option. I wanted to throw it out there because I think that is an intriguing piece for some people that I've talked to about moving this forward. I think that the non-partisan is helpful because it kind of pulls it out of the party apprentice. It's not somebody that gets nominated by one party or another, it's people who are running under no banner simply for...essentially like judges, people who are running to say; here's my qualifications, here's my background, this is what I think I can provide. I'm not running because I'm one party or another.

**VonDeen Kopeski:** I speak in favor of this proposal and I'd like to tell you why. There is a reason that many states are going to an elected administrator position. The primary reason is because the election administrator position is becoming an increasingly technical and complex position. I did some research before I came in today, the State of Washington; it has over 50 classes available for election administrators so that they can learn to do that job better. It is a job that has become so technical that I don't see how you can no vote for this, I don't see how it can be one part of another job because in of itself it's a full-time position and that reason more than any other I think warrants making this a hired position. One of the other speakers pointed out that in Yellowstone County there was only one polling place. The reason there's only one polling place in Yellowstone County is because we've gone to absentee ballots. I think Vickie pointed out at this last hearing that when she first started sending out absentee ballots, I believe she said she sent out 500 and something, this last election more 25,000 people requested absentee ballots. So it is not fair or right to say that people would disenfranchised because all people have to do is request an absentee ballot and that's the way they're going. The reason polling places are declining is because more people are voting by absentee ballot, you know that. It is also not a partisan issue. The State of Washington is primarily a blue State. We all know that. Yet they've gone to an election administrator, as has the State of Texas which is primarily a red State. It is because election administrators are best practices throughout the nation in support of an increasingly technical and complex position. And for those reasons I ask you to vote in favor of this issue. Thank you.

**Tyler Hernance:** Before I begin I really do want to take some time to thank you all of you for your service to Missoula County, especially to Vickie for the service, your past and future service to Missoula County. I have tremendous respect for all of you but I disagree with you on this decision. I previously have spoken against the proposal and I don't really want to rehash those same points. But I do think it's tremendously important to understand the implications of the decision that is about to be made. I don't mean to suggest that the world will fall or that you're going to appoint some kind of Boss Tweed as the Elections Administrator. But that being said I don't believe there are a whole lot of positives associated with this proposal and I think there are a lot of negatives. First of all, you're creating a position that is insulated from the voters of Missoula County. I have heard a number of times that the only current requirement for Clerk & Recorder is that you be an elector of Missoula County essentially that you're 18 and registered to vote in Missoula County. Vickie has said this, frankly Vickie I have more respect for you than that. I think your qualifications far surpass the fact that you...I don't know if you're over 18, you must be if you're elected but you don't look a day over 17. Voters impose their own standards. I think that's important to remember and while I respect the fact that as County Commissioners you will be imposing greater qualifications for this particular position. You're essentially substituting yourself for the voters of Missoula County. Secondly, you're talking about making this position and granting it a contract. As you have stated it is an at-will ~ it's an appointment it's an at-will appointment, which means you can fire them for any reason or no reason what-so-ever. Granting them a contract simply means that if you terminate them you are now liable under the contract for damages. So you're creating a liability where there would otherwise be no liability. And as an Attorney who handles these types of cases and takes an inordinate amount of wrongful discharge calls, I can assure you that if you were to fire somebody they would be contacting many, many lawyers in town. It's not something that's necessary. So again a huge potential cost to the county. Third, and I don't know how important this is; this was suggested at the last meeting in terms of succession planning. The issue of a Clerk & Recorder is up for election every four (4) years and in the event that the Clerk & Recorder were to lose an election they could somehow sabotage things on their way out. That's true for any elective office and frankly it's true for County Commissioners who would now be appointing an at-will Elections Administrator and would have the ability to fire that person at any point and time for no reason. Beyond that, Montana Law specifically requires that any outgoing elected officer in this capacity is required to perform their duties to completion before they leave and in the event that they do not perform those duties to completion, then their successor has a cause of action against them. So there are some provisions in the law that would account for that. But frankly, finally and most importantly I think is the amount of public comment that has been heard on this issue. This is the second meeting that you've

had, a second hearing, the vast majority of comments that I have heard at the last meeting and at this one were in opposition to this proposal. Missoula area legislatures have signed a letter opposing this proposal. The Missoulian has written an editorial opposing this proposal. Frankly, if you're not willing to listen to the voters of Missoula County on this proposal, what assurances can you give the voters of Missoula County that you will listen to them regarding elections in the future? Furthermore, what kind of environment are you creating for this newly appointed position? The newly appointed Elections Administrator is going to come into a situation where every action, inaction and misstep is going to be scrutinized under a microscope. That's a very difficult position to enter into and frankly, ultimately it will...those criticism will come back to you. I know you receive a healthy amount of criticism already; this will be in addition to that amount of criticism. Frankly for our sake, as Missoula voters and for your own sake I would strongly urge you to reject this proposal. Thank you.

**Pam Walzer:** I spoke last time and I thank you very much for everything you do and especially to Vickie you have built an amazing elections department with some very great staff. One of the things that I believe I understand that with this position there's no plan for increase in staff, there's going to be essentially natural as far as staffing is concerned. So in a scenario one might assume that there could be a very qualified staff, one of the deputies within the Elections Department that meets these requirements. In fact, all future deputies might be required to have these kinds of professional requirements that would (in auditable) for their employment. So when you're talking about professionalism that can be accomplished within staff but staff could be required to have the experience, have the education, and have the expertise to meet all of these needs. This also solves some of the problems about carryover from one election to another should the elections official lose their elections or move on. I wanted to talk about the chart where there were the five (5) counties that had appointed elected officials versus Missoula County and honestly I pulled the general election turnout from 1992 to 2012. Missoula is in the proud position of being 49<sup>th</sup> out of 56 counties, in voter turnout. That's very sarcastic; we are one of the worst. So looking at all of the counties, not just those five (5), it's all across the board. So just because someone is in an appointed position does not mean that they're having a better turnout. So within Montana it's not scientific. This is just the voter turnout. It doesn't seem to make any difference. Now there's turnout versus voter disenfranchisement, which is more than just turnout is; getting registered, staying on the rolls, lots of different things, lots of different reasons. I would think it's a good idea somebody suggested that there could be a study of some sort within Missoula County trying to figure out what is the best for Missoula or within Montana. With that comparison it really doesn't seem to me to make much difference in whether or not there's going to be...Missoula not going to be any worse off voter turnout at this precise moment with an appointed versus an elected. What is important though is down the road as was mentioned budget. It's expensive to run an election the way Vickie's been running elections. There's an expense that I can think of that could easily be cut with this move is school elections and city elections are by mail and the citizenry is we've asked you to have drop locations. That's expensive. I've sat there at Lowell School and got paid to sit there and collect ballots. But there are hundreds of ballots that might have not made it to the elections office in time, if it were not for those drop locations. That's just the way Missoula is. Even on Election Day people dropping off ballots when they had lots of opportunity to mail them. We do a lot in Missoula to make sure that every person that can vote gets a chance to vote. Vickie has expanded hours for Elections. With an appointed administrator the dollar figure starts getting much more important. I'm very concerned about by having it appointed over time the cost of Elections is going to become a big pressure and rather than lately the budget is going up and up and up with all these extra things to try and get better voter turnout, to move us from being 49 out of 56, move us up a few notches in voter turnout would be really nice. All that you've mentioned of what you think would be the advantages for this I think can still be accomplished within the current system. Current system I don't think it's broken. Having an Elections Advisory in a more formalized basis is a good idea, whether or not it could be an official board that people can be appointed to and serve and have rules and responsibilities. But again, just like the Planning Board, you don't have to listen to them. That's what Boards do but it's not a bad idea but still could be done within the existing system. There is a staff that provides continual professionalism and there's no reason why staff hires cannot be required to meet some of these professional requirements. You talked about the competing priorities between the Treasurer's Office and the Clerk & Records and Elections Administrators how they all happen to hit at the same time, which makes stress on the department. There is an option; I don't know exactly what the legal requirements methods are to reverse the combination of those two offices. Look across the State, every county seems to have a different combination of offices. Ravalli County has their Treasurer separate from the Clerk & Recorder; some counties have Clerk & Recorder and Superintendent of Schools together. There is a wide assortment, Missoula County combined those two offices as well combined the Sheriff and Coroner. We don't have an elected public administrator; I didn't realize that was a position. Yellowstone County has an elected public administrator. These are things that if you feel that it's just too much, even with not increasing staff, that you need to separate departments. That is one option that can be taken. And if the offices were combined it's the County Commissions, I believe, responsibilities to combine and or separate offices. So that is another alternative just as Bryce suggested possibly if the legislation pass having a separate office of Elections Administrator.

**Chair Curtiss:** Guess I'm having trouble connecting the dots as to why an appointed person would not...somehow their budget would be less then needed when we have an appointed department ~ we have a lot of appointed Department Heads. Our Public Works Director is appointed. Our Planning Director is appointed. Our IS person is appointed. We don't somehow say elected people get to have more money than appointed people in Missoula County. Missoula County has never not funded a request for things regarded to elections.

**Pam Walzer:** Well that is the perception. That is the general perception that the elected officials advocate more strongly for their staffing than someone that reports directly or indirectly to you.



**Chair Curtiss:** I can tell you in Missoula County that is not true. So the other one is you talk about having professional staff that would somehow be able to carry the ball. But they're not accountable to the voters so how is that different?

**Pam Walzer:** The difference is their boss, the Clerk & Recorder, is the one who elections are tied to. If elections don't work, the Clerk & Recorder is held responsible for that and will lose a reelection, may lose a reelection. When it comes to the County Commission, elections is a lower priority of all the different reasons why you might be elected or not reelected. Very often land use issues or taxation is what drives your reelection or election, not elections.

**Commissioner Landquist:** For the record the only email that I received today was from Floria and Doug O'Rourke reaffirming their stand that they're not in favor of this but they do favor a board overseeing made of equal Republicans and Democrats.

### Executive Session

**Commissioner Carey:** Thanks to the folk that have turned out today to speak to this. This does go to the heart of our democracy in a very real way. What we're about is trying to improve public administration basically when we talk about this issue what's the best way to run this in a sense of accountability, efficiency and needed expertise. Whoever said that this job of supervising elections is gotten much more complicated in the past few decades, it's certainly true, it's not something in my view that you can just walk off the street after winning an election and do well. Vickie, in my mind, has done an excellent job, not because she's a Democrat but because she's Vickie and she cares deeply about public service and she has the knowledge and expertise to back all that up. If we're not careful we could do something which would impair the integrity of our voting process, if we don't get the right person for this particular job. I think doing it for three (3) years is a wise decision, see if it works, give it a try, if not we'll change it. In terms of accountability, in my view the Commissioners will hear about a significant problem in the elections office long before the voters will and it will come upon us and often is, is to take action to address whatever situation we're looking at. I think we give it three (3) years, if it demonstrates that it's not working and we're all going to be paying close attention to it, we'll come back and see what else we can do. But I want to take partisanship as far away from elections as I can. I want people who are knowledgeable and experienced and good public administrators and I think we'll best get that if follow this current proposal that we're looking at. I think it's a little curious that Vickie justifiably has earned kudos around the State of Montana for her work but we apparently are not willing to accept her recommendation on how to best succeed her. I'm in favor of trying this for three (3) years to see what happens and believe me I care about the democratic process.

**Commissioner Landquist:** I've always tried to explain my rationale when it comes down to why I'm going to vote a certain way on something, especially really intense, tough topic. I had been planning on going on to the general elections, so I was really planning on not taking a stand either way on this because I didn't want it to be perceived on my part as having any sort of conflict of interest as to what I did with an elected position. Since it's clear that I won't be going on to an election in November, I've had to reevaluate and make sure that I was prepared to take a stand on this. I think that there's five (5) things that I bulleted in this Resolution that I think are really important to note. I don't want anything being misconstrued as far as this three (3) year period. We are appointing...if we go forward with this, creating the position and this Resolution gives us the ability to look at the position in three (3) years. As far as if we go forward with this and appoint somebody or hire somebody to fill that position, that position doesn't necessarily get a guarantee of three (3) years in a contract. That would follow best practices hiring standards with a probationary period so I want to make it clear that creation of the position and the person filling that position are two (2) different things that we're looking at here and I've heard things like if it's not broke don't fix it. That's just it, we don't want it broke. It is a question of making sure and guaranteeing that there's good public administration and we don't know what the future holds, which is all the more reason to make sure that we don't allow for anything to get broken in something as important as an Election Administration position. This is the best time of any, if we were going to go forward and create this as an appointed position because we've got the superior expertise of Vickie Zeier to make sure that it happens just right. And everybody has...not one person has disputed the fact that she's made us one of the best so why wouldn't we take that recommendation from her and continue to make sure for the voters of Missoula County that we take all the steps necessary to make sure that the elections position remains one of superiority of all others. That's where I'm coming from. One of the biggest things is that we don't know what the future holds and this allows for succession, allows for...we look at this in so many of our other departments that as someone's been with the county long enough and has done such a superb job and their getting ready for retirement, who's going to replace them? It's nice that we've got such dedicated people that work for the county. It's nice that people stay with us for a long while know while they're working for us that there may be an opportunity for advancement within the place that they're dedicating that they're job force, their years of working and to earn a paycheck, that's it's more than just a paycheck with benefits, that there's room for advancement and planning for succession and who will fill those shoes after someone else retires and fill them without skipping a beat. That's hugely important here, is being able to plan for that succession. Whether you are letting someone move up from within the work force or hiring that person and bringing them on board while that person is still here and before they retire and making sure that they're trained in all the processes. Because it is getting more and more technically with the equipment that people have to use and the processes that we have to go through. That's where I'm coming from and I just believe that at this point I have to support Vickie's recommendation on this.

**Chair Curtiss:** We've heard a lot of compliments today on Vickie and her staff and over the past several weeks. I'd like to brag about the Elections Office and Vickie a little bit more. Primary Election Day ran very smoothly, Vickie and her staff and dozens of county employees and more than 400 Election Judges oversaw that absentee voting provided late and same day registration sat up and ran 28 polling, staffed nine (9) phone lines to provide the support for the voters and the polling place

managers. I served as a polling place manager in Seeley Lake so I can relate. They tabulated the votes, ran the election center, kept citizens updated, the media updated through social media and interviews. They provide technically staff to support the whole operation. Election Day success means customer service, voter privacy, voter access and election security. And after election day, staff has way more to do. They have to follow-up on processes like handling and counting the provisional ballots, conducting the post-election audit, which will happen tomorrow and the next day. Canvassing the election and seeing that all the supplies are there and making sure that voted ballots are secure and all of that takes for strong leadership. Elections Staff works harder and harder each year, since we saw elections that were kind of bungled in some other places, it has become more and more important as was said for technical complex best practices to be followed. We also see it in the budget process and then first hand at the polls and as I said Missoula County does not budget based on who is elected and has power or is perceived to have power. We do it based on what is needed. I have never seen one request for an enhancement related to the elections. In fact, Vickie just informed us the other day that we need to start budgeting for new counting machines, we don't need them this year but we're going to need them and they are not cheap so we need to set money aside. Vickie, with input from the committee that we talked about, has worked harder every year to be more inclusive to more improvements, find better customer service and she does this because she's dedicated to serving the public. But she's also been emphasizing to us for years that there is a problem. We don't talk about it out loud a lot but it is more difficult to run elections the more susceptible we are to making mistakes. When you're trained as an election judge and you work every two (2) years, we are human and we're apt to make mistakes. No matter what anyone's position on electing or appointing an Elections Administrator is, I bet we can all agree that we have to avoid those mistakes. We've heard it before, we heard how complex the elections are and we've considered options to try and help. We've supported numerous bills in the legislature that would allow us to move to a system to vote by mail, to simplify the processes and reduce the risk of making mistakes. We now know that about 60% in Missoula County request that their ballots be mailed to them, so people are comfortable with it, it's becoming a better way that people preferred way for people to vote. We've considered consolidating polling places to reduce the risks of making mistakes because it's hard to find enough people, we were short 35 on primary day from what was our optimum that we wanted. Neither of those options got us the support they needed to justify making those changes but that doesn't change the fact that we're still concerned about making sure every vote counts and that every ballot is passed as smoothly and effectively as possible and efficiently. Again, in this department to support (inaudible) the very complications of having an Elections Administrator step away from the duties of their office because they're on the ballot (in auditable) based on this I support looking at having a full-time Elections Administrator as another option in solving this problem. It's incumbent on us to consider how to make sure our elections are safe, secure and (in auditable). What we're focusing on is continuing all the things that we do right now. (inaudible). I think this is worth trying out for three (3), I think that's a good compromise before the next Clerk & Recorder/Treasurer position is up for elections. To see how the voters feel, if they really feel disenfranchised. (inaudible) even though I know that everybody here represents a portion of that, we really have a small number of people tell us anything. So the recommendation coming from the best selection administrator in the State of Montana and probably in the United States, I will be supporting this. We the people in the Republic of Missoula will continue to make sure that we're all heard. Missoula is not changing; your advocacy is not changing. I think that the danger in looking at a report or a study from another State is we're not that state. The Secretary of State in Montana has put so many changes in place to make sure that we are doing things right and providing accessibility. Nobody is monkeying around with elections, we're not changing how we're doing elections, and we're preserving how we do elections through this movement. So I too support this decision to adopt the Resolution.

Commissioner Carey made motion that the Board of County Commissioners approve to adopt the Resolution to appoint an Election Administrator pursuant to MCA 13-1-301. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0

**Vickie Zeier:** The three (3) years will expire and a decision should be made before the filing begins for the next campaign if you decide that you want to put it back as an elected official. So I would recommend that we keep that in mind and that we know that this decision would have to be made by the end of 2017, which is about three and a half years (3 ½) with your final decision. Lastly, I just want to thank everyone for all the nice words you've said, (sorry ~ I've been really good, I haven't cried since my Election Advisory Committee Meeting in April, I've been trying really hard) I've had a great staff and I can't do this by myself. You're all right, I don't. As long as I have something to do with elections I can guarantee you that there will not be anybody disenfranchised because of their voting right because it's just something that's really important to me. I'm sorry, it just really means a lot to me.

## 7. OTHER BUSINESS

None

## 8. RECESS

Being no further business to come before the board the Commissioners are in recess at 3:15.

Following Public Meeting, BCC signed Resolution No. 2014-074, dated June 11, 2014, a Resolution to appoint an Election Administrator pursuant to MCA 13-1-301. Original to C&R.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated June 12, 2014:

- Approving request from Guy Shepard, Frenchtown, to refund overpayment of taxes paid due to an error in acreage assessed for taxpayer id #175535.
- Follow-up letter to Edmund Suess, Missoula, denying his request to refund penalty/interest for taxpayer id #3017905. BCC had asked DOR (in letter dated May 16<sup>th</sup>) to provide appraisal info on this property to see if any tax relief can be offered. Wes Redden of DOR noted appraisal is correct, as there are two homes on this parcel.

**THURSDAY, JUNE 12, 2014**

BCC met in regular session; all three present. BCC held interviews with candidates for new Clerk & Recorder/Treasurer position. Evening: JC attended meeting of West Valley Community Council.

**ADMINISTRATIVE MEETING**

Board Appointment – BCC appointed C. Burt Caldwell as a new member of the Bonner-Milltown Community Council. Mr. Caldwell will fill an unexpired term to May 2016, at which time he will need to run in the 2016 May Special District Election for a new 3-year term.

Request – Per recommendation from Parks & Trails Advisory Board and Big Sky Stewardship Committee, BCC approved request from Bill Dahlgren, on behalf of Westside Little League, for expenditure of up to \$1,040 from Parks Fund for infield granite to improve the safety/aesthetics of baseball fields at Big Sky Park. Original to Christine Dascenzo/CAPS for further handling.

Contract – BCC signed, dated June 1, 2014. [Per Task Order #14-07-4-31-172-0]. Between County and Boyle, Deveny, Meyer to conduct efficiency analysis of billing processes for Outpatient Immunization Clinic and the International Travel Clinic, and provide recommendations for improvement. Amount/up to \$3,000. Term/June 16 – August 28, 2014. Original to Julie Mohr/Health Dept. for further handling.

Resolution No. 2014-077 – BCC signed, dated June 12, 2014. Appointing Kim Seeberger (current Chief Deputy Treasurer) to serve as Missoula County Clerk and Recorder/Treasurer, effective June 16, 2014, until person elected at next general election is certified on November 18, 2014. Compensation set at regular rate established for elected officials per MCA 7-4-2503. [At end of appointment, Ms. Seeberger will resume her regular position as County Chief Deputy Treasurer, with no loss of benefits, etc.] Original to C&R.

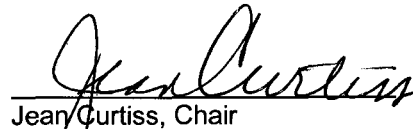
Request: Records Disposal/Transfer Authorization – JC signed. From Elections: 1) School voted/unvoted/affirmation, etc. ballots (5/5/13 and 6/11/13); 2) Misc. Federal Primary Ballots (6/5/12); 3) Federal Primary Pollbooks (6/8/10); 4) Federal Primary Registers (6/8/10).

Additional discussion item(s): 1) Seeley Swan Hospital District Project; 2) Justice Court Operations inquiry.

**FRIDAY, JUNE 13, 2014**

BCC met in regular session; quorum present early morning. JC attended SAP Review Committee meeting, held at Grants Building. ML out of office all day.

  
Vickie M. Zeier  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, JUNE 16, 2014**

BCC met in regular session; all three present. Morning: JC attended Forum for Children & Youth Advisory Council meeting, held in Grants Building. Early evening: JC attended Grant Creek Trail Ground-Breaking Ceremony.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) MPO update; 4) Beal Shoreline Permit (*action*); 5) Director's update.

Shoreline Permit and Variance – JC signed. #14-10 for Applicants Jan & Kristie Beal to install a buoy and construct a single boat dock larger than 600 sq. ft. and extending further than 60' out into lake at 74456 Lindbergh Lake Road (Lot 51 of Diamond L Bar Lakeshore Tracts #2). Motion to accept configuration passed by vote, with contingencies. Original to Todd Klietz/CAPS.

**TUESDAY, JUNE 17, 2014**

BCC met in regular session; all three present in morning. Afternoon: BCC participated in site visit to the Hayden property, as well as a tour of Missoula Parks with Lisa Moisey, et al.

ADMINISTRATIVE MEETING – *Canceled*

**WEDNESDAY, JUNE 18, 2014**

BCC met in regular session; quorum present. BC on vacation through June 24<sup>th</sup>.

**ADMINISTRATIVE MEETING**

Contract – JC signed. Between County (Emergency Management) and Grey Wall Software, LLC for Veoci software for the new Emergency Operations Center for purpose of enhancing coordination for response/



recovery activities when disasters occur. Amount/\$30,000; user quantities to be reviewed annually. Term/June 1, 2014–May 31, 2017. Original to C&R.

Request – BCC read/signed Investment Policy & Guidelines Statements for the following: 1) County of Missoula Workers Compensation Trust Fund; and 2) Missoula County Medical Benefit Trust Fund. Documents referred to Investment Committee. Originals to C&R and Hal Luttschwager/Risk & Benefits.

Grant Agreement and Resolution – JC signed contract between County and MT DOC on behalf of Submittable, Inc.'s Big Sky Economic Development Trust Fund (BSTF) Category 1 Job Creation Grant (#MT-BSTF-1-14-08) in amount not to exceed \$112,500. Payment awarded to County December 19, 2013; contract end/December 19, 2015. Originals to Kelly Yarns/BREDD.

Resolution No. 2014-078 – BCC signed, dated June 18, 2014. Budget Amendment for BREDD showing Revenue and Expenditure of BSTF Grant Funds in amount of \$112,500 (see above Grant entry). For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

Request for Funds – JC signed. Draw #1 for CDBG funds (Contract #MT-CDBG-13-HR-02) for Poverello Center Emergency Center construction project. Amount requested/\$427,797. Balance remaining after this draw/\$22,203. Project term: Fall 2013-Winter 2015. Original to Jean Harte/GCP.

Revised DUI Task Force Contract - BCC signed. [Replaces interdepartmental agreement signed by BCC on April 17, 2013]. Between City-County Health Department (Health Promotion) and Missoula Underage Substance Abuse Prevention (MUSAP) Program for services/activities to reduce youth access to alcohol/underage drinking/ alcohol-related traffic crashes involving drivers under 21 years of age. Term/July 1, 2013-May 31, 2014. Amount/not to exceed \$4,250. Two originals to Julie Mohr/Health Dept. for further handling.

Letter – BCC signed, dated June 18, 2014 to Nancy Faroni, BSEDTF, MT DOC, Helena, supporting BitterRoot Economic Development District as a local Economic Development Organization eligible to apply for and administer grants through the MT DOC Big Sky Economic Development Trust Fund Program. BREDD is an asset to Missoula County. Original to Kelly Yarns/BREDD.

Additional discussion item(s): Election Administrator recruitment/appointment timeline: BCC will screen applicants July 9<sup>th</sup>; BCC will interview selected applicants July 14<sup>th</sup>; goal is to make decision by July 18<sup>th</sup>.

NO PUBLIC MEETING HELD THIS DATE

<b>THURSDAY, JUNE 19, 2014</b>
--------------------------------

BCC met in regular session; quorum present. Afternoon: JC attended meeting of Urban Growth Commission, held at City Council Chambers. BC on vacation through June 24<sup>th</sup>.

Indemnity Bond – JC signed. Sheila Mellgren, Missoula, Principal for MCPS Warrant #233062, issued June 12, 2014 on County Payroll Fund. Amount/\$3,811.63 (for wages). Warrant lost.

ADMINISTRATIVE MEETING

Grant Documents – JC signed following re: recent Flood Mitigation Assistance Grant awarded to County by FEMA (in amount of \$25,000), administered through the MT Disaster and Emergency Services:

- 1) State-Local Disaster Assistance Agreement Flood Mitigation Grant Program between County and State of Montana (#FMA-PL-08-MT-2013-002), Clark Fork River Flood Mitigation Study. Term/for 3 years from date of award on June 9, 2014.
- 2) Letter, dated June 19, 2014 to Kent Atwood/Dept. of Military Affairs, Fort Harrison, MT appointing Amy Rose as Applicant's Agent to act on behalf of Missoula County with regard to all aspects of this project.
- 3) Letter, dated June 19, 2014 to Kent Atwood/Dept. of Military Affairs, Fort Harrison, MT confirming project funding as follows: a) \$25,000 FMA Funding; b) \$8,334 County Local Share; c) \$33,334 Total Project Cost (subject to change).

Originals to Amy Rose/Public Works for further handling.

Request – JC signed Treasure State Endowment Program (TSEP) Certification of Completion and Status of Funds Report for preliminary engineering grant on behalf of the Buena Vista Sewer Improvement Project (MT-TSEP-PL-15-823). Total Project amount/\$32,792.27 (\$15,000 from TSEP; \$17,792.27 from Buena Vista Community). Original to Amy Rose/Public Works for further handling.

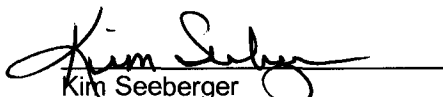
Amendment – BCC signed. Amendment #1 to contract between County and DJ&A for engineering services associated with Missoula to Lolo Trail. Amount is increased by \$77,559.22 for additional geotechnical engineering work requested by MDOT based on comments received during the 50% review submittal. Two originals to Greg Robertson/Public Works for further handling.


E-mail – Vickie Zeier sent dated June 20, 2014 to Klaus von Stutterheim, member of Seeley Lake Community Council re: possibility of billing for SLCC election costs be waived due to budget constraints. SLCC asked to provide supporting documentation to help BCC in their decision. BCC will have new Elections Administrator review future election billing and set a county policy on waiving election costs for a special district.

Additional discussion item(s): BCC canceled June 25, 2014 Public Meeting.

**FRIDAY, JUNE 20, 2014**

BCC met in regular session; quorum present. Afternoon: JC/ML attended Retirement Celebration for Mary Pittaway, held at Health Dept. BC on vacation through June 24<sup>th</sup>.

  
Kim Seeberger  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, JUNE 23, 2014**

BCC met in regular session; quorum present. BC on vacation through June 24<sup>th</sup>.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Parks & Trails Bond; 4) Director's update.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 12/CY2014 - Pay Date/June 13, 2014. Total Payroll/\$1,445,048.83. To County Auditor.

**TUESDAY, JUNE 24, 2014**

BCC met in regular session; quorum present in morning. JC accompanied Pat O'Herren to Seeley Lake for Communications Training. BC on vacation through this date

ADMINISTRATIVE MEETING

Board Appointment – BCC appointed Gary Burnett as a new member of the Greenough-Potomac Fire Service Area Board of Trustees. Mr. Burnett will fill a new term to May 2017, at which time he will need to run in the 2017 May Special District Election for a new 3-year term.

Sub-Recipient Agreement – BCC signed. Between County and Western MT Mental Health Center/Turning Point. County awarded FY 2013 Dept. of HUD Homeless Assistance – Continuum of Care Program Grant for the SHARE House program. Total grant award/\$130,093; \$4,575.50 to County for administering grant. Term/January 3, 2014–January 2, 2015. Originals to C&R and Melissa Gordon/Grants.

Employment Agreement – BCC signed. Between County (PHC) and Joseph Faircloth to serve as Health Information Technology Director at PHC. Term/June 22, 2014–June 30, 2016. Amount/\$33.65 per hour. Originals to C&R and Andrea Laine/PHC.

Employment Agreement – BCC signed. Between County (PHC) and Susan Taylor to serve as Dental Hygienist at PHC. Term/September 3, 2014–June 30, 2015. Amount/\$35 per hour at .50 FTE. Originals to C&R and Andrea Laine/PHC.

Agreement – JC signed. Between County (PHC) and Lewis and Clark City-County Health Dept. for local case management assistance to Ryan White Part C Early Intervention Service clients in Lewis & Clark County area. Term/April 1, 2014–March 31, 2015. Amount/not to exceed \$3,000. Originals to C&R and Andrea Laine/PHC.

Request – BCC approved request from CAPS/Parks/Trails to expend \$300 from Parks Fund to paint bleachers/ buildings at Fastpitch field in Big Sky Park. Project duration: Summer 2014. To Parks/Trails for further handling.

Request – BCC approved request from CAPS/Parks/Trails to expend \$200 from Cash in Lieu Reserves to Parks Fund to reimburse neighbors for materials purchased to build/install bench located at Schmautz Park. Project duration: Summer 2014. To Parks/Trails for further handling.

Special Use Agreement – BCC signed, dated June 24, 2014. Between County and Weedbusters Biocontrol, LLC to utilize portion of Big Sky Park as collection area for knapweed biological control insects ("Bug Corral"). Project duration: Summer 2014. Originals to C&R and Christine Dascenzo/CAPS/Parks.

Additional discussion item(s): Review of Senior Leadership Team meeting.

**WEDNESDAY, JUNE 25, 2014**

BCC met in regular session; all three present. Noon: BC/ML attended opening of Paxson Painting Exhibit at Missoula Art Museum.

ADMINISTRATIVE MEETING

Indemnity Bond – JC signed. Kiwanis International, Indianapolis, IN, Principal for MCPS A/P Claims Warrant #27104673, issued November 14, 2013 on County Student Fund. Amount/\$338 (for membership dues). Warrant lost.

Lease Agreement – BCC signed, dated June 25, 2014. Between County (Lessor) and Seeley-Swan Search and Rescue, Inc. ("SSSAR") for use of one acre of real property located at 2285 Airport Road, Seeley Lake, MT (currently being used by Public Works). SSSAR will construct a storage/meeting building for their use. Term/10 year, renewable; nominal rent to be charged. Originals to C&R and Greg Robertson/PW.

Grant Award – JC signed. #13-G01-91723 to County Sheriff's Dept. MT BOCC yearly award for West Central MT Drug Task Force (from JAG Edward Byrne Memorial Justice Assistance Fund). Total grant award/\$93,469 with matching funds of \$107,253.93. Grant also supports Lake, Ravalli and Mineral Counties, as well as CSKT Tribal Law Enforcement. Term/July 1, 2014 – June 30, 2015. Original to Joshua Clark/Sheriff Dept. for further handling.

Renewal Agreement – JC signed. Between County (IS-TS Dept.) and Blackfoot Communications for voice and data services, as well as reliable network connectivity to serve our County offices. Term/36 months. Amount/\$11,220 per year. Two originals to Teresa Emery for further handling.

Contract – JC signed. Between County and Mountain Valley Plant Management to treat by hand all actively growing Yellowflag iris plants along Clearwater River between outlet of Salmon Lake and river's confluence with Blackfoot River. Amount/\$10,500; cooperative project with County (\$2,000), DNRC (\$2,000) and MT FWP (will provide \$4,000). Term/August 1–October 31, 2014. Amount/not to exceed \$3,000. Originals to C&R and Jed Little/Weed District.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated June 18, 2014. Amount/\$28,671.96. To County Auditor.

Additional discussion item(s): Missoula Mercantile Building.

**SPECIAL PUBLIC MEETING #2** – Held at 7:00 pm at Creamery Bldg, 401 W. Railroad. Consider Citizen Request to Place Parks & Trails Bond Measure on November 2014 Federal General Ballot – [No Minutes taken; RECORDING available.]

After Special Public Meeting, JC signed Resolution No. 2014-079. To place a \$42 million Parks & Trails Bond Measure on November 2014 Federal General Ballot. If passed by voters, will build Fort Missoula Regional Park, renovate/renew park playgrounds in the city, and enhance County's trail program. Fiscal impact: \$37 per year on a \$200,000 property.

#### THURSDAY, JUNE 26, 2014

BCC met in regular session; all three present. Early morning: BCC met with City Council and members of the Missoula Aging Services Governing Board.

Replacement Warrant - JC signed. Tori Stahl, Missoula, Principal for MCPS Warrant #233478, issued June 13, 2014 on County Payroll Fund. Amount/\$1,312.76 (for wages). Not received in mail. No bond of indemnity required.

#### ADMINISTRATIVE MEETING

Contract – BCC signed. Between County and Land Solutions, LLC for consultant services to assist with Growth Policy update. Amount/\$85,000. Estimated Term/July 1, 2014–December 30, 2015. Originals to C&R and Karen Hughes/CAPS.

Resolution No. 2014-080 – BCC signed, dated June 26, 2014. Requesting the Missoula Consolidated Planning Board to consider revisions to the 2005 Missoula County Growth Policy (per MCA 76-1-106). Project approved in FY2013 budget. Original to C&R.

Contract – BCC signed. Between County and Grizzly Fence for the Public Works Facility Security Improvements Project. Security enhancements will be added at the Training Drive facility. Amount/not to exceed \$68,120. Estimated Term/July 1–September 30, 2014. Originals to C&R and Amy Rose/PW.


Board Appointment – BCC reappointed Jack Chambers to a new 3-year term on the County Compensation Committee (July, 1, 2014 –June 30, 2017).

Additional discussion item(s): Administrative meetings (July 1, 2 and 3, 2014).

#### FRIDAY, JUNE 27, 2014

BCC met in regular session; all three present.

  
Kim Seeberger  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

MONDAY, JUNE 30, 2014
-----------------------

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) Mill Creek Meadows Phasing; 4) Placid Lake Shoreline Compliance Issues; 5) Subdivision Regs Rewrite update; 6) Director's update.

Letter – BCC signed, dated July 9, 2014 to Fred Deschamps, Frenchtown, approving phasing plan amendment for Mill Creek Meadows Subdivision. Final plat submittal deadlines are extended as follows: Phase 1 to December 31, 2020; Phase 2 to December 31, 2022; Phase 3 to December 31, 2024; and Phase 4 to December 31, 2025.