

January 2017

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Fiscal Year: 2017

Missoula County Commissioners' Journal: January, 2017

BCC = Board of County Commissioners
 JC = Commissioner Jean Curtiss, Chair
 NR = Commissioner Nicole ("Cola") Rowley
 DS = Commissioner Dave Strohmaier

The following claims lists were signed in January 2017:

Date Signed	Claims List Dated	Signed	Voucher No.	Amount
January 3, 2017	January 3, 2017	JC, NR, DS	1725	\$120,689.95
January 4, 2017	January 4, 2017	JC, NR, DS	1726	\$17,186.35
			1727	\$32,837.33
January 5, 2017	January 5, 2017	JC, NR, DS	1729	\$20,457.04
			1730	\$166,252.16
			1731	\$29,169.00
Total Report for January 6, 2017				\$4,639,911.37
January 9, 2017	January 6, 2017	JC, NR, DS	1732	\$67,481.00
			1733	\$423,847.11
	January 9, 2017	JC, NR, DS	1734	\$7,638.02
			1735	\$229,985.45
December 29,2016	PHC Smartfill ACH			\$171,254.25
December 30,2016	PHC Amerisource ACH			\$57,943.48
January 5, 2017	PHC Smartfill ACH			\$84,844.26
January 6, 2017	PHC Amerisource ACH			\$48,489.67
January 10, 2017	January 10, 2017	JC, NR, DS	1738	\$37,986.53
January 13, 2017	January 11, 2017	NR, DS	1739	\$479.00
			1740	\$12,455.74
			1741	\$1,124,904.61
			1742	\$612,160.70
	January 12, 2017	JC, NR, DS	1744	\$114,610.19
	January 13, 2017		1745	\$20,648.87
			1746	\$28,399.07
January 17, 2017	January 17, 2017	JC, NR, DS	1747	\$61,861.59
			1748	\$34,759.67
January 19, 2017	January 19, 2017	JC, DS	1749	\$210,403.66
			1750	\$72,361.20
January 11, 2017	PHC Smartfill ACH			\$124,673.17
January 13, 2017	PHC Amerisource ACH			\$31,854.76

201800428 B: 991 P: 634 Pages: 65 Fees: \$0.00
 01/08/2018 08:58:28 AM Commissioners Journal
 Tyler R. Gernant, Missoula County Clerk & Recorder
 eRecording

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Date Signed	Claims List Dated	Who Signed	Voucher No.	Amount
January 23, 2017	January 19, 2017	JC, DS	1751	\$1,737.85
			1752	\$435.24
	January 20, 2017	JC, DS	1753	\$269,873.99
		JC, NR, DS	1754	\$144,769.77
		JC, DS	1755	\$7,211.00
Total Report for January 23, 2017				\$4,003,069.85
January 24, 2017	January 23, 2017	NR, DS	1756	\$158,830.32
January 25, 2017let	January 24, 2017		1757	\$22,439.38
			1759	\$90,724.56
			1760	\$388,660.26
	January 25, 2017		1762	\$77,659.73
			1763	\$110.00
January 26, 2017	January 26, 2017	NR, DS, JC	1766	\$1,021.06
			1767	\$169,449.73
January 30, 2017	January 27, 2017	NR, DS, JC	1769	\$113,884.82
	January 30, 2017		1770	\$6,619.70
			1771	\$127,149.41
January 18, 2017	PHC Smartfill ACH			\$237,973.69
January 20, 2017	PHC Amerisource ACH			\$77,646.74
January 25, 2017	PHC Smartfill ACH			\$68,032.94
January 27, 2017	PHC Amerisource ACH			\$31,311.09
January 31, 2017	January 31, 2017	NR, DS, JC	1772	\$44,762.92

All claims lists were returned to Financial Services.

Monday, January 02, 2017

BCC did not meet in regular session. Offices closed for observance of New Year's holiday.

Tuesday, January 03, 2017

BCC met in regular session; all three present.

Calendar

8:00 a.m. - 12:00 p.m. BCC - Orientation
 9:00 a.m. - 10:00 a.m. BCC - Chief Administrative Officer Update
 1:00 p.m. - 5:00 p.m. DS - Staff Training
 1:30 p.m. - 2:30 p.m. NR - Mayor's Downtown Advisory Commission

Items for Signature

Employee Benefits Claims – BCC signed. Employee Benefits Manual Check Claims dated Dec. 27, 2016. Amount \$143,562.67. To Barbara Berens, Auditor's Office.

Administrative Public Meeting

The BCC administrative public meeting for January 3, 2017 was canceled.

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Wednesday, January 04, 2017

BCC met in regular session; all three present.

Calendar

9:00 a.m. - 10:00 a.m. JC - Crown of the Continent
10:00 a.m. - 10:44 a.m. BCC - Commissioners' Administrative Public Meeting
1:00 p.m. - 4:00 p.m. BCC - Fairground Director Interviews

Administrative Public Meeting

**BOARD OF COUNTY COMMISSIONERS
ADMINISTRATIVE PUBLIC MEETING MINUTES
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
January 4, 2017 Start 10:00 a.m. - End 10:44 a.m.**

ATTENDANCE

Present: Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Anne Hughes, Annie Cathey, Katie Klietz, Chris Lounsbury, Dori Brownlow, Barbara Berens, Andrew Czorny

Other Attendees: Erica Grinde, Amanda Henthorne

I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA None**II. ACTION ITEMS****1. Request board appoint chair for calendar year 2017.**

Moved: Nicole Rowley
Second: David Strohmaier
Motion: Jean Curtiss appointed as Chair
Vote: Yes 3, No 0, Abstained 0

Additional Info:

Original to Commissioners' Office.

2. Request board approve and sign employment contract with Erica Grinde as Risk & Benefits Director.

Presenter: Vickie Zeier
Moved: Jean Curtiss
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0

Additional Info: Pay: \$50.48 per hour. Term: Jan. 4, 2017 to Jan. 4, 2020.

Filed with the Clerk and Recorder/Treasurer's Office. Original to Patty Baumgart, Human Resources, and copy to Vickie Zeier, Commissioners' Office.

III. CORRESPONDENCE None**IV. DISCUSSION ITEMS**

1. Legislative Update

V. UPCOMING EVENTS AND INVITATIONS

1. MACO Midwinter Conference - Monday, Feb. 13, 2017 - Thursday Feb. 16, 2017. All three Commissioners will attend MACO Mid-Winter conference.

2. Community Councils Meeting Review

VI. OTHER COMMENTS/INSTRUCTIONS None

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Thursday, January 05, 2017

BCC met in regular session; all three present.

Calendar

9:00 a.m. - 10:00 a.m. BCC - Risk & Benefits
 10:05 a.m. - 11:00 a.m. BCC - Commissioners' Administrative Public Meeting
 11:00 a.m. - 12:00 p.m. BCC - Mayor and Chief Administrative Officers
 1:00 p.m. - 2:00 p.m. DS - Ellen Leahy, Health Department
 2:00 p.m. - 3:00 p.m. BCC - Director of Fairgrounds Development

Administrative Public Meeting

**BOARD OF COUNTY COMMISSIONERS
 ADMINISTRATIVE PUBLIC MEETING MINUTES
 MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
 January 5, 2017 Start 10:05 a.m. - End 11:00 a.m.**

ATTENDANCE**Present:** Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Chris Lounsbury, Anne Hughes, Barbara Berens, Annie Cathey, Katie Klietz**Other Attendees:** Shantelle Gaynor, Garrick Swanson**I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** None**II. ACTION ITEMS****1. Request board approve employment agreement with Adriane Beck to serve as the Office of Emergency Management (OEM) Director.****Presenter:** Chris Lounsbury**Moved:** Nicole Rowley**Second:** David Strohmaier**Motion:** Motion passed as written**Vote:** Yes 3, No 0, Abstained 0**Additional Info:** Pay: \$49.74 per hour including any FY17 increase. Term: Feb. 1, 2017 to Jan. 31, 2020.

Filed with Clerk and Recorder/Treasurer's Office. Original to Patty Baumgart, Human Resources, and copy to Chris Lounsbury, Commissioners' Office.

2. Request board approve a FY17 budget amendment in the amount of \$3,500 for Relationship Violence Services.**Presenter:** Shantelle Gaynor**Moved:** Nicole Rowley**Second:** David Strohmaier**Motion:** Motion passed as written**Vote:** Yes 3, No 0, Abstained 0**Additional Info:** Donation from the Missoula Family Violence Council to support stipends for focus group participants and training refreshments.

Resolution 2017-001. Original to Teresa Graham, Financial Services, and copy to Shantelle Gaynor, Relationship Violence Services.

3. Request board approve FY17 budget transfer within Relationship Violence Services fund.**Presenter:** Shantelle Gaynor**Moved:** David Strohmaier**Second:** Nicole Rowley**Motion:** Motion passed as written**Vote:** Yes 3, No 0, Abstained 0

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Additional Info: Reallocated \$800 from supplies to client support for Family Violence Intervention and Education Sessions.

Original to Teresa Graham, Financial Services, and copy to Shantelle Gaynor, Relationship Violence Services.

4. Request board approve professional services agreement with Gecko Fence & Landscape for snow removal services on two non-motorized shared use paths in Lolo, Bitterroot Trail (M2L) and Highway 12 Trail for the 2016-17 winter season not to exceed \$8,800.

Presenter: Garrick Swanson

Moved: Nicole Rowley

Second: David Strohmaier

Motion: Motion passed as written

Vote: Yes 3, No 0, Abstained 0

Additional Info: Term: Dec. 26, 2016 to April 1, 2017.

Filed with Clerk and Recorder/Treasurer's Office. Original to Garrick Swanson, Community and Planning Services.

III. CORRESPONDENCE None

IV. DISCUSSION ITEMS

1. Legislative Update

V. UPCOMING EVENTS AND INVITATIONS

1. 2017 Economic Outlook Seminar - Friday Jan. 27 at the Hilton Garden Inn
Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier and Anne Hughes will attend.
2. Project Homeless Connect 2017- Friday Jan. 27 10:00 a.m. - 3:00 p.m. at Fair Grounds
After 1:00 p.m. Jean Curtiss, Nicole Rowley and David Strohmaier will attend.

VI. OTHER COMMENTS/INSTRUCTIONS None

Friday, January 06, 2017

NR and DS met in regular session; quorum present. JC was out of the office for jury duty.

Items for Signature

Records Disposal/Transfer Authorization – JC signed. From Clerk and Recorder/Treasurer's Office. Disposal Number 2017-16; 1) Birth Certificates – Request Letters/Forms/Apl (9/2013-1/2014); 2) Death Certificates – Request Letters/Forms/Apl (9/2013-1/2014); 3) Discharge Certificates – Request Letters/Forms/Apl (9/2013-1/2014); 4) Correspondence (9/2013-1/2014).

Journal Approval

DocuSigned by:

804CF6776D68405

Tyler Gernant
Clerk & Recorder

DocuSigned by:

C78299876BC14E6

Jean Curtiss, Chair
BCC

Monday, January 09, 2017

BCC met in regular session; all three present.

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Calendar

8:00 a.m. - 9:00 a.m.	DS - Missoula Community Radio
9:30 a.m. - 11:30 a.m.	BCC - Community and Planning Services (CAPS) Update
11:30 a.m. - 1:00 p.m.	DS - City Club Luncheon
2:30 p.m. - 3:30 p.m.	DS - CAPS/Missoula City-County Health Department – Environmental Health sanitation permits
4:00 p.m. - 5:00 p.m.	DS - Mark Estep
7:00 p.m. - 9:00 p.m.	DS - Bonner Milltown Community Council

Items for Signature

Replacement Warrant – JC signed. Shelley Loyson. Hellgate Elementary Warrant #34873, issued Dec. 20, 2016 on Payroll Clearing fund. Amount \$749.91 for wages. Warrant not received in mail.

County Payroll Transmittal Sheet – BCC signed. Pay period: 01/CY2017 – Pay Date Jan. 6, 2017. Total payroll \$1,673,387.58. To Barbara Berens, Auditor's Office.

Community and Planning Services Update

Agenda:

1. Public Comment
2. Communications
3. General Updates
 - a. 9:30 - Burton Family Transfer - Christine Dascenzo
 - b. 9:35 - Stevens Family Transfer - Christine Dascenzo
 - c. 9:40 - Butler Creek Rezoning - Christine Dascenzo
 - d. 9:50 - Planning Board Newly Appointed Member, Jamie Hoffmann - Jennie Dixon
 - e. 9:55 - Greenhouse Gas Emissions Assessment Technical Advisory Group - Erika Barnett
 - f. 10:05 - USDA Planning Rule Amendment Update - Kali Becher
 - g. 10:10 - Soldier-Butler Creek Proposed Fuels Reduction - Kali Becher
 - h. 10:15 - Update to OLC Bylaws - Kali Becher
 - i. 10:25 - OLC Membership & Appointments - Kali Becher
 - j. 10:30 - Big Sky Park Perimeter Trail Fencing Repair Project - Lisa Moisey
 - k. 10:35 - Agreement Renewal with MT FWP for Kona Bridge Fishing Access Site - Lisa Moisey
 - l. 10:45 - Mountain Line - Funding, Service & District Boundaries - Commissioner Request for Discussion
4. Director's Update - Patrick O'Herren

Tuesday, January 10, 2017

BCC met in regular session; all three present.

Calendar

8:15 a.m. - 9:00 a.m.	DS- Parks Trails and Open Lands Program
9:00 a.m. - 10:00 a.m.	BCC - Senior Staff Update
10:00 a.m. - 11:15 a.m.	BCC - Commissioners' Administrative Public Meeting
11:00 a.m. - 12:00 p.m.	DS - Julie Harris, Benefits Enrollment
1:30 p.m. - 3:30 p.m.	NR - Placid Lake Road viewing
1:30 p.m. - 3:00 p.m.	DS - Local Emergency & Disaster Planning Committee
3:30 p.m. - 4:30 p.m.	DS - Larchmont Board
7:00 p.m. - 9:00 p.m.	NR - Lolo Community Council

Items for Signature

Records Disposal/Transfer Authorization – JC Signed. From Missoula City-County Health Department (MCCHD). Disposal Number: 2017-05: 1) H1N1 Consent Forms (10/2009 – 1/2010); 2) Health Dept. Field – Follow the Child (1/2004-12/2006).

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Records Disposal/Transfer Authorization – JC Signed. From MCCHD. Disposal Number: 2017-10: 1) Access Links Abbott-Zola (1/1995 – 12/1995); 2) Health Dept. Field Abson-Zenner (1/2007-12/2007).

Replacement Warrant – JC Signed. Carol Flint. Frenchtown School District #40 Warrant # 25064153, issued Aug. 3, 2016 on County Claims Fund. Amount \$46.00 for meals. Warrant not received in mail.

Monthly Report – JC examined, approved, and ordered filed the monthly report of the Clerk of District Court, Shirley Faust. Details of fees and collections for Dec. 2016.

Road Viewers' Report – NR Signed. Investigation of a roadway subject of a petition for a right-of-way on South Placid Lake Road. Report and petition discussed at Jan. 11, 2017 Public Meeting.

Administrative Public Meeting

**BOARD OF COUNTY COMMISSIONERS
ADMINISTRATIVE PUBLIC MEETING MINUTES
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
January 10, 2017 Start 10:00 a.m. - End 11:15 a.m.**

ATTENDANCE

Present: Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Andrew Czorny, Chris Lounsbury, Anne Hughes, Barbara Berens, Annie Cathey, Heather Schroeder, Amanda Henthorne

Other Attendees: Martin Kidston (Reporter – Missoula Current)

I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA None

II. ACTION ITEMS

1. Request board approve resolution adopting parameters of the 2017 Limited Tax General Obligation (LTGO) Bonds 2017 and authorizing the issuance and private negotiated sale thereof.

Presenter: Andrew Czorny

Moved: David Strohmaier

Second: Nicole Rowley

Motion: Motion passed as written

Vote: Yes 3, No 0, Abstained 0

Additional Info: Bonds will be sold in a private sale. Principal amount not to exceed \$3,150,000, interest rate not to exceed 3.50% per annum, and term will be up to 20 years.

Resolution 2017-003. Filed with Clerk and Recorder/Treasurer's Office. Original to Andrew Czorny, Commissioners' Office.

III. CORRESPONDENCE None

IV. DISCUSSION ITEMS

1. Missoula County Boards

2. Legislative Update

V. UPCOMING EVENTS AND INVITATIONS None

VI. OTHER COMMENTS/INSTRUCTIONS None

Wednesday, January 11, 2017

BCC met in regular session; all three present.

Calendar

9:00 a.m. - 10:00 a.m.	BCC - Clerk & Recorder/Treasurer
10:00 a.m. - 11:00 a.m.	BCC - Commissioners' Administrative Public Meeting
11:00 a.m. - 12:30 p.m.	BCC - County Attorney

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12:00 p.m. - 1:30 p.m. JC - Missoula Economic Partnership Luncheon
 1:30 p.m. - 3:44 p.m. BCC - Public Meeting

Items for Signature

Records Disposal/Transfer Authorization – JC signed. From Clerk and Recorder/Treasurer's Office. Disposal Number 2017-14: 1) A101's 32894-33855 (8/2008-12/2008); 2) Balance Sheets (9/2014-12/2014); 3) Tax: Real Estate Correspondence Return Letters (1/2013-12/2013); 4) Tax: Personal Property Correspondence (1/2013-12/2014); 5) Tax: Real Estate Correspondence Bills – Undeliverable(1/2013-12/2014); 5) Tax: Personal Property Correspondence Tax Refunds/Return Checks (11/2014-12/2014); 6) Tax: Personal Property Correspondence Tax Refunds (1/2014-10/2014); 7) License: Dog (1/2013-12/2013).

Records Disposal/Transfer Authorization – JC signed. From Clerk and Recorder/Treasurer's Office. Disposal Number 2017-09: 1) Correspondence – Dead Letters (1/2011-12/2011); 2) Correspondence Title Letters (1/2014-12/2014).

Records Disposal/Transfer Authorization – JC signed. From Clerk and Recorder/Treasurer's Office. Disposal Number 2017-17: Credit Card Receipts (1/2014-12/2014).

Records Disposal/Transfer Authorization – JC signed. From Clerk and Recorder/Treasurer's Office. Disposal Number 2017-15: 1) Tax: Real Estate Bills 1-35390 (1/1986-12/1986); 2) Tax: Real Estate Bills Second Half Receipts (5/1986-6/1986).

Records Disposal/Transfer Authorization – JC signed. From Clerk and Recorder/Treasurer's Office. Disposal Number 2017-18: Incomplete/Dead Letters DMV titles (1/2007-12/2009).

Resolution No. 2017-002 – BCC Signed, dated Jan. 11, 2017. Approval of rezoning request for Butler Creek Plaza property described as Missoula Development Park – Phase 1B, Block 4, Lot 1A. Hearing held at Public Meeting Jan. 11, 2017. To Christine Dascenzo, Community and Planning Services.

Resolution No. 2017-008 – BCC Signed, dated Jan. 11, 2017. Approval of annexation of parcel 500707 located at 2010 Snow Bowl Rd. Missoula, Montana 59808 into the Missoula Rural Fire District. Hearing held at Public Meeting Jan. 11, 2017. To Shyra Scott, Clerk and Recorder/Treasurer's Office.

Administrative Public Meeting

**BOARD OF COUNTY COMMISSIONERS
 ADMINISTRATIVE PUBLIC MEETING MINUTES
 MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
 January 11, 2017 Start 10:00 a.m. - End 11:00 a.m.**

ATTENDANCE

Present: Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Andrew Czorny, Chris Lounsbury, Anne Hughes, Bernadette Roy, Nancy Harte

I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA None

II. ACTION ITEMS

1. Request Board approve budget amendment in the amount of \$105,000 for a loan to Missoula Institute for Sustainable Transportation (MIST)/Free Cycles and \$21,000 in administrative fees from the County's CDBG Revolving Loan Fund.

Presenter: Nancy Harte

Moved: Nicole Rowley

Second: David Strohmaier

Motion: Motion passed as written

Vote: Yes 3, No 0, Abstained 0

Additional Info: Amendment to FY17 budget for use of remaining FY16 CDBG Revolving Loan Funds.

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Resolution 2017-004. Filed with Clerk and Record/Treasurer's Office. Original to Teresa Graham, Financial Services.

2. Request board approve and chair sign amendment number two to contract no. 15-07-4-51-018-0 between the Montana Department of Public Health and Human Services and Partnership Health Center.

Presenter: Bernadette Roy
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Total contract reimbursement may not exceed \$83,500. FY17 contracted amount of \$31,764. Term of contract is Feb. 15, 2015 to Dec. 31, 2017 and may not be extended. Contract to conduct HIV prevention services.

Original to Lindsey Cromwell, Partnership Health Center (PHC) for additional signatures and filing.

3. Request board approve HVAC Maintenance Plan Proposal between Partnership Health Center and Temp Right Service for the cost of \$1,592.00 per year; \$398.00 per visit.

Presenter: Bernadette Roy
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Maintenance of HVAC at Seeley Swan Medical Center. Term of one year from 12/28/16 and continuing year to year thereafter.

Filed with Clerk and Recorder/Treasurer's Office. Original to Lindsey Cromwell, PHC.

4. Request board approve agreement for provider participation in the Montana Medicaid Health Improvement Program. Under the Department of Public Health and Human Services Montana Health Care Programs, a provider that participates in Passport to Health may enroll as a provider of Enhanced Primary Care Case Management delivered through the Health Improvement Program (HIP).

Presenter: Bernadette Roy
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Service to patients in Missoula, Ravalli, Granite, Powell and Mineral Counties. Approximately 21,000 patients. \$3.75 per month per patient.

Filed with Clerk and Recorder/Treasurer's Office. Original to Lindsey Cromwell, PHC.

5. Request board approve professional services agreement between Partnership Health Center-Missoula County and Cindie Woods, Licensed Clinical Social Worker, PLLC.....Postponed

III. CORRESPONDENCE None

IV. DISCUSSION ITEMS

1. Legislative Update

V. UPCOMING EVENTS AND INVITATIONS

1. Montana Historical Society - 2017 Montana Historic Preservation Awards Ceremony
Friday, January 20, 2017 at 2:30 p.m. Maclay Bridge - Commissioner Strohmaier may attend.

VI. OTHER COMMENTS/INSTRUCTIONS

Missoula Chambers Lunch - All three Commissioners to attend.

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Public Meeting Minutes

Meeting minutes linked to the audio recording of public meetings are available online on the Missoula County Commissioners' Meeting Minutes & Agenda portal. The portal may be found at the following web address: <https://www.missoulacounty.us/government/administration/commissioners-office/commissioners-meeting-agenda-portal>.

MISSOULA BOARD OF COUNTY COMMISSIONERS
PUBLIC MEETING MINUTES
CONFERENCE ROOM 151 – COURTHOUSE ANNEX
WEDNESDAY, JAN. 11, 2017 – 1:30 PM

1. CALL TO ORDER

Commissioners Present:

Chair Jean Curtiss
Commissioner Nicole Rowley
Commissioner David Strohmaier

Staff Present:

Christine Dascenzo, Planner, Community and Planning Services
Sam Scott, Deputy Clerk and Recorder, Clerk and Recorder's Office

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

None

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Fred Stewart, 4675 South Avenue West, Missoula – I would like to go over some information briefly that is new since the time the commissioners made their decision to go forward with a South Avenue Bridge proposal.

Commissioner Curtiss – Okay, Fred you did leave me a message yesterday saying that you planned to do this but how much time do you think? We have a large agenda today, so.

Fred Stewart – I understand. I looked at the agenda online and I couldn't find it, but at any rate, tell me the maximum amount of time. I've got 13 slides I think.

Commissioner Curtiss – Okay, well try to stick to three to five.

Fred Stewart – Okay. Here we go. This is the new information that has come up. In the purpose and needs statement in the Maclay Bridge study it said that the purpose of a future project is to have a river crossing in the Maclay Bridge area to enhance the operational characteristics, increase safety and improve physical conditions that provides for safety and operations for the travelling public over the foreseeable future. What I would like to do very quickly is to show you that rehabilitation of Maclay Bridge meets the purpose and need that was identified three years ago. The original study had projections of traffic volume that included a period going all the way back to 1992. You will see on that graph the dots represent volume per year in the early time period there was a rapid increase in traffic using Maclay Bridge that was a period of rapid development in the Big Flat area. Since that time the volume has tapered off. So if we look at a different time period; if we look at the period 2001-2016 during that 15 year period it's no longer an upward trend line. It is a level and slightly declining trend line. If we look at a ten year period again, we don't see that sharp increase in existing traffic volume. So, during that more recent time period Big Flat has been pretty much built out, Smurfit Stone has closed down. The people who live in the Big Flat area, they are older and there is not as many teenage kids going back and forth across the bridge. So here are the numbers in terms of the volume in each of those years and the areas that I have highlighted in yellow are the projections for

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the different time for 2040 based upon the study that was done. I just quickly point out that with no change in terms of a South Avenue Bridge 5,650 was the volume that was projected for 2040. Keep in mind that we are about 2,000 now. With a new bridge it was going to go up to 7,200; an increase of about 5,200 vehicles per day from some place. Okay, and then you can see the numbers for those other options. So those are all projections of 2040 volume. The purpose of this aerial photo is to just give you an idea of the fact that in terms of zoning, the Big Flat area is primarily built out, the numbers represent how many acres per dwelling. So in the Big Flat area it is five acres per dwelling and that is pretty much built out. On the mountainside it is 40 acres per dwelling, there is limited opportunity there. So in terms of where is the future traffic volume going to come from, in terms of the people most closely using Maclay Bridge, there is not much additional volume there. The study also showed how much traffic was Highway 93 at Buckhouse Bridge. As Cola has commented to me in the past, there are times when traffic gets backed up there by Buckhouse Bridge and people will peel off and they will go on Blue Mountain Road and they will use Maclay Bridge to get into town. So the current level, 2010, was 26,000 vehicles per day, without building a new bridge the projection was it would increase by about 20,000 vehicles per day-46,000. With a new South Avenue Bridge the projection was actually less traffic at Buckhouse Bridge and a reduction of 650 cars. Where did they go? Well, they may be using Blue Mountain Road to get into town, but it is a modest number compared to the 5,200 cars that were projected in the study as increasing at Maclay Bridge in 2040. I would maintain that the big problem in terms of traffic in that area is Highway 93, Brooks and Reserve Street; 20,000 more cars are not going to be served much by an additional bridge at South Avenue. So, who's the bridge for? If it is for the local people in Big Flat there is just not much potential development there is my point. This is Blue Mountain Road and you can see the problems being able to handle additional traffic. Since the original study was done we have had engineers come and tell us what could be done and indeed the Maclay Bridge can be rehabbed and we were originally told it could not be done. So here is two examples and what the cost would be to do that. I don't have time to go over all of these but I have a handout for you. We have listed the impacts associated with the rehab options and the existing bridge proposal to extend to improve South Avenue Bridge. So it is quite a long list and again we don't have time to go over them. So here is the decision that I would request from you after you have a chance to look at these impacts that we have identified. That you would expand the scope of the current study to include the rehab options for Maclay Bridge. Those are not going to be included with the current study that is only looking at South Avenue. You as commissioners have the authority to expand the scope of that study to include the rehab options so that you would have that information to make a decision about whether to go forward with South Avenue proposed bridge or to rehab. We finally would request that you put a hold on the activities associated with the proposed South Avenue Bridge until they get their environmental document done. In terms of the impacts on those previous pages, we believe that a categorical exclusion would be adequate for rehab options but not for the South Avenue Bridge. We believe an EIS (environmental impact statement) is going to be required for the South Avenue option and until that is completed many of these actions that are going on right now may never come to pass. It may be money spent for no particular purpose. I will give you each a copy of this. If you have questions on the impacts, I think it's really quite important to look at the impacts and see how many impacts there are associated with the South Avenue Bridge project. Thank you.

Commissioner Curtiss – Is there any other public comment on items not on today's agenda? Okay, then we will move to the current claims list.

5. **CURRENT CLAIMS LIST**

The claims received between Dec. 12, 2016 and Jan. 6, 2017 of the Commissioners' Office total \$4,409,925.92.

6. **HEARINGS**

a. Approve the Butler Creek Plaza Rezoning Request

Christine Dascenzo, Planner, Community and Planning Services – Today we have a request from Tom McCall the owner of Suncomm LLC to rezone a parcel within the Missoula Development Park from Light Industrial to Community Commercial. The property is located at 6170 Butler Creek Road and is the former site of the Ibey Nursery. There is a bus stop for Mountain Line Route 11 at the Smokejumper Visitors Center, about a ten to fifteen minute walk from the site. The applicant owns the site in question and land to the north and northeast which houses a small electronics manufacturer. An aquatics accessory manufacturer is located to the west, across Butler Creek Road. Parkland and the

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railroad are located to the south and east across Kestrel Drive is a trucking company, a welding company and an engine parts and servicing company. The subject property today is more than 600 feet from DeSmet School across Expressway to the north; 6170 Butler Creek Road is the former site of a four acre commercial nursery with walkways extending north along the vacant parcel and connecting to walkways along both sides of Expressway. The request is to rezone from Light Industrial to Community Commercial. It is located within the development parks Special Zoning District. With a memo to the commissioners dated Jan. 6, 2017 that should be in your packet, the request was amended from what was brought to the Dec. 6 Planning Board meeting. The original request that you can see on this slide included those two northern parcels along Expressway and also included a boundary line relocation that would have changed the configuration of the lots. Today we are just focusing on that 6170 Butler Creek Road parcel. I will speak to some of the reasons for that amendment in a few minutes but as we move forward, it is just a single parcel that is being requested to change from Light Industrial to Community Commercial. The purpose for that rezone is there is a lessee of the parcel who would like to grow and sell produce on site. That selling of produce on site isn't allowed in the current zoning in Light Industrial and there is also plans for a future farm to table restaurant and restaurants and eating establishments are also not permitted in the current zoning but would be in a commercial district. Additional uses that are permitted in the Community Commercial District include lodging, bars, vocation training facilities, auto service stations, convenience stores and those restaurants and retail food stores. The current zoning is Light Industrial and it is within that Missoula Development Park Special Zoning District. The land use designation for the area is Light Industrial-Commercial. It should be noted too that the location of the school is more than 600 feet from the parcel in question. In state law you are not allowed to sell tobacco or alcohol within 600 feet of a school and this parcel in question is further than that distance and it is measured from the front door of each establishment so that's why the line goes a bit into that parcel and just going back to that land use designation a bit the plan for the Airport Development Park is for it to be developed as a high quality employment center, university business park and business training center with a wide range of uses that could be phased in response to market conditions and provision of infrastructure, supported by retail, hotel, community uses and open space and parks. It further states that because the western edge of the Development Park was, in 1995 undeveloped, individual site and facility layouts can be tailored to the needs of specific users. In our review we did find that the request was compliant with that land use designation from the growth policy and here is a full list of the uses permitted in the Light Industrial Zoning, which is the current zoning and the full list from the Community Commercial uses that the request would allow on that site. In addition to these uses being permitted in the Community Commercial there is increased requirements with the zoning that include building separation that increases from 20 feet in the Industrial Zone to 40 feet in the Commercial Zone and the maximum building coverage decreases from 40 percent to 25 percent. So there are some sort of increased requirements in that change to Community Commercial. We did send the request out for agency and public comment. We heard from Public Works that there is standard permits that will be required upon construction of the site and Health commented that they didn't have any concerns on the rezoning request but noted sanitation in subdivision could be required for that boundary line relocation that is no longer being sought so it is not applicable at this point. The Missoula Development Park District stated that there is a similar demand for Light Industrial uses and Commercial uses in the park and the Development Authority Board supported the request at their Dec. meeting. We heard from the DeSmet School District in response to the original request and this response informs the amended request. They had concerns that the request did not include residential uses and would not contribute to the student population and had concerns about increased vehicular and pedestrian traffic and unknown individuals in the area near the school. After a few meetings between County staff, the applicant and school officials the agreed amendment was made to the request so that we are solely focusing on that 6170 Butler Creek Road Parcel. There are additional findings in the memo speaking to spot zoning because County staff did encourage a broader request for the rezoning to address any concerns about spot zoning and we thought it would ease the intensity of uses as we got closer to the school. But just to get on the record some information about spot zoning I am going to read

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some info from that memo. Spot zoning is generally regarded as providing a benefit to owners of a specific parcel or parcels through zoning that is misaligned with the goals and recommendations of the Growth Policy for the area and is detrimental to surrounding land owners, Lacks Law Dictionary describes it as zoning which singles out an area for treatment different from that of a similar surrounding land and which cannot be justified on the basis of health, safety, morals or general welfare of the community and which is not in accordance with a comprehensive plan. In our review we found that that was not the case and there should not be a concern about spot zoning in this request. The amended request was supported by school officials and the Missoula Development Authority Board. We are recommending approval of, so here we see the original request and that amended request in the map, we are recommending approval of the request and that recommended motion is on the slide and should be in your packets and let me know if you have any questions. Thanks.

Commissioner Curtiss – So the recommended motion here and the one that we have is a little different just because the one shown on the screen shows the section, township, range, do we need to have that in our motion?

Christine Dascenzo – Yes, that would be good info to include in that motion, sorry about that.

Commissioner Curtiss – Alright, is that all you have right now, Christine?

Christine Dascenzo – Yes, that is the end of my presentation.

Commissioner Curtiss – Are there any questions for Christine at this point?

Commissioner Curtiss – I do have one, it seems that Ibey Nursey was growing and selling things, why is that different than produce or did they not grow on site they just sold plants and trees?

Christine Dascenzo – That is a good question. I think it is more related so it gets through on the agricultural use and this is more of store front, I believe that's planned for the selling of that produce. The agricultural use is permitted.

Commissioner Curtiss – Okay, because I know you could buy a tomato plant there so I just wondered. Alright, does the developer's representative have someone who would like to speak to this request? Or the owner? If you could come up to the microphone that is up front, please and it looks like it is already turned on so if you could just state your name and whatever you need to say.

Tom McCall, owner - 4316 North Avenue West.

Commissioner Curtiss – Did you have anything you wanted to add or tell us what you have in mind, or?

Tom McCall – No, we basically started out as an investment purpose only for this property until we hooked up with friends that thought a grow operation and a future restaurant would be ideal. We moved in that direction, the county recommended that we do more than we wanted to; so to appease the school we dropped that back off and we are happy 6170 Butler Creek becoming a pretty good place for the communities.

Commissioner Curtiss – Alright, any questions for Mr. McCall? Thank you, sir.

Tom McCall – Thank you.

James Kilhof - I am not really involved with this case at all but I was just wondering if this is to also include growing of marijuana and selling marijuana?

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Commissioner Curtiss – I believe Mr. McCall (from the audience) said no marijuana. Okay, any other comment on this request to rezone the one lot that we all know as the property where Ibey Nursery is right now?

Matt Driessen, Principal, DeSmet School – I gave a little packet and had a little PowerPoint, here she comes, we are going to start on page three. I would like to say it was a wonderful discussion that we had with everybody involved and what we are looking at is just a Commercial Zoning around a school and so that is what I am going to bring up right here. Some of the things that we need to consider, on page four, is how it relates to environmental concerns, health, safety and welfare, and the impact on adjacent properties. The standards and conditions required of a school zone are different than other zoning conditions and standards and those are that we have the welfare of the children of the community there and that's why commercial across the street from a school is worrisome. In as much as teachers are held to higher standard the zoning around a school needs to be held to a higher standard also. Page five. So what we did was we took a look at the Missoula County Zoning resolutions and I am going to go through these real quick. Whether it would enhance and promote the development of the immediate neighborhood; and we don't believe that commercial around a school would. Whether the zoning is designed to secure safety and other dangers; and we do not believe that commercial around a school would. Whether zoning is designed to promote public health, safety and the general welfare; we do not believe that commercial around a school would. Does it adversely affect nearby properties or occupants? It would if we had commercial across from us it would. And then page six; whether the zoning considers the promotion of compatible urban growth; commercial is not compatible with urban growth around a school, residential is and so that was another reason. The effect on motorized and non-motorized transportation systems; the increased traffic would pose a safety concern for the children and their families as they travel to and from the school. Whether the zoning considers the character of the district and its peculiar suitability for particular uses; we are a school and the use of a school is to educate children, residential is more suitable in a school area than commercial. Whether it conserves the value of the building and encourages the most appropriate use; and again commercial adjacent to a school is not the most appropriate use. So we had meetings with Christine, Tom McCall, the people at CAPS and the Missoula Development Authority and we came up with a compromise that allow Tom McCall to have his business, on the amended one, and we leave the land across the street from DeSmet as it is for future discussions down the road in a bigger overall arching plan and that is what we wanted to say. That is what we approve and that's what we give our stamp of approval to. So there we go. Any questions?

Commissioner Rowley – I guess I have one. How long has the Industrial District been there and is zoned the way it is?

Matt Driessen – Since 19...I'll let you answer it if you want.

Christine Dascenzo – 1995 that zoning was adopted.

Commissioner Curtiss – About 20 years.

Commissioner Rowley – Was this conversation had at that time?

Matt Driessen – This conversation has never, never been had to our knowledge with our school. We do not actually like having Light Industrial in our area. We don't, we are not trying to have a battle we are just saying we don't like it. One of the things is that about 40 percent of the land around our school is vacant so after 20 years we still have large chunks of land that are vacant. We would like to see that land become residential. Not only would it be better for our community, it would actually be better for the county as a whole. The tax revenue that you would generate from that would be tenfold from what you are getting right now. And I'll be talking about that at the CAPS meeting next week.

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Commissioner Rowley – Great, and our lots are starting to sell better so hopefully it won't be vacant for that long but, it is unfortunate that an industrial park and a school are in such close proximity together.

Matt Driessen – That was imposed on us.

Commissioner Rowley – I am just saying it is unfortunate that this conversation wasn't had in 1995.

Matt Driessen – Right.

Commissioner Rowley – And hopefully we can move forward, you know, and I am very happy that you reached a compromise with the land owner prior to bringing it to us and us having to navigate that. So I appreciate that very much and I hope we can continue to have conversations about how to appropriately place things. We are also short on industrial lands and the proper fit of residential and industrial and commercial and buffering and getting it all to work together so I definitely hear your concerns about there is no residential there to support your school, but we created an industrial park there and how that all fits together is really a complex issue that I am glad we solved this one lot but I do want to hope that we can have continued conversations about how it all bigger picture pieces together.

Matt Driessen – Ms. Rowley I believe that is actually on the, from all the conversations that we've had, this is going to be a part of a larger discussion that's going to be on going for the next weeks at the very least.

Commissioner Rowley – Thanks for participating and being involved.

Matt Driessen – You are welcome.

Commissioner Curtiss – Alright, is there any other public comment on this request to rezone this lot on Butler Creek Road? Okay, seeing no one come forward I will close the hearing. We will have commissioner discussion if there is any, or a motion.

Commissioner Strohmaier – I will be happy to make a motion. If anyone is wondering, I am Dave Strohmaier, I am not anonymous up here, the nameplate is just not yet produced.

Commissioner Curtiss – He is our newest commissioner that you voted in in November.

Commissioner Strohmaier – Yeah, good to be here. Thanks for everyone for coming and also thanks to the applicant for the flexibility to work with the community to come up with this amended proposal.

Commissioner Strohmaier made motion that the request for a rezoning from Missoula Development Park Special Zoning District-Light Industrial to Missoula Development Park Special Zoning District-Community Commercial, on property described as: Missoula Development Park in 35, Township 14 north, Range 20 west, Block four, Lot 1A be approved based on the findings of fact contained in the staff report as amended in the memo dated January 6, 2017, public testimony, and written comment.

Commissioner Rowley seconds.

Commissioner Curtiss – Any further discussion? All in favor say aye.

Motion passed 3-0.

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b. Stevens Family Transfer

Christine Dascenzo, Planner, Community and Planning Services – This is a request from George and Gertrude Stevens, represented by Ron Ewart, to use the Family Transfer exemption to the Montana Subdivision and Platting Act, in accordance with §76-3-207(1)(b), a division made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family. George and Gertrude Stevens propose to create and transfer two new 2.5 acre parcels to their adult children, Steve Stevens and Thomas Stevens. The property is located in Missoula's South Hills and legally described as Parcel one of COS (Certificate of Survey) 4880. The request was received prior to the November 4, 2016 effective date of the Missoula County Subdivision Regulations and was reviewed under the previous set of regulations. The current parcel is 7.84 acres and accessed by a private access drive off Ben Hogan Drive. The property is zoned C-RR3 with a density of four dwellings per acre. It is not located in floodplain. The parcel has one single family home, which was built in 2002. The proposed lots will be accessed by that same private drive and create a 2.8 acre remaining parcel. The applicants stated the transferred parcels are intended for residential use. As for the parcel history, in 1998, Carl Haggard recorded COS 4880, which transferred the parcel in question to his wife. In 1988, Michael and Murray Catlin recorded COS 3621, to create five parcels through the large lot exemption. It was reviewed for the evasion criteria and triggered three. The first, to divide a tract that was created through use of an exemption, so we've got those family transfers and large lot exemptions in the parcel's history; to divide a tract that will become one of three or more parcels that will have been divided from the original tract through use of exemptions; and to divide tracts that were recently transferred to the applicant. The applicant filed a quit claim deed to remove the Trust from ownership and make the family transfer an available solution to transfer land to their children. Staff is recommending approval of the family transfer and if you don't have any questions for me at this time I would ask the applicant to approach the podium.

Commissioner Curtiss – So, could one of the family members come to the podium to answer the questions that we have. Or do you want to present first, Ron?

Ron Ewart – I just wanted to quickly say that I am here to help the Stevens Family. I have known Tom Stevens for a number of years and a few months ago he asked me about the family transfer because I used to work at Eli and Associates because that would help them in their estate planning purposes for the lots or for the property. So I took a look at it, I submitted all the criteria and Steve is out of town right now but his parents, George, he goes by Lenny. Remember Lenny's Lounge? Anyway, and Gertrude, they are here and Tom is one of the sons and then the granddaughter, Stevi, is here. So anyway, as Christine was saying they've owned the property since 1998, it has been in the family and this has been sort of their plan all along. They built the house in the far western portion of the property so that it would be available for a couple more lots they could gift or sell to immediate family members. The zoning course is four per acre but they want to keep the rural character out there. Thanks.

Commissioner Curtiss – Thank you. Mr. and Mrs. Stevens, if you could come either one of you or both, to the microphone so we can ask you the official questions on the record.

Gertrude Stevens – I am Gertrude Stevens and my husband is George Stevens, he goes by Lenny but he is very hard of hearing so I am going to be the one you can ask the questions.

Commissioner Curtiss – Okay, Christine will ask the questions for us, thank you.

Christine Dascenzo – Thank you Gertrude.

1. Are you using the subdivision exemption process in an attempt to evade the subdivision review?

No

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2. How long have you owned the property?

Well, we have lived there 14 years and we bought a few years before that so I am thinking 1998.

3. Did you buy the property with the intent of dividing it?

No.

4. Do you or your transferees intend to transfer the property within the next year?

No.

5. Have you talked to anyone at the County about going through subdivision review?

No.

6. Are you in the business of building or developing property, you or your husband?

No.

7. Do you understand that this exemption request is not being reviewed for adequate physical and legal access in all weather for all vehicles, including emergency access vehicles?

Yes.

8. Do you understand that if this exemption is approved, it does not mean the property is approved for zoning compliance, building permit, floodplain or septic systems, or any other permits?

Gertrude Stevens - Okay, I guess we get this far and then if the boys decide to build they will have to get all of that taken care at that time?

Christine Dascenzo – Right.

9. With the recipients in mind, will the property be developed?

Gertrude Stevens - I don't think so.

Commissioner Curtiss – I think her question is do they plan to build there someday maybe? Do your children plan to build a house there someday themselves?

Gertrude Stevens – Yes.

Commissioner Curtiss – Okay.

10. Will the recipient of the property be residing on the property?

Gertrude Stevens – Will they be residing on the property?

Christine Dascenzo – Right.

Gertrude Stevens – Yes.

Christine Dascenzo - Thanks

11. Where do the recipients live now?

Gertrude Stevens – We live in the house, 901 Ben Haugan Drive.

Commissioner Curtiss – And do your children live here in Missoula?

Gertrude Stevens – Yes, in fact Tom and Chris and their children, we have lived together for 20 years. So, they live here and yes Steve lives here too.

12. Are they all living in the existing home on the property?

Gertrude Stevens – No, just Christine and Tom and their two children. In fact I should say one child now because the other one is going to school in Salt Lake.

Christine Dascenzo – Congrats. So that is it for my questions. Thank you.

Gertrude Stevens – Okay, thank you. Anybody else?

Commissioner Curtiss – Does the commission have any questions for Ms. Stevens? Thank you.

Gertrude Stevens – Oh you are welcome, thank you.

Commissioner Curtiss – Is there anyone from the public that would like to comment on this proposed family transfer? Okay, seeing no one come forward I will close the hearing. Is there a motion?

Commissioner Rowley made a motion the Board of County Commissioners approve the request by George and Gertrude Stevens to create and transfer two parcels to Steve Stevens and Thomas Stevens based on the fact that there does not appear to be an attempt to evade subdivision review.

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Passed 3-0.

Commissioner Curtiss – So you will get a letter from our office saying that that's been approved but Ron knows the drill that you can have surveying and that kind of thing start and we also are not insulted if you choose to leave at this point since we have other things on our agenda.

c. Burton Family Transfer

Commissioner Curtiss – I believe that Mr. Burton was going to join us by phone.

Christine Dascenzo – That's right. So we are going to get him on the line and sort of hold on mute as I give the presentation.

Commissioner Curtiss – Sure. So Mr. Burton lives in Colstrip. It didn't seem like a safe thing to do to require somebody to drive all the way across the state in the winter.

Christine Dascenzo – Hi Brent, this is Christine we have you live in the commissioners' hearing.

Brent Burton - *The video recording did not capture Mr. Burton's comments. His comments below are taken from handwritten notes by staff during the public meeting.

Commissioner Curtiss – Hello, so Christine will give her report and then we will ask you the questions that you are familiar with, Mr. Burton.

Brent Burton *

Christine Dascenzo – Alright, so this is a request from Brent Burton represented by Paul Forsting of Territorial Landworks to use the family transfer exemption. Brent is proposing to create and transfer three parcels to his minor children and those minor children are Kyler Burton, 11 years old, Sierra Burton, eight years old, and Payten Burton, four years old. The property is located in Frenchtown and legally described as Section 30, Township 15 north, Range 21 west, in the north half of the south east quarter north of I-90. This is also the last request that we received prior to the November 4, 2016 effective date of the Missoula County Subdivision Regulations and will be the last to be reviewed under the previous set of regulations. The parcel is currently 27.27 acres and accessed off Frenchtown Frontage Road. The property is unzoned and located out of the floodplain. The County Floodplain Administrator does recommend against basements in this location due to groundwater and the City-County Health Department commented that this project will require sanitation review. The parcel has one single family dwelling on it that was built in 1992 and a garage built in 2002. The proposed lots will be accessed off that same Frenchtown Frontage Road and create a 22.77 acre remaining parcel. The applicant stated that the transferred parcels are intended to be transferred to the applicant's three minor children but did not specify the intended use. This parcel is not the result of a division that occurred after July 1, 1974. On August 10, 2016, the applicant was denied a family transfer request to create six parcels on this property. Ownership of the parcel was transferred to Brent Burton on March 11, 2016 from the applicant's business, Bask Properties, LLC and that ownership transferred to Bask Properties from Ernest and Kathy Johnson, in August 11, 2015 and the Johnsons owned it since 2002. The evasion criteria were reviewed with this proposal and it triggered a few. The first to divide a tract that will become one of three or more parcels that will have been divided from the original tract; to create a parcel that is not intended for use as a home site for the transferee, and that is just triggered as a possible since the recipients are minors; to divide tracts that were recently transferred to the applicant; and to divide tracts that have been denied use of any other exemption; to divide tracts for transfer to minor children. That is the case but it is also a legal relationship in state law and a trust would have to be set up for them to receive land. So that is the review and staff is recommending approval and we do have an updated exhibit showing the reclamation, sort of a sketch of the reclamation of the pond on proposed lot two. That is new since Monday. But yeah, we are recommending approval.

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Commissioner Curtiss – Alright, so at this time I will ask Christine to ask Brent the list of questions. So Brent if you could state your name for the record.

Brent Burton*

Christine Dascenzo – Thanks Brent.

1. **Are you using the subdivision exemption process in an attempt to evade the subdivision review process?**
No.
2. **How long have you owned the property?**
Commissioner Curtiss – It looks like it was March, according to our records, does that sound right?
Brent Burton – Yes.
3. **Did you buy the property with the intent of dividing it?**
No.
4. **Do you or your transferees intend to transfer the property within the next year?**
No.
5. **Have you talked to anyone at the County about going through subdivision review?**
No.
6. **Are you in the business of building or developing property?**
No.
7. **Do you understand that this exemption request is not being reviewed for adequate physical and legal access in all weather for all vehicles, including emergency access vehicles?**
Yes.
8. **Do you understand that if this exemption is approved, it does not mean the property is approved for zoning compliance, building permit, floodplain or septic systems, or any other permits?**
Yes.
9. **Will the transferred properties in mind do you know if the properties be developed?**
Possibly someday. Not in the near future.
10. **Will the recipients of the property be residing on the property?**
Possibly someday. Not in the near future.
11. **Where does the recipient live now?**
Colstrip, Montana

Christine Dascenzo – Thank you. That is it for my questions, the commissioners may have more for you and thanks for being here on the phone.

Brent Burton – Thank you.

Commissioner Curtiss – So Brent, do you have anything you would like add to the public testimony? I know we visited with you on Monday but that's not part of the public record. Do you have anything you want to add about what your plans are here and why you want to gift this to your children, or? I believe the property is in your wife's; your wife's family has had this for a while, before you got it.

Brent Burton* – Brent's father-in-law resides on the property and they are working to reclaim the gravel pit.

Commissioner Curtiss – Okay, and you are just creating lots so your children have a lot in the future, is your goal?

Brent Burton – Yes.

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Commissioner Curtiss- Okay. Commissioner Rowley has a question for you.

Commissioner Rowley – I think you addressed this at the last exemption request but could you clarify the relationship to Bask Properties and why the transfer to yourself in the recent months?

Brent Burton – Bask Properties is an LLC that was formed to originally receive the gravel pit when it was transferred from the father-in-law to Brent. It was formed to protect the family from liabilities before they considered using the family transfer.

Commissioner Curtiss – Okay, I don't think we have any other questions for you Mr. Burton. Is there any public comment on this proposed family transfer? Okay, seeing no one come forward I will close the public hearing. Is there a motion?

Commissioner Strohmaier made the motion that the Board of County Commissioners approve the Burton family transfer request to create and transfer three 1.5 acre parcels to minor children, Kyler Burton, Sierra Burton and Payten Burton based on no attempt to evade Montana subdivision review. Commissioner Rowley seconds.

Passed 3-0.

Commissioner Curtiss – Okay, it has been approved Mr. Burton and you will get a letter from our office clarifying that.

Mr. Burton*– Thank you.

Commissioner Curtiss – Thank you for joining us. Okay, next we have a petition to establish a County road. This is Camas Road on the Hole-in-the-Wall Road and Hidden Treasure Court. So the first thing we do is ask the Clerk and Recorder's Office to verify the petition that was received.

d. Petition to establish a County road (Camas Road, Hole-in-the-Wall Road and Hidden Treasure Court).

Sam Scott, Deputy Clerk and Recorder, Clerk and Recorder's Office – The Clerk and Recorder received a petition to establish Camas Road and Hidden Treasure Court in Potomac, located in sections 20 and 29, Township 13 north, Range 15 west and Camas Road between County road Hole-in-the-Wall Road ending at the west end of Hidden Treasure Court. The petition fee has been paid in full and a notice of hearing was published twice in the Missoulian and the petition was also signed by ten free holders in the road district and all affected land owners have been contacted.

Commissioner Curtiss – Okay. Is there a petitioner who would like to address this?

James Kilhof, 980 Hidden Treasure Court, Bonner, Montana – Thank you, commissioners for this hearing today and allowing me to speak. I rise in strong opposition to this petition today and I want to bring your attention to half way down the page in very small letters it says, "When granted consent all affected property owners must be listed and signed. Trustees must have all members sign and provide trust documents." But it also, before this says, "Unless those landowners agree to this petition when granted consent all affected property owners must listed signed. Trustees must have all members sign and provide trust documents that allow one member to sign on behalf." I have been contacted by the opposite, I own lot 22 it is the one right on the corner of Camas and Hidden Treasure Court, and I was contacted by the people that own across the street, the Bengalas, Mike Bengala has supposedly sent a certified letter to the commissioners in opposition to this also and his son Michael, Mike Bengala Jr., wanted to attend but he was called away to work in Kalispell today so he couldn't make this. I guess the application to me doesn't seem to complete because it says, "When consent is not given to the establishment or alteration the probable cause of the right-of-way and the applicant has marked zero."

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On the very last page that we were given on this affidavit of correction it states, "I have corrected the attached petition to correct the legal description of the road to be established at affected land owners, owners consenting to the establishment and the cost of the road establishment." I see no cost of this road establishment included in this petition whatsoever. From our understanding the road does not meet county standards in any way. The first four tenths of a mile coming off of Hole-in-the-Wall is very steep, 15 percent grade, much more of a grade than the county would accept in their own standards. This road has no ditches, no culverts, no signs, I feel as if the petitioner should be responsible for all of that which could lead to hundreds of thousands of dollars. This is to me almost outrageous to think that if there was RSID (Rural Special Improvement District) that would be brought upon us landowners it would be an incredible cost and possibly drive us out of the whole subdivision. This subdivision is also used by an awful lot of people that wouldn't be involved or affected by this in any way. Three of the people that have signed in consent to this, I think if they understood the full intent they would not have signed this because this would infringe on their elk habitat which this family has relied on for the last three generations. Also in that affidavit of correction, it was stating, it was mentioning landowners consenting to the establishment and it looks as if in the 005 pages of this update, I don't see anybody here that's consenting to that. There is no signature and these are people that will be affected I am sure. So, the application was filed because there was some sort of confusion as to the road status and for 40 years there's really been no confusion whatsoever. This is has been a right-of-way that's been granted and prescribed easement to all the people living in this Jordan Ranch Subdivision. So, I just want to say that I rise in strong opposition to this petition and as a landowner I feel this would bring on a lot of cost and unnecessary litigation that the county could be responsible for.

Commissioner Curtiss – So, Mr. Kilhof, could I ask you a question? So, on page, what is written as 102 on ours, where it says, "The landowners affected are listed below" and your name is there, and then right below that little box of names, it says, "Landowner name below that have thus far not given consent" and they only listed Mr. Boucher. So you are saying that while your name is listed here as an affected landowner you weren't asked if you were in favor?

James Kilhof- Right.

Commissioner Curtiss – Okay. And then my other question is, since you live clear up here on Hidden Treasure Court, the documents for your property, you have prescriptive legal and physical access to get to your property that a title company wouldn't question?

James Kilhof – Yes, for at least the last 40 years. And as you can see lot 22 right on the corner has an awful lot of road frontage which would be totally affected and cause an overburdening of the easement.

Commissioner Curtiss – Okay. Thank you, any other questions for Mr. Kilhof?

Commissioner Strohmaier – Thanks for joining us. So, how is the road, could you describe how the road is currently maintained?

James Kilhof – It is a group effort. The neighbors all get together, we have a person that lives at the top of the hill; he has a grader and he will grade it off. A number of people have plows on their pickup trucks and they maintain it pretty well that way. From my understanding even if this was to become a county road, the county would not maintain this road because of as steep as it is and I mean there has never been any problem as far as access. The only problem is, you know, we do have to get together occasionally to maybe get a group of money together to maybe put in some ditches or you know upgrade a few things. But it has never really been a problem. The neighborhood joins together to maintain this rather well actually.

Commissioner Strohmaier – Thank you.

James Kilhof – Thank you. Any other questions?

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Commissioner Curtiss – Not at this point. Thank you Mr. Kilhof. Are there others who would like to testify either for or against this petition?

James Costamagna – I would just like to read the letter that I sent you. I represent myself and my wife Debbie and I also represent Raven Hill Property Management. We own three lots on Hidden Treasures Court so we have quite a bit of road frontage.

TO: Missoula Board of County Commissioners
County Administration Building
199 West Pine Street
Missoula, Montana 59802

FROM: James & Debbie Costamagna
710 Hidden Treasure Court
Bonner, Montana 59823

Raven Hill Property Management
111 Kensington Ave.
Missoula, Montana 59801

SUBJECT: PETITION TO ESTABLISH, ALTER, OR ABANDON A COUNTY ROAD

We oppose this request to establish the right-of-way as described in the petition for Camas Road & Hidden Treasure Court, Located in Sections 20&29 T13N R15W.

The premise of this petition is a circular contradiction. Also the basis of this petition is in disagreement with language in two different letters sent to landowners in the Jordan Ranch Subdivision/Tracts (JRT) in 1982 and again in 1983 that makes the claim by the petitioner false.

The purpose and use of the "roadway property" is clearly stated in a letter to Landowners of the Jordan Ranch Tracts (JRT) from the Board Of County Commissioners dated, March 10, 1982.

"Missoula County has assumed ownership of the "roads parcels in the JRT.
The road parcels are not public roads and provide no express access easement to the Landowners of the JRT."
"The "roads" as they now exist are individual parcels of land and not county roads or Rights-of -way."
"The County is willing to grant an easement to the Jordan Ranch Tract landowners to Continue to use these roads..."

That easement was granted on March 10, 1982 and filed by the Clerk and Recorder March 16 1982.

In the second letter dated August 25, 1983 dealing with an access issues, it is stated:
"While Missoula County Board of County Commissioners granted an easement to all landowners within the Jordan Ranch Tracts for the purpose of allowing access, title to the property remains with Missoula County. As long as the actions taken by one, landowner does not interfere with the rights of access for other easement holders."

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The map and language in this petition are very misleading. The petition disregards the affect on the entire roadway properties and all of the landowners of the JRT. This petition only addresses 9/10 of a mile of the roadway properties and eight landowners. While in fact the roadway properties encompass over five miles in length and some forty landowners (only south half of the subdivision)

*Please refer to Certificate Of Survey No. 219
Robert Shelton Reg No.3538ES 3-1-74
Jordan Ranch Tracts*

It is very clear who owns the roadway properties and the terms of the access granted to the landowners of Jordan Ranch Tracts (subdivision)

If the County Board Commissioners are to consider that this petition has any validity, the entire JRT roadway propertied and all of the landowners must be included, at a minimum the southeast half of the JRT (subdivision) from the Hole In Road to Swanson Lane.

If this petition is approved as written is will clearly have an "overburdening affect" on the easement of the landowners named on this petition and at some point all of the JRT landowners.

There are many unanswered question that should be answered before a public meeting is convened.

1. Why is there a need for a county Right-of-Way, who will benefit?
2. How would county right-of way change the access rights for the landowners of JRT?
3. What happens if this petition for a County Right-of-Way is established?
 - Will this change the existing easement that with the County and the JRT's?
 - Will the County assume all the liability associated with the right-of-way?
 - Will the County provide all the construction upgrades necessary to bring the roadway properties up to a gravel county road standard?
 - Will the County maintain this right-of way. (Year round)?
 - If this right-of-way is established and the County does not maintain it, can the JRT Landowners use and maintain the roadway properties?
 - Will the JRT landowner's property taxes increase?
 - Will the County begin the process of implementing a Rural Special Improvement District?
 - Will the County address the rest of the roadway properties on the JRT's for a county Right-of-way in a piecemeal process.

Thank you. Any questions?

Commissioner Curtiss – Not at this time. Just so you understand, whenever we get a petition regarding a road we take public comment, commissioners are required to go out and look, and then come back for a decision. So this is not new to us. Steve Niday has looked at it for years and stuff. So, I don't know if you guys want to give any historical perspective at this time.

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James Costamagna – The one thing I would like to add though, if you come out now you are going to see the roads under best condition and they have barely been plowed. Come out in the spring when you see the potholes and everything else. And that is the big question is that and we've, Jim Price and I for many years, have maintained most of Hidden Treasure Court and Jim Price helps plow the Red Rock and like Jim Kilhof said, we have gotten together over time and maintained it. We just don't see what the advantage would be to the rest of us just for this county right-of-way when we already have an easement and we have already been granted by you to use the roads and we don't see an advantage to make it a county right-of-way and I think the two letters stated way back in the 80s that gave us specific use and specifically stated which is in contradiction to the statement in the petition that who owns it. You own it, we've been given the right to use and it's not a county right-of-way and it's not a road.

Commissioner Rowley – I was wondering if we could hear from Mr. Niday. We went and viewed Placid Creek or Placid Road, Placid Lake Road, whatever it is called, yesterday and so we stopped by this road as well and he gave me a lot of the history on it and I think it will answer. The reason I would like to hear from him is I think it answers a lot of the questions that are kind of brought up through the process and then why the current easement is inadequate because parcels were potentially created after that was granted by a different COS which isn't, you know we can work with that, but I think that's what prompted this, it sounded like to me, but if Steve could come up and talk about the history. Unless you don't want to, maybe John can? But I think that is important as far as...

Bob Boucher - Everyone is confused about what is going on

Commissioner Rowley – That's what I'm trying to get at and is he the petitioner? Are you the petitioner? Okay.

Bob Boucher - Let me explain why we are doing this, and I really don't know a 100 percent why we are doing it, but . . .

Commissioner Curtiss – Could you state your name for the record.

Bob Boucher - But I agree with whatever they are saying. I agree with them 100 percent. I bought a...

Commissioner Curtiss – Can you state your name first please.

Bob Boucher – My name is Bob Boucher, 681 Hidden Treasure Court.

Commissioner Curtiss – Okay.

Bob Boucher – I bought a parcel of land on the Walker Jordan Ranch in 1973 it is on the west end of Hidden Treasure Court. In 1977 I bought a 40 acre parcel of land that I bought for retirement. Well, I am 72 and I need the money because I am retiring. I have, I consider, an expressed easement by the county to use Hidden Treasure Court to access that 40 acres. The county, if I understand it right, says I have legal or I have a physical access but I don't have a legal access. So I don't want to change nothing up there other than to be able to sell that 40 acres and they can drive down Hidden Treasure Court and access that 40 acres. I am not asking for anything to be changed. I've got what I consider an express easement that says I can do that. I have been using that road for, since '77 to access that 40 acres. So at least I have an access by prescription but the county is saying that I don't have a legal access. I only have a physical access. The county thinks that going through this process by making it a county right-of-way then gives me the right to have a legal access.

Commissioner Curtiss – So Mr. Boucher, on the screen right now there is one highlighted, so that's the 40 acres?

Bob Boucher – That's the 40 acres I want to sell.

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Commissioner Curtiss – And you access it by where it says driveway?

Bob Boucher – I have a driveway at the end of Hidden Treasure Court that goes to that 40 acres. I want to give an easement across my piece of land down there to access the 40 acres. But I still need to use Hidden Treasure Court to get to my piece of land.

Commissioner Rowley – Right, and the original easement didn't give access for those parcels.

Bob Boucher – Well, they are trying to, the original easements gave an easement for Jordan Ranch Tracks. My 40 acres is Jordan Ranch Track.

Commissioner Rowley – I think that is in dispute, but one of my questions is, when you say the county says you don't have legal access, that's generally title companies that people can't get financing because the title companies...(spoken over by Mr. Boucher)

Bob Boucher – Well, the county said they will not give a building permit either unless I have a legal access. They get a loan without a legal access. I have been using that as a legal access since '77.

Commissioner Rowley – Right, I just want to clarify that this issue has been coming up a lot lately because title companies...(spoken over by Mr. Boucher).

Bob Boucher – The people who live on the road, my neighbors, they think I am trying to turn that into a county road and have an RSID or whatever so they will start making maintenance. That isn't the purpose. The only purpose here, I am told this is the best route to be able to have Hidden Treasure Court considered the legal access.

Commissioner Curtiss – And just to give a little bit of clarity to the folks that have asked whether there would be an RSID form, we don't go out and form RSIDs unless there is a lot of support for them because you could say you don't want it. So there is no sense in the county going through a big process to set up an RSID unless there are a lot of people that want that. So, I think you can feel a little safer there.

Bob Boucher – It is my understanding that if this gets considered a county right-of-way there is no changes in maintenance, no changes in any way that it is already historically been used.

Commissioner Curtiss – It would still be an unmaintained road by the county.

Bob Boucher – Yes. I just need to be able to sell that 40 acres and I have to have a legal access and I am sure I already do but this is supposed to be an easier way to go.

Commissioner Strohmaier – Mr. Hart, I saw you jumping around in your seat; I thought you might have some insight to share and I guess, thank you.

Bob Boucher – That's the best that I know. Mr. Hart might have something else to say.

Commissioner Curtiss – Thank you, Mr. Boucher.

Commissioner Strohmaier – I guess this could dovetail into a second question and that is, even though this might be an instrument to allow access to this 40 acre parcel, legal access, is it the only mechanism to do so?

John Hart, Civil Deputy Attorney – County Attorney's Office – To answer your second question, it is the only mechanism that I could come up with. To answer your first question, yeah I was getting a little antsy there a little earlier because I did want it to be clear that it is not the county that's telling him he doesn't have legal access. It is title insurers are telling prospective buyers of that landlocked lot

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don't, we will not insure this because you don't have legal access. So, this is something that yes, I did plant the seed if you will to Mr. Boucher as a way to solve his problem and it is exactly correct, nothing is going to change on this road at all; taxes aren't going to go up, there's not going to be an RSID, I can't speak for the Public Works Department but I can almost guarantee you that they are not going to do any maintenance on this road, they are not going to bring up to county standards, if that 40 acre parcel, if there is a subdivision proposed on it in the future then the access to that subdivision would have to be by a road that meets County Public Works standards and that would all have to go through a long approval process and commissioner action and public notice and public comment and all of that. You can ask Mr. Boucher, but I don't believe there is a subdivision proposal contemplated here. So, you know that's what I would have to say there, if it's helpful at all.

Commissioner Strohmaier – Just as a follow-up, so if it was established as a County road though would it preclude the adjoining property owners from doing their own maintenance?

John Hart – No, not at all and in fact I would anticipate that that would be the continued course of action just like it has been for 40 plus years. The landowners up there collectively would do what they need to do to maintain it and you know, plow it and keep it passable for their own vehicles getting to and from their properties and people that come and visit their properties.

Commissioner Curtiss – So, just to clarify, there could be one house built on that property without going through things. There could be buildings for lease or rent so you could get up to four, is it four? Because it is part of a subdivision it can't go through family transfer. So I am just trying to give you there'd be, there shouldn't be a lot of potential for a subdivision to happen there without the people wanting to subdivide having to do an awful lot of improvement which would make it pretty much not feasible, if Mr. Boucher sells it.

Commissioner Rowley – With I believe it was Wallace Creek we did that mutual access agreement for all the residents because they didn't want it to be a public right-of-way, what...why wouldn't that solution be applicable here?

John Hart – Because this is a unique landowner situation where for good or for bad back in the 80s Missoula County took tax deed to the 60 foot strips of land on which these roads had been constructed; so, the county actually owns these strips. We would love to sell them if anybody here wants to buy them. But we are kind of stuck with them now and so because of that the reciprocal access easement, I am not going to say it would be impossible but this is a much more practical solution than what we did up Donovan Creek.

Commissioner Rowley – Why can't we just give an access easement to all, not just the original owners of the disputable lots of Jordan Ranch Tracks?

John Hart – Well, we've done that. Everybody here that lives along those roads has been given an access easement back in the early 80s. That's what Mr. Costamagna's letter quoted from. But Mr. Boucher's landlocked 40 acre parcel isn't contiguous with our strips of land so we couldn't include that. We can't extend the same access rights that we've extended to the other lot owners up there to the 40 acre parcel.

Commissioner Curtiss – Because we don't own a 60 foot strip to get to it.

Commissioner Rowley – But he does right?

John Hart – Correct.

Commissioner Rowley – So, can't he put an easement across his land?

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John Hart – He can't use our easement to do that, no.

Commissioner Rowley – But his own? He could because even if it's a public right-of-way there's not access to 505.

John Hart – And that's what he is going to do. So, anyone, if this road petition is established, anybody can drive to the end of Hidden Treasure Court and then he can grant an easement across his property to whoever he sells that 40 acre parcel to and then they will also have physical and legal access to that parcel, but only he can do that.

Commissioner Curtiss – So, right now we own the land and we gave him permission but there's not a public easement. Is that what we are doing? I don't understand what the difference is between what you just said and what's already there.

Commissioner Rowley – I don't either, I don't think, but then also why, okay, okay, Steve's jumping out of his chair.

John Hart – Steve, can you help me out? It's somewhat confusing.

Steve Niday, Land Survey Manager, Public Works – Yes, it is somewhat confusing and it's not a, for all intents and purposes, it's treated as a public easement. The county has never restricted the use on any of those roads. We don't control the use of the roads, the public in general uses those roads, for all purposes to service all of those parcels within "Jordan Ranch Tracks," which is not an official name, I would like to use the official name COS 219; it is not a subdivision, it is a certificate of survey, 219 is an early number, 1974 is early in the process and it was common for surveyors to give these developments that were certificates of survey a name. Unfortunately, that name was used when the county extended the rights to use their tax deeded strips of land and granted that access to those landowners in Jordan Ranch Tracks. It would have been better if they would have said, those tracks created in COS 219. There is a subtle difference there that I came across just yesterday and I don't know what the legal ramifications are on this yet. I have brought it up to John, John has not had a chance to research it but in fact five of the parcels that are directly affected, including Mr. Kilhof's was created prior to COS 219 being recorded so those five tracts that are directly adjacent to Hidden Treasure Court and Camas Road could technically be excluded from this easement that the county granted to "Jordan Ranch Tracks" because we didn't grant it to COS 219 we granted it to "Jordan Ranch Tracks." Those tracts that were created prior to COS 219 could possibly be not a recipient of that easement which would put those five tracts in the same boat as Mr. Boucher's 40 acre tract with no recorded legal access to their property and therefore no way to get title insurance on it and therefore basically unsellable unless you can find a cash buyer. The essence of Bob's request is to be able to sell that property. We all know that. What just occurred to me sitting here is, when the county extended the rights to those people in "Jordan Ranch Tracks" to use those roads, could we now do another resolution that would extend it beyond just "Jordan Ranch Tracks" to include Mr. Boucher's property and if we do that, should we be extending it then to all adjacent properties? I don't where we cut that off, but that's just something that we might want to look at as a potential if the creation of these roads as county roads meets with too much opposition. One other little element that I ran into this morning, that confuses things, is when the county generally grants a county road we have to designate where that right-of-way is. Ideally we would say that right-of-way would follow the lot lines as shown on COS 219, unfortunately the physical road, at least in 1982 when I was up there surveying it, weaves in and out of those lot lines and in some cases leaves the lot lines. So in this case we wouldn't want to grant the easement based on the physical road, we would want to grant it based on the lot lines. Well, then you've got a conflict where the actual road leaves the lot lines. So, I am just throwing that out there for discussion that it does create a problem whichever way we go. If we grant the right-of-way, do we grant it based on the road or do we grant it based on the lot lines? And either way we go we are going to create problems. You know problems that we can address but problems that will take some time and effort. I am not sure that we the county and

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the taxpayer are the ones that should be footing that bill, but that is left for further discussion. Let's see what else.

Bob Boucher – I've got the contract for deed that the general deed for COS 219 and in here it covers that situation. It tells in here that if the road lines don't match the people by the land automatically give that up for the roads and it is in here.

Commissioner Curtiss – Could we make sure that we get a copy of that? We could have somebody run and make a copy or Steve can see where it's at. Any other public comment on this petition?

James Kilhof – I am willing to live with that situation the way it is. That's why I am here today. We are also here today to head off a future subdivision that will greatly affect us that we will be here again next year in the same situation, trying to hold back an RSID so we will not be held responsible for paying for this for someone else at the end of the road to be making profit. I am also with the understanding that Boucher had filed lawsuit against the neighboring 40 acres. It went to court, he won, he has a right-of-way through their property, it is just going to cost them money to go through that right-of-way. So, he already has a right-of-way from a different direction into that 40 acres so the confusion for me is, why are we here today? Because you evidently are not going to maintain this road, if you call it a county road it is not going to be maintained, you are going to leave yourself up for liability. A person was already killed on that hill coming up on the first four tenths of a mile. The county will be setting itself up. There is not guard rails there, there is no ditches, there's no culverts; so the county needs to think about the unintended consequences here. Thank you very much.

Commissioner Curtiss – Thank you.

Commissioner Strohmaier – Just a question on that point. You mentioned there is already a right-of-way into the parcel in question?

James Kilhof – I was with the understanding he had a lawsuit filed against the neighboring 40 acres and has a right-of-way through that way at this point.

Commissioner Curtiss – So which way are you talking?

James Kilhof – I don't know officially where.

Commissioner Curtiss – From 1051 up?

Steve Niday – (from audience) ...to the northeast corner of that highlighted parcel. The problem with that is it only reaches the corner and it doesn't actually reach that 40 acre tract. It only touches it and when it touches it at one point one infinitesimally small point is not enough to drive a car across. So, the other option for him and I don't know if this has been explored, would be to acquire a small triangular piece in the parcel to the north of that highlighted parcel, I think it is section 19 and if he could get a little corner there then he's in and I don't know if that has been explored or not but, I would suggest that it probably has been by the title company since they I believe, correct me if I am wrong, Bob, paid off on a claim because of your lack of access to that 40 acre parcel.

Bob Boucher – Yes.

Steve Niday – So I would suggest that, and maybe this is a bad assumption on my part, they would have looked at that and investigated that as a potential solution to his problem and had it been less costly for them they would have gone that way.

Dana Strom, 695 Camas Road – I am not sure what lot I am. Yep, that very first one above the Red Rock Cliff and if, I just bought my property like four years ago, four or five years ago, no problems with the title company. I don't understand why his would be any different because he would have the

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same access up to his property that we all have, maybe the County would just have to put in writing for the title company that he would have that right-of-way and then he could give the easement across his property.

Commissioner Rowley – I believe it's that the lending laws have changed in just the past few years and that's why we are running into this problem a lot with title companies.

Dana Strom – Less than four or five?

Commissioner Rowley – Yeah. I have only been here two, so I don't know.

Commissioner Curtiss – So he doesn't have a problem to get to his own property, it's that 40 acre.

Dana Strom – But if he could grant the access across his property.

Commissioner Curtiss – Apparently they don't think that's good, but Steve do you have something to add to that? Thank you for your comments.

Steve Niday – For her property, her property borders Hole-in-the-Wall Road which is a public road. Recorded legal...

Dana Strom – No, it's Camas (from the audience).

Audience Member- But the driveway comes off Camas...

Steve Niday – True, but you have legal access to Hole-in-the-Wall which was originally a petitioned road from way, way back when. So they may have insured your property based on that legal access, although the legal access may not fit the physical access. And in fact your property is one of those that was created prior to COS 219.

Commissioner Curtiss – So again, I just wanted to let Mr. Kilhof know that if somebody ever proposed to subdivide the one that is marked 505 it wouldn't be the people who live there now responsibility to create a road that meets standards to get to it. It would be the developer, that's why it would be almost impossible for them to pencil out such a thing. So I know that the future is always scary in that why but, yes.

James Costamagna – Just to the point of purchasing and selling within the last ten years we bought an additional lot on Hidden Treasure Court which you were saying wasn't part of the original plat. We had no problem buying that and we also bought another piece back in '75 and we never had a problem buying that and there's been other properties on that same road that have sold in the last two years and there has been no problem selling it. So I don't understand what you are telling me.

Shyra Scott, Chief Deputy Clerk and Recorder, Clerk and Recorder's Office – I can maybe speak to that a little bit. What I found is, and I am not aware of what Steve and John found but that back in '82 the easement that was granted from Missoula County after they took ownership of the roadways was granted to the owners of the land in Jordan Ranch Tracks as shown on COS 219. So that's limited to these properties within 219 but doesn't actually grant access to any of these properties lying out here.

James Costamagna – I understand that, but the surveyor was saying that we, the lots, five of the lots on Hidden Treasure Court aren't part of that easement? Up to 19?

Commissioner Curtiss – Because of their reference to Jordan Track.

Steve Niday – Possibly, I don't know for sure.

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James Costamagna – We have an easement, a written easement.

Steve Niday – Well, just to clarify, I brought this up as a legal question, I am not an attorney and I think some research needs to be done on whether those tracts that were created prior to COS 219 share in that easement that the county granted those landowners. And as far as the contention of these sales being successful in the recent past, you know, you could shop around and potentially today find a title company that was maybe not aware as much as others and would insure title. But it has become more of an issue in the recent past and by recent, last ten years maybe. I know there was some comment that because of the banking melt down title companies got way more concerned about insuring title and lending institutions got way more concerned about lending money. So I can't comment directly on those parcels that sold successfully in the last couple of years. But one other thing to James, I would be happy to take you over to my office after the meeting and address each and every one of your questions that you posed in the letter and hopefully offer you some answers.

James Kilhof – I would just like to point on the front page of this petition, all landowners and owners affected by the proposed action are listed below with an asterisk and it says, "Note: The County may not alter or abandon a county road or public right-of-way used to access private land if the access benefits two or more landowners, unless all of the landowners agree to this petition. I am standing here in staunch opposition. I am one of those landowners. The Bengalas have sent a certified letter. We have the Costamagnas that own a great deal of this road frontage. I don't understand why we are wasting anymore time. This should be null and void already.

Commissioner Curtiss – I think you need to be clear that that says, to alter or abandon, so in other words we can't take away your access. This is asking us to increase some access.

James Kilhof – Well, you are talking about altering the status of this road.

Commissioner Curtiss – John do you want to answer that?

John Hart – No, it says, "The County may not alter a county road," this is not a county road, "the County may not alter a public right-of-way," this is not a public right-of-way. So, it's a petition to establish a county road and a public right-of-way. That statute...

James Kilhof – Now, that's confusing and that doesn't make any sense because the three things at the top of this says, "establish, alter or abandon."

Commissioner Curtiss – Right.

James Kilhof – Did they fill out the wrong application?

John Hart – Those are three different things that this application can do. You can use it to establish a road, you can petition to alter road, or thirdly you can petition to abandon a county road. This is a petition to establish a county right-of-way.

James Kilhof – So that should fall under that clause as far as I can see.

Commissioner Curtiss – It doesn't say establish, it says alter or abandon, the clause. And that's in law so that we don't take away your access to your own property.

James Kilhof – I see, thank you. Are there any more questions for me?

Commissioner Curtiss – So if you look at COS, just a quick question as you are coming forward, the COS 219, so the lot we are talking about is in our packet marked as red, so it is this one right down at the bottom. Isn't that part of 219?

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Steve Niday – Which one?

Commissioner Curtiss – The lot that we are talking about. So, right there, so if this is the lot that we are talking about, isn't it part of 219? Why is it shown on this?

Steve Niday – It is an adjoiner. They are just showing an adjoiner.

Commissioner Curtiss – Alright, I just wanted to be clear. Yes ma'am.

Debbie Costamagna – I just want to give my input. I think our big concern is future subdivision, future road maintenance, I mean my husband and I pretty much, there is probably three people on that whole area that maintain that road. I think my concern is if that is sold or even like you said four families could, they could divide it into four different units; that's more of a burden on us on that road because, I mean we have an old '66 plow truck, right now it has a complete dead engine and we have to put out \$3,000 to rebuild the engine. So there is probably now two other people in that area that's plowing snow, that's, we probably haven't had that road graded for 20 years and it is a burden on probably two different families up there that do all of the maintenance. It's not a whole big conglomerate of people helping. So I just want to say I feel like we would be overburdened if there's more people using that road up and down. More wear and tear, you know, we would have more snow plowing and right now the road probably has two feet of snow and you can barely get in there with a pickup truck because our plow truck is dead. I mean that is probably my big concern is an overburdened on the rest of us here, if there is. The last thing I want to do is stop him from selling a piece of property that he owns because it is his investment but also to not to overburden us in the meantime. Thank you.

Commissioner Curtiss – John, I think it would be helpful if you could kind of do an overview of what the commission needs to consider as they are asked to establish, alter, or abandon a road. I mean what kinds of things as we go out and look at roads, which Cola got to look yesterday, and it could be that the rest of us want to look too. What are we supposed to look at and consider?

John Hart – Well, first and foremost you should look to see will there be a benefit to the public by establishing this as a public right-of-way? And, assuming, and this is just my assumption, but assuming that if this road is established as a county road the county will not add it to its road inventory for purposes of maintenance or upgrading or anything like that. Assuming that, what is the condition of the road now? And, is it a good idea to make this something that is a once and for all open to the public? Those are some things that I would look at. This statute doesn't say anything in particular. You are just supposed to go up and view it and you know, check it out and see if it looks like a place that ought to be a road. Obviously the statutes which we are dealing with they come from the territorial legislature and the county viewers were going out and looking at raw land and saying, well is this the path of least resistance, is this a good place for a road? You know, where is this going to get us? Is this really going to get us from point A to point B to point C? This is a situation where we have already got a road, the landowners up there have been using it for a half a century, if not more and so you are not actually trying to figure out well, is this the place we want to build the road? Is this what makes the most sense to spend money to grade out a place? So you kind of got to look at from a 21st century eye rather than maybe a 19th century eye, too. Is that helpful at all, Jean?

Commissioner Curtiss – Yes. I just wanted to add one more thing. While, Mr. Boucher, with the easement across his property could say it's for one house on lot 505 he could limit his own easement. The county does not have that same ability once we say it is public right-of-way, right?

John Hart – That's correct. He can limit the scope of the easement that he gives. And since he's the owner of the property, the 40 acre property, he can also put covenants on that land too that restrict development.

Commissioner Curtiss – Mr. Boucher.

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Bob Boucher – If we don't go this route, it is my interpretation that the county's easement has given me an easement for that because that is Jordan Ranch Track, the county record shows that 40 acres as Jordan Ranch Track, it says they give an easement to access Jordan Ranch Tracks over COS 219 roads.

Commissioner Curtiss – Can you highlight 505 please Shyra while you are sitting there?

Bob Boucher – But this will go to court and then it is going to cost everybody a bunch of money when I have, also I have a right to use it by prescription. I have been using it since '77.

Commissioner Curtiss – That has to be established by a court.

Bob Boucher – That would have to be established by a court and it just seems silly to go through a court and spend all kinds of money for something I have been using since '77. It's been the legal access for that long.

Commissioner Curtiss – It doesn't look like it shows. So, Steve's saying it's not really part of COS 219 and it doesn't ...

Bob Boucher – It's not COS 219.

Commissioner Curtiss – This particular lot is not part of it.

Bob Boucher – There is a Walker-Jordan Ranch that started in 1969. They started selling a bunch of land and then the laws of the state were changing so the land that was left over decided to comply with the new 1974 subdivision laws and created COS 219. But when you look at the subdivision you needed to look at the full subdivision as it was taken from the Weeder Ranch. This started out as a 1740 acre ranch, sold to land developer Pioneer Cattle Company, they bought it for a subdivision and then all this other stuff started to happen. So you need to look at the full picture not just that COS 219.

Commissioner Curtiss – Did you have a question?

Steve Niday – So I know we have had this discussion on numerous occasions with Bob concerning what is to be considered Jordan Ranch Tracks and what's not Jordan Ranch Tracks. I guess we are never going to agree on this, but my opinion is that 40 acre parcel is not in Jordan Tracks. He may prove me wrong in court, you know if we have to go that way, but as far as his assertion of he has a prescriptive right, I don't think he can have a prescriptive right over his own property to get to the 40 acres.

Commissioner Curtiss – The prescriptive right is ...

Steve Niday – Adverse.

Commissioner Curtiss - access without permission.

Steve Niday – Right.

Bob Boucher – Inaudible from audience.

Commissioner Curtiss – I see what you are saying.

John Hart - But you can't get a prescriptive right across public land and the county has owned that land since we took the deed in I want to say 1980.

Commissioner Curtiss – Question?

Commissioner Strohmaier - Yeah, for either Steve or John, and admittedly this is one of the more confusing scenarios I have run into.

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Steve Niday – Welcome to the board.

Commissioner Curtiss – We thought we would baptize him by fire and we believe in it.

Commissioner Strohmaier – Yeah, no doubt. So, could someone explain what it is that the County owns up here? I have heard folks referring to these 60 foot strips and such, so the County actually owns the road bed.

John Hart – The road bed itself.

Commissioner Curtiss – Because they didn't pay the taxes on it.

Jim Kilhof – Yep, that's exactly it.

John Hart – The way this was platted.

Steve Niday – Not platted, don't say platted.

John Hart – Alright, the way this was laid out.

Commissioner Curtiss – Was drawn up.

John Hart – The road.

Commissioner Curtiss – Was a lot.

John Hart - Were 60 foot strips of land. They used to do that occasionally back in the day. And at some point in time the sub divider but not, the developer who owned the 60 foot strips quit paying taxes on it and the county then took the tax deed ultimately to those strips of land which is exactly what the developer wanted to have happen. He didn't want to have these. He wanted the county to take over these roads back in the day and now we have.

Commissioner Strohmaier – So along those lines, and I will let you jump in here in just a second, but one idea that was offered up earlier would be, is it feasible for, I guess, a property owner to convey to the county a similar 60 acre or maybe it does amount to 60 acres overall, but a 60 foot strip to access say this 40 acre parcel? I mean essentially do the same thing that was done years ago that ended up with the county owning the roadbed.

Steve Niday – So, essentially why don't we, the county, sell to Bob that Hidden Treasure Court parcel.

Commissioner Curtiss – I think he is saying it the opposite way. Why doesn't Bob give us 60 foot right-of-way where he's got a driveway? But I don't know that we would take it. I mean...

Commissioner Strohmaier – I mean essentially it would be an extension of what the county already owns without it becoming a public road or right-of-way.

Steve Niday – I think there is room for some creative thinking here, yes.

John Hart – Other than the fact that we really don't want an extra length of 60 foot property, I can't think of a reason why that isn't a solution that should be considered.

Commissioner Strohmaier – I guess I am just looking for what might be a way that would avoid any further acrimony or entanglements here legally or otherwise and get some access to this gentlemen's property. Shooting from the hip.

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Commissioner Curtiss – The concerns I hear is Mr. Boucher needs a legal and a physical access. He's got physical he's been driving it to get to his lot, his 40 acre lot so he can sell it, but there are concerns by the neighbors that any piece of property, 40 acres in Montana has the potential to end up with more than one house on it and even through the buildings for lease or rent people could put more, they couldn't sell them but they could put additional dwellings on there and that is legal in Montana.

Steve Niday – I will throw one thing out there to address Debbie's, and well, all of their concern about maintenance, would be to develop some kind of road maintenance district where you get together with the local land owners and...

Debbie Costamagna (from audience) – We did that and nobody paid.

James Costamagna (from audience) - \$40 or \$50 dollars a month, we've been down that road back in the '70s.

Debbie Costamagna (from audience) – And we footed the bill.

James Kilhof (from audience) – And we were threatened for lawsuits if somebody got killed.

Steve Niday – Alright, well nix that then.

Commissioner Curtiss – Yep.

Debbie Costamagna (from audience) – Nobody would pitch in.

Commissioner Curtiss – So it doesn't sound like the road users idea worked.

James Costamagna (from audience) – It did for a while.

Debbie Costamagna (from audience) – It was a legal road association...

James Costamagna (form audience) - We had an LLC registered in the state...

Commissioner Curtiss – Okay.

John Hart – I have already taken credit for leading Bob down this road and so I can't walk away from that. I, really sitting up on my office on the fourth floor, thought that this would be a simple solution to his problem and I mean I, still sitting up there in my office on the fourth floor, think it's a simple solution to the problem but I hear the comments from the other property owners up there and you know, they live up there and they are valid concerns. The liability concern, at least from the county's liability, we already own the road bed by making this a public right-of-way we are not assuming any additional liability that we don't already currently have by being the land owner. So that would be one thing, I don't see that as being a significant increase of our liability exposure.

Commissioner Curtiss – But what I did hear the folks in the audience say however, is there was concern by the folks trying to set up a road users group and do the plowing that they were going to be held liable.

John Hart – Right.

Commissioner Curtiss - So it seems, we have received a petition; there is a process that we need to go through. Cola and Steve did visit the site yesterday. Commissioner Strohmaier, are you kind of interested in seeing what it looks like on the ground?

Commissioner Strohmaier – Yeah, I think I would be interested in either seeing it on the ground or certainly exploring what other options...

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Commissioner Curtiss – So we could take that van we have that can't get over a pebble and get stuck? We will wait until it melts a little. Hopefully we can come up with a creative solution. The one thing I can think of is, is this petition to ask that the right-of-way go across Mr. Boucher's property too?

John Hart – No.

Commissioner Curtiss – Okay, it's only to include that. So, Mr. Boucher, you to me have the most control and of course an easement can always been changed, but I think one thing that would give some of your neighbors a little bit of calm is that if the easement that you put across it to that lot restricted how many homes it had an easement for, if you hear what I am saying. But again, you are going to have an easement and you are going to have control and it can always be changed in the future but I think it would help your neighbors a little bit. So, let's see our next meeting, I am just looking at timelines so that we have time to go look and try to come up with creative solutions, we also, you folks have told us your concerns but you are always welcome to join us when we do a site visit.

James Kilhof – Yeah, could we be contacted if there is a site visit?

Commissioner Curtiss – We can do that. Jan. 25 is our next meeting and I don't really think we have time to adequately make sure that we have thought through everything by then so our next meeting after that would be Feb. 9. So we are changing our meetings starting next month to Thursday because this room has the capability for MCAT to film live and we were competing with the City Council's Committee Meeting so we are going to be going to Thursday. So I would think that we would want to put it out to at least Feb. 9. And what we can do is have a piece of paper here so those of you who want to be notified when we set up a time to go look that we would let you know ahead of time.

James Costamagna – Just one more consideration, if part of your decision is on site visit you need to look at it on the other side of the calendar because what that road looks like now is not going to give you a good impression of what the road looks like when there is no snow on it. It is two different worlds.

Commissioner Curtiss – We are not proposing to change the county's maintenance or anybody's access. I have been on that road, it is scary. Mr. Boucher are you looking for a fast decision or are you okay with us?

Bob Boucher – I have a person wanting to buy that piece but he does nothing until he is assured he has his legal access. I will be on stop form selling it until this will get resolved.

Commissioner Curtiss – So these folks are suggesting we wait until spring break up.

Bob Boucher – That makes sense for seeing the road when it's dry.

Commissioner Curtiss – Or mucky.

Bob Boucher – I don't know if it's going to make any difference in your decision. The faster I get a decision the better off I am.

John Hart – So just for the record the statute, when it discusses this viewing or this investigation of the road, said that the investigation is to determine the feasibility, desirability and cost of granting the petition. The investigation shall be sufficient to properly determine the merits or demerits of the petition. All really helpful language, but I would suggest that if there is not a timeliness issue and Mr. Boucher saying that there is not, that maybe we do the viewing after the spring thaw when we can see the character of the actual road bed and other factors.

Commissioner Curtiss – So right now we can see what the challenges are to plow it too. But then we would be out to like April, probably.

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Bob Boucher – I could always stick a stipulation that whoever buys has to help with the road maintenance.

Technical difficulties caused a slight freeze in the recording of approximately five seconds.

Commissioner Curtiss -forced by each other so I mean it makes it hard but...

James Costamagna – There are neighbors that do cooperate.

Commissioner Curtiss – Okay.

Debbie Costamagna – I just want to reiterate the burden on us for maintaining and plowing that road because everybody doesn't pitch in and everybody doesn't cooperate. We did form a road association, it was legal, we filed it with the state, this was a few years ago, probably 20 years ago and nobody pitched in because they didn't have to. And so my husband and I formed it, there was a whole group of us down there a lot of people signed up for it, everybody wanted to do but when it came time to pitching in, nobody would pitch in. So, I'd say that there's three people up there that maintain it, they try to grade it, they try to get shovels out there and fill pot holes that, my brother Jim Kilhof, he's my brother, he gets out there with his shovel and digs ditches along the side. I mean I think it would just be a total over burden on three people if you have somebody down there putting four more houses down there. Are they going to help us? Or are we just going to have more work on us and more wear and tear on our plow truck? And more wear and tear for us to deal with trying to get in and out of our place? So I think that is my main concern, but I don't want to stop him from selling his property, that is his investment, he should be able to sell it, but he should also consider us and what the burden is on us; and maybe put a thing in there saying one household, yeah, because how do we know that person isn't going to put four down there and they're going to be tearing up the road driving 60 miles an hour up and down the road and tearing it up and driving horse trailers up and down and then it is on us to fix it and plow it. Like I said, our plow truck is broken right now, so, I mean we have an engine we have to rebuild so it's going to cost us \$2,000 or \$3,000 to do and that's on us, no one else is pitching in for that. Which we wouldn't ask anybody to but just so you guys know when we say we maintain it, it's not everybody; it is a really small group of people that have it all on our shoulders.

Commissioner Curtiss – Okay, should we put this out to April 13 for now, just so we have it on the record that way it doesn't have to get renoticed in the paper and then if we can pass around, have a piece of paper for folks to sign, maybe we could just turnover a schedule or something. Those that are interested in being contacted when we do the site visit and in this case we may decide to do the site visit with all three commissioners and notice it in the paper so that folks know that there is quorum of us there. So I really thank all of you for your comments. Is there else anyone that wanted to make any comments today? So we don't make a decision until April. So I will recess this hearing. If you have so more comments to make that is fine.

Dana Strom - I just want to say thank you for listening and being really fair. I appreciate it and I don't want to stop him from selling his property but I also can't afford more taxes. Thank you.

Commissioner Curtiss – Okay. Thank you. So I will recess the hearing until April 13 and we will do a site visit, someone will. Okay, the next hearing today is follow up from a previous request to establish a county road along Placid Creek Road. So this first came to us Dec. 14 there has been a site visit and there is a recommendation from the viewers which was Commissioner Rowley and Steve Niday and so I will reopen that hearing and ask for a report.

e. Petition to establish a County road (Placid Creek Road – continued from Dec. 14, 2016).

Steve Niday – Road viewers report for South Placid Lake Road, sections 28, 29, 30, 32 of Township 16 north, Range 15 west, Principle Meridian in Montana. The date of viewing was Jan. 10, 2017. In

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attendance were Nicole Rowley, Missoula County Commissioner; myself, Missoula County Land Survey Manager and Kristen Baker-Dickinson, the DNRC (Department of Natural Resources and Conservation) Clearwater Unit manager. The report reads: At approximately 2:30 p.m. the attendees met at the intersection of Placid Creek Road and South Placid Lake Road to view and investigate the petitioned road. The viewers recommend approving the petition to create a 60 feet wide public right-of-way centered on the existing traveled way and recording a resolution to that effect, no damages are being claimed by any affected landowner. End of report.

Commissioner Curtiss – Mrs. Rowley did you have anything you wanted to add?

Commissioner Rowley – Are you here to speak for DNRC or?

Bob Storer, Montana Department of Natural Resources and Conservation in Missoula – Only if I have to.

Commissioner Rowley – Okay, sure, that is the petitioner if you want to explain kind of the why you are asking for us to do this.

Bob Storer – Yes, our department, our office submitted a petition to establish a county road and also to relocate a county road. It is a combined petition for the South Placid Road. Our primary purpose in making the request was to ensure legal access for state cabin site leases that DNRC has on Placid Lake. We are in the process of selling some of those cabin site leases and as history has shown, in the case that was prior to this one, things weren't always done in the right way in the past and legal access is becoming a bigger and bigger issue. With the cabin site sales we wanted to ensure that any properties that we sold, those cabin site leases had legal public access. I think there will be some side benefits to other private lands along the lake clarifying or taking away any cloud that could potentially be out there on their legal right of access to their property.

Technical difficulties caused a slight freeze in the recording.

Commissioner Curtiss - ...requesting this change they will not be charging Missoula County the historic road fees that are normally charged for county roads.

Bob Storer – That's correct. DNRC typically would charge for a grant of easements to any entity that requests it. In this case we have internally taken care of the compensation issue and there will be no charge to the county, for those portions going across trust lands.

Commissioner Curtiss – Right, and just to be clear this is something you are required by law to do because you have to get the highest and best use for school trust lands, you are charged with that.

Bob Storer – Yep, yep, it goes back to the constitution and the federal enabling act and is kind of carried through into state law as well.

Commissioner Curtiss – Okay. Thank you. Alright, is there any other comments or questions? Yes.

Commissioner Strohmaier – So, who currently maintains the road and would the maintenance change at all with this action?

Commissioner Rowley – We maintain it and we would continue to maintain it.

Steve Niday – Yeah, Missoula County currently maintains it and has no plans to change that maintenance. Our maintenance ends where they're petitioning to end the county road. So it would be concurrent.

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Commissioner Rowley – I went on the viewing with Steve yesterday and I appreciate the partnership we have and that we were able to work out the financing situation so that we didn't have to, you know, I think it is beneficial to all parties in this case and we do maintain the road and there is really only one spot to turn around and it is at the end of this petition so our plows go there anyways to turn around. I think it is a great public benefit and the road weaves in and out of state land and so it's just a really, this really cleans it up I think, so I think we should approve it.

Commissioner Curtiss – And it also does, as Mr. Storer said, benefits some folks that own lots, ones that privately own lots, along the lake, that in the past have been going over little corners of state land and such so now it will all be clear that it's a public right-of-way so that's great. Alright, any public comment on this petition to establish a county road as described? Alright then, I will close the hearing and a motion.

Commissioner Rowley made the motion that the Board of County Commissioners establish the right-of-way described as in the RCA as [beginning at junction with Placid Creek Road northeast, northeast Section 28, Township 16 north-Range 15 west and ending at road junction (turnaround) within power line corridor northwest, southeast Section 30, Township 16 north-Range 15 west] or the portions of road not included in right-of-way deed recorded at Book 126 Deeds pages 169-171.

Commissioner Strohmaier seconds.

Commissioner Curtiss – Did we give you clear enough language Steve? Is there anything else that you need if this comes up, as long as it refers to the petition?

Steve Niday – No, that sounds good. I'll generate a resolution for your review.

Commissioner Curtiss – Alright, any further discussion?

Passed 3-0.

Commissioner Curtiss – Thanks. Thanks, Bob. Alright, next we have a petition for annexation into the Missoula Rural Fire District 2010 Snow Bowl Road and we will have the Clerk and Recorder's Office tell us about the petition.

f. Petition for annexation into Missoula Rural Fire District (2010 Snow Bowl Road – continued from Dec. 14, 2016).

Sam Scott – We asked to postpone because we were waiting on a signature from who we determined to be the property owner which we now have so the petition is complete in all regards on our end.

Commissioner Curtiss – Okay, so this is just one property?

Sam Scott – Yeah, it is Tract A of COS 6305, owned by Corey Sutter or Ridgeline Properties LLC and Corey Sutter was the principal and that's whose signature we were waiting on.

Commissioner Curtiss – And this has already gone to the fire board and they've approved it? This is rural fire I'm guessing?

Sam Scott – Yeah, the letter from them should have been included in that second page of that petition.

Commissioner Curtiss – And just for Commissioner Strohmaier we periodically find little pieces of property throughout the county that are not officially in a fire district, not that no one would come to protect them, but they also are not paying their fire district so this clears that up and makes sure that everybody is in a protected fire district it is good for their fire insurance also. Okay, so which property is it? Oh, it's highlighted there.

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Shyra Scott – So it is the parcel that's highlighted, right there (referring to map) and you can see where the adjoining property is already under the protection of the Missoula Rural Fire District.

Commissioner Curtiss – Okay, is there like a little hole there that's not protected? It says, 2011, is that one not protected?

Shyra Scott – No, we are not showing that one as protected or as annexed into the Missoula Rural Fire District.

Commissioner Curtiss – Most of these the fire district is finding them right or fire insurance is finding it?

Shyra Scott – Or they are reaching to the...yeah.

Commissioner Curtiss – Alright, so I will open the hearing for this petition, is there anyone who would like to make comment? Seeing none, I will close the hearing. Oh, could you come forward and state your name. We have a little sticker we give to people that says you sat through a very long meeting and learned a lot.

Corey Sutter, property owner – It was very long and I did learn a lot. My name is Corey Sutter. My wife and I own 2010 Snow Bowl Road. Like you said before, this came up as part of fire insurance and filling out the application I was informed this would be discussed today so I thought I would come and learn a great deal so thanks for your time.

Commissioner Curtiss – Alright, and you have legal and physical access to your lot so you don't have to go through what we did.

Corey Sutter – I am going to go research just to make sure I do.

Commissioner Curtiss – Alright, thank you.

Corey Sutter – Thank you very much.

Commissioner Curtiss – Alright, is there a motion to accept this petition?

Commissioner Strohmaier made the motion that the Board of County Commissioners accept the petition for annexation into Missoula Rural Fire District for tract A of COS 6305 located in the east half of Section 17, Township 14 north, Range 19 west, located at 2010 Snow Bowl Road. Commissioner Rowley seconds.

Passed 3-0.

7. OTHER BUSINESS
None

8. RECESS

Commissioner Curtiss – Called the meeting to recess at 3:44 p.m.

Thursday, January 12, 2017

BCC met in regular session; all three present.

Calendar

10:06 a.m. - 11:06 a.m. BCC - Commissioners' Administrative Public Meeting

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11:00 a.m. - 2:00 p.m.	NR - Human Resource Council Board
11:00 a.m. - 12:00 p.m.	DS - Tour of 9-1-1 Center
12:00 p.m. - 1:30 p.m.	DS - Downtown Master Plan Implementation Team
1:30 p.m. - 3:30 p.m.	DS - Parks and Trails Advisory Board -- CAPS
1:30 p.m. - 1:45 p.m.	JC - Swearing in Greg Hansen
2:00 p.m. - 2:30 p.m.	JC - Meeting with Pat O'Herren
2:30 p.m. - 3:00 p.m.	NR - Meeting with Pat O'Herren
3:00 p.m. - 3:30 p.m.	DS - Meeting with Pat O'Herren
3:45 p.m. - 4:15 p.m.	DS - DNRC Conference Call
6:00 p.m. - 8:00 p.m.	DS - West Valley Community Council

Items for Signature

Monthly Report – JC examined, approved and ordered filed the Monthly Reconciliation Report for Justice Court 1, Judge Marie A. Andersen, and Justice Court 2, Judge Landee N. Holloway, for the month ending Dec. 31, 2016.

Administrative Public Meeting

**BOARD OF COUNTY COMMISSIONERS
ADMINISTRATIVE PUBLIC MEETING MINUTES
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
January 12, 2017 Start 10:06 a.m. - End 11:06 a.m.**

ATTENDANCE

Present: Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Chris Lounsbury, Anne Hughes, Barbara Berens, Dori Brownlow, Annie Cathey, Katie Klietz

Other Attendees: Lisa Moisey, Shannon Theriault

I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA None**II. ACTION ITEMS**

1. Request board approve chair to sign funding agreement with Missoula Horse Council granting up to \$2,000 in Parks Fund Match for perimeter fence repairs at Big Sky Park.

Presenter: Lisa Moisey
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Term: Jan. 13, 2017 to July 1, 2017.

Filed with Clerk and Recorder/Treasurer's Office. Original to Lisa Moisey, Community and Planning Services (CAPS) - Parks, Trails, and Open Lands (Parks).

2. Request board approve renewal of agreement with Montana Department of Fish, Wildlife and Parks for the operation of a fishing access site on county-owned land located on the Clark Fork River at the Kona Bridge.

Presenter: Lisa Moisey
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Term: Jan. 12, 2017 to Jan. 12, 2027

Filed with Clerk and Recorder/Treasurer's Office. Original to Lisa Moisey, CAPS - Parks.

3. Request board approve professional services agreement with the Seeley Lake Water District to collect quarterly water samples in 5 monitoring locations.

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Presenter: Shannon Therriault
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0

Additional Info: Compensation not to exceed \$960 for the term. Term: Jan. 1, 2017 to Jan. 30, 2019.
Original to Shannon Therriault, Missoula City-County Health Department - Environmental Health to file with Clerk and Recorder/Treasurer's Office.

4. Request commissioners approve to re-appoint, Brent Harshbargar, Michael Fredrickson, Janet Dean to a new three year term for Larchmont Golf Course. BCC did not interview candidates due to being on the board previously.

Presenter: Anne Hughes
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0

Additional Info:
Original to Sarah Bell, Commissioners' Office. Letters of appointment mailed by Commissioners' Office. Letter No. 2017-010 to Brent Harshbargar. Letter No. 2017-011 to Michael Fredrickson. Letter No. 2017-012 to Janet Dean.

5. Request commissioner approve to reappoint Colleen Baldwin to Local Emergency Planning Committee for a new 2 year term.

Request commissioner approve to appoint Greg Hansen to West Valley Community Council for a new 3 year term.

Presenter: Anne Hughes
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written with exception to Greg Hanson will fill vacancy through May 2018.
Vote: Yes 3, No 0, Abstained 0

Additional Info:

Original to Sarah Bell, Commissioners' Office. Letters of appointment mailed by Commissioners' Office. Letter No. 2017-006 to Colleen Baldwin. Letter No. 2017-008 to Greg Hanson.

6. Request commissioner approve to appoint Heather Wills, Anne Dahl to a new 3 year term for Open Lands Citizen Advisory Committee.

2 vacancies for regular members of Open Lands Citizen Advisory Committee to fill positions of Marci Valeo and Addrien Marx who did not wish to be reappointed. Four alternate positions available. Received four applications, Max Bauer, Elizabeth Oleson, Klaus von Stutterheim and Jim Cusker.

Presenter: Anne Hughes
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0

Additional Info: Max Bauer and Jim Cusker to fill regular member positions; Elizabeth Oleson and Klaus von Stutterheim to fill alternate positions.

Original to Sarah Bell, Commissioners' Office. Letters of appointment mailed by Commissioners' Office. Letter No. 2017-014 to Heather Wills. Letter No. 2017-15 to Anne Dahl. Letter No. 2017-016 to Max

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Bauer. Letter No. 2017-017 to Jim Cusker. Letter No. 2017-018 to Elizabeth Oleson. Letter No. 2017-019 to Klaus von Stutterheim.

7. Request commissioner approve to appoint Michael Nave to a new 3 year term for Tax Appeal Board.

Request commissioner approve to appoint Dick Ainsworth to a new 2 year term for Planning and Zoning Commission.

Presenter: Anne Hughes
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info:

Original to Sarah Bell, Commissioners' Office. Letters of appointment mailed by Commissioners' Office. Letter No. 2017-004 to Michael Nave. Letter No. 2017-005 to Dick Ainsworth.

III. CORRESPONDENCE None

IV. DISCUSSION ITEMS

1. Legislative Update

V. UPCOMING EVENTS AND INVITATIONS None

VI. OTHER COMMENTS/INSTRUCTIONS None

Friday, January 13, 2017

BCC met in regular session; all three present.

Calendar

9:00 a.m. - 10:00 a.m.	DS - Dori Brownlow - bcc
10:00 a.m. - 10:30 a.m.	DS - Svein Newman
11:00 a.m. - 12:00 p.m.	NR - Midtown Mojo
12:00 p.m. - 1:30 p.m.	NR - Partnership Health Center
3:00 p.m. - 4:00 p.m.	DS - Update on Projects
4:00 p.m. - 5:00 p.m.	NR - Doodle: Advocacy Committee Meeting

Journal Approval

DocuSigned by:

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Tyler Gernant
Clerk & Recorder

DocuSigned by:

C78299876BC14E6...

Jean Curtiss, Chair
BCC

Monday, January 16, 2017

BCC did not meet in regular session. Offices closed in observance of Martin Luther King Jr. Day.

Tuesday, January 17, 2017

BCC met in regular session; all three present.

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Fiscal Year: 2017

Calendar

8:00 a.m. - 9:00 a.m.	DS - TJ McDermott
11:00 a.m. - 1:00 p.m.	BCC - Chamber's Annual State of Missoula Address
10:00 a.m. - 10:46 a.m.	BCC - Commissioners' Administrative Public Meeting
1:30 p.m. - 3:00 p.m.	JC, DS - Transportation Policy Coordinating Committee
2:30 p.m. - 4:00 p.m.	NR - Coordinated Compliance
3:30 p.m. - 4:30 p.m.	BCC - Smurfit Site/M2 Green Update

Items for Signature

Indemnity Bond – JC signed. Tyrone Burdeau, Browning, MT. Missoula County Detention Facility Warrant 60044313, issued Dec. 5, 2016 on Missoula County Inmate deposit fund. Amount \$120.00 for Nov. inmate worker pay. Warrant Lost.

Tax Abatement Requests – At a meeting with Tyler Gernant, Clerk and Recorder/Treasurer on January 11, 2017, BCC approved the following letters that were dated January 17, 2017:

- Approving request from James Basolo, Missoula, Montana, for a refund of penalty and interest regarding Taxpayer ID No. 884506. Error requesting stop payment.
- Approving request from John Haveman, Missoula, Montana, for a refund of penalty and interest regarding Taxpayer ID No. 5646739. Failure to receive bill.
- Approving request from Trisha Edgar, Missoula, Montana, for a refund of penalty and interest regarding Taxpayer ID No. 90386500. Failure to process an address update.
- Approving request from Trillium Properties, LLC, Missoula, Montana for a refund of penalty and interest regarding Taxpayer ID No. 4022500. Check was lost in mail.
- Approving request from John Drake Properties, LLC, Missoula, Montana for a refund of five years' taxes regarding Taxpayer ID No. 1049204. Error in the assessment of property by the Montana Department of Revenue.
- Denying request from Wesley Locke, Great Falls, Montana for a lower assessment and taxes regarding Taxpayer ID No. 1111300. Increase in assessment value based on classification change from mobile home to permanent structure.

Administrative Public Meeting

**BOARD OF COUNTY COMMISSIONERS
ADMINISTRATIVE PUBLIC MEETING MINUTES
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
January 17, 2017 Start 10:00 a.m. - End 10:46 a.m.**

ATTENDANCE

Present: Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Chris Lounsbury, Anne Hughes, Barbara Berens, Annie Cathey, Katie Klietz, Andrew Czorny

Other Attendees: Erin Kautz

I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA None**II. ACTION ITEMS**

1. Request board authorize board chair, Chief Administrative Officer (CAO) and Chief Financial Officer (CFO) to sign bond pricing agreement with First Security Bank in the amount of \$3,150,000.

Presenter: Andrew Czorny

Moved: Nicole Rowley

Second: David Strohmaier

Motion: Motion passed as written

Vote: Yes 3, No 0, Abstained 0

Additional Info: Agreement for the sale of \$3,150,000 bank-qualified bonds, 20-year term, 3.10% fixed interest, closing on or about Jan. 30, 2017. For the purchase of Administration building,

January 2017

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vacant Alder street property, and Phase 5 of the Courthouse renovation.
Original to Andrew Czorny, Commissioners' Office.

2. Request board approve independent contractor agreement with Community Development Services of Montana for consultant services regarding tax increment districts.

Presenter: Vickie Zeier
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0

Additional Info: Payments not to exceed \$10,000. Term: Jan 17, 2017 to Jan. 16, 2019.
Filed with Clerk and Recorder/Treasurer's Office. Original to Dori Brownlow, Commissioners' Office.

3. Request board approve independent contractor agreement with Linda Stoll for legislative services during the 2017 legislative session.

Presenter: Anne Hughes
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0

Additional Info: Payments not to exceed \$2,250 and to be paid monthly sum of \$450. Term: Jan. 1, 2017 to May 31, 2017.

Filed with Clerk and Recorder/Treasurer's Office. Original to Anne Hughes, Communications & Projects.

4. Request board approve budget amendment for Montana Healthcare Foundation in the amount of \$21,500.

Presenter: Erin Kautz
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Passed as written
Vote: Yes 3, No 0, Abstained 0

Additional Info: Montana Healthcare Foundation (\$20,000) and Providence St. Patrick, Community Medical Center, and Western Montana Health Center (\$1,500) awarded grants to the Grants and Community Programs department to host a two-day summit with facilitators from the National Council for Behavioral Health.

Resolution 2017-005. Filed with Clerk and Recorder/Treasurer's Office. Original to Teresa Graham, Financial Services.

III. CORRESPONDENCE None

IV. DISCUSSION ITEMS

1. Upcoming board meetings and review of meetings
2. Legislative Update

V. UPCOMING EVENTS AND INVITATIONS

1. Community Needs Assessment - Wednesday, Feb. 1 6 p.m.-7:30 p.m. at the Missoula Public Library

VI. OTHER COMMENTS/INSTRUCTIONS None

Wednesday, January 18, 2017

BCC met in regular session; all three present.

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Calendar

8:00 a.m. - 9:00 a.m.	DS - Burt Caldwell
9:00 a.m. - 10:00 a.m.	BCC - Staff Update
10:03 a.m. - 10:57 a.m.	BCC - Commissioners' Administrative Public Meeting
11:30 a.m. - 12:30 p.m.	JC - Brandee Tyree
12:00 p.m. - 1:00 p.m.	DS - Lunch with Mayor Engen
11:30 a.m. - 12:00 p.m.	DS, NR - Interview for Animal Control Board
1:30 p.m. - 3:30 p.m.	DS - Election Advisory Committee

Items for Signature

Letter No. 2017-001 – BCC Signed. Dated Jan. 18, 2017 confirming approval of Burton family transfer exemption. BCC approved transfer at Jan. 11, 2017 public meeting. To Brent Burton.

Letter No. 2017-002 – BCC Signed. Dated Jan. 18, 2017 confirming approval of Stevens family transfer exemption. BCC approved transfer at Jan. 11, 2017 public meeting. To George and Gertrude Stevens.

Letter No. 2017-003 – JC, DS Signed. Dated Jan. 18, 2017 to Montana Governor Bullock supporting legislation to allow for conducting the upcoming special election by mail ballot. Conducting the special election by mail ballot will increase voter participation and significantly reduce costs. To the Governor's office.

Replacement Warrant – JC signed. Billie Warner, Frenchtown, Montana. Frenchtown School District #40 Warrant 26081543, issued April 8, 2016 on County Payroll Fund. Amount \$245.83 for salary. Warrant not received in mail.

Employee Benefits Claims – BCC signed. Employee Benefits Manual Check Claims dated Jan. 9, 2017. Amount \$129,402.20. To Barbara Berens, Auditor's Office.

Larchmont Claims – BCC signed one signature page for the Larchmont Golf Course Accounts Payable Invoice Register dated Jan. 10, 2017. Amount \$56,768.86. To Barbara Berens, Auditor's Office.

Administrative Public Meeting

**BOARD OF COUNTY COMMISSIONERS
ADMINISTRATIVE PUBLIC MEETING MINUTES
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
January 18, 2017 Start 10:03 a.m. - End 10:57 a.m.**

ATTENDANCE

Present: Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Andrew Czorny, Chris Lounsbury, Anne Hughes, Barbara Berens, Dori Brownlow, Annie Cathey, Katie Kliezt

Other Attendees: Sarah Bell, Heather Peters, Tom Aldrich

I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA None

II. ACTION ITEMS

1. Request board approve 2017 Fairgrounds rental rate changes.

Presenter:	Tom Aldrich
Moved:	Nicole Rowley
Second:	David Strohmaier
Motion:	Motion passed as written
Vote:	Yes 3, No 0, Abstained 0

Additional Info:

Original to Tom Aldrich, Fairgrounds Management.

III. CORRESPONDENCE None

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IV. DISCUSSION ITEMS

1. Legislative Review

V. UPCOMING EVENTS AND INVITATIONS None**VI. OTHER COMMENTS/INSTRUCTIONS** None**Thursday, January 19, 2017**

BCC met in regular session; all three present.

Calendar

10:02 a.m. - 10:53 a.m.	BCC - Commissioners' Administrative Public Meeting
11:30 a.m. - 1:00 p.m.	NR - Leadership Montana, Missoula Alumni
12:15 p.m. - 3:00 p.m.	JC - Health Boards
1:00 p.m. - 2:00 p.m.	DS - Jessica Morriss
2:30 p.m. - 3:30 p.m.	JC - Steve Nelson
3:30 p.m. - 4:30 p.m.	DS - Legislation Meeting

Items for Signature

Records Disposal/Transfer Authorization – JC signed. From Financial Services. Disposal Number 2017-01: 1) Statements Credit Card (1/2006-12/2008); 2) Month End Reports (7/2008-12/2008).

Administrative Public Meeting

**BOARD OF COUNTY COMMISSIONERS
ADMINISTRATIVE PUBLIC MEETING MINUTES
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
January 19, 2017 Start 10:02 a.m. - End 10:53 a.m.**

ATTENDANCE

Present: Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Andrew Czorny, Chris Lounsbury, Anne Hughes, Barbara Berens, Annie Cathey, Katie Klietz, Dori Brownlow, Patty Baumgart

Other Attendees: Garrick Swanson, Shantelle Gaynor, Nancy Harte, Melissa Gordon, Matt Jennings

I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA None**II. ACTION ITEMS**

1. Request board adopt resolution authorizing the transfer by quit claim deed of Syringa Park, located in the City of Missoula at 1519 Lower Lincoln Hills Drive, from Missoula County to City of Missoula.

Presenter:	Garrick Swanson
Moved:	David Strohmaier
Second:	Nicole Rowley
Motion:	Motion passed as written
Vote:	Yes 3, No 0, Abstained 0

Additional Info:

Resolution 2017-006. Original to Garrick Swanson, Community and Planning Services (CAPS) to be routed for signatures from city officials. City will file with Clerk and Recorder/Treasurer's Office.

2. Request board approve and chair sign attestation letter for the Drug-Free Communities grant application.

Presenter:	Melissa Gordon
Moved:	Nicole Rowley
Second:	David Strohmaier
Motion:	Motion passed as written

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Vote: Yes 3, No 0, Abstained 0

Additional Info: Anticipated grant revenue of \$123,461. Letter confirms budget for Year 5 of the grant will not change more than 25% from Year 4 budget.

Letter No. 2017-022. Original to Melissa Gordon, CAPS - Grants.

3. Request board approval and chair to sign the 2017 Preschool Development grant agreement.
Postponed

4. Request approval of budget transfers for Substance Abuse Prevention and Grants programs.

Presenter: Nancy Harte

Moved: David Strohmaier

Second: Nicole Rowley

Motion: Motion passed as written

Vote: Yes 3, No 0, Abstained 0

Additional Info: Correction of wrong program codes associated with specific grants. No monetary impact.

Original to Teresa Graham, Financial Services. Copy to Nancy Harte, CAPS - Grants.

5. Request board approve amendment No. 2 to Picture Archiving and Communication System (PACS) services agreement for Seeley Swan Medical Center in order to extend the term of the agreement. Postponed

6. Request board approve chair and Chief Financial Officer to sign Violence Against Women Act (VAWA) grant submittal documents - signature page and certification.

Presenter: Shantelle Gaynor

Moved: Nicole Rowley

Second: David Strohmaier

Motion: Motion passed as written

Vote: Yes 3, No 0, Abstained 0

Additional Info: Application for \$54,313 to support JUST Response Coordinator position. Requires a 25% in kind match.

Letter No. 2017-007. Original to Shantelle Gaynor, Relationship Violence Services.

7. Request board approve chair and Chief Financial Officer to sign and date Victims of Crime Act (VOCA) grant submittal document - signature page.

Presenter: Shantelle Gaynor

Moved: David Strohmaier

Second: Nicole Rowley

Motion: Motion passed as written

Vote: Yes 3, No 0, Abstained 0

Additional Info: Anticipate receipt of \$155,000 - \$170,000 program funding for 2 years.

Original to Shantelle Gaynor, Relationship Violence Services.

8. Request board approval of final Limited Tax General Obligation (LTGO) Bond resolution.

Presenter: Andrew Czorny

Moved: Nicole Rowley

Second: David Strohmaier

Motion: Motion passed as written

Vote: Yes 3, No 0, Abstained 0

Additional Info: Total bond sale not to exceed \$3,150,000. Debt Service of \$211,990 per year starting in FY2017. Funding for acquisition of Administration Building, Alder Street Property, and Phase 5 of the County Courthouse Project.

Resolution 2017-009. Filed with Clerk and Recorder/Treasurer's Office. Original to Andrew Czorny, Commissioners' Office.

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9. Request board approval reimbursement resolution for portion of phase 4 and all of phase 5 courthouse expenses.**Presenter:** Andrew Czorny**Moved:** David Strohmaier**Second:** Nicole Rowley**Motion:** Motion passed as written**Vote:** Yes 3, No 0, Abstained 0**Additional Info:** Allows for reimbursement of \$750,000 for the Courthouse renovation project prior to the issuance of bonds pursuant to Resolution 2017-009. Financial impact of an additional \$50,599 annual debt service.

Resolution 2017-007. Filed with Clerk and Recorder/Treasurer's Office. Original to Andrew Czorny, Commissioners' Office.

10. Request board approve the reappointment of John Rimel and Jean Belangie-Nye (alternate) to the Historical Museum Board for a new three-year term, Jan. 1, 2017 - Dec. 31, 2019.**Presenter:** Sarah Bell**Moved:** Nicole Rowley**Second:** David Strohmaier**Motion:** Motion passed as written**Vote:** Yes 3, No 0, Abstained 0**Additional Info:** Jean Belangie-Nye can be appointed as either an alternative or full member by her choice.

Original to Sarah Bell, Commissioners' Office. Letters of appointment mailed by Commissioners' Office. Letter No. 2017-020 to John Rimel. Letter No. 2017-023 to Jean Belangie-Nye.

11. Request board appoint Dori Brownlow as a Missoula County-employee member of the Airport Authority Board to a new five-year term, Jan. 1, 2017 - Dec. 31, 2021.**Presenter:** Sarah Bell**Moved:** David Strohmaier**Second:** Nicole Rowley**Motion:** Motion passed as written**Vote:** Yes 3, No 0, Abstained 0**Additional Info:**

Original to Sarah Bell, Commissioners' Office. Letters of appointment mailed by Commissioners' Office. Letter No. 2017-021 to Dori Brownlow.

III. CORRESPONDENCE None**IV. DISCUSSION ITEMS**

1. Legislative Update

2. Review of potential Phase 5 courthouse landscaping options Postponed

V. UPCOMING EVENTS AND INVITATIONS None**VI. OTHER COMMENTS/INSTRUCTIONS** None**Friday, January 20, 2017**

JC and NR met in regular session; quorum present. DS out of office all day to attend Montana Historic Preservation Awards Ceremony in Helena, Montana.

Calendar8:00 a.m. - 5:00 p.m. DS - Montana Historic Preservation Awards Ceremony
9:30 a.m. - 2:00 p.m. JC- Mental Health/ CDC

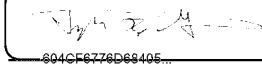
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Journal Approval

DocuSigned by:


604CF6776D6840E...Tyler Gernant
Clerk & Recorder

DocuSigned by:


C79200876BC14F6...Jean Curtiss, Chair
BCC**Monday, January 23, 2017**

BCC met in regular session; all three present.

Calendar

8:00 a.m. - 10:30 a.m.	NR, DS - Detention Facility Inspection
10:30 a.m. - 12:00 p.m.	BCC - Community and Planning Services Update
12:00 p.m. - 5:00 p.m.	JC - Crown of the Continent Leadership Team retreat
12:30 p.m. - 2:30 p.m.	NR, DS - Highway 200 Trail Bond Project
2:30 p.m. - 2:45 p.m.	DS - DNRC
3:30 p.m. - 4:30 p.m.	DS - Heidi Kendall

Items for Signature

Indemnity Bond – JC signed. Scott Kennedy, Seeley Lake, MT. Clerk & Recorder/Treasurer Warrant 18655, issued Nov. 28, 2016 on Missoula County Treasurer fund. Amount \$1,148.10 for tax refund. Warrant Lost.

Community and Planning Services Update: BCC/CAPS Staff.**Agenda:**

1. Public Comment
2. Communications
3. General Updates
 - a. 10:30 - DeSmet School District Mix-Use Zoning - Christine Dascenzo
 - b. 11:00 - Willowbrook Meadows Subdivision Amendments / Extension - Jamie Erbacher
 - c. 11:10 - Confirmation of Jamie Hoffmann as Planning Board Appointed Member - Jennie Dixon
 - d. 11:15 - Land Use Strategy Project - Andrew Hagemeyer
 - e. 11:20 - Teague-Woodworth Meadows Open Space Bond Project Hearing - Lisa Moisey
 - f. 11:30 - Snow Removal Update on Shared Use Non-Motorized Trails - Lisa Moisey
 - g. 11:40 - Trail Bond Projects - John Stegmaier
4. Director's Update - Patrick O'Herren

Tuesday, January 24, 2017

NR and DS met in regular session; quorum present. JC out of office all day at Crown of the Continent Leadership Team retreat.

Calendar

5:00 a.m. - 6:00 a.m.	DS - County Road Crew Meeting
8:00 a.m. - 5:00 p.m.	JC - Crown of the Continent Leadership Team retreat
9:00 a.m. - 10:00 a.m.	BCC - Public Service Agencies
10:01 a.m. - 10:47 a.m.	BCC - Commissioners' Administrative Public Meeting
11:00 a.m. - 12:00 p.m.	DS - Tyler Gernant
12:00 p.m. - 1:30 p.m.	NR - PHC Orientation
12:00 p.m. - 1:00 p.m.	DS - Kiwanis Luncheon
3:00 p.m. - 5:00 p.m.	DS - Development Park tour
6:30 p.m. - 8:00 p.m.	DS - PHC Orientation

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Items for Signature

County Payroll Transmittal Sheet – NR, DS signed. Pay period: 02/CY2017 – Pay Date Jan. 20, 2017. Total payroll \$1,717,756.67. To Barbara Berens, Auditor's Office.

Letter No. 2017-026 – NR, DS Signed. Dated Jan. 24, 2017 urging support of Montana House Bill 44 and the addition of a fifth judge to the Fourth Judicial District. To Honorable Mike McGrath, Chief Justice, Montana Supreme Court and the members of the Montana District Court Council.

Letter No. 2017-027 – NR, DS Signed. Dated Jan. 24, 2017 confirming approval of Johnstin family transfer exemption. BCC approved transfer at Oct. 26, 2016 public meeting. To Christopher and Linda Johnstin.

Administrative Public Meeting

**BOARD OF COUNTY COMMISSIONERS
ADMINISTRATIVE PUBLIC MEETING MINUTES
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
January 24, 2017 Start 10:01 a.m. - End 10:47 a.m.**

ATTENDANCE

Present: Nicole Rowley, David Strohmaier, Vickie Zeier, Anne Hughes, Barbara Berens, Dori Brownlow, Annie Cathey, Larry Farnes, Katie Kliezt, Matt Jennings, John Hart

Other Attendees: Nick Holloway, Tim Worley, Ryan Smith, Danielle Tribble - Senator Daines' Office

I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA None**II. ACTION ITEMS**

1. Request board approve independent contractor agreement with Brett Lloyd for exercise consulting services regarding May 2017 full-scale hazardous material exercise in the amount of \$16,950.

Presenter: Nick Holloway
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 2, No 0, Abstained 0

Additional Info: Contract term: Jan. 19, 2017 to June 30, 2017.

Filed with Clerk and Recorder/Treasurer's Office. Original to Nick Holloway, Office of Emergency Management.

2. Request board approve amendment/extension to contract with North Star Amusements to provide carnival services for the 2017 Western Montana Fair, August 8-13, 2017. Postponed

3. Request board approve change order 5 for the courthouse phase IV with Jackson Contractor Group for \$79,147.24.

Presenter: Larry Farnes
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 2, No 0, Abstained 0

Additional Info:

Agreement filed with Clerk and Recorder/Treasurer's office. Original to Larry Farnes, Facilities Maintenance.

III. CORRESPONDENCE None**IV. DISCUSSION ITEMS**

1. John Hart & Matt Jennings County Attorney's Office update

January 2017

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2. Review of potential Phase 5 courthouse landscaping options
3. Upcoming board meetings and review of meetings
4. Legislative Update

V. UPCOMING EVENTS AND INVITATIONS None**VI. OTHER COMMENTS/INSTRUCTIONS** None**Wednesday, January 25, 2017**

NR and DS met in regular session; quorum present. JC out of office all day at Crown of the Continent Leadership Team retreat.

Calendar

8:00 a.m. - 5:00 p.m.	JC - Crown of the Continent Leadership Team retreat
9:00 a.m. - 10:00 a.m.	DS - Jordan Hess
10:01 a.m. - 10:37 a.m.	BCC - Commissioners' Administrative Public Meeting
11:00 a.m. - 12:00 p.m.	DS - Orientation
1:30 p.m. - 5:00 p.m.	BCC - Public Meeting

Items for Signature

Resolution No. 2017-012 – BCC Signed, dated Jan. 25, 2017. Approval of purchase of a conservation easement and expenditure of \$75,000 for 90 acres for the Teague-Woodworth Meadows open space project. Hearing held at Public Meeting Jan. 25, 2017. To Kali Becher, Community and Planning Services (CAPS) - Parks, Trails and Open Lands.

Letter No. 2017-028 – BCC Signed. Dated Jan. 25, 2017 reporting on the BCC inspection of the Missoula County Detention Facility. To Jason Kowalski, Gary Evans, and Sheryl Ziegler, Missoula County Detention Center.

Administrative Public Meeting

**BOARD OF COUNTY COMMISSIONERS
ADMINISTRATIVE PUBLIC MEETING MINUTES
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
January 25, 2017 Start 10:01 a.m. - End 10:37 a.m.**

ATTENDANCE

Present: Nicole Rowley, David Strohmaier, Vickie Zeier, Andrew Czorny, Chris Lounsbury, Anne Hughes, Barbara Berens, Dori Brownlow, Annie Cathey, Katie Kliezt

Other Attendees: Nancy Harte, Lisa Beczkiewicz, Jarom Hein, Sarah Bell, Clint Romney - Title Services

I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA None**II. ACTION ITEMS****1. Request board approve budget amendment for Missoula Invest Health grant due to new expenditure codes and items.**

Presenter: Lisa Beczkiewicz

Moved: David Strohmaier

Second: Nicole Rowley

Motion: Motion passed as written

Vote: Yes 2, No 0, Abstained 0

Additional Info: Adding new revenue and expenditure lines to the FY17 budget for the Invest Health Initiative grant.

Resolution 2017-11. Filed with Clerk and Recorder/Treasurer's Office. Original to Teresa Graham, Financial Services.

January 2017

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2. Request board approve contract between Missoula County and Missoula Institute for Sustainable Transportation (MIST), also known as Free Cycles, for a loan of \$105,000.

Presenter: Nancy Harte
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Passed as written
Vote: Yes 2, No 0, Abstained 0
Additional Info: Term of loan is 20 years at 4% interest.
Original to Nancy Harte, CAPS-Grants.

3. Request board to reappoint Matt Doucette to a new five-year term, Jan. 1, 2017-Dec. 31, 2021, on the Airport Authority Board.

Presenter: Sarah Bell
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 2, No 0, Abstained 0
Additional Info:
Original to Sarah Bell, Commissioners' Office. Letters of appointment mailed by Commissioners' Office. Letter No. 2017-024 to Matt Doucette.

4. Request board approve chair to sign settlement statement for Missoula County for purchase of 111 W. Alder Missoula MT 59802.

Presenter: Andrew Czorny
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 2, No 0, Abstained 0
Additional Info: Closing escrow instructions.
Original to Clint Romney, Title Services, Inc.

III. CORRESPONDENCE None**IV. DISCUSSION ITEMS**

1. Legislative Update

V. UPCOMING EVENTS AND INVITATIONS None**VI. OTHER COMMENTS/INSTRUCTIONS** None**Public Meeting Minutes**

Meeting minutes linked to the audio recording of public meetings are available online on the Missoula County Commissioners' Meeting Minutes & Agenda portal. The portal may be found at the following web address: <https://www.missoulacounty.us/government/administration/commissioners-office/commissioners-meeting-agenda-portal>.

MISSOULA BOARD OF COUNTY COMMISSIONERS
PUBLIC MEETING MINUTES
CONFERENCE ROOM 151 – COURTHOUSE ANNEX
WEDNESDAY, JAN. 25, 2017 – 1:30 PM

1. CALL TO ORDER

Commissioners Present:
Commissioner Nicole Rowley

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Commissioner David Strohmaier

Staff Present:

Kali Becher, Rural Landscape Scientist – Community and Planning Services

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

None

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None

5. CURRENT CLAIMS LIST

Claims received as of Jan. 9, 2017 to Jan. 23, 2017 by the Commissioners' Office totals \$4,003,069.85.

6. HEARINGS

a. Teague-Woodworth Meadows Open Space bond project.

Kali Becher, Rural Landscape Scientist, Missoula County Parks, Trails and Open Lands – The project before you today is the Teague-Woodworth Meadows Open Space bond project. This is a project that is being brought forward by Five Valleys Land Trust and before I go into the specifics of the project and the staff report I'll hand it over to the project sponsor from Five Valleys Land Trust to give a brief presentation on the project and an overview of the details. Thank you.

Vickie Edwards, Conservation Project Manager, Five Valleys Land Trust - Thank you Kali and thank you commissioners for the opportunity to present this project to you. I really do appreciate it. I have been very fortunate to work with Sharon and Randy Teague for, we are going on two years now, but this project is really a long time in the making and that they started having conversations with Five Valleys staff back in 2008. So it's really exciting to be able to bring this project forward to you all. This project, the proposal is for a fully purchased conservation easement in the Woodworth Meadows area. The property is approximately 90 acres and contains two parcels. We are requesting from the Missoula County Open Space Bond program up to \$75,000 to help us acquire that conservation easement. Other funders include Five Valleys Land Trust on this project. The property is located within the Seeley Lake planning region. When we look at this map, some of the land ownership, coloration wise, the white is private; green is U.S. Forest Service; the darker blue is Montana Fish, Wildlife and Parks; lighter blue is the DNRC (Department of Natural Resources and Conservation); and then we also have some TNC (The Nature Conservancy) lands in there on the west side, that olive color is Blackfoot Clearwater project with the Nature Conservancy and then the brown is also Nature Conservancy land as well. You can see from this map to the north we've got the Swan Range that this property connects into and then of course that expansive Blackfoot Clearwater Wildlife Management area as well to the south. In zooming in on that just a little bit one of the other things I want to describe on this map are those properties that have the lines through them. Those with grey lines through them are actually properties that have conservation easements on them with other land trusts or government entities. The majority of those are held by the U.S. Fish, Wildlife Service as well as Montana Fish, Wildlife and Parks. Five Valleys' conservation easements are those with the blue lines through them. You can see in the Woodworth Meadows area we have had other projects as well where we have worked with land owners on placing conservation easements on their properties. The first one was back in 2001 with the von Stutterheim property which connects in with the Teague property. The county, you all were very generous in supporting us with the Rich Ranch conservation easement that is just to the northwest of the Teague property and of course the Teague property is in orange there. When I talk about this project being a long time in the making, there is a lot of community drive and effort that has gone into identifying the conservation values within this community but also the opportunities to conserve those

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values and the rural way of life. Back in 2008, Missoula County and Five Valleys Land Trust sponsored a cooperative community based effort to identify resource protection measures within the Woodworth Meadows area to protect those community values and rural character. Five Valleys met with individual land owners, talked about what they would like to see conserved and how they would like to do that and the work that we have done there since then is a continuation of protecting those values and the rural way of life within this Woodworth Meadows area. So, it really is a special place and not only having those values but that community interest in wanting to protect those values.

Looking at the property a little more closely here, it consists of two parcels. One of them on the east side is a 70 acre parcel and then on the west we've got the 20 acre parcel that has the house and the storage areas that are all clustered on that southwest corner. This property is viewed from the county road, Woodworth Road. On the east side, that 70 acre parcel, there isn't any development on that property, there are two irrigation ditches that run north and south and you kind of see those on that aerial. Outside of fencing there isn't any development on that property and the Teague's would like to see it stay that way. On the 20 acre parcel we've got the housing, their main residence on the southwest corner and then a couple of workshops and a shed and a barn in that area as well. That development, as you can see, is clustered there and they would like to continue having any sort of permanent structures clustered on that southwest corner. Looking at the habitat on this property it is primarily cultivated crops and that low intensity residential development in that southwest corner.

This is a working ranch. Sharon and Randy wear many different hats. Sharon is a school teacher in Seeley Lake, Randy works for Blackfoot Telecommunications as well as sprays weeds and then they also raise and sell Gypsy and Drum horses, it is a small scale business that they have. This is Tally that I believe that we are looking at here (referring to horse pictured on screen). This is a working ranch and it's one that Sharon and Randy would like to protect all the conservation values, not only for their children, but for any future owners and this gives them the opportunity to have this open space and to continue a working ranch within the Woodworth Meadows area.

And so let's dive into those conservation values a little bit more. We've got open space to continue that working landscape, also important agricultural soils on this property, wildlife habitat and then scenic views from Woodworth Meadows Road. Those open space values and you can see this from Woodworth Road but that is the great view that you get to see as you are looking north into the Swan Range and then which goes even further of course into the Bob Marshall Wilderness and those are actually three dogs running towards the camera there. Also, this property includes 100 percent soils of statewide importance and by leaving this as open space, clustering any sort of development into that southwest corner this easement is going to protect those values. Also, it provides wildlife habitat and connectivity. Not only wildlife habitat at a localized level but also at a broad landscape level. This is a picture of a long-billed curlew that is nesting on their property. These curlews return every year and what's interesting is that Randy found out that they really, really like having those horse pellets there, those horse droppings because they act as camouflage for their eggs and you can see in this more open meadow country that that's really critical for these species when you've got red-tailed hawks that are circling overhead, sharp-shinned hawks, and so this property provides habitat for curlews and that is just one component of their habitat throughout the Blackfoot that extends even further to the east and into Ovando and this is a really important area for long-billed curlew. There always needs to be kind of a mix of really good density for grasses, it can't be too thick and it can't be too thin. Sharon and Randy's property provides that sweet spot there with the density of grasses to provide nesting habitat for these species. Other species that use the property include white-tail deer, elk; we've also got as I mentioned sharp-shinned hawks, red-tail hawks, humming birds and those long-billed curlew that are species of concern and ground nesting song birds. They do manage their property in a way that they keep the horses out of that nesting area to ensure protection of the species during nesting time which is really great and I think it speaks to their connection not only with the land but the critters and the wildlife that utilize that landscape as well. One of the things that I absolutely love about visiting with Randy and

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Sharon, they are just great folks to sit down and have a cup of coffee with, but also the fact that their connection to the land, the community and the wildlife that use it and they've always got such great wildlife stories that every time I go there it is something new and something exciting. I just really enjoy my time spent with them and learning about what wildlife actually uses the property. Now, there's even a mountain goat that has crossed this property at one point and mind you I am not including that in the conservation easement species to protect, but it really does speak to the connectivity at a broad landscape level. That's looking further into that Swan Range and into the Bob Marshall and then how wildlife, during the winter, especially, migrate from those upper elevations down to that Blackfoot Clearwater Wildlife Management Area. You can see by looking at this map, this is a key parcel and a piece of that bigger picture and being able to keep that open space for that fluid movement, decreasing habitat fragmentation and connectivity and this easement will reduce the opportunity for any sort of development that would fragment that landscape. So this will protect those resources.

Looking into this we've got those scenic views of course from Woodworth Road and the Seeley Lake Regional Plan identified scenic views from Woodworth Road as a high community value in need of protection. It describes strategies as to how to protect those values and one of those is to discourage development that impacts that view shed. This conservation easement will ensure the protection of that view shed from Woodworth Road and will meet the goals of the Seeley Lake Regional Plan. Looking at this and thinking about the terms of the conservation easement and how it's going to protect those values. As I mentioned the development is clustered in that southwest corner, the Teagues would like the opportunity to build one more residence within a five acre building envelope that's identified with the cross hatches on this exhibit B map. Now, with that additional residence it is more of a farmstead for the family. They do not want to have the opportunity for that to be subdivided and carved off. So, even by allowing that residence within that five acre building envelope there would be no subdivision permitted associated with this conservation easement. This conservation easement would seal these two parcels together and they would only be allowed to be sold as two parcels in intact as that 90 acre piece. Other values and thinking about the terms of the conservation easement, one of the things that was not mentioned during the Open Lands Advisory Committee review is that Sharon and Randy would like to think about the option of possibly having a bed and breakfast in their home or in the residence where their children may be living. Say if they have a ski event out there that someone needs a place to stay and if they take a little bit of money for that that is considered a bed and breakfast at that point. If possible, we would like to include that language which in turn would also include protecting the conservation values. There would be limitations associated with it. The easement already includes the opportunity for some level of commercial use on the property within that building envelope so that they can make a living if maybe they weren't selling horses at the time. We would like that opportunity to do that, if they so desire, before we close on the easement. So that is a little something new that we did not mention to the Open Lands Advisory Committee, so that is something for your consideration for this project.

Commissioner Rowley – Can I come stay?

Vickie Edwards – Yeah. And that sort of language that we talked about with the bed and breakfast, that is something similar that we have included in the Anderson-Miester-Clearwater Conservation Easement that the commissioners reviewed last year as well. So it is similar language to that to protect those resource values but still give them a little flexibility to have someone stay at their place and maybe have a little money there to cook some breakfast for them.

So looking at the budget, total project costs on this are estimated at approximately \$165,700. You will see on this budget it is a little different than what we have brought forth to the commissioners in the past in that it shows Five Valleys Land Trust staff time, travel and other project expenses. What we heard from the Open Lands Advisory Committee is that they would like us to include that information within the budget although we are not asking the county to cover those costs, when you really think about what

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a project costs that is a cost that's associated with the project. Five Valleys Land Trust our development staff through, through our memberships, individual donations and other private donations that is where that money comes from to cover that. We are not asking the county for it it's just one that you can see that it is part of project cost when we move forward on these sort of projects. Transaction costs are running approximately \$21,000. We are requesting from the Missoula County Open Space Bond program up to \$75,000; that is 45 percent of project costs. Five Valleys Land Trust of course is covering, as I mentioned, with our memberships and individual donations that we receive which we are very thankful for. We are covering that staff time travel and those other project expenses. But we are also covering the transaction cost associated with this project as well as a portion of the conservation easement value. So our contribution includes that \$80,600 plus the \$10,100 with a total project cost of \$165,700. Our total project price per acre is \$1,841 and the county total project price per acre is \$833. With that I hope you will join us in protecting this really amazing place. Thank you.

Commissioner Rowley – Thanks, do you have any questions for Vickie right now, or?

Commissioner Strohmaier – No, not right now.

Kali Becher – I might just go over the staff report briefly before other public comments if that's okay? So, as Vickie mentioned, this project proposes to use up to \$75,000 of Open Space Bond funding toward the purchase of a conservation easement on approximately 90 acres located in the Woodworth Meadows area near Seeley Lake, Montana. That property is owned by Randy and Sharon Teague. Five Valleys Land Trust is the project sponsor and would hold the conservation easement on the property. In terms of recommendations, on Oct. 27, 2016 the Board of County Commissioners determined that this project is a qualified Open Space Bond project through adopting reimbursement resolution 2016-151 which qualified the project for funding through the Open Space Bond program. The Missoula County Open Land Advisory Committee met on Oct. 20, 2016 and voted to recommend the project for approval. They ranked this project highest in terms of scenic historic value, proposed funding, and working landscapes. The 2007 Interlocal Agreement related to the Open Space Bond established the general purposes of the bond. This project meets three of those purposes which are managing for growth; providing open space and scenic landscapes; and conserving a working ranch. Other notes about the project include that the Woodworth Meadows area is located within a network of conserved private land and a large block of connected public lands, which is pretty unique. Those public lands are owned by both state and federal agencies providing a really important wildlife habitat for a variety of species including grizzly bears, wolves, lynx, and fisheries. And while I didn't mention wildlife habitat as a primary purpose of the project for the Open Space Bond purposes, staff does feel like maintaining existing open space and limiting development in the Woodworth Meadows area will help ensure the quality of wildlife habitat in the future. In addition, the project will protect the scenic and open space values that are identified in the Seeley Lake Regional Plan as in need of protection. Another unique component of this project in the area is that this project really builds on previous efforts that have come out of the area through cooperative community based efforts. The community came together and this was an effort that was co-sponsored by Missoula County and Five Valleys Land Trust, and they came up with the Woodworth Meadows conservation and growth options which outline some conservation strategies for the area including conservation easements such as this. For total project cost, the conservation easement value is estimated at \$135,000 and project related costs would be \$20,600. Bond funds would be applied towards the purchase of the conservation easement and the request for \$75,000 would work out to \$833 per acre for bond cost and that fits within the range of previously approved projects. Staff recommends approval of this project. There are no special conditions and the draft approval resolution for this project is in your packet that is attachment C. Thank you. Any questions?

Commissioner Strohmaier – This might actually be more for Vickie, but either of you could answer. In terms of the cost per acre, how does that boil down in terms of comparison to other conservation easements that we've allocated funds for? Is that high, low, in the middle, comparing apples to oranges?

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Kali Becher – There is definitely, I will just speak from my perspective for the Open Space Bond funds, the amount of bond funds per acre for this project is definitely within the range and its, the typical range has been pretty wide, it has between \$68 and \$1,000. A caveat that \$68 was a project that was funding just project related costs, so that didn't reflect conservation easement value. So it's definitely within the range and in terms of total conservation easement value; it is also in the range of other projects we have looked at. Though we do try to refrain from really comparing from project to project because it can be a little bit of kind of apples to oranges with each one having pretty unique and specific things that comprise that conservation easement value, but that being said, it is within the range. Vickie, feel free to add to that.

Vickie Edwards – Well, I don't have any additional information to share because whenever we pull together these projects from a budget standpoint, when we go through the county process, the Missoula County process, it seems that's the only time that I come out and figure that out. But it would be interesting to look at all of our easements and see what that range is.

Commissioner Strohmaier – I think that would be a useful exercise at some point and would help provide some context. One additional question, so you mentioned the possibility of utilizing the building envelope to have a bed and breakfast at some point and I am assuming the action item before us today is to adopt the resolution; do we need to amend the resolution in any sense to allow that sort of commercial use?

Kali Becher – I don't think the resolution would need any editing at this point because the commercial uses that we'd already kind of identified or talked about that are in the easement this fits generally within that and in addition, it doesn't change the overall purposes or impact the purposes of this project. So the wording and the intent of the resolution is definitely consistent.

Commissioner Strohmaier – Thank you.

Commissioner Rowley – Do we have a recommendation from the Open Lands Committee? Okay, you prefer the landowners to speak first? Is that what's going on? Okay.

Sharon Teague, landowner – Thank you guys for allowing us come. I think most of you were at the property visit when we mucked about and looked at the property, sorry you missed it, but you've been up to Kozy before haven't you, to Woodworth?

Commissioner Strohmaier – I believe I have shot off some fireworks near your property.

Sharon Teague – Yeah, I thought you had. Anyway, brief history from Randy and mine's perspective. We moved up to the area in, I think around '96 we wanted to be out of Seeley, raise our kids out of the downtown area, and it wasn't until we lived there for a year or two that we realized what a special place it was. About that time the Rich Ranch also moved from their original location in Seeley proper up to the meadow, Klaus and Beatta moved up to the meadow and we started putting our heads together with Ryan Chapin a long, long time ago about what a unique place this was. Sandwiched between the Bob and the game range there isn't another place like it in the valley and at that point we all started imagining what it would be like if we preserved this meadow and made sure that nobody ever built within the interior of it and that we all sort of took care of our own business and kept to the outside. When the easement started being talked about is when we realized we had the potential to make that for real, for permanent forever and that's when I think the ball starting rolling and we all started putting our heads together and what that would be like to preserve to that forever exactly that way. I don't want to cause any headache, with the concept of the B & B idea, just Randy and I have chatted over time with our two living children our legacy would be to leave the property to them; and what would they do with that? If we leave all this other space open and protected, they could live, they would have to work in town, we don't want to hem them in one way or the other, and we don't want to change the meadow. So

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ultimately we are thrilled to be a part of it. We know the Rich Ranch has already conserved, Klaus and Beatta's property is conserved, ours is the last piece in the puzzle and then the meadow would stay in tact forever. And that's why we are here. Do you have questions for me?

Commissioner Rowley – I don't but thank you for having us out to your property last fall. It was beautiful and all of your stories, I agree, were great stories out there so in all your experiences of conservation. So, thank you.

Randy Teague – My name is Randy and I thank you for letting me speak to you guys and for you guys considering this project. I just wanted to say a couple other things. I have been a lifelong Montanan, my grandfather, I can remember years, and years ago when he would listen to Paul Harvey and they'd talk about how much land was developed that was farm ground and he was a farmer. He was a rancher. He was a dairy farmer. Over my period of time of living I have seen so many ranches get subdivided and developed. Once that good ground is gone, it's gone forever. It can never be taken back and that's a very, very important valuable resource for Missoula, for the whole country. I mean in the United States, for Montana and everybody because there is only a finite amount of agricultural ground. So, it is very important to me for those reasons besides the land having that open view which is fantastic right there and the wildlife. It is important for me to be able to conserve these grounds forever. We don't want to be dependent on other countries for our food. That's one of the reasons I want to preserve the agricultural value of this right here. I am also very conservation minded as far as like the curlews. I have found that over a period of time commonly in these grasslands like that you will be harrowing in the spring of the year. When we would do that, I would do that and I would without even really realizing how many nests, and we are not just talking about curlews but of other song birds and stuff, that it would destroy them. The curlew population would just stay to a mediocre, maybe a couple or something like that. But it bothered me so I have changed my practices, I don't even harrow anymore in the spring. So, those horse droppings and stuff, those birds, not just those birds, there's lots of other birds but those curlews they actually congregate to those and that's where they nest. So now we've probably got between our property and Klaus and Beatta's property we've got eight to ten pair of curlews, last year that nested on those properties. Which that's really important and just the other day I just got a picture, there was a moose that was coming through there. So I have seen wolves on the property, I see all kinds of animals that go through the property but it is just a piece that I can try to help conserve for everybody for the future and so that's the big reason why I want to try to push for this project to go through and want to thank you for your consideration.

Ron Schlader, member, Missoula County Open Lands Citizen's Advisory Committee – This is the last proposal that we reviewed in 2016. We held a site visit on this on Oct. 4 and on behalf of the committee I would like to thank the county commissioners for participating in these site visits. It gives us a chance to talk to you guys and for you guys to also see that what these projects are and why we take such an interest in them. As you know, one of the topics that was discussed up there, that I haven't heard mention here was that Mrs. Teague had talked about the possibility of using this area as a fire camp. There is a lot of forest up there and there's not very many opportunities for this and we wanted to, of course we had three retired Forest Service employees on our committee, and once that mention of a fire camp came up then they forgot about all of the other benefits this parcel was going to provide. So it will make a very good fire camp if that possibility comes up and it also gives the Teagues an opportunity to make some money off of this property and it's not going to interfere with the easement. The land use agreement that they would sign with either the Forest Service or the DNRC will include any rehab work on the site to put it back to where it was before the fire camp was there. The committee as a whole discussed this project for the last time on Oct. 20 and it was a unanimous decision that we bring it forward to you. Therefore, the Missoula County Open Lands Citizens Advisory Committee recommends that the county authorize the expenditure of up to \$75,000 in Open Space Bond funds toward the purchase of conservation easement on 90 acres of land owned by Randy and Sharon Teague.

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Commissioner Rowley – And is there any public comment on the Teague-Woodworth Meadows bond project? Seeing none, we will close that hearing. Do you have any further questions?

Commissioner Strohmaier – No questions, are we ready for a motion?

Commissioner Rowley – I think so. I just wanted to thank you for mentioning the fire camp. I was going to ask about how that got worked out, so that is an exciting prospect for that. Also, the analysis of a cost per acre is interesting and then also in conjunction with the increase in land prices, period, and the loss of ag land and as the price per acre of all land goes up we would expect an increase in price per acre I think of our easements. Also, I think the landscape of conservation easements has changed to a lot of times back in the past they were more fully donated easements, a lot of times from out of state people who were taking tax benefits from it. I think with the bond something we have really moved towards is conserving working ranches and people who are working the land which is a fantastic use of our money. I think then you end up paying more per acre from the bond but it's to conserve all of these important values to our communities so I think it is a great project. So thank you for your willingness to conserve your land in perpetuity and give up those development rights.

Commissioner Strohmaier – Yeah, thanks Randy and Sharon, this looks like a great project. I think government at all levels often times gets labeled as, and incorrectly in many cases, as being something that creates plans that never get implemented and to see the opportunity to, in a tangible way, implement part of the Seeley Lake Regional Plan through connecting and kind of knitting together missing pieces on the landscape like this is important. So thanks for that. As a former wildland firefighter I can tell you I would love to camp in a place like this as opposed to the hard pan chunks of dirt that so often times such camps get established at.

Commissioner Strohmaier made the motion that the Board of County Commissioners approve the resolution to expend \$75,000 of 2006 Open Space Bond proceeds toward the purchase of a conservation easement on approximately 90 acres of the Teague-Woodworth Meadows open space project. Commissioner Rowley seconds.

Passed 2-0.

b. Petition to abandon a County road (Cul-de-sac on Holland Creek Road).

Sam Scott, Deputy Clerk, Clerk and Recorder's Office – Our office received a petition to abandon a county road. The cul-de-sac on the end of Holland Creek Road located in Section 3 of the northeast quarter of Section 3, Township 19 north, Range 16 west. It was platted on Holland Lake Villa site number three. The petition fee has been paid in full. Notice of hearing was published twice in the Missoulian and the petition has been signed by ten free holders of the road district and all the affected land owners have been contacted.

Commissioner Rowley – Thanks. Do you have any further input from Steve or John or Ken?

Ken Jenkins, Montana Northwest Company – All I would say about it is that the platted county road remains intact. There was a deeded cul-de-sac placed at the end of the road and it's the deeded cul-de-sac that we are trying to abandon. It's never been built in 50 years' time and there are a couple of landowners that utilize the road in that area, turn into their driveways if you will, so there's no access to public lands, there's really no need for turnarounds, and the immediate land owners that possibly could be affected have signed off in favor. The fire department has signed off that they have no opposition to it. Other than that if there's questions let me know.

Commissioner Rowley – I kind of have a legal question for John. If this was something that was never constructed, it never existed; do we have to go do a site visit?

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John Hart – Yeah, you should still do a site visit because you want to, you still want to have the opportunity to evaluate whether or not this is a right-of-way that is in the public interest or not in the public interest and whether it should be abandoned or not abandoned. This statute technically requires a viewing.

Commissioner Rowley – Okay.

Commissioner Strohmaier – So, I am assuming that being the case, this is not an action item today?

John Hart – Correct.

Commissioner Rowley – We will just set up a visit and then continue it. It looks like it is your turn actually to go on a site visit. So, when is our next public meeting? Feb. 9 and then the 23 is the one after that? We are relatively busy in the next couple weeks or do you have time to go by the ninth? Or should we postpone it, we are gone that next week, the 13-17.

Commissioner Strohmaier – I think I could, I am not sure; I think I could probably squeeze it in. So this is, how long does it take to get up there?

Steve Niday – An hour and a half.

Commissioner Rowley – Let's continue this hearing until the 23 then. That should hopefully give us time to get a site visit in and get a road viewers' report. And today, if there is anyone here that would like to give public comment on the petition to abandon the cul-de-sac at Holland Creek Road. Any public comment? Okay, we will continue that then until Feb. 23, 2017.

7. OTHER BUSINESS

Seeing none, we are in recess.

8. RECESS

Commissioner Rowley – Called the meeting to recess at 2:11 p.m.

Thursday, January 26, 2017

BCC met in regular session; all three present.

Calendar

8:30 a.m. - 9:00 a.m.	BCC - Grants Transition Discussion
9:00 a.m. - 10:00 a.m.	BCC - Public Works
10:13 a.m. - 11:16 a.m.	BCC - Commissioners' Administrative Public Meeting
11:00 a.m. - 12:00 p.m.	BCC - County Attorney and Steve Carey
1:00 p.m. - 2:00 p.m.	DS - OEM Operations
1:30 p.m. - 2:30 p.m.	NR - Habitat for Humanity Open House
3:00 p.m. - 4:00 p.m.	NR - Emily Bentley
3:00 p.m. - 4:00 p.m.	DS - Matt Lautzenheiser
5:00 p.m. - 6:00 p.m.	DS - Peter Lambros

Items for Signature

Resolution No. 2017-010 – BCC Signed, dated Jan. 26, 2017. Establishing public right-of-way for South Placid Lake Road. BCC approved unanimously at Jan. 11, 2017 public meeting.

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Administrative Public Meeting

**BOARD OF COUNTY COMMISSIONERS
ADMINISTRATIVE PUBLIC MEETING MINUTES
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206
January 26, 2017 Start 10:13 a.m. - End 11:16 a.m.**

ATTENDANCE

Present: Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Chris Lounsbury, Anne Hughes, Barbara Berens, Dori Brownlow, Annie Cathey, Jason Emery, John Hart, Katie Klietz, Erica Grinde, Ellen Leahy
Other Attendees: Nicole Rush, Lois Steinbeck, Jenny Dixon, Gayl Hann, Chase Jones, Erika Barnett, Svein Newman - Northern Plains Resource Council

I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA None**II. ACTION ITEMS****1. Request board approve subdivision improvements agreement and guarantee, guaranteeing completion of the final trail improvements for Long Addition No. 2, Phases 1, 2, and 3.**

Presenter: John Hart
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Not to exceed \$36,937.50.

Filed with Clerk and Recorder/Treasurer's Office. Original to Sue Stanley, County Attorney's Office.

2. Request board sign a resolution for establishing South Placid Lake as a County road to reflect action taken at a public meeting on Jan. 11, 2017.

Presenter: John Hart
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info:

Resolution 2017-010. Filed with Clerk and Recorder/Treasurer's Office. Original to Sue Stanley, County Attorney's Office.

3. Request board approve selection of James Hoffmann as Planning Board appointed member for term running 1/1/17 to 12/31/18.

Presenter: Jennie Dixon
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info:

Original to Sarah Bell, Commissioners' Office. Letters of appointment mailed by Commissioners' Office. Letter No. 2017-025 to James Hoffmann.

4. Request board approve renewed employment contract with David Christiansen, M.D. to serve in the capacity of Medical Advisor for Missoula City-County Health Department.

Presenter: Ellen Leahy
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0

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Additional Info: Total compensation \$12,956.

Original to Patricia Baumgart, Human Resources. Original to Holly Behlke, Missoula City-County Health Department (MCCHD).

5. Request board approve and chair sign Department of Public Health and Human Services (DPHHS) Task Order #17-07-4-51-112-0 HIV Treatment Program for Missoula City-County Health Department (MC-CHD).

Presenter: Ellen Leahy
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Amount of \$34,451.

Original to Holly Behlke, MCCHD.

6. Request board authorize the chair to sign the MicroFocus Retired License form for GroupWise.

Presenter: Jason Emery
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info: Terminating contract and moving to Microsoft Office 365.

Filed with Clerk and Recorder/Treasurer's Office. Original to Jason Emery, Technology.

7. Request board approve Health Board appointment of Robert Stenger M.D., to the Board as per interlocal agreement and Health Board bylaws.

Presenter: Ellen Leahy
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info:

Original sent to Holly Behlke, MCCHD.

8. Request board approve professional services contract with Missoula Economic Partnership (MEP) in the amount of \$50,000 for Missoula Economic Partnership & \$30,000 for BitterRoot Economic Development District (BREDD).

Presenter: Vickie Zeier
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 2, No 0, Abstained 1 Jean Curtiss abstained

Additional Info:

Filed with Clerk and Recorder/Treasurer's Office. Original to Vickie Zeier, Commissioners' Office.

9. Request board approve amended business assistance agreement between Missoula County and Consumer Direct Management Solutions.

Presenter: Nicole Rush
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Renewal of contract for additional year allowing creation of up to 40 jobs and use of Big

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Fiscal Year: 2017

Info: Sky Economic Development Trust Fund grants of up to \$246,560.
Filed with Clerk and Recorder/Treasurer's Office. Original to Nicole Rush, BREDD.

10. Request board approve with two signatures draw #2 for Consumer Direct's Big Sky Trust Funds job creation grant contract #MT-BSTF-1-17-01.

Presenter: Nicole Rush
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 2, No 0, Abstained 1 Jean Curtiss abstained
Additional Info: Request for \$67,000 in payment of previously awarded grant funds. Commissioner Strohmaier and Rowley signed.
 Original to Nicole Rush, BREDD, for additional signatures.

11. Request board and Chief Administrative Officer sign certification form for all 2017 Big Sky Trust Fund transactions involving Missoula County. Two of the four signators must sign any future request for payment.

Presenter: Nicole Rush
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info:
 Original to Nicole Rush, BREDD.

12. Request board approve independent contractor agreement with Lois Steinbeck for an amount not to exceed \$7,500 for fiscal analysis of impacts of legislation on local government.

Presenter: Anne Hughes
 Lois Steinbeck
Moved: David Strohmaier
Second: Nicole Rowley
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0
Additional Info:

Filed with Clerk and Recorder/Treasurer's Office. Original to Anne Hughes, Communications & Projects.

III. CORRESPONDENCE None

IV. DISCUSSION ITEMS

1. Legislative Update
2. BoardSync Commissioner Training and Status Update

V. UPCOMING EVENTS AND INVITATIONS

VI. OTHER COMMENTS/INSTRUCTIONS

Friday, January 27, 2017

BCC did not meet in regular session. BCC out of office all day for Economic Outlook seminar and Project Homeless Connect.

Calendar

8:00 a.m. - 1:00 p.m.	BCC - Economic Outlook Seminar
12:00 p.m. - 3:30 p.m.	BCC - Project Homeless Connect

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ATTENDANCE**Present:** Jean Curtiss, Nicole Rowley, David Strohmaier, Chris Lounsbury, Barbara Berens, Dori Brownlow, Annie Cathey, Katie Kliez, Andrew Czorny**Other Attendees:** Jason Johnson, Erin Kautz, Loraine Bond, Teresa Nygaard**I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

Commissioner Strohmaier noted that he will be meeting with Double Arrow Ranch residents to discuss the proposed Powell County gravel pit at 4:00 p.m. on Monday, Feb. 6, 2017.

II. ACTION ITEMS**1. Request board approve chair to sign the contract between Missoula County and the Montana Healthcare Foundation for development of a federal grant for the Missoula Veteran's Court in the amount of \$6,500.**

Presenter: Erin Kautz
Moved: Nicole Rowley
Second: David Strohmaier
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0

Additional Info:

Originals to Erin Kautz, Community and Planning Services - Grants, to obtain signatures and file with Clerk and Recorder/Treasurer's Office.

2. Request board approve professional services agreement between Missoula County and Child and Family Resource Council, Inc. to provide workshops for inmates at Missoula County Detention Facility in the amount of \$38,000.

Presenter: Jason Johnson
Loraine Bond
Teresa Nygaard
David Strohmaier
Moved: Nicole Rowley
Second:
Motion: Motion passed as written
Vote: Yes 3, No 0, Abstained 0

Additional Info:

Filed with Clerk and Recorder/Treasurer's Office. Original to Dawn Seaton, Sheriff's Office.

III. CORRESPONDENCE None**IV. DISCUSSION ITEMS**

1. Upcoming board meetings and review of meetings
2. Legislative Update
3. Sale of properties owned by Missoula County acquired by tax deed

V. UPCOMING EVENTS AND INVITATIONS

1. MACO MidWinter Conference schedule

VI. OTHER COMMENTS/INSTRUCTIONS None**Journal Approval**

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Tyler Gernant
Clerk & Recorder

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Jean Curtiss, Chair
BCC