

May 2017

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Fiscal Year: 2017

## Missoula County Commissioners' Journal: May, 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 May 2017:

Date Signed	Claims List Dated	Signed	Voucher No.	Amount
May 2, 2017	May 1, 2017	JC, NR, DS	1967	\$97,984.49
			1968	\$95.99
			1970	\$5,000.00
May 3, 2017	May 3, 2017		1975	\$9,740.19
			1976	\$102,576.46
			1977	\$2,225.00
May 4, 2017	May 2, 2017		1972	\$6,863.46
	May 4, 2017		1979	\$1,083.41
			1980	\$87,909.54
1981		\$199,430.00		
Total Report for May 4, 2017				\$1,058,815.90
April 26, 17	PHC Smartfill ACH			\$123,255.83
April 21, 2017	PHC Amerisource ACH			\$24,121.81
May 3, 2017	PHC Smartfill ACH			\$131,854.71
April 28, 2017	PHC Amerisource ACH			\$36,972.87
May 9, 2017	May 5, 2017	JC, DS	1982	\$11,104.01
	May 8, 2017		1983	\$111,870.20
			1985	\$34,080.28
			1986	\$14.25
			1987	\$435,600.00
May 10, 2017	May 9, 2017	JC, NR, DS	1988	\$756.01
	May 10, 2017		1989	\$13,563.89
			1990	\$58,838.69
			1991	\$52.95
			1992	\$100.00
May 11, 2017	May 11, 2017		1993	\$173,915.59
May 12, 2017	May 12, 2017		1994	\$3,831.37
			1995	\$118,874.14
May 15, 2017	May 12, 2017		1996	\$1,060,381.53
	May 15, 2017		1997	\$5,343.50
		NR, DS	1998	\$257,631.93
1999			\$30,340.91	
2000			\$3,271.82	
May 17, 2017	May 16, 2017	JC, NR, DS	2002	\$130,364.41
			2003	\$76,884.13
			2004	\$188.77

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			2005	\$252.00
May 18, 2017	May 18, 2017		2008	\$201,761.30
			2009	\$2,474.38
			2010	\$1,853.03
			2011	\$30.09
Total Report for May 19, 2017				\$3,049,584.40
May 10, 2017	PHC Smartfill ACH			\$184,675.35
May 5, 2017	PHC Amerisource ACH			\$14,559.07
May 17, 2017	PHC Smartfill ACH			\$121,491.78
May 12, 2017	PHC Amerisource ACH			\$34,780.74
May 22, 2017	May 18, 2017	JC, NR, DS	2012	\$1,707.46
			2013	\$124,855.91
			2014	\$22,855.11
May 23, 2017	May 23, 2017	JC, DS	2015	\$19,238.42
			2016	\$20,589.43
			2017	\$111,467.36
May 24, 2017	May 24, 2017	JC, NR, DS	2018	\$47,049.60
			2019	\$5,889.96
			2020	\$46,395.45
			2021	\$1,992.71
			2022	\$2,001.14
			2023	\$33,204.48
May 24, 2017	PHC Smartfill ACH			\$135,660.57
May 19, 2017	PHC Amerisource ACH			\$47,198.62
May 30, 2017	May 26, 2017	JC, NR, DS	2024	\$13,742.43
			2025	\$6,300.58
			2026	\$482.19
	May 30, 2017	JC, NR	2028	\$434.22
			2029	\$88.55
			2030	\$22,059.00
		JC, NR, DS	2031	\$299.00
May 31, 2017			2027	\$1,478.45

All claims lists were returned to Financial Services.

**Monday May 01, 2017**

NR and DS met in regular session; quorum present. JC out of office all day at Western Montana Mental Health Board retreat.

**Calendar**

8:00 a.m. - 5:00 p.m.	JC - Western Montana Mental Health Board Retreat
9:30 a.m. - 10:00 a.m.	BCC - Interview Seeley Lake Cemetery Board – Wendy Green
10:30 a.m. - 12:00 p.m.	BCC - Grants Transition-Community and Planning Services
11:30 a.m. - 1:30 p.m.	NR - Governing Board Meeting-Missoula Aging Services
4:00 p.m. - 5:00 p.m.	NR - Suzanne Miller

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**Items for Signature**

Employee Benefits Claims – BCC signed. Employee Benefits Manual Check Claims dated April 28, 2017. Amount \$24,958.59. To Barbara Berens, Auditor's Office.

**Community and Planning Services Update:****Agenda:**

1. Public Comment
2. Communications
3. General Updates
  - a. 10:30 - Big Sky Park RFP Status - John Stegmaier
  - b. 10:35 - Tom Green Board Appointments - John Stegmaier
  - c. 10:45 - Land Use Update - Kate Washington & Andrew Hagemeier
4. Director's Update Patrick O'Herren

<b>Tuesday, May 02, 2017</b>
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BCC met in regular session; all three present.

**Calendar**

9:00 a.m. - 10:00 a.m.	BCC - Chief Operating Officer Update
10:00 a.m. - 11:00 a.m.	BCC - Commissioners' Administrative Public Meeting
11:00 a.m. - 12:00 p.m.	BCC - Community and Planning Services/Public Works/Health Department
1:00 p.m. - 1:30 p.m.	BCC - Interview Lolo Community Council – Kevin Noland
1:30 p.m. - 2:30 p.m.	NR - Mayor's Downtown Advisory Commission
2:00 p.m. - 4:00 p.m.	JC, DS - Dakota Place
3:00 p.m. - 4:00 p.m.	NR - Zero-fare Partner Meeting Mountain Line
4:00 p.m. - 5:00 p.m.	BCC - Litigation Update
5:30 p.m. - 8:00 p.m.	DS - Missoula Design Excellence Workshop

**Items for Signature**

County Payroll Transmittal Sheet - BCC signed. Pay period: 09/CY2017 - pay date April 28, 2017. Total Payroll \$1,669,255.23. To Barbara Berens, Auditor's Office.

Larchmont Claims - BCC signed one signature page for the Larchmont Golf Course Accounts Payable Invoice Register dated May 2, 2017. Amount \$36,560.84. To Barbara Berens, Auditor's Office.

Letter No. 2017-156 – BCC signed. Dated May 2, 2017 supporting the Senior Corps Program. To Representative Steve Daines.

Letter No. 2017-157 – BCC signed. Dated May 2, 2017 supporting the Senior Corps Program. To Senator Jon Tester.

Letter No. 2017-158 – BCC signed. Dated May 2, 2017 confirming approval of the phasing plan amendment for The Ranch Club, dividing Phase 9 into two phases: Phase 9A and Phase 9B at the April 13, 2017 public meeting. To Kirby Christian, C/O Ranch Club Development, Inc.

Letter No. 2017-159 – BCC signed. Dated May 2, 2017 confirming approval of the Canyon River phasing plan amendment affecting Phases 6 and 11 and the preliminary plat adjustment affecting Phases 6, 7 and 11 at the April 13, 2017 public meeting. To Jason Rice, Territorial-Landworks, Inc.

Letter No. 2017-160 – BCC signed. Dated May 2, 2017. Confidential grievance correspondence.

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**Administrative Meeting**

**BOARD OF COUNTY COMMISSIONERS  
ADMINISTRATIVE PUBLIC MEETING MINUTES  
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206  
May 2, 2017 Start 10:00 a.m. - End 10:53 a.m.**

**ATTENDANCE Present:** Jean Curtiss, Nicole Rowley, David Strohmaier, Andrew Czorny, Chris Lounsbury, Patty Baumgart, Barbara Berens, Dori Brownlow, Annie Cathey, Jason Emery, Katie Klietz  
**Other Attendees:** Gary Elliott, Vicki Dundas, Martin Kidsten

**I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** None**II. ACTION ITEMS****1. Request board adopt the Compensation Board resolution for FY18 compensation schedule for elected officials.**

**Presenter:** Chris Lounsbury  
**Moved:** David Strohmaier  
**Second:** Nicole Rowley  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:**

Resolution 2017-172. Filed with the Clerk and Recorder/Treasurer's Office. Original to Chris Lounsbury, Commissioners' Office.

**2. Request board sign the budget amendment for refugee funds of \$10,062 from the Montana Department of Public Health and Human Services (DPHHS), Office of Resettlement for Missoula City-County Health Department (MCCHD) home visiting.**

**Presenter:** Vicki Dundas  
**Moved:** Nicole Rowley  
**Second:** David Strohmaier  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:** For administrative time for home visits

Resolution 2017-170. Filed with the Clerk and Recorder/Treasurer's Office. Original to Teresa Graham, Financial Services.

**3. Request board approve interlocal agreement with the Missoula Valley Water Quality District to implement the MS4 stormwater discharge permit.**

**Presenter:** Chris Lounsbury  
**Moved:** David Strohmaier  
**Second:** Nicole Rowley  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:**

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

**4. Request board approve and chair sign electronically annual renewal contract with DocuSign for \$4,140.00.**

**Presenter:** Jason Emery  
**Moved:** Nicole Rowley  
**Second:** David Strohmaier  
**Motion:** Motion passed as written

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**Vote:** Yes 3, No 0, Abstained 0  
**Additional Info:** Term date March 25, 2017 to March 24, 2018  
 Original to Jason Emery, Technology.

**5. Request board approve resolution calling for negotiated sale of bonds for the Library project.**

**Presenter:** Dori Brownlow  
 Andrew Czorny  
**Moved:** David Strohmaier  
**Second:** Nicole Rowley  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0  
**Additional Info:** Sale of bonds for up to \$3,000,000.  
 Resolution 2017-169. Filed with the Clerk and Recorder/Treasurer's Office. Original to Andrew Czorny, Commissioners' Office.

**6. Request board approve chair to sign grant application for Regional Juvenile Detention grant of \$177,392 with \$57,318 for Missoula County.**

**Presenter:** Gary Elliott  
**Moved:** Nicole Rowley  
**Second:** David Strohmaier  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0  
**Additional Info:** Contract term July 1, 2017 to June 30, 2018  
 Original to Gary Elliott, Sheriff's Office.

**III. CORRESPONDENCE** None

**IV. DISCUSSION ITEMS**

1. Upcoming board meetings and review of meetings

**V. UPCOMING EVENTS AND INVITATIONS** None

**VI. OTHER COMMENTS/INSTRUCTIONS** None

<b>Wednesday, May 03, 2017</b>
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BCC met in regular session; all three present.

**Calendar**

8:30 a.m. - 9:00 a.m.	BCC - Chief Administrative Officer Update
9:00 a.m. - 10:00 a.m.	NR - Resilient Communities Phone Interview
9:00 a.m. - 10:00 a.m.	JC - Crown of the Continent
10:00 a.m. - 11:00 a.m.	BCC - Commissioners' Administrative Public Meeting
11:00 a.m. - 12:00 p.m.	DS - Missoula Design Excellence Focus Group
11:30 a.m. - 12:00 p.m.	JC - Missoula County Collaborative Care Planning Summit Grant
12:00 p.m. - 1:00 p.m.	NR - Human Resource Council Program Council
1:30 p.m. - 2:00 p.m.	BCC - Interview Tom Green Park Advisory Board – Dave Emmons
2:00 p.m. - 2:30 p.m.	BCC - Interview Tom Green Advisory Board – Greg Stahl
2:30 p.m. - 3:00 p.m.	BCC - Interview Tom Green Advisory Board – Tom Javins
3:30 p.m. - 4:00 p.m.	BCC - Interview Tom Green Advisory Board – Bill Bevis
4:00 p.m. - 4:30 p.m.	BCC - Interview Tom Green Memorial Park Advisory Board – Ross Mollenhauer
6:00 p.m. - 7:00 p.m.	DS - Library Design Event

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**Items for Signature**

Monthly Report – JC examined, approved and ordered filed the monthly reconciliation report for Justice Courts 1, Judge Marie A. Andersen and 2, Landee N. Holloway, for the month ending April 28, 2017.

Request Records Disposal/Transfer Authorization – JC signed. From Justice Court 1 & 2 Disposal Number: 2017-07. 1) Month End Reports July, 2008 – December, 2008.

**Administrative Meeting**

**BOARD OF COUNTY COMMISSIONERS  
ADMINISTRATIVE PUBLIC MEETING MINUTES  
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206  
May 3, 2017 Start 10:01 a.m. - End 10:37 a.m.**

**ATTENDANCE Present:** Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Chris Lounsbury, Annie Cathey, Dori Brownlow, Barbara Berens, Patty Baumgart, Andrew Czorny

**Other Attendees:** Erin Kautz, Garrick Swanson, Sarah Bell, Karen Hughes, Erika Barnett

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

**II. ACTION ITEMS**

**1. Request board approve a budget amendment for HB 33 funding to reduce the amount previously approved for expenditures by \$152,403 and revenue by \$163,812.**

**Presenter:** Erin Kautz

**Moved:** Nicole Rowley

**Second:** David Strohmaier

**Motion:** Motion passed as written

**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:** Crisis mental health jail diversion funding from Montana Department of Public Health and Human Services Addiction and Mental Disorders Division.

Resolution 2017-173. Filed with the Clerk and Recorder/Treasurer's Office. Original to Teresa Graham, Financial Services.

**2. Request board approve the contract for Missoula College to rehabilitate the existing perimeter trail at Big Sky Park.**

**Presenter:** Garrick Swanson

**Moved:** David Strohmaier

**Second:** Nicole Rowley

**Motion:** Motion passed as written

**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:** Contract term April 17, 2017 to December 1, 2017. Expense not to exceed \$15,320 for service and \$29,500 for gravel product.

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

**3. Request board approve and chair sign proposed modification to the current Employee Assistance Program contract with Sapphire Resources Connection, to extend the term from July 1, 2017 through June 30, 2020.**

**Presenter:** Patricia Baumgart

**Moved:** Nicole Rowley

**Second:** David Strohmaier

**Motion:** Motion passed as written

**Vote:** Yes 3, No 0, Abstained 0

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**Additional Info:**

Filed with the Clerk and Recorder/Treasurer's Office. Original to Patricia Baumgart, Human Resources.

**4. Request board approve lease agreement between Missoula County and Montana Fish, Wildlife and Parks (FWP) for a sublease in the building the County leases from the Seeley Lake Rural Fire District. Montana FWP will pay \$1,850 per year for the lease, \$50 per month for utilities, and \$50 per month for internet connectivity.**

**Presenter:** Dori Brownlow**Moved:** David Strohmaier**Second:** Nicole Rowley**Motion:** Motion passed as written**Vote:** Yes 3, No 0, Abstained 0**Additional Info:** Lease agreement term April 1, 2017 to March 31, 2024

Filed with the Clerk and Recorder/Treasurer's Office. Original to Dori Brownlow, Commissioners' Office.

**5. Request board reappoint Joni Diamond to the Seeley Lake Cemetery District Board.**

**Presenter:** Sarah Bell**Moved:** Nicole Rowley**Second:** David Strohmaier**Motion:** Motion passed as written**Vote:** Yes 3, No 0, Abstained 0**Additional Info:** Reappointed Joni Diamond to a new three year term starting May 1, 2017 - April 30, 2020

Original to Sarah Bell, Commissioners' Office. Letter No. 2017-155 to Joni Diamond.

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

1. Employee commuting survey

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

Thursday, May 04, 2017
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BCC met in regular session; all three present.

**Calendar**

9:00 a.m. - 10:00 a.m.	BCC - Risk & Benefits
10:00 a.m. - 11:00 a.m.	BCC - Commissioners' Administrative Public Meeting
11:00 a.m. - 12:00 p.m.	BCC - Mayor/Chief Administrative Officers
1:00 p.m. - 2:00 p.m.	BCC - Katherine Isaacson, Dakota Place
2:00 p.m. - 3:00 p.m.	BCC - No Parking Zones-River Access
3:00 p.m. - 4:00 p.m.	BCC - Meet with Information Staff
4:00 p.m. - 5:00 p.m.	DS - Donna Gaukler
5:30 p.m. - 7:30 p.m.	JC - Headwaters Health Foundation of Western Montana
7:00 p.m. - 9:00 p.m.	JC, DS - Centennial Award Celebration

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**Administrative Meeting**

**BOARD OF COUNTY COMMISSIONERS  
ADMINISTRATIVE PUBLIC MEETING MINUTES  
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206  
May 4, 2017 Start 10:08 a.m. - End 10:35 a.m.**

**ATTENDANCE Present:** Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Chris Lounsbury, Annie Cathey, Katie Kliezt, Greg Robertson

**Other Attendees:** Kate Devino, Sarah Heineman,

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

**II. ACTION ITEMS**

**1. Request board approve and chair sign the Montana Health Cooperative Assignment and Assumption Agreement for Missoula City-County Health Department (MCCHD).**

**Presenter:** Sarah Heineman

**Moved:** Nicole Rowley

**Second:** David Strohmaier

**Motion:** Motion passed as written

**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:** Effective date January 1, 2018. Contract assignment to new third-party administrator for billing purposes at MCCHD.

Original agreement to Holly Behlke, MCCHD.

**2. Request board approve and chair to sign Task Order 18-07-3-01-083-0 Montana Diabetes Prevention Program between Montana Department of Public Health and Human Services (DPHHS) and Missoula City-County Health Department funding in the amount of \$28,000.**

**Presenter:** Kate Devino

**Moved:** David Strohmaier

**Second:** Nicole Rowley

**Motion:** Motion passed as written

**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:** Term: July 1, 2017 to June 30, 2018.

Original task order to Holly Behlke, MCCHD.

**3. Request board to award FY18 asphalt bid to Knife River in the amount of \$52.13/ton with \$350,000 budgeted for asphalt in FY18.**

**Presenter:** Greg Robertson

**Moved:** Nicole Rowley

**Second:** David Strohmaier

**Motion:** Motion passed as written

**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:** Contract term May 15, 2017 to May 15, 2018

Original to Erik Dickson, Public Works.

**4. Request board approve temporary road closures for the Missoula Marathon. The County portion of the route recommends closures for directional vehicular traffic on River Pines Road at Blue Mountain Road; North Avenue at Clements Road; Clements Road at North Avenue; and Clements Road at South 7th Street.**

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**Presenter:** Greg Robertson  
**Moved:** David Strohmaier  
**Second:** Nicole Rowley  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0  
**Additional Info:** Closure from 6 a.m. - 8 a.m. July 9 only  
 Original to Brent O'Connor, Public Works.

**III. CORRESPONDENCE** None

**IV. DISCUSSION ITEMS** None

**V. UPCOMING EVENTS AND INVITATIONS** None

**VI. OTHER COMMENTS/INSTRUCTIONS** None

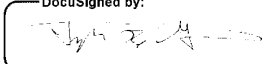
#### Friday, May 05, 2017

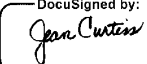
NR and DS met in regular session; quorum present. JC out of office all day.

#### Calendar

10:00 a.m. - 11:00 a.m. CR - Jail Diversion Implementation  
 5:00 p.m. - 7:00 p.m. DS - MCAT Event

#### Journal Approval

DocuSigned by:  
  
 604CF6776D6840E...  
 Tyler Gernant  
 Clerk & Recorder

DocuSigned by:  
  
 676299670B014F0...  
 Jean Curtiss, Chair  
 BCC

#### Monday, May 08, 2017

BCC did not meet in regular session. JC and NR out of office all day. NR at Montana Housing Partnership Conference.

#### Calendar

8:00 a.m. - 5:00 p.m. NR - Montana Housing Partnership Conference - Great Falls  
 2:00 p.m. - 3:00 p.m. DS - Recycling/Zero Waste in Missoula  
 3:30 p.m. - 5:00 p.m. DS - Shannon Therriault  
 7:00 p.m. - 9:00 p.m. DS - East Missoula Community Council

#### Items for Signature

Employee Benefits Claims - BCC signed. Employee Benefits Manual Check Claims dated May 2, 2017. Amount \$100,670.38. To Barbara Berens, Auditor's Office.

Letter No. 2017-161 - BCC signed. Dated May 8, 2017 confirming approval of Country Crest No. 12 Subdivision at the April 27, 2017 public meeting. To Tollefson Properties, LLC.

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**Tuesday, May 09, 2017**

JC and DS met in regular session; quorum present. NR out of office all day at Montana Housing Partnership Conference.

**Calendar**

8:00 a.m. - 5:00 p.m.	NR - Montana Housing Partnership Conference - Great Falls
9:00 a.m. - 10:00 a.m.	BCC - Senior Staff Update
10:00 a.m. - 11:00 a.m.	BCC - Commissioners' Administrative Public Meeting
11:15 a.m. - 12:00 p.m.	JC - Missoula Transportation Committee
11:30 a.m. - 12:00 p.m.	DS - Shantelle Gaynor
1:00 p.m. - 3:00 p.m.	BCC - Community and Planning Services Update
3:30 p.m. - 5:30 p.m.	DS - Larchmont Board
3:30 p.m. - 5:00 p.m.	JC - Consumer Direct Care Network Ribbon Cutting
5:00 p.m. - 7:00 p.m.	JC - Bonner Water-Related Meeting

**Items for Signature**

Monthly Report – JC examined, approved, ordered filed the monthly report of the Clerk of District Court, Shirley Faust. Details of fess and collections for April 2017.

Replacement Warrant – JC signed. A&A Asphalt, Missoula, MT. Missoula County Attorney warrant #9993 issued March 1, 2017 on Missoula County fund 7041. Amount \$1,554.00 for Restitution. Warrant not received in mail.

Indemnity Bond – JC signed. Lara Buchanan, Lolo, MT. Clerk of Court warrant 42254, issued on February 13, 2017 on County Fund 7160-000-362000. Amount \$277.00 for child support. Warrant not received in mail.

Indemnity Bond – JC signed. Lara Buchanan, Lolo, MT. Clerk of Court warrant 42345, issued on April 11, 2017 on County Fund 7160-000-362000. Amount \$277.00 for child support. Warrant not received in mail.

**Community and Planning Services Update:**

Agenda:

1. Public Comment
2. Communications
3. General Updates
  - a. 1:00 - FY 18 Grants Division Work Plan - Melissa Gordon & Nancy Harte
  - b. 1:15 - Community Council Outreach - Laurie Hire
4. Director's Update Patrick O'Herren

**Administrative Meeting**

**BOARD OF COUNTY COMMISSIONERS  
ADMINISTRATIVE PUBLIC MEETING MINUTES  
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206  
May 9, 2017 Start 10:03 a.m. - End 10:49 a.m.**

**ATTENDANCE Present:** Jean Curtiss, David Strohmaier, Anne Hughes, Barbara Berens, Dori Brownlow, Annie Cathey, Gayl Hann, Katie Kliez

**Other Attendees:** Amanda Henthorne, Nancy Harte, Ken Marshall, Peter Friesen

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

**II. ACTION ITEMS**

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**1. Request board approve an Independent Contractor Agreement between the Missoula County Detention Center and Western Montana Mental Health Center for inmate mental health services in the amount of \$63,000 per year.**

**Presenter:** Gary Evans  
**Moved:** David Strohmaier  
**Second:** Jean Curtiss  
**Motion:** Motion passed as written  
**Vote:** Yes 2, No 0, Abstained 0  
**Additional Info:** Provision of service begin as of March 20, 2017.

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

**2. Request Board of County Commissioners approve and sign budget amendment for \$50,000 of grant funds from the Urban Institute for the Native Outreach Project at the Missoula County Detention Facility**

**Presenter:** Nancy Harte  
**Moved:** David Strohmaier  
**Second:** Jean Curtiss  
**Motion:** Motion passed as written  
**Vote:** Yes 2, No 0, Abstained 0  
**Additional Info:** Grant cycle January 1, 2017 to March 30, 2018

Resolution 2017-174. Filed with the Clerk and Recorder/Treasurer's Office. Original to Teresa Graham, Financial Services. Copy to Nancy Harte, Community and Planning Services - Grants.

**III. CORRESPONDENCE** None

**IV. DISCUSSION ITEMS**

1. Budget Tool Review
2. Budget Modification Matrix
3. Budget Parameters
4. Upcoming Board meetings and review of meetings

**V. UPCOMING EVENTS AND INVITATIONS**

1. MACo Board Meeting - Budget

**VI. OTHER COMMENTS/INSTRUCTIONS** None

<b>Wednesday, May 10, 2017</b>
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JC and DS met in regular session; quorum present. NR out of office until 1:00 p.m. at the Montana Housing Partnership Conference in Great Falls, MT.

**Calendar**

8:00 a.m. - 1:00 p.m.	NR - Montana Housing Partnership Conference - Great Falls
9:00 a.m. - 10:00 a.m.	BCC - Clerk & Recorder/Treasurer
10:06 a.m. - 10:33 a.m.	BCC - Commissioners' Administrative Public Meeting
11:00 a.m. - 12:00 p.m.	DS - Benefits Education and Enrollment Fair
1:30 p.m. - 2:00 p.m.	BCC - Interview Tom Green Memorial Park Advisory Board - Geoff Carlson
2:00 p.m. - 2:30 p.m.	BCC - Interview-Tom Green Memorial Park Advisory Board - Chris Behan

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2:30 p.m. - 3:00 p.m. BCC - Interview Tom Green Memorial Park Advisory Board - Morgan Valliant  
3:30 p.m. - 4:00 p.m. BCC - Interview Tom Green Memorial Park Advisory Board - Taylor Valliant

**Administrative Meeting**

**BOARD OF COUNTY COMMISSIONERS  
ADMINISTRATIVE PUBLIC MEETING MINUTES  
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206  
May 10, 2017 Start 10:06 a.m. - End 10:33 a.m.**

**ATTENDANCE Present:** Jean Curtiss, David Strohmaier, Anne Hughes, Barbara Berens, Annie Cathey, Katie Kietz

**Other Attendees:** Marie Anderson, Landee Holloway, Nicole Rush, Martin Kidston, Peter Friesen

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

**II. ACTION ITEMS**

**1. Request board approve construction contracts for Missoula Public Library. Contracts are between the Library, the County, and Dick Anderson Construction. Postponed**

**2. Request board approve and chair to sign via Docusign contract # MT-BSTF-1-17-17 between the Montana Department of Commerce and Missoula County, as well as approve and sign the Business Assistance Agreement and Management Plan contracts which establish the relationships between Missoula County, MEP and Audience Awards, Inc.**

**Presenter:** Nicole Rush

**Moved:** David Strohmaier

**Second:** Jean Curtiss

**Motion:** Motion passed as written

**Vote:** Yes 2, No 0, Abstained 0

**Additional Info:** Contract term December 28, 2016 to December 28, 2017

Filed with Clerk and Recorder/Treasurer's Office. Original to Nicole Rush, Missoula Economic Partnership (MEP).

**3. Request board approve budget amendment for the Big Sky Economic Development Trust Fund Category I Job Creation Grant awarded to Missoula County as of December 28, 2016 for Audience Awards, Inc. for \$60,000.**

**Presenter:** Nicole Rush

**Moved:** David Strohmaier

**Second:** Jean Curtiss

**Motion:** Motion passed as written

**Vote:** Yes 2, No 0, Abstained 0

**Additional Info:** Contract term November 16, 2016 to November 15, 2017

Resolution 2017-177. Filed with Clerk and Recorder/Treasurer's Office. Original to Teresa Graham, Financial Services. Copy to Nicole Rush, MEP.

**4. Request board approve and chair to sign via Docusign contract # MT-BSTF-1-17-18 between the Montana Department of Commerce and Missoula County, as well as approve and sign the Business Assistance Agreement and Management Plan contracts which establish the relationships between Missoula County, MEP and Modern Entrepreneur, LLC.**

**Presenter:** Nicole Rush

**Moved:** David Strohmaier

**Second:** Jean Curtiss

**Motion:** Motion passed as written

**Vote:** Yes 2, No 0, Abstained 0

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**Additional Info:** Contract term December 28, 2016 to December 28, 2017  
Filed with Clerk and Recorder/Treasurer's Office. Original to Nicole Rush, MEP.

**5. Request board approve budget amendment for the Big Sky Economic Development Trust Fund Category I Job Creation Grant awarded to Missoula County as of December 28, 2016 for Modern Entrepreneur, LLC. for \$75,000.**

**Presenter:** Nicole Rush  
**Moved:** David Strohmaier  
**Second:** Jean Curtiss  
**Motion:** Motion passed as written  
**Vote:** Yes 2, No 0, Abstained 0

**Additional Info:** Contract term November 16, 2016 to November 16, 2017  
Resolution 2017-176. Filed with Clerk and Recorder/Treasurer's Office. Original to Teresa Graham, Financial Services. Copy to Nicole Rush, MEP.

**6. Request board approve and chair to sign via Docusign contract # MT-BSTF-1-17-15 between the Montana Department of Commerce and Missoula County, as well as approve and sign the Business Assistance Agreement and Management Plan contracts which establish the relationships between Missoula County, MEP and Orbital Shift, Inc.**

**Presenter:** Nicole Rush  
**Moved:** David Strohmaier  
**Second:** Jean Curtiss  
**Motion:** Motion passed as written  
**Vote:** Yes 2, No 0, Abstained 0

**Additional Info:** Project date December 28, 2016 to December 28, 2017  
Filed with Clerk and Recorder/Treasurer's Office. Original to Nicole Rush, MEP.

**7. Request board approve budget amendment for the Big Sky Economic Development Trust Fund Category I Job Creation Grant awarded to Missoula County as of December 28, 2016 for Orbital Shift, Inc. for \$120,000.**

**Presenter:** Nicole Rush  
**Moved:** David Strohmaier  
**Second:** Jean Curtiss  
**Motion:** Motion passed as written  
**Vote:** Yes 2, No 0, Abstained 0

**Additional Info:** Project date November 16, 2016 to November 16, 2017  
Resolution 2017-175. Filed with Clerk and Recorder/Treasurer's Office. Original to Teresa Graham, Financial Services. Copy to Nicole Rush, MEP.

**III. CORRESPONDENCE** None

**IV. DISCUSSION ITEMS**

1. Community Dispute Resolution Center

**V. UPCOMING EVENTS AND INVITATIONS** None

**VI. OTHER COMMENTS/INSTRUCTIONS** None

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BCC met in regular session; all three present.

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**Calendar**

10:00 a.m. - 10:35 a.m. BCC - Commissioners' Administrative Public Meeting  
11:00 a.m. - 2:00 p.m. NR - Human Resource Council Board  
12:00 p.m. - 1:30 p.m. DS - Downtown Master Plan Implementation Committee  
2:00 p.m. - 4:39 p.m. BCC - Commissioners' Public Meeting

**Items for Signature**

Indemnity Bond – JC signed. Christopher Rodriguez, Lolo, MT. Missoula County Detention Facility Warrant 152318 on Missoula County 2301 fund. Amount \$120.00 for clothing allowance per AFSCME Union Contract. Warrant lost.

**Administrative Meeting**

**BOARD OF COUNTY COMMISSIONERS  
ADMINISTRATIVE PUBLIC MEETING MINUTES  
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206  
May 11, 2017 Start 10:00 a.m. - End 10:35 a.m.**

**ATTENDANCE Present:** Jean Curtiss, Nicole Rowley, David Strohmaier, Anne Hughes, Annie Cathey, Katie Kliezt, Dori Brownlow

**Other Attendees:** Jerry Marks

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

**II. ACTION ITEMS****1. Request board approve revised bylaws for the Lolo Mosquito Abatement District.**

**Presenter:** Jerry Marks  
**Moved:** Nicole Rowley  
**Second:** David Strohmaier  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:**

Filed with the Clerk and Recorder/Treasurer's Office. Original to Jerry Marks, Extension Services & Weed Control District.

**III. CORRESPONDENCE** None

**IV. DISCUSSION ITEMS** None

**V. UPCOMING EVENTS AND INVITATIONS**

1. City Club Missoula - Monday May 15, 2017 11:30 a.m.- 1:00 p.m.

**VI. OTHER COMMENTS/INSTRUCTIONS** None

**Public Meeting**

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>

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MISSOULA BOARD OF COUNTY COMMISSIONERS  
PUBLIC MEETING MINUTES  
CONFERENCE ROOM 151 – COURTHOUSE ANNEX  
THURSDAY, MAY 11, 2017 - 2:00 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**

**Commissioner Curtiss** – Are there any public announcements? I received one that I thought I would share. There is a forum about the youth use of e-cigarettes. On May 17, at 7 p.m. at Sentinel Cafeteria, if you are interested. Statistically half of Montana high school kids self-report that they have tried e-cigarettes. So, it is another one of those statistics we wish Montana didn't have, but if anyone is interested. Any other public announcements?

**4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

None

**5. CURRENT CLAIMS LIST**

Claims received as of April 21, 2017 to May 4, 2017 by the Commissioners' Office total \$1,058,815.90.

**6. HEARINGS**

**a. Petition to Establish a County Road – Camas Road, Hole-in-the-Wall Road and Hidden Treasure Court**

**Commissioner Curtiss** – Our first hearing today is, we had a received a petition to establish a county road, Camas Road and Hole-in-the-Wall Road and Hidden Treasure Court and so I will just read the viewer's report.

On April 10, 2017, Commissioner Jean Curtiss, County Deputy Attorney John Hart, Steve Niday, Missoula County Land Surveyor Manager, and four local residents met on site and about 1:30 p.m., we met at the intersection of Camas Road and Hidden Treasure Court. After some discussion, we moved to the Hidden Treasure Court cul-de-sac and continued the discussion. The local residents were clearly opposed to the establishment of public rights-of-way on these two roads. The primary concerns expressed were; increased use by the public resulting in an increased burden on local landowners for road maintenance, increased liability for the County, and unequal treatment of these two roads and other non-public roads within the Jordan Ranch Estate Tracts. The person who petitioned is Robert Boucher and he was not present for the viewing, he was out of state for a family emergency and upon his return to Montana in May, he has discussed with Steve Niday that he may be able to get access that he wants in another way and so he's asked for a two-month continuation of the petition.

Is there anyone here who wants to speak about this petition today? Okay, then seeing no one come forward we will recess that and continue the hearing until July 13 of this year to give Mr. Boucher time to address the issues.

**b. Spurgin Ranch Subdivision-19 Lots**

**Commissioner Curtiss** – All right, our next hearing is a continuation of the Spurgin Ranch Subdivision, 19 lots. Christine is our Planner. I know that Commissioner Rowley took the time to watch the hearing that took place a

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couple of weeks ago so she is all up to speed on what was said that day so nobody needs to feel like they need to repeat it. Christine, we will let you give a recap.

**Christine Dascenzo, Planner, Community and Planning Services** – I will just try to be brief and recap what the subdivision is about and how we came to where we are today. So we have Spurgin Ranch Subdivision, a 19 lot residential subdivision proposing to create a 5.28-acre ag and utility lot on 20.01 acres and we followed all of the proper legal noticing, continued the April 27 hearing, and are here again today. The site is located west of Clements Road in Target Range neighborhood, south of Spurgin Road, north of Mount and east of the Bitterroot and Clark Fork Rivers. Here is the site plan. We have 19 residential lots ranging from 0.61 acres to 1.09 acres. We have a 5.28-acre ag and utility lot to the east on one loop road that provides access to the 19 residential lots and a shared access to lots 8 and 11. We have an eight-foot wide sidewalk on one side of the road. Just a little bit of information about how. When we went to Planning Board staff's recommendation was for denial and now we are recommending approval and this just discusses some of the factors that went into that change in recommendation. For one of them it's we have recommended conditions that would obtain zoning compliance for the ag lot and that is Condition #3 in the Planning Board summary. This is just a visual of one way that they could comply with that zoning compliance by moving the front setbacks towards the middle and creating a buildable area that would be compliant with the lot width. Another factor is the right of first refusal for lots 1, 2, 3, and 4. This was proposed by the subdivider, this can be seen in Condition #6, that would be the right of first refusal that would last for about 12 months from the filing of the plat, and those lots would be offered at 80 percent of the appraised value. Another factor can be seen in Condition #7 and that's securing the senior irrigation rights for the agricultural lot. So that was just one of the concerns we went into Planning Board with not knowing whether those water rights to the ditch were secured for the ag lot. The other can be seen in Conditions #13, 14, and 15, which provides for a trail connection to Mount Avenue from the interior sidewalk, and this is just the text of those Conditions #13, which outlines the combination of cash-in-lieu and land dedication. Condition #14 outlines the requirement for a 20-foot bike and pedestrian corridor through that lot. Condition #15 outlines that it would be required to meet the Class 1 Trail requirements in the subdivision regulations. I believe the last factor was the expanded area for the riparian resource and that would better protect that riparian area and the vegetation that surrounds the ditch through the agricultural lot. So here are all of those factors in one slide. Here is a little bit more on the agriculture and utility lot. We have run the numbers a little more and we have the encumbered, just some information on the lot as proposed. The potential encumbered area is 1.78 acres and the preserved would be 3.5 acres and that total preservation is 17 percent of the subdivision. With that right of first refusal concept, the potential preservation is an additional 2.9 acres and here is that information. This is contained in a packet on the back table if anybody in the audience would like to see that. In conclusion, we believe that the potential ag impacts have been mitigated, the subdivision would be zoning compliant, and there's potential for riparian impacts that will be mitigated. We are recommending approval and this should have occurred earlier, but this is just a summary of the public comment that we have gotten on this proposal and it's sort of separated by theme. I would say, the majority of folks who commented were voicing concern about the protection of farmland and the agricultural soils quality in their rarity. There were a number of comments about food security and healthy food. Some comments on affordable housing. One comment that solely said, no subdivisions in Target Range, and then a few comments on looking at the subdivision regulations again to address ag mitigation. Some comments came in with clarification or support of the proposal. There was a correction on the average age of farmers, I think it was stated at 56 in the last hearing and that was corrected to 58.3. There was some comment on an attempt to buy the parcel when it was for sale as a 20-acre parcel and comment that was in support of the subdivision, but wanted to see a trail connection to Mount and another comment that found the proposal and the attempts to mitigate agriculture as a creative solution. That is my presentation.

**Commissioner Curtiss** – Thank you. If I didn't officially reopen this hearing, I will do that. Is there anyone who would like to add additional comment today and as Christine showed you, we have received a lot of written comment and we of course heard comment last time, but if somebody has something new to add we would be willing to listen.

**Paul Forsting, Territorial Landworks, LLC** – I am here on behalf of the applicant. I do have a really brief, couple of slides to show, if that's okay with everybody here today. I did bring the original slideshow from a couple weeks ago and it has more pictures in it. I am not going to go through all of those, you watched them Commissioner Rowley and had a chance to talk to the other Commissioners about them, but I do have them if we wanted to look at any of the pictures or slides. I tried to condense it down to what I guess would be the most important things to hit on

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for the applicant. One, we are compliant with zoning and we are compliant with several other plans. We are compliant with the Growth Policy and specifically the land-use designation in there. We are compliant, we fit within the Missoula Urban Growth and service area and we are also in the census urbanized area. Some other important plans to consider are we are within the Missoula Urban Transportation District, we are within the Missoula Active Transportation Area, we are within the Metropolitan Planning Area, and we are also subject to the Missoula Urban Subdivision Design Standards. All of those plans put together are quite voluminous I guess you would say and they all talk in detail of what you would do in these areas and all of them are recommending urban level improvements and such. So those are important for us just from looking at where we are at in the world here. We have a bunch of overlapping important plans, we have bus service to this area and we've also got guidance from all these plans saying, 'Hey, this is within the area where we want to focus urban level services.' One thing we talked a little bit with the Planning Department, but we didn't have fully enough time probably for them to include it in their report, is that we did look hard and long at the ag lot that we had proposed and we are ready to shrink the lot sizes between lots 1 and 4, to expand the area of the agricultural lot. We had a 5.28-acre agricultural lot and with the adjustments that we've shown on here, on this exhibit, and we have provided it to the Planning Department and we've put several dimensions on it. It creates a 6.19-acre total parcel and that parcel is 31 percent of the total property. It expands the width of the ag lot on the Spurgin side by 50 feet and just kind of creates what we would say, just additional usable area for agricultural purposes. It shrinks lots 1 through 4. Just wanted to hit on some of these exhibits that we provided last time, just have a couple of them here, one is a pretty intensive looking ag parcel it's on Third, it's 160 feet wide. Our property is now 200 feet wide. It was previously 150 feet wide and so we had included this to show what people are doing on similar shaped properties. I wanted to bring up the youth farm again, it is 2.41 acres, it's 175 feet wide. We are going to be wider than this and certainly bigger than this. We won't have the buildings on it like this does and this is a pretty high yielding parcel I would expect. I get my CSA (Community Supported Agriculture) shares from there and it seems pretty intense to me. When I go there, it seems like they've got a lot of stuff going on. So we just updated the exhibit we focused on last time, or I at least had try to focus on and the acreages of the property. It is 6.19 acres; we are at 31 percent of the total acreage of the sight. If you look at the way we kind of thought, hey, what could be farmed and what's going to be for the drainfield and what's in the vegetation area by the ditch we've got, based on our math using the survey date, we have about 5.02 acres of land that could be farmed. That equals 25 percent of the property. If we add the 0.19 acres to the Planning Department's staff report that's at, that kind of gave us more acreage in the vegetated area. We are at 3.86 acres and that would be just adding our additional .91 acres to the acreage that the staff report had and we would be 3.86 acres, which is 19 percent of the property. So the number is somewhere in there if folks take ahold of this and farm it. The number is somewhere in there of our total acreage that we hope would be used for agriculture purposes. When we look at this property it is 6.19 acres, it is pretty significant size. It's over half of what the Peace Farm is according to the Garden City Harvest's website at 10 acres. It's larger than Pineview Park in the Rattlesnake, it's that 4.58 acres and then Bonner Park is at 4.84 acres and so we think of the magnitude of this park. It is a pretty significant park. It is a quarter mile long and so with the trail coming through here, with the agricultural activities that we are excited about that would go on here, I do think it is going to be a pretty cool area and it will be something that sticks out in the Target Range neighborhood. They've already got a bunch of wonderful amenities out there. They've also got some great schools, great parks, and we suspect that this will be another great one. Folks who come through this area who live on Mount and the half-acre houses to the south of us will be able to traverse through this property and make it to Kelly Island. Right now, they ride their bike, they would go down to Spurgin and come back around and this would cut off quite a bit from that route. I do think it adds some value as a linear park. We are lucky that there's, I think it is a positive that there's quite a bit of vegetation surrounding the ditch. There are some full mature trees. All of them are going to be proposed to, all of them will be saved in this proposal and so just some important aspects there. One important thing that we talked about last time, but just wanted to make it sure that we are absolutely all on the same page here; we had talked about the parkland dedication. We had originally proposed this ag lot as our parkland dedication. We thought it was sufficient for that, but at the end of the day we met with parks and the Planning Department and decided, 'Hey, what we will do is extend the trail, which we hadn't proposed, through the ag lot and we will do a little parkland, we will get 50 percent credit for our parkland dedication essentially and 50 percent will be used for the trail.' I suspect that that cash-in-lieu will exceed it then the cost of the trail and so really, we are basically paying for the trail and getting half credit for our parkland dedication. That's the way I see it. One thing that I did want to point out is that we did have a segment of trail along Spurgin and we would like that to be removed. It was a requirement per the subdivision regulations to attach our pedestrian circulation network had to connect to the ag lot and without the connection that we have now proposed it didn't and so we had provided it along Spurgin. We would like to get rid of that segment of trail, I have shown where it is at, and we had talked to the Planning Department about it and it seems like they would support that. It is just somewhat redundant there is a

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striped path on Spurgin and so we've got crossings over to Spurgin to there, but we've just requested that that not be required. And that's all I had here today. Rob is here today and Steve is on his way over from Billings and so he will be here any minute, but I'd love to have any questions you guys have and I will do my best to answer them. Thank you.

**Commissioner Curtiss** – Any questions for Mr. Forsting at this point? All right, any other public comment on this proposal or the new things that they've offered today?

**Devin Khoury** – Being born and raised on this side of town, I think it is critical that's it's done the right way, but as a citizen and also in the real estate community I think that this something we need and I think it's done in a very good manner. So, there's always I guess the struggle between not doing anything and doing something properly and having it done in a way that utilizes that land property so, I am favor of this. Being born and raised on that side of town, it is critical to me that there's some parkland and some things done properly, but in the real estate industry we have an extreme shortage. I don't even know if there's a residential lot for sale in the Target Range District right now, so from that side of it I think it is really a needed entity as well to have some type of inventory for the market, but done properly. So, I just wanted to say that I thought this was done in a very good manner. Thank you.

**Anne Rupkalvis** – I am just not really clear about the parkland situation and I am also not clear about if the trail connection, does that extend north to Spurgin or is it just the red line? And if it's gravel, can you ride a bike on that? And, did I understand correctly that the parkland requirements are met with the trail and the cash-in-lieu? Is that correct?

**Commissioner Curtiss** – Christine, do you want to answer those? So, the trail, the red line on there, is the additional that has been added since the proposal. So, if you look then the grey keeps going over so it will go all the way from Mount to Spurgin. But I will let Christine address the cash-in-lieu and parkland dedication.

**Christine Dascenzo** – Yeah, so it would be a combination of cash-in-lieu and parkland dedication. There's a section in the subdivision regulations that allows 3.10. So the required parkland dedication for the subdivision is 1.06 acres and half of that, if they are using the bike and pedestrian corridor, the bike and pedestrian corridor would have to satisfy at least 50 percent or no more than 50 percent as so the remaining amount would be provided by cash-in-lieu.

**Anne Rupkalvis** – Okay, so no parkland, but money and a trail.

**Christine Dascenzo** – So not a traditional parkland. It would be the corridor would be dedicated.

**Anne Rupkalvis** – Okay, gotcha. Okay, thank you.

**Commissioner Curtiss** – Thank you, Anne. Any other comments?

**Jim Cusker** – I am practically at any hearing such as this or any discussion concerning ways by which Missoula County can protect agricultural land. Invariably either this is expressed verbally or it's inferred. What in the world, is Missoula County doing attempting to protect little pieces of ag land here and there when Montana is simply covered with ag land? Well, I think there are several reasons that we should look at as to why Missoula County is on the right track at protecting agricultural land. Fortunately, for the sake of this hearing, we can use the Spurgin Ranch Subdivision as an example. Twenty acres completely covered with prime soil if irrigated. That designation of soil refers internationally to soils having the highest productivity as far as crop production is concerned. Missoula County has approximately 1.7 percent of their total land area in prime soils. It's a unique, rare commodity. International studies demonstrate that approximately three percent of our planet is covered with soils of this degree of productivity. Our human population continues to grow by leaps and bounds and it seems to have no stopping place. You can't feed people without soil. Every bit of protective soil needs to be looked at and preserved for future generations. Something else, last year here in Western Montana it was an extremely dry year. I started irrigating in early April, this sort of thing. I continued irrigating all summer, as did everyone up in the valley and of course; the pumps were on up the Bitterroot and the Mission valley as well. Here in Missoula valley we did all right. Our crops close to normal and in some cases exceeding it. Whereas, our neighbors on both side of us their crops were far below normal. What the heck was the difference? Availability of water. Period. Availability of water. We get our water from the confluence of two or three rivers, but we have an aquafer that is truly awesome and one that

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Missoula County has taken great pains to protect. We are in good shape and very obviously even though land may be designated as prime soil if irrigated, if you don't have water to irrigate you are not going to get much of a crop. So, yes, we are unique and so the argument that well, you can go 15 miles in any direction, you can cover the entire valley floor with houses and no worries. Not so. Not so. Lastly, just a few years ago at the county with the assistance of the University of Montana I composed a two-day climate symposium. Very interesting. Those of us who participated found that the best predictions showed that the Pacific Northwest would be one of the areas in the United States less impacted by climate change than practically anywhere else and that included western Montana. That's the good news. But since that is good news, it means that unlike the predictions for California, which are dire, they are suffering severe drought, they produce an enormous amount of food, they are not going to be able to do that anymore. Where are we going to turn to for our food supply? Well, we won't, if we allow these productive lands to be built upon here. Another thing at the science symposium was that, okay, you folks who live in the Missoula Valley, don't get too smug because with these predictions there are going to be a lot of people wanting to live because of our favorable climate, climate refugees, climate refugees. Well it really behooves us then to start right now protecting this valuable agriculture land for future food security and building on less productive land, the north hills. I look at it and I think houses, they look nice up there and you can't grow anything, you can graze cattle there it is important from that point of view. So my request today would be, let's start now in preparation for it by not approving the Spurgin Ranch Subdivision unless at least 50 percent of that valuable agriculture land is given permanent protection. Thank you.

**Commissioner Curtiss** – Thank you Mr. Cusker. Anybody who would like to comment?

**Rob Fleming, Spurgin Ranch** – I just wanted to quickly clarify that two weeks ago when I was up here I just let it be known that the property was previously listed for sale. And I saw that a comment came in regarding that and I just wanted to clarify. It did go on market in 2010 for I believe about \$900,000. The realtor at the time was trying to test the waters to see if any developer was interested. Let's all take ourselves back to 2010 and it doesn't take us long to realize that no developer would be interested. I don't know if a single house was built in 2010. We were in the wakes of a terrible crisis. So over about a three to three and half year period this 20 acre parcel sat and the price continued to be reduced all the way the down to \$650,000. So the gentleman, Mr. Carter, who I know commented on this he did in fact make an offer, but it wasn't for \$650,000 which, if you do the math, \$650,000 at full price that would have been 75 cents a square foot. His offer was \$500,000, which is about 57 cents a square foot. And I believe it also had a contingency that he could have it subdivided into four lots. Is that correct? Yeah. So he wanted it for 57 cents a square foot contingent on subdivision approval for four lots. Obviously that offer got rejected and times have changed and now if this gets approved, and it should be approved. I think it's a great subdivision. I think it mitigates ag in a very respectful manner and fits in the neighborhood. If it gets approved, after development costs, the owners could get between \$2.10 and \$2.25 a square foot and when you are looking at 57 cents a square foot and \$2.25 a square foot, that's beyond a haircut. I know that term was used last time. That's not a haircut, that's a scalping. I don't see how, just quite frankly, whether it's this subdivision or any other subdivision, I don't see how that gap in price gets subsidized. I think that that clearly shows that the highest and best use of this property is residential dwelling. It is surrounded by it, it is in the City's growth area or the growth plan area and the neighborhood has seemed to be fine with it. In fact, we get positive comments regarding the trail connection. We have listened to the neighborhood very carefully. When you take a look at all of the public comment that comes in it really is only regarding one singular issue. There's not much more we can do about that. So I want to thank you for your time.

**Neva Hassanein** – I don't want to repeat my testimony from before, but I want to add a couple of clarifications and as the gentlemen just said this is close to the City, it is in the County....sorry let me restate this. This area is in the agricultural overlay of the City's Growth Policy. It has not been decided, you know as was just suggested, that building in this area fully beyond what's already been built out there is complete. I just want to take issue with that. If you look, at the current policies that are created at least by the City and the ag overlay map that includes this area it is an area that is recognized as being of considerable importance in terms of the resource. I want to respond to a comment by Mr. Tucker from last time where he calculated what and tried to claim that this is a very small unimportant piece of land. Unfortunately most people don't understand how rare and valuable this soil is and I tried to send Christine a map and wasn't able to get it to her, but the numbers that are thrown around with respect to say that eight percent of the county is agricultural land. That includes the three types of which the prime soils are the absolute best. Those make up, naturally, about 1.8 percent of the county. The problem is, as you saw in those great overhead photos that the developers showed last time, a lot of that is already built on. The two types of soils that are

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on this property, the grantsdale loam and the desmet loam are particularly rare. Naturally, there is only 1,600 acres of desmet in the county. There's 1,400 acres of grantsdale, but that's just naturally a lot of that's already been built on and unfortunately we don't yet have good maps showing us what's left in any reasonable sizes. So I just wanted to put this into context because I am sure that a lot of folks in this room might think, why are they making such a big deal over this dirt? But actually, this is an extremely precious resource. It's rare, it's been built on with sort of little consideration in the past, but now you have a responsibility to mitigate fully for the impact to agriculture. I am confused by the fact that staff and the developer both come up with different numbers about the acreages involved and how yet they both seem to be claiming that it satisfies a reasonable mitigation. That is a little bit disconcerting. It feels misleading in a way. If this is going to go forward in this way that they are proposing now in yet another design, then I really beg of you to put provisions in the conditions of approval that the soil itself will be protected during any building process. Running huge, heavy machinery over this property will not protect it. You might as well build all over it, practically. The right of first refusal idea is not protection so the staff's logic in their table and memo to you really doesn't make sense to me. It's not protected to say that somebody would have the right of first refusal if they buy it within a year and keep it in ag. You have no way of knowing whether that will come to pass and chances are these are going to be very expensive properties and very small, smaller even now. I would suggest, if you are going to make a modification to think about maybe including one of those lots in the ag lot in order to create a viable small farm that has a home on it where a farmer could live, have enough property to make a reasonable market garden. The last thing I want to say, and I appreciate your attention, is that there is references by the developer in some of the comments that some ag group will buy this land and that there will be some, they seem to have some plan in mind for what will happen with this ag land which is confusing to me and without a home site on it is definitely going to have to be farmed by a community organization or leased out in some way to a small farmer. Regardless we just really need to mitigate for the impacts to ag land. When are we going to start doing that? You are required to do that under state law and Montana state constitution. Thank you.

**Steve Tucker, Spurgin Ranch** – I am not going to reiterate everything that I had to say last meeting. Ms. Rowley, I missed you the last meeting, but I am sure you have been brought up to speed on what's going on.

**Commissioner Curtiss** – You weren't here when I said that she actually made sure that she watched the whole thing.

**Steve Tucker** – Okay, good enough. I'll make this quick. I mean, it's obviously a hotly contested topic here in Missoula County. It is interesting though, and I do have to state I am from Missoula. I live in Billings, however now, and Yellowstone County and this state guideline is interpreted much differently in other counties across the state. That's not to belittle or to say that we don't have a responsibility to mitigate ag land, but I think that every farmer and rancher across the state would have issue with the valuation of their property and some consideration in that it wasn't their property to do what they wanted with; we recognize that this land is valuable. I never made any insinuation that I believe it is a small or unimportant piece of land. In fact, it has been in our family for 70 years and it's a very important part of our heritage, where we came from. I have farmers and ranchers on both sides of my family, my dad and my mom. This happens to be my mom's side of the family, the Richardson side; their mom as well was a Richardson. My Uncle Kenny who recently passed, he's a Richardson as well and we all grew up on the property, branding cattle, changing sprinkler pipes, vaccinating cows. It's funny, I never heard from any of these folks that are contesting agriculture mitigation when we were putting our work parties together. It's a lot of work. It's a lot of work to farm and ranch. Up at dawn and early to bed. As dad my would say, early to bed, early to rise makes a young man healthy, wealthy and wise. It has nothing to do with us not thinking that farming or agriculture is important; in fact, it is quite the contrary. This discussion is about personal property and property ownership rights and being able to do what you want with your property, as long as it falls within the guidelines of zoning and current guidelines governing what you can do as far as use goes. We know we fall within our zoning guidelines. We know that this is part of the Missoula Growth Policy. Infrastructure has already been put in place; easements are in place, road easements, plans for future City sewer and water, schools, hospitals, amenities already in place. This isn't some 20 acres, you know, 10 miles outside of Missoula. We wish that we could farm the place forever, we really do. It is not economically viable for us to consider that at this point. Even my grandpa who worked the soil for years, the only way he made it was subsidizing by selling off chunks of land. The focus of our effort here is in the wrong place. We are talking about ag preservation when we should be talking about farmers and ranchers and the preservation of the farmer and rancher. If you take care of the farmer and rancher, ag preservation is a byproduct. You've got to put your focus in the right areas. How many farmers and ranchers do we have here in the audience? A couple. I know that I can speak for my aunt Lorna and that she's not building extra barns to hold all of her money

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that she knows not what to do with. I mean it's a labor of love. You want to talk about economic viability, I mean, most farmers and ranchers out there are just hoping that they break even, that they make enough money to keep them moving to the next year. This 20 acres is a very important piece of property. We feel that we have taken that into consideration with our concessions. Every time we come to the table with a little bit more and we hear the same arguments back at us with no type of recognition or concession on the other side. They have dug their heels in. At 30 percent plus in agriculture mitigation we feel we have done our part. If this is to be treated as a public commodity or a public resource then the public needs to stand up and do their part. This can't all be on the backs and shoulders of the farmer, or rancher, or property owner. Thank you for your time.

**Lorna Richardson** – Yes, I am trying to continue farming. It is a major challenge. I ask my own children, pursue your own interests; you cannot make a living farming. It is a sad state when our young people are forced to leave Montana and go elsewhere for jobs. Farming is not in our best interest for our kids. They deserve an education. They deserve an inheritance. They deserve what your children would like to have. Nobody is asking you to be a county commissioner, a doctor, a lawyer, or anything for your entire life; you should be able to retire. I told you last time; the average age of farmers was 56. I went home and checked it; it is 58.3. There's not many youth that are being led into farming and can afford it, whether they inherit their property or whether they have people working off the property, it is not feasible to take rights away from landowners. This 50 percent is taking our retirement. If we need to sell our land, it should be our choice. It's not a public land. If the public wants it, they should buy it and it is not fair to say farmers should give 50 percent of their property so somebody else can enjoy their land. We work hard on our land. It has been public parks, we have people walk through our property, we have golfers, we have anything you can imagine, we have a ditch that the kids play in, we have trees the kids play in it, it is park land that they use, but we are liable should something happen to them. That is not fair to the landowners to be unprotected and I think you have the right to make sure young people can continue farming and it probably is not in Missoula where the city is three miles from our doorstep. We are getting forced out and the city is coming. We cannot stop it and it is zoned. People cannot change the zoning just like that every five or ten years. The zoning has been in place for years. Our property is zoned one house per acre, it is legally zoned, but people think oh well you can have this you can have that, but they don't come and help farm it. I would be glad to have a signup sheet and have people come at 7 a.m. and change the sprinklers, 7 p.m. and change the sprinklers. I am too old to do that. Thirty years ago, yes, I could do that, but it's a lot of work and I think Steven said that people go from morning until night and farmers are no exception. I agree with Mr. Cusker, they can build up on hills and things, but do they? It's too far from water; it's too far from town; it's too far from other things. Mr. Cusker's own son is a builder, a very excellent builder, he built on some of our property and I would recommend him any day to build, but I don't think it's our right to say that we cannot build, we cannot do this, and we can give 50 percent of our land. That is ridiculous and it is absolutely wrong for these people to sit in this room and say, they can grow food for these people. They can come out and garden, they can come and do things. There's community gardens, there's all kinds of things. But do people want to do that? Kids don't even know where their eggs come. I listened to a talk show, the guy said, where do the eggs come from? The grocery store. Where does your milk come from? The grocery store. I thought the guy was kidding, but the more I listened it's true; kids don't know how their food is put on the table for them. Maybe it's time we start putting money towards younger people farming. We can put \$43 million towards parks and things, but are we doing this for our young people to farm? How many in this room have mentored a young person? Not my age, but 40 or younger, have you taken the time to mentor them, help them get started farming? Probably not, we have and we would like to continue to do that, but I don't want to farm until I die and I think we can do our inheritance the way we'd like to and my kids have that option to do what they would like with their futures. Thank you.

**Commissioner Curtiss** – Thank you, Ms. Richardson. Any other comment? Okay, then I will close the public comment section.

**Commissioner Strohmaier** – I will have a couple questions for the applicant or the applicant's representative. But before I do, I just want to make a few prefatory comments. Hopefully the applicant, property owner and others in the public had a chance to see some of the comments that I posed to staff in a staff memo, their answers back, which were more or less an extension of some of the questions I posed at the last public hearing that we had on this. But I guess first off, thanks to the applicant, thanks to Mr. Tucker for making the trek over from Billings twice for this. I really appreciate all of the thoughtful comments both pro and con that members of the public have offered on this proposal, which I think is a good model in juxtaposition to some of dialogue we see in Helena and Washington D.C. at times. I also definitely appreciate the applicants, the property owner's willingness to offer some concrete agriculture mitigation measures and as we've seen today to even amend some of the previous thinking and some of

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the other features of the proposal. For instance, the dark skies lighting piece of it I think important and I think that's creative and that's what I would like to see in our building community going forward throughout the Missoula Valley. Mrs. Richardson, I absolutely concur with your comments about promoting farming there are two sides to this equation. I think we have heard from folks who are concerned about the soil, it's kind of a chicken and the egg; you've got the soil, the resource itself, but you also have to do, I think we as a community need to do more to nurture the future farmers. So, a few overview comments then my questions. As we have heard from some testifying, state definitely mandates that the governing body, in this case the Board of County Commissioners, weigh criteria for subdivision review and that includes impacts on agricultural, the natural environment etc. Unfortunately, I think some of you may know, no priority in state statute is given to the consideration of one criterion or another; they are just lined out as factors or criteria for consideration and regrettably neither state statute nor our local regulations here in Missoula County provide any specificity regarding how the governing body will mitigate potentially significant adverse impacts. I really want to be clear here and lay my chips on the table, so to speak, I believe that the permanent conversion of prime, if irrigated soils indeed for residential use is a significant adverse impact that we need to wrestle with today. Unfortunately, I don't see in the applicant's original proposed ag mitigation measures, or even those offered up today, that those meet what I would see as adequate mitigation, nor do I see the post-Planning Board conditions that address right of first refusal as adequate. Specifically, I think we need to be shooting for something closer to the kind of one-to-one ratio of development to mitigation at a minimum. I just do not see the time limited right of first refusal for the sale of the ag use of lots 1 through 4 as anymore adequate than if we were contemplating the right of first refusal on critical wildlife habitat or a riparian zone. I don't think we would go down that path there. So, I tend to think it would have been more ideal for the ag lot to have been on the west side of the parcel from the get go, or the lots more tightly clustered to retain the development potential, the zoned potential, yet still provide that one to one ratio. But that's clearly not the point we are at today and I must say that I do not like to, at the eleventh hour, reengineer subdivisions on the fly, but in the spirit of still looking for a way to balance fairness to the applicant with resource protection I want to offer up three additional options. Possible conditions that I would like to hear from the applicant as to whether or not we can get any closer meeting of the mind in terms of agriculture mitigation. So, the three options I want to put out there, and would love to hear from the applicant or the applicant's rep on this. Option one, delete lots 1 through 4 and combine them with the existing ag utility lot, which can either be reserved for the HOA [Homeowners' Association] or sold as an ag lot with a deed restriction that the lot is for agricultural use. So it is a complete deletion of lots 1 through 4. The second option is delete lots 1 through 4 and combine these lots with the existing ag utility lot and allow the applicant to include four additional residential lots within the balance of the subdivision through clustering; this essentially retains the zoned density potential of the parent parcel while opening up more space for ag mitigation. The third option, this is somewhat akin to what Josh Slotnick suggested in an email that hopefully the applicant and others had a chance to look at. And that is to retain lots 1 through 4 as building envelopes for one additionally dwelling unit so it would essentially be the home for someone who would be actually farming the ag lot, but retain those lots as building envelopes for one additional dwelling unit that would be attached to an enlarged ag utility lot which again would be deed restricted for ag use only. Under any of these scenarios, I think Ms. Hassanien and her suggestion for adding a condition that would minimize or limit construction impacts on that ag parcel is a reasonable one. So anyway, that's maybe a little bit confusing, but I would love to hear from the applicant or applicant's rep on either or all of those possible alternatives.

**Paul Forsting** – Yeah, thanks Dave. Some interesting requests there. One thing that I wanted to make clear is, with the right of first refusal we have talked about it as a group. We see those as four potential building spaces that somebody could buy and they could be clever with an ag group and could lead the way by putting one house on it if they save it all or two houses on it. And that value, they could, I would assume generate enough value to offset and we want whoever buys that to use the remaining agriculture. I think what you are saying is take away the three; we are saying we will keep all four. That's very important because we are also skeptical that nobody's going to step up and buy it. In this scenario, there's only one person giving, that's the applicant, and the right of first refusal is an attempted compromise to introduce as a condition. It says, 'Hey, we will create these lots and if somebody wants to buy them at a reduced price we will sell them and they can do what they please with them, assuming they are an ag entity and they have ag and preservation in their mindset or their mission.' We have talked to the neighbor, we have talked to Bob who is one of the neighbors and he has an ag non-profit group and we have met with him three times. Jim Cusker was there for all three meetings. Fred Stewart was there too and we felt like that was a compromise to things we had heard them say. It doesn't represent exactly, we talked about a lot of things, but we did talk about it and we do think that possibly Bob or some other entity would be excited about it. With the 6.19 acres all we are looking for there, I've said this a couple of times, all they are trying to get is I think the taxes paid for on it. If

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somebody would pay the taxes that 6.19 acres would be, I think that's all that anybody is looking for from it. For lots 1 through 4, our current proposal provides a mechanism for how it would work. It is important to note, I was looking around for other examples of how big our park is and how far we have come, in 2003, very large subdivisions were approved on important ag soils. Canyon Creek Village, Canyon East Subdivision, Windsor Park, I think hundreds if not thousands of lots were created at that time. Our park exceeds their total park acreage for all of those people and all of their area. To get to 50 percent or to get to a one to one ratio, I think that is going to take generation of people like Lorna holding on until their last breath. I don't think our community is there yet. I think this, I meet with the building industry quite a bit and I am on the governing affairs committee and this is pushing the limits of any of their comfortability and I don't think anybody is going around and say, 'Yeah, 25 percent is fair.' I think farmers will line up and say 25 percent is way too much. We feel like in this situation this is appropriate. We feel like a user will be found pretty quickly and we feel like it is kind of over the top in a lot of ways. And so getting rid of four of the lots, well if we get rid of those four lots we still have the same infrastructure requirements and the same cost burden to create this subdivision. It's really something that although it sounds easy enough to do it's very expensive to develop this site. We are going to have to put in state of the art wastewater system and I see Dan from the Health Department is here and he'll make sure of it. It is super high quality and that wastewater system will have to be easily connectable to the city sewer. It will be ready for city development so there will be added costs for that. There is already city sewer easements out here and there is right-of-way platted on the adjacent farm and so we talk about moving the ag to the other side. Well, that abuts a 60-foot road easement that's platted right through that adjacent farm. Yes, the city does have plans for this area and the city has many of them and most of those are for urban density development. They have acquired easements for growth. I think I speak pretty confidently here that what we have here is, we are not interested in deleting lots 1 through 4. Yeah, Dave.

**Commissioner Strohmaier** – Yeah, so that was essentially one of the possibilities on the table. The other would be to retain the zone development potential. Essentially, you can build 19 lots, but incorporate those four that are currently off to the one side to the east within the rest of the subdivision, which would require shrinking some of the lot sizes to absorb those. But, I guess I offer that up as a means to retain as much value as possible yet still achieve the goal of setting aside some more meaningful contiguous ag land.

**Paul Forsting** – Yeah, and I think that's something you would see if that was a regulatory requirement if it said, 'Hey you to find 40 percent.' We would have already engineered it to that. But the requirement is vague to say the least. We've kind of talked about what it is to mitigate ag, we've talked about it for quite a while and so to shift over and to do that right now and to put those houses somewhere within that. I am not sure how that would work. We would have to reengineer some stuff there and I just, at this late stage, I don't see how we would get there. I think that's something that would be very important to put on the very front end. I have said this a couple of times and I've probably haven't had a chance to say it to you, Dave, but if there was some opportunity where we could have a pre-meeting with the commissioners and we could say, 'Hey, this is what it was going to take to get us to the end.' We would do that. We would jump at that opportunity. We've contemplated going to the CAPS update meeting and just saying, 'Here's our subdivision, how do you feel?' Really, because then I could tell my client, I could say, 'Hey, do you guys want to spend \$50,000 to get to this meeting right here to figure out if you are going to yes or no what it is going to take?' Without that, all we have is the regulations. If the other two commissioners said, 'Hey, that's the only way you are going to get it approved.' I think we would have a situation where we would have to really, really strongly consider it. As of right now, I'd say no. I'd want to hear what they have to say, but moving them in and making them smaller; I mean they are already relatively small. They abut two-acre lots to the north there; with the right-of-way extracted, they are all close to half an acre. Right-of-way eats up quite a bit. Probably two and a quarter acres of this property will go to right-of-way, that's for the road. There's not a whole lot left for the houses here and some of the value that are going to be retained people want to live in a little bit larger house and that's what's going to pay for this county public road infrastructure that we are going to put in. That's what's going to pay for their sewer system. Hopefully that will answer your question. I know it's not what you want to hear.

**Commissioner Curtiss** – Commissioner, would you like to make comments?

**Commissioner Rowley** – Okay. So, first of all, I apologize for missing the last meeting. The undersheriff and I were at a Jail Diversion Peer Exchange in South Dakota, but I do appreciate that we have everything recorded and I was able to watch it all, which is actually better because you can pause it and rewind it and really kind of take notes as you go so we should do that for everything. I have several disjointed thoughts and questions so bear with me and they get kind of long and a lot of it has been said today in comments and said in previous comments so if it doesn't

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make sense you can just ask me specifically. First of all, I would like to thank the developers for their voluntary concessions to this project. I think that it truly shows a good faith effort to save ag land when there is no hard and fast regulation to do so. Giving concessions with the parkland when ag can count as parkland and being willing to put in a trail still and the more acreage and I think that this was truly a good faith effort on your part and I appreciate that so thank you. I had a question about, it was said that Ravalli Land Trust bought a parcel and sold it to a conservation buyer and then was reimbursed from several different pots of money and that made me really excited because that would give us a new way to come up with money that we could subsidize things like this, right. But I looked into that and it was just conservation. A land trust bought it and held onto it until a conservation buyer was found, which is something that we actually do in Missoula County, and so that kind of fizzled my fire a little bit. So then, I was, can we use Open Space Bond money to subsidize? If they are going to give an 80 percent discount and open space money could give a 30 percent discount and it could be sold for 50 percent. Staff says that is an option open space money can be used for things like that. It would be in the city's bond money though and I don't know historically they haven't used that for preservation of agriculture, but it is something that we could look into. I was trying to think of other ways to finance subsidization of something like this because I mean, we all have the value of conserving ag land, what the barrier is, is money. I thought about using a model of impact investing for ag land preservation. I don't know if there is a good model for that or one at all and I was just at a housing conference and ran into Hermina Harold from the north Missoula Community Development Corps and she said, CFAC (Community Food and Agriculture Coalition) and they were working on a grant or got a grant to look at impact investing for combining affordable housing and ag land preservation. So, again, hopefully moving into the future we have ways that we could subsidize something like this because it is true if we are going to call this a public value and a public land then the public needs to help pay for it. I had some general questions. Dave's suggestion is good about tightening up the lots and putting four more lots there and making the ag land there, but is it generally feasible to make as much money with clustering and saving ag land as one could make with a traditional full build out design and to what point? There's got to be a balance point there. You can cluster so much and make so much money, but at a certain point you are going to start, it's not economical to do that anymore, and we aren't privy to the numbers involved in this. I would be interested and you don't have to share the numbers and I appreciate we got some numbers today, but where is that balance, what is that tipping point and how much of a scalping or a haircut is there going on with the different design options? The zoning for the property has been the same for 40 years residential, one per acre. The current landowners have a reasonable expectation to be able to achieve that with their land and again with clustering they do, but they shouldn't be forced to cluster so tightly that then it just doesn't pencil out and they are going to lose their shirts on it. I am reading. I wrote my thoughts down, sorry. Also, with that clustering conversation, keeping in mind that lots near open space do sell for more money; would an alternate design that saves more ag be possible without losing more money? And I am kind of looking into this. The sense that I got from talking to people is that there no market for tightly clustered or smaller parcels in the \$300-500,000 range. There is, in the cheaper market range, but then you need the more lots in order to be able to pay for it, and with those, more lots you end up not being able to mitigate ag, and so really the clustering and saving ag land doesn't work with the current market place is my understanding of the current situation from conversations that I've had. I did have a specific question for Paul, talking about deed restrictions on the four parcels, if a conservation buyer comes and buys those, is the intent that there would be a deed restriction or would they just or do you have no intentions of deed restricting, or what's the intent?

**Paul Forsting** – I guess we would leave it up to them. You know, it could be a win-win. Some group could say, 'Hey, we'll show you how to cluster homes and we will show you how to get the value of it and we'll provide you a comp so to speak in the real estate world.' And so, they could certainly do that. They could say we are going to push these houses as far as we can to the road, four of them, and we are going to deed restrict the rest of it. I have been trying to be very clear that would be connected to the whole ag lot. The whole concept would be they have access to the whole ag lot, whoever the ag user was. So, does it end up with a deed restriction? Do they somehow self-impose a restriction on there? Yes, presumably. I mean it would be, the most unfortunate scenario with what we are talking about here is, if somebody came and said, 'Oh yeah, we are going to protect this ag.' And then they just sold four market value lots and got a 20 percent discount on them. And so we'd love to come up with some kind of solution regarding that, but they could build one house. They could put one house out there and say, 'We want to save all of this, but one house we can get this by the open space and get a ton of value for it and so we can make up whatever that 80 percent appraised value is.' It is just a concept. We are just throwing out there. There isn't a lot of market rate things for clustered houses. I think what you could buy for \$300,000 house is very small and so I am sure you could get great value for any type of house really, but how does it compare to something like this? I don't know.

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**Commissioner Rowley** – And for the current ag lot, there is no building envelope for someone, some outside entity is going to have to do that, or somebody who lives in the neighborhood is going to have to?

**Paul Forsting** – You, Commissioners, would have to lift the ag restriction on it. It will have an ag restriction on the plat and it matching something that Tim and Christine had showed us from something else in the Target Range. We have language on our exhibits and on the plat that says something like, ‘This is an ag lot and you can only use ag buildings’ and so it’s kind of like an ag exemption lot or subdivision. Whoever had it would have to come ask for that to be lifted from you, Commissioners.

**Commissioner Rowley** – Okay, thanks. I had a question similar to what Dave asked last time about if we change x amount what part of the process do we have to go back through and how much process would we have to go back through to see if we can maximize saving more ag land without causing more money loss by the developers? But time is money and redoing any of the process this late in the game is going to cost money. I really am interested in adding a step to our design review in the future to help get this problem taken care of earlier. I hear that it was suggested this time, but perhaps wasn’t followed up on or wasn’t done in a timely manner. It sounds like there is another subdivision that’s going on right now that is pre-meeting with the ag community and is really coming up with a design that all parties amenable to, hopefully, and so we don’t get into this situation again. I really think that needs to be built into the design process because this is unpleasant for everybody. If you think it’s fun to sit up here, it’s not and I’m sure none of you are having a good time either. So, hopefully, I would like to look at the process that we are using. I don’t have a ratio of ag land that needs to be preserved in my mind. I just want to do the best we can for any given particular parcel and the reason we voted against having a one to one ratio is because that’s not going to pencil out in every situation and it’s not going to work in every situation. Sometimes it could, sometimes maybe you could save 75 percent, but sometimes it’s not going to work and we need to have the latitude and the ability to make those decisions on any given basis. So, I understand it is frustrating. The way it would work is if we could require a one to one ratio and then have money to subsidize the price so the developers aren’t again losing their shirts in the deal. The percent mitigated would be different for each project, but I do think we can change the process at least so that it is possible to get a reasonable concession by the development team for maximized saving of ag land. Again, going back through this current proposal though and making changes to it now at this point is going to add a lot of time and money to the project. I have to remind myself to stay in my lane. We don’t design subdivisions. We determine if a proposed subdivision meets the current regulations and their intentions. I think that we are potentially blurring the lines of what our lane is here in this subdivision. Sadly, I have to point out that we are coming to this conversation very, very late, as has been pointed out. Most of the good soils are located where Missoula has been built. The community at large has invested in Target Range as a place grow by placing critical infrastructure there. Trying to save the last scraps of good ag land now is noble and it’s important that we do what we can, but it places the entire conservation burden on the backs of a very discrete population of remaining land owners as opposed to the community at large. When an issue represents a community value the community at large is responsible for protecting those values not the few unlucky landowners who are left with that good land. We recently saved over 500 acres of ag land in urban area with the Deschamps Conservation Easement and I think that many interested parties have glossed over or forgotten that, and minimized it’s contribution to the larger conversation here. We need to consider ag land and the economy, even if price is taken out of the equation. Farming is often times not economically feasible. It has been for sale for two years for ag. We got the new news about the different pricing and whatnot and I can’t make a judgement ag price or anything like that, but I do understand the inherent problem there. To the issue of not providing affordable housing, since it is going to be in the \$300-500,000 dollar range, the market in Missoula needs housing at all levels not just the direct build of affordable housing in order to allow for movement within the market that will open up attainable housing for people of more modest incomes. The building of any stock of housing is going to make housing more attainable for all people. I like the concept of a right of first refusal; that hasn’t been done in my time here, I don’t know if it has ever been done, but it hasn’t since I have been here. I thought it was creative. Some people commented that it wasn’t creative enough, but I thought it was a creative idea and was a concession by the developers. In areas like this that are fantastic prime soils and are great areas for farming, I would like to see more dense clustering if possible and the resulting preservation of more ag land. I do think that potentially could have been feasible here earlier in the process, but I realize the significant design constraints that exist, that it needs to pencil out that we are very late in the game to be changing the rules on the developers. Again, I would absolutely support changing the process moving forward so ag is brought up sooner in the review process and there are no surprises. In the end, I think it would be difficult to argue that a 31 percent set aside isn’t meaningful, 19 percent if you take out the other pieces that aren’t going to be used for ag. I think that would be difficult to argue that that isn’t a meaningful number. The Planning Board and staff

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have determined that the proposal sufficiently mitigates for the loss of ag land and conforms to all current legal standards and I tend to agree. We are giving this particular criteria in state law really much more weight and scope then we give any of the other criteria and we don't have the luxury of making decisions based on philosophical arguments. That's all I have to say.

**Commissioner Curtiss** – Okay. I'll just throw out a few things before we discuss further because there was some interesting things today. I too think that coming up with the right of first refusal, and now today, even proposing to shrink those lots even more so that there's more potential ag land and it also kind of connects to that little parcel that we've shown as being more isolated for use. I think those are creative. I think that they are a good step. I don't what we need to do to write to protect soil during construction we can probably figure that out because I don't think that's a bad idea either. I just want to touch on the, we did receive the comment today from Heather Wills of the Wills Cattle Company, just this whole concept about generational farming. I grew up on a farm. Half the land is still in my family's ownership, although I only have one brother that has "hay burners," as my dad calls them, horses. We don't have milk cows anymore. We don't have chickens anymore. We don't have cows anymore because you never could make a living in Condon on a farm. My dad always had to work in the woods or for the highway department or something. Farming was how we ate and supplemented, I guess. We really have to acknowledge that this is their retirement and how would any of us feel. And they often don't have a 401K, they don't have a retirement plan to pay into, so how would we feel if someone asked us to donate a quarter or a half of our retirement for a very good cause? I mean there are some good causes. There's a lot of mental health issues here, there are kids that are hungry, maybe we should clean up the water in Flint, Michigan. Shouldn't we all contribute to that? But I think we just have to not forget that piece; this is their retirement. You can't always make a living on that piece of really good soil. I know some of you are angry that we didn't adopt, or disappointed maybe, that we didn't adopt the ag mitigation proposal in Dec. of 2015 and many of you took part in the community discussions about ag land last year and we don't have the final report done, but I am confident saying that every group identified through those community discussions, the need for a pot of money to make landowners whole. I think that that's fair. As they designed here, they have given up depending on which math use and how much of the land you count, somewhere between 19 and 30 percent so that's not insignificant. I get that I live over here by Lowell school and while I can grow a garden because I keep adding stuff to the soil, there's a darn lot of rocks in my neighborhood because you know we are what got dumped out of the bottom of the lake. While this 50 percent set aside gets talked about a lot, I think it's really government overreach if we don't have some way to compensate them for the value that they are giving up. It's not in any of our regulations and it was not on the frontend, and you know there are infrastructure costs and that has to pencil out and it is in the urban area. There are just so many things. Also, as you start, I just don't believe that it is our business to start redesigning a subdivision. I drove out there. I have to admit that I said, 'Oh my gosh that's a beautiful piece of land.' But there's a lot of houses around there and they used to be somebody's meadow, probably some of the Richardson's. So you have the character of the neighborhood too that you have to consider because as we have been in Target Range many times, Fred can testify to that, I know that clustered subdivision at the corner of 7<sup>th</sup> and what Clements, is not the favorite thing in that neighborhood. It did cluster, it did save some land for the future, but it really doesn't fit the neighborhood that well so you have to keep that in mind. And then as Cola said, there's so many other things that we have to weigh; the connectivity to the infrastructure in the area so that the roads line up with other roads, so the trails connect things, so there are just a darn lot of other things to weigh. I think that we are going to have to figure out some ag group, some community group, all of us are going to have to figure out how to put money in a bucket because we can't expect the people who have worked for generations on this land to be the one to carry all the weight. So it's going to take money and it probably isn't open space money it's probably something a little different that talks about ag land. I will open it up for any other Commissioner comments; we may have some amendments to make.

**Commissioner Rowley** – I guess one thing that's been discussed is the condition of protecting the ag soil during the building process. Do you want to address how you would feel about a condition for that?

**Paul Forsting** – Yeah, I guess I would wonder if Tim has ever heard of something like that? We are not opposed to doing it. Some of the folks with a little more history with the property said, well they drove all over when they were building Spurgin Road and now it's what we are protecting. We certainly don't want to damage the soils during construction. I am not a builder, myself, but I don't know what techniques you would, what that means to be honest with you.

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**Commissioner Curtiss** – Yeah, I don't either. I don't know if piling it up makes sense and then you spread it back out.

**Paul Forsting** – We've got to put a drainfield in the ag lot and we have to put a pipe in there and we are going to have to build a trail, but nothing else really needs any equipment in there. I don't know if we are talking about on everybody's house what they are going to do, but we could at least add some provision in the covenants to say, a recommendation of sorts, but to but some language in there that soils are important not to over compact and remove.

**Commissioner Curtiss** – I have heard of a subdivision in Billings that actually piled it up and sold it.

**Paul Forsting** – Yeah, and so we could say not to do that.

**Commissioner Curtiss** – Yeah, Dave.

**Commissioner Strohmaier** – Yeah, Mr. Worley might have some thoughts. My thought here is that short of having a condition that would ensure this be the case. I am not implying that when you do construction out there that this would be the case, but have the assurance that the area outside of the designated, I mean adjacent to lots 1 through 4. That it not be used as a staging area for a bunch of equipment that could tear things up and maybe not make it completely unusable for agricultural purposes, but so compact the soils that someone else is going to have to do some work.

**Tim Worley, Planner, Community and Planning Services** – Commissioners, some language I worked up. "Soil compaction on the designated agriculture and utility lot shall be minimized to the greatest extent possible as illustrated in a plan to be submitted, reviewed and approved prior to final plat approval. The plan shall be recorded as an addendum to the covenants and shall not be amended or deleted without governing body approval."

**Commissioner Curtiss** – So, Tim, would you propose that that could be as simple as we are not going to park all of our stuff here? I mean, it wouldn't have to be anything really difficult, right? Just a guarantee.

**Tim Worley** – I don't think it would have to be difficult, but it might be wise to show how they are going to stage, if there's silt fencing involved, just how circulation is going to happen, I guess and staging.

**Commissioner Curtiss** – Probably some need to protect the riparian area anyway with some of that stuff, yeah. Other than the trail they won't be in there.

**Paul Forsting** – That sounds fine. We have to do a SWPPP, storm water prevention protection plan, I think that's what it stands for, and so we have to make sure run off doesn't go all over the place and has to be administered. We have to do detailed construction plans and within that we can say where we are going to stage the equipment and really kind of illustrate to the Planning Department to their approval that we've done what's necessary to minimize the impacts to the soil.

**Commissioner Curtiss** – And then if we agreed with the concept of, because the trail now connects Spurgin to Mount, so it also connects to the ag lot that little piece with the x on it there could be deleted. We would just need an amendment to say that if that's the way we want to go. Right, just to delete from I guess we don't have names on them yet, but?

**Commissioner Rowley** – Could you repeat that? I am confused.

**Commissioner Curtiss** – If you look, the original plan doesn't have the red lines. It had the trail go along the one side of the road and then once it got to Spurgin, within the subdivision, needed to connect up the open area for the neighborhood itself and because they now are connecting to that open land this direction and also getting to Mount. The trail on Spurgin is on the opposite side of the road so it would just probably not be needed.

**Commissioner Strohmaier** – So, would that be an additional condition of approval? The deletion of that section of trail and I guess, what are your thoughts Tim, as far as doing that?

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**Tim Worley** – That probably makes it the cleanest. Even a finding that's clear would probably do the trick, but if you add a condition you would actually be modifying the plat that was submitted. So that's probably the best way to go is actually a separate condition.

**Commissioner Curtiss** – And then the finding to go with it would say because the connection is made in another way. Okay. And then the other discussion is if the Commission likes the proposal that was presented today that's shown on the screen now is showing those lots being a little smaller lots 1 through 4 with the additional land being added to the ag lot then that would be a plat modification also. So, Tim and Christine, you guys are the ones that are kind of the keepers of the notes. So what would be the best way to go forward? Would you like us to make any amendments to what came to us from Planning Board plus, you had a memo too right?

**Christine Dascenzo** – There was, I believe, two memos since Planning Board from CAPS staff. I think one good way to move forward is to reference the plat that came with the application; so, rather than this exhibit, referencing every change back to that plat that came through the process.

**Commissioner Curtiss** – So, in our big book, are we talking about the big ones? Or is there a smaller one in here that we should just use as our basis?

**Christine Dascenzo** – Yeah, and they should be the same just different sizes.

**Commissioner Rowley** – So how would you suggest that we describe the new lots 1 through 4 though that's in this? As referencing the original plat, is there a written description of that that we could...?

**Commissioner Curtiss** – That one would almost have to refer to this.

**Commissioner Rowley** – Yeah.

**Christine Dascenzo** – Yeah, so you could say something like, "The developer shall expand the agricultural and utility lot by more or less 0.9 acres and decreasing the lots 1 through 4 as shown in an attachment." We could reference an attachment.

**Commissioner Curtiss** – So, if that's a new condition do we need a new finding just to say this would add to the ag mitigation?

**Commissioner Rowley** – And is that a plat modification or a just a new condition?

**Christine Dascenzo** – I think it would be both.

**Tim Worley** – Yeah, you could just apply it as a condition of approval that will modify the final plat that has to get filed at Clerk and Records.

**Commissioner Rowley** – Do you want to go through motions for new conditions first or an overall motion on the subdivision?

**Commissioner Curtiss** – I think the new conditions and then the whole. So, that was reducing by approximately, how much?

**Commissioner Rowley** – That added 0.91 acres to the ag lot.

**Commissioner Curtiss** – Okay. Do you want to do that one?

Commissioner Rowley made the motion that the Board of County Commissioners add a condition of approval of plat modification to decrease the sizes of lots 1 through 4 as shown in an attachment that we will have to increase the ag lot area by 0.91 acres. Commissioner Strohmaier seconds.

**Commissioner Curtiss** – Further discussion?

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**Commissioner Strohmaier** – Yeah, I just want to say that I think this is a good move in the right direction. It may not get me to where everyone wants to go, but I appreciate the concession.

Passed 3-0

Commissioner Rowley made the motion that the Board of County Commissioners add a condition of approval deleting the section of the trail on Spurgin Road from the original submission.

**Commissioner Curtiss** – Because that's the only piece that was on Spurgin, right?

**Christine Dascenzo** – There is a connection. So it might just be safer to say that the segment of trail that goes along...

**Commissioner Curtiss** – Adjacent to lot 1.

**Commissioner Rowley** – Okay. I amend my motion.

**Commissioner Curtiss** – Okay. Delete the section of trail on Spurgin adjacent to lot 1.

Commissioner Strohmaier seconds.

Passed 3-0.

Commissioner Rowley made the motion that the Board of County Commissioners add a condition of approval with the language [Soil compaction on the designated agriculture and utility lot shall be minimized to the greatest extent possible as illustrated in a plan to be submitted, reviewed and approved prior to final plat approval. The plan shall be recorded as an addendum to the covenants and shall not be amended or deleted without governing body approval] that was read by Tim Worley earlier regarding the compaction of ag soil during the construction phase. Commissioner Strohmaier seconds.

**Commissioner Curtiss** – Tim, would you like to read that into the record again so that it is easier for staff to type that?

**Tim Worley** – Soil compaction on the designated agriculture and utility lot shall be minimized to the greatest extent possible as illustrated in a plan to be submitted, reviewed and approved prior to final plat approval. The plan shall be recorded as an addendum to the covenants and shall not be amended or deleted without governing body approval.

Passed 3-0.

**Commissioner Curtiss** – Do the things that we just did have adequate findings or do we need to add to any findings do you think? I mean, we talked about the fact the reason we deleted that trail is, I guess we should add that one finding. One finding to say that deletion of the section of trail on Spurgin, the reason for it has been met with the new trail? Something like that. John, should we craft findings right now or?

**John Hart, Civil Deputy Attorney, County Attorney's Office** – You don't have to. It may be best to craft some later. I don't think we need to craft findings right now. Obviously, it's important to craft some conditions right now, but the findings, I think we can fine tune those later.

**Commissioner Curtiss** – Right and I think we have talked about why.

**John Hart** – Exactly. The findings that we craft will reflect the comments and the discussion that we have had today.

**Commissioner Curtiss** – Okay. And then, should we have an additional amendment just to say that the developer will provide a corrected plat to reflect these things or is that an assumption that we don't have to make a finding or condition?

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**Tim Worley** – I believe that is self-evident from what you have come up with so far.

**Commissioner Curtiss** – Okay. I like self-evident.

**Commissioner Rowley** – Were there any other conditions that we discussed that we have not made motion on?

**Christine Dascenzo** – I have one staff recommendation. This would just add to a recommended Condition #6. Add in language about the price that I don't think we got in there originally. That is underlined in blue on that slide.

Commissioner Rowley made the motion that the Board of County Commissioners amend recommended Condition #6 to add the language at a price no more than 80 percent of the appraised as shown in this slide. Commissioner Strohmaier seconds.  
Passed 3-0.

**Christine Dascenzo** – And sorry, continuing on this one, we also have in here the exclusive use of agriculture and so that has come up in conversation so I just wanted to point that out and I am not quite sure where we landed, but I think it remains exclusive to ag.

**Commissioner Rowley** – What's the confusion?

**Christine Dascenzo** – Well, with the talk of lots 1 through 4 as potential building sites.

**Commissioner Curtiss** – What you are saying is the condition makes that assumption and there would need to be some mechanism at the purchase to show that it's going to be used exclusively?

**Christine Dascenzo** – No, sorry.

**Commissioner Curtiss** – It doesn't say anything about a house though, does it?

**Christine Dascenzo** – Right. So, this wouldn't allow for a house on the agriculture and utility site, but from the head nods, I think that's what is intended and there may be more nuance from lots 1 through 4.

**Commissioner Rowley** – So, lots 1 through 4, if they are purchased by a conservation buyer in the year that buyer cannot build a house on those lots. Is that correct?

**Commissioner Curtiss** – As written.

**Commissioner Rowley** – Was that the intent? Because I thought we wanted them to be able to live there.

**Paul Forsting** – We talked about that pretty extensively, you know what was going to go on with it. We'd like to sell it exclusively to an ag user, but they can build a house and so however we would do that condition a little differently. Some of this onus is going to fall on the Planning Department and our office or the applicant kind of ensuring that we've got the right person doing it.

**Commissioner Rowley** – I do think we need to change that language because it is acting like you can't build on lots 1 through 4.

**Christine Dascenzo** – And we could strike exclusive.

**Commissioner Rowley** – Okay.

**Commissioner Curtiss** – Did you have an idea, Dave?

**Commissioner Strohmaier** – Well, I think what we want, maybe I'm misreading this, what we want to avoid is lots 1 through 4 being kind of sold off piecemeal. What we are contemplating is that they stay together as a unit. I don't

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think we are talking about more than one home site for the aggregate chunk of lots 1 through 4. Otherwise, we are just back to where we began with in terms of the original proposal.

**Commissioner Curtiss** – Although, as Paul said, that somebody could be pretty creative and have four little houses toward the front of the lot and still use a lot of it. So this takes away all flexibility. Is there such a word as a farmstead? I mean does that mean you have a house with a farm? I don't know, I'm making it up.

**Commissioner Strohmaier** – Yeah, no, that's a technical term.

**Commissioner Curtiss** – So, if we called them, an exclusive use of agriculture, but may include a maybe a farmstead or something. I don't know. I guess what I am trying to do is not take away somebody's creative options. They might decide to have a more of a communal house and have people live and work on it. I know that when Ms. Hassanein brought a speaker from, was that Vermont? They had, it was more of a live-work kind of situation, but a farmstead.

**Paul Forsting** – Yeah, absolutely. The way this has to play out from, I guess my perspective is somebody's going to try to file the plat and work with the Planning Department. First, for schedule, we would create all 19 lots and then we would get an appraisal, before we filed it we would provide an appraisal for that value of 80 percent, we would file it and then there would be 12 months for somebody to buy it. So we are not talking about 12 months from today, if you were to approve it today. We are talking about 12 months from whenever we can file it after we get all of the infrastructure installed and the platting done, which could take a year or so. We are really talking about a two year window, that's what I would estimate. Since we are filing it we have to create the infrastructure for it, our septic system has to be sized for it, we have to have locations for wells and such. They would have to follow the covenants. Those covenants would have to fit in, but yes, it could be a youth home, it could be something clever that somebody from Vermont had mentioned. Yeah, it would be something creative and really the Planning Department would have a responsibility to kind of verify that it meets the intent of the condition.

**Commissioner Curtiss** – Because it is also to protect the developers so that somebody doesn't just say, 'Yeah, I am going to farm that sucker.' And then buy four of them and build big houses.

**Paul Forsting** – Correct. Yes, we don't want that.

**Commissioner Curtiss** – So, maybe it could say, 'Exclusive use of agriculture, but may include farmsteads.' Or something like that.

**Commissioner Strohmaier** – Paul, before you sit down, just help me understand this. Someone comes in and wants to buy just one of those lots or are you contemplating all four in this?

**Paul Forsting** – You would buy all four of them. Really, somebody's going to have to one, prove that their intention is ag preservation and so they are going to have kind of make a case, a bid so to speak. Planning Department is going to have to make sure that works. It's all new, right? This is a new condition so we are trying to put as much language in there to ensure that we make an opportunity. But yes, somebody could buy all four lots, they could put one house on them through their own restrictions or we wouldn't sell one to one person and say okay the other three are... You know I mean that wouldn't be the goal. The goal would be to provide at the... we are going to have an appraisal for the whole, it will be one value, I guess. It will be 80 percent of what it's appraised at for four lots. We can make up what that value is, somewhere over \$400,000 or something, right, and then...

**Commissioner Rowley** – Could it be a requirement that someone buys at least two of the four lots?

**Paul Forsting** – Well, they would be buying all four.

**Commissioner Rowley** – But they have to according to the way this is written.

**Commissioner Curtiss** – Right.

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**Paul Forsting** – Yeah and you guys can make it however you want. Our thought was all four would be available for sale and we never contemplated individually piecemealing selling off.

**Commissioner Rowley** – Okay, so your intent was one lot?

**Commissioner Curtiss** – Sell them as a group.

**Paul Forsting** – Yeah, the intent is that somebody is saying, ‘Hey, I want eight plus acres.’ Because we want the intent of the ag lot being part of it. So the intent is somebody who is ready to really get after it.

**Commissioner Rowley** – And the reason it’s not just platted as one lot with a building envelope for one house is?

**Paul Forsting** – Because if nobody buys it we want to put four houses on it. We are going to put four houses on it. I mean that’s right, it gives us, if nobody steps up and says, ‘I want to buy this chunk of land.’ Then it’s just like it never, it expires so to speak. That right of first refusal expires and four houses go out there.

**Commissioner Rowley** – It looks like the audience might have some ideas.

**Commissioner Curtiss** – Yeah, I just wondered if Dave had something first.

**Commissioner Strohmaier** – Well, I mean at the very least I think the language could be clarified make crystal clear that you are contemplating these four lots being bound together as a unit. I guess as I read it now there’s some ambiguity.

**Paul Forsting** – Yeah, and you could say, to be paired with the ag lot and you could say, to be sold as one. I would hate to preclude creativity, but I think if somebody came up with something creative and this condition didn’t provide for it I think we could probably get through an amendment process to make that happen.

**Commissioner Rowley** – Yeah, like is it legal for us to approve it as one lot with one building on it and then contingent upon sale within 12 months if it does not sell it reverts to four lots?

**Paul Forsting** – Yeah, I think it would be four lots. I mean in the city you see these really small lots and people put one house on them. In the slant streets or whatever and they have four or five lots and then we come in and do a BLR [boundary line relocation] and put another weird alley house in there.

**Commissioner Rowley** – But we want to try to put as much protection on it for that one unit as we can.

**Paul Forsting** – Yeah.

**Commissioner Rowley** – Or, is it being sold as one lot for ag? And then if it doesn’t pan out it’s...

**Paul Forsting** – And you could put that in there. That if sold, you could limit it’s building potential, you could say that it’s got a deed restriction. I mean you could restrict it however. You want it within this condition. The mechanism for creating it is going to be filing the final plat and then the 12-month period starts where somebody will, we will have a set value then. We will have the appraised value established. I just want to make sure that at the end of that year if nobody comes together and buys it then it just can be what it is and that’s for single-family houses.

**Commissioner Rowley** – Would the cleanest way then be a condition that it has to be sold as the four within the first year and if not then it can sold as four parcels?

**Paul Forsting** – Yeah, that would be fine to add to it, absolutely.

**Commissioner Rowley** – John, do you have...

**John Hart** – I have no ideas.

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**Commissioner Curtiss** – It looks like a couple of people to do. Fred had his hand up first.

**Fred Stewart, 4675 South Avenue** – Commissioner Rowley, I think I would agree with the direction I think you are going in. In terms of calling it a single lot, a single however many acre lot that it is, and if at some point someone wants to do something creative with it, they can come in and they can subdivide it. Kind of a minor subdivision sort of thing and there is existing zoning in this area in terms of what would be allowed. I think that those protections are always going to be in place. So, it seems to me that a single lot appraised at 80 percent of whatever the four lots would be, it is clear what that cost would be. It's unclear though that necessarily it's going to have to go back into four lots later on. That's the part that's confusing is that if we want to keep protected selling it as one lot I think helps to accomplish that. Thank you.

**Commissioner Curtiss** – But then the plat's going to be filed with one lot.

**Commissioner Rowley** – Right because I don't think it's fair to make them go back through subdivision again to make the four lots.

**Fred Stewart** – But they wouldn't be doing it. They would have sold it to someone.

**Commissioner Curtiss** – But if it doesn't sell, that's the, it's the if. And I think Neva had her hand up.

**Neva Hassanein** – Thank you, Commissioners. I do want to express my sincere appreciation to the developers for offering this up and the spirit of it is terrific. I really am concerned, however, that there are no findings of fact or conclusions of law that really give us any assurance that this condition will result in the protection of agriculture land. In all the years that the county has commissioned many, many reports on this, I have never seen anything like this, and elsewhere in the country, and I have looked extensively. It feels it's in the right spirit, but really, there's no evidence to support it as a condition based on a finding of fact or conclusion of law.

**Commissioner Rowley** – I think it's that that the developer is willing to do it when really they could just sell these four lots.

**Neva Hassanein** – But are you not taking it into consideration as part of your mitigation?

**Commissioner Rowley** – We are, but even without that being part of it, the Planning Board and staff it was recommended that it was adequate mitigation. Even without those four lots the percentage is 15 percent, now it's 19 percent. So, I think, it is a concession of, it's an additional concession on top of what would be considered...

**Neva Hassanein** – That's why I said I appreciated it was in the right spirit. I am just concerned about a precedent that you are setting that now the staff is always going to have to review. Did they really do right of first refusal? Why 80 percent? Why not 85? Why not 75? There's no real basis in any evidence that determined this amount other than their willingness to do so, which I appreciate. But I am just saying from a legal perspective, don't you have to have findings of fact and conclusions of law if you are indeed considering that as part of the mitigation?

**Commissioner Rowley** – We've subdivided thousands of lots with no ag land mitigation in the past. And I know that's wrong, but I am saying legally I think that this is above and beyond any subdivision that we have ever done before as far as attempting to mitigate ag land loss.

**Neva Hassanein** – Excuse me, Commissioner, I am providing my input here not really inviting a debate about it. My comment purely is that I have not heard anyone say that that type of strategy actually works to protect farmland. That's all I am saying.

**Commissioner Rowley** – Thank you. I appreciate your comment and you are right.

**Commissioner Curtiss** – You are right. So, this is our first time to give it a shot. I think Deb has something.

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**Commissioner Rowley** – I feel like we are trying to be creative and people want us to be creative and do new things, but when we do new things they say that's never been done before that's a bad thing. I just feel like we all need to continue to have this conversation going into the future and with this subdivision and I would like to kind of stay focused right now on what can we do to protect these four lots, if possible, within the year. That's really the scope of what I am talking about.

**Deb Bell, Missoula County Public Works** – Thank you, Commissioner Rowley. In the 16 years that I have dealt in land development, I think given a situation like this, probably the cleanest and easiest resolution to get everyone where they want to be would be to create a deed restriction on those first four lots. Because when they file that final plat with the Clerk and Recorder part of that is going to be the creation of deeds of each one of those lots. If you put a deed restriction on those first four lots it says, 'This is the point of creation now 12 years after this filing of this deed' because the ownership is, the legal description, is now changed and the deed is now created. If those four lots are not sold together then it reverts to individual ownership. That's probably the easiest and the cleanest way to do and you could incorporate in that deed restriction the language then of agriculture use, farmsteads, you can draft that how you see fit or how staff sees fit for you to review at a later date. So it's filed.

**Commissioner Curtiss** – So, Deb, if I could have you clarify. So you are saying that you are suggesting that if they are sold as a bunch you could have a deed restriction, but if that didn't happen it could somehow go back. That's the piece I don't get, to four lots.

**Deb Evison** – Right, you put that time limit in that deed restriction.

**Commissioner Curtiss** – Oh, you can?

**Commissioner Rowley** – But we deed restrict it prior to any, like we go forth with a deed restriction on the four, that they have to be sold as a unit for 12 months?

**Deb Evison** – Correct.

**Commissioner Rowley** – And if they don't sell within those 12 months they revert back to individual lots, but if they do sell within the 12 months that deed restriction remains forever?

**Deb Evison** – Indefinitely, or you could put a time limit on it, but deed restrictions typically last forever unless you stipulate.

**Commissioner Curtiss** – I have never heard of a deed restriction having a time limit though.

**Deb Evison** – Me either.

**Commissioner Rowley** – Can they?

**Commissioner Curtiss** – We've got a frown over here. It sounds like a good idea.

**John Hart** – I honestly don't know. I don't know. I cannot say that any of these proposals will fly or won't fly. I am sorry. You know this is a creative solution so it hasn't been done before. I would like to think if there's a will there's a way and we will figure it out, but I can't tell if Ms. Bell's proposal would really pass muster legally. I am sorry.

**Deb Evison** – I am thinking of our RSID (Rural Special Improvement Districts) language where we have a limitation of 20 years when we create our SID's and how that works in conjunction in using that as kind of as a guide.

**Commissioner Curtiss** – I always thought deed restrictions had to be lifted by governing body or something. It is an interesting concept though.

**Christine Dascenzo** – I think there is a way we can address it in a similar way that ties it to an ag covenant, rather than a deed restriction, that might work. I think this would be additional language to Condition #6. Within the first

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12 months, lots 1 through 4 may be used for agriculture purposes up to the point of residential home construction on one, and only one of the lots, that would provide a home site on one of the lots, followed by the filing of a perpetual agricultural covenant restriction on the remaining three undeveloped lots. Language shall be included on the plat and in the covenants confirming that only one of lots 1 through 4 may be used for residential purposes and that a perpetual agricultural covenant restriction shall be placed on the remaining three undeveloped lots prior to the building permit approval of the single residence. So that would allow for one home to be built on the four lots and tie an ag covenant to it that could be lifted, if it had to be, by the commissioners at a later date.

**Commissioner Rowley** – But we would put that on and then after 12 months lift the covenant if those lots had not sold?

**Christine Dascenzo** – So the covenant would come on if it sold within the first 12 months to an ag user and that ag user wanted to develop a house on it. If it sold as a unit, those four lots as a unit, that covenant would be filed at the point when they were applying for a permit to build a home. But if they are not applying for any permits, the covenant wouldn't be put on there, but applying for a permit would trigger that covenant, so it would trigger further protection.

**Commissioner Curtiss** – So we don't usually use building codes to trigger things. I mean I just think that you know we are trying to figure out all the scenarios. This is creative. The whole thing, we've admitted. It's a new concept and I hate to, I mean what if they want to put four tiny homes, you know, we might be restricting what the best use is in the end.

**Deb Bell** – Making it a condition of building code probably would not be the best place for it given where our purview lies. It would have to be something enforceable through the zoning compliance permit. That would be the proper mechanism for making sure however your end game is, that's the trigger that actually reviews it and makes sure it is being met.

**Commissioner Rowley** – And that would mean that only one lot. There can only be one building on the four lots, but you wouldn't have to buy all four lots.

**Commissioner Curtiss** – Let me throw this one out. How about if we figure out how to say that if they made an offer for lots 1 through 4, it needed to be as a group and that the use could include ag and farmsteads. Somehow, we have to decide because somebody might put four houses and have workers live there. I don't know what they might do in the end.

**Commissioner Strohmaier** – This is what I always fear at the eleventh hour on these things. Because the words do have meaning and we adopt a condition that says something other than what we've intended.

**Commissioner Curtiss** – It does say subject to review and approval by CAPS.

**Commissioner Strohmaier** – Right. The simplest thing would be restrict to one dwelling unit and keep it simple. Hold that thought. Question for you, Christine, clarify me in reading this again. What is the mutually agreed upon amount of time refer to? Who's mutually agreeing to do what there?

**Christine Dascenzo** – Well I believe if you make a motion, you are agreeing to it as the Commissioners. So it would be mutually agreed upon between you and the applicant.

**Commissioner Curtiss** – It is saying that we have mutually agreed. We and them.

**Christine Dascenzo** – Yes and so it is tying it to that 12 month period. But you are right that's not...

**Commissioner Strohmaier** – So why don't we just set it at, I mean why don't we just say, it's 12 month maximum? I mean here we are not agreeing to anything less than 12 months. Am I mistaken?

**Christine Dascenzo** – Nope.

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**Commissioner Curtiss** – I think that says the same thing. It's 12 months.

**Commissioner Rowley** – And we can't just put this one dwelling and what not stuff in the condition? It has to be tied more specifically to the parcels with covenants or restrictions or something? Or can we add language just to the condition that spells out what our intent is for those lots?

**Commissioner Curtiss** – How about this? How about if we say lots 1, 2, 3, and 4 as a group finding a subdivider to offering or making a good faith effort to offer the lots for sale or lease, a price no less, and all that stuff, to a party for the exclusive use of agriculture and may include one farmstead? So they would have to put it somewhere on there for a mutually agreed upon time. Does that get where we want? It is one house. It is a farmstead, so it can built upon the ag land not in the other lots but on lots 1 through 4.

**Lorna Richardson** – I have one question regarding irrigation. Those four lots would be irrigated out of the Missoula irrigation ditch. The ditch runs from May 1 until Oct. 1. Those four lots would have to get water somehow. There would be no power provided. We provide the power with the pump. We irrigate that 20-acre parcel with our property. There will be no irrigation provided by us for the 20 acres once it's subdivided. So you have four lots without water, and unless they put in a pump, and things from the ditch, so that's maybe something to think about for ag land we will not be providing water.

**Commissioner Curtiss** – And I thought we had the ag, wasn't that in here somewhere?

**Commissioner Rowley** – Regarding water rights.

**Christine Dascenzo** – The ag lot would be considered to have senior water rights to the ditch. We might want to tie that to lots 1 through 4 as well.

**Commissioner Rowley** – And then, the way it is written it says, lots 1, 2, 3, and 4 finding the subdivider good faith effort to offer the lots collectively for sale or lease. I mean that would mean that they, for the 12 months, that has to be a four-lot deal.

**Paul Forsting** – I just want to clarify the proposal we had on there. I think we are in these hearings and we get the condition pretty close and then a month later I get the actual conditions of approval and they change a little bit because they are just made more accurate, and so and often that's because the findings and everybody we are trying to get it as accurate as possible. I just wanted to be accurate with what we had proposed and I think it matches exactly what you guys are saying. You guys are maybe being a little bit more conservative than we were being with it, but we're saying, 'Hey, we are going to create 19 lots because we have to do that and we have to get a DEQ [Department of Environmental Quality] approval for 19 lots that says we can service 19 lots or I can't file my plat.' So I have to create 19. It sounds like, if I am hearing everything right, we want to say, if we are selling this to an ag group, they are going to buy it as one at that point. How we get there is fine. Does the ag group come up? They buy it as one and then they impose a deed restriction as part of their purchase efforts? That's fine. I think with the mutually exclusive language, I think it was just saying, 'Hey, we may extend it further.' Just one year was the minimum that was, I think, the intent there. So just as long as we are on the same page there. If everybody's on the same page with that I think, I am still accurate with what our proposal is and just have the findings in place and make sure we ultimately get there. We want somebody, if they want to put one building house here and they want to adjoin this to the ag lot that's great. I think that's exactly what we are talking about. We don't have any plans for the ag lot other than a drainfield utility easements, we have to make sure we put a trail in there and some irrigation pumps.

**Commissioner Rowley** – I think it sounds like we are talking about the same thing.

**Paul Forsting** – Okay, cool.

**Commissioner Rowley** – We're just trying to make the language tight enough to ensure that the preference of those being sold as a lump is acted upon. Do you know what I mean?

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**Paul Forsting** – Yeah, that's perfect. That is a finding and we can try to get the condition to match that. Yeah, absolutely.

**Commissioner Strohmaier** – So take the scenario where someone buys all four of those lots, they decide to have a home there as a residence as they are farming, how about the ag utility lot to the east and south? Presumably, they might want to include that in their farming operation also, would that be sold? I mean, what's the connection?

**Paul Forsting** – Yeah, we want them to be connected.

**Commissioner Strohmaier** – Mrs. Richardson's comment regarding irrigation water. Would the owner of those four lots next to the street there have access to water?

**Paul Forsting** – All lots within the subdivision as proposed have irrigation easements. All of these lots do and so they will have the same easements. Yes, we would like them to partner up with the ag lot. We would like them to take care of it. Agriculture is the best weed management you can have, right? And so, we would like, if somebody buys one through four the intent is for that to be coupled with the ag lot.

**Commissioner Strohmaier** – To purchase or to lease that ag lot?

**Paul Forsting** – If it's an ag entity, presumably to purchase, would be the cleanest. They are paying the taxes then, the liability is kind of off the hands of the HOA. Otherwise, the HOA has it. We talked about until the county has their own program like they do in Boulder, Colorado; the county program that takes ag. They will come and farm it for you. Until the county has that we need somebody to step up to the table and do it and we think we will get there. Yes, the intent would be for somebody to come in, buy the one through four and to couple that with the ag lot. If somebody doesn't buy one through four, the intent is somebody to come take the ag lot and farm it. That's the intent, absolutely and we want that to be possible.

**Commissioner Curtiss** – But there are going to be some restrictions on the drainfield lot. You are not going to be able to run a plow over it and a big heavy tractor. You might be able to graze sheep and you don't want to water too much because it's a dewatering system.

**Paul Forsting** – Yeah, there's just over a quarter acre of a drainfield for 19 homes. Yep and you have some restrictions there. You don't want to compact it. You don't want root bearing vegetables to go in there and whatnot.

**Commissioner Curtiss** – Okay so it sounds like we used the word collectively one farmstead and then we might want to tie it to the senior water rights if they are really going to, but it needs to be conditional if it is bought and used for ag it could have senior water rights. Christine must know where to put that.

**Commissioner Rowley** – And since the intent is four lots to couple with the ag, is that just something that naturally we are hoping is going to happen or do you want to try and put that language in as well? I mean if someone just wanted to buy the four and farm that that's feasible too, so should we just leave that out and...

**Commissioner Curtiss** – I would leave them out mostly because the ag lot can't have anything but agricultural buildings on it, so you couldn't put any farmsteads, so if you consolidated you would lose that.

**Commissioner Strohmaier** – Tim, either of our staff persons here, could you speak to whether you could couple them but designate that those four lots are the building envelopes, if you will? So in other words, they could be...

**Commissioner Curtiss** – They could be coupled in ownership, but I think you would keep the parcels separate.

**Commissioner Rowley** – Yeah.

**Commissioner Strohmaier** – Is that what you are thinking?

**Commissioner Rowley** – Yeah, but that would make sense too that your building envelope would be somewhere within the four lots if you bought the whole thing.

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**Commissioner Strohmaier** – Right. I guess that would be my concern that that's crystal clear and that someone is not going to because I think the most logical building envelopes for a dwelling unit would be within those four lots not somewhere else.

**Commissioner Rowley** – Right.

**Commissioner Curtiss** – Well the other one has got, that ag one has, you can't build a house on it.

**Commissioner Rowley** – Right, that's what he is saying.

**Commissioner Curtiss** – But you can build a barn.

**Commissioner Rowley** – He's saying though that you can't build there so it would make sense whoever buys all this to have all of it and build within where the four lots are. Could it be as simple as adding a sentence that says something like, 'Preference will be given to a buyer who will buy the ag parcel and the four lots in those 12 months'?

**Commissioner Curtiss** – But then you are telling them how to give preference. It is not us.

**Steve Tucker** – Inaudible from audience.

**Commissioner Rowley** – Right. So you would be amenable to that?

**Steve Tucker** – Our intent is for this property to be used for agricultural purposes not for somebody to purchase it at 80 percent of market value and then turn around and sell or you know benefit from a discounted price. We don't have any issues with somebody building a farmstead on the buildable lots. I am not sure how that's accomplished with your deed restrictions and so on and so forth, but the ag lot is assumed to pass with the sale of the four lots as a whole.

**Commissioner Rowley** – Your intent was for the ag lot and the four lots to all be sold as one?

**Steve Tucker** - Correct.

**Commissioner Rowley** – So we could add to this for lots 1, 2, 3, 4 and the ag lots finding the subdivider to offer or make a good faith effort to offer the lots collectively for sale and that would be all of them for sale and then if in 12 months that doesn't happen that collective purchase requirement goes away?

**Steve Tucker** – Then they would revert back to four lots and an ag utility lot that would be maintained by a Homeowners' Association?

**Commissioner Rowley** – Right.

**Steve Tucker** – And probably leased out to somebody who wants to farm it.

**Commissioner Rowley** – Okay. Would that language work?

**Tim Worley** – I guess one question I would have is that the 80 percent appraisal seems like it applies to the residential lots and not the ag lot. As long as that's clear because obviously you wouldn't want that ag lot to be tagged at 80 percent.

**Commissioner Rowley** – Okay so we would need to. It looks like you are writing down a lot, Christine; have you come up with some suggested language of what we've said?

**Christine Dascenzo** – The question is if I can read it.

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**Commissioner Curtiss** – So, if you move the blue at the price no more than 80 percent behind lots 1, 2, and 3 collectively and then add the ag lot. I don't know if that does it. Maybe you've got it figured out.

**Commissioner Rowley** – First right of refusal collectively for lots 1, 2, 3, and 4 binding the subdivider offering to make a good faith effort to offer lots 1 through 4 for sale or lease at a price not to exceed 80 percent.

**Commissioner Curtiss** – But we need to add in conjunction with the ag lots.

**Commissioner Rowley** – But it said, I said at that at the top. The right of refusal for the ag lot and those collectively. And then applying the 80 percent just to one through four.

**Commissioner Curtiss** – Gotcha. Are we adequately confused yet?

**Commissioner Strohmaier** – Yeah, that makes sense, Cola. My question though is, I guess, what's going to ensure that someone does not buy this parcel at 80 percent of the appraised value and not use it for agriculture and a couple years from now try to get as good of a price that they can out of it. Is there anything in this condition that would preclude that sort of scenario which would definitely go against the spirit of what's trying to be accomplished here.

**Commissioner Rowley** – Could we add a sentence that said, 'If purchased by a conversation buyer a deed restriction is going to be required to be placed on lots 1 through 4'?

**Commissioner Strohmaier** – I think something like that would need to be included. Otherwise, it's a roll of the dice what happens down the road.

**Commissioner Rowley** – And that doesn't affect you, so you wouldn't care about that or you would be okay with that?

**Commissioner Curtiss** – So, how about if we take a five-minute break and try to craft some language that's hitting all of these points that we are taking and I mean if you guys want to craft them to.

**Rob Fleming, Spurgin Ranch** – I just wonder if we should eliminate the word lease. I don't know if this is ever probably get leased and that might just complicated it down the road.

**Commissioner Curtiss** – Okay, good point.

**Commissioner Rowley** – Yeah, and if someone buys it they would have the right to lease it.

**Rob Fleming** – Yeah, exactly.

**Commissioner Curtiss** – And, Alan, I know your mind is going out there so if you have some additions to figure out the language. So, we will take a five-minute break.

**Commissioner Curtiss** – Thank you, everyone, for your patience. We will give you a minute to look at the green. This would require them to purchase, make an offer on the ag and utility lot and lots 1, 2, 3, and 4 collectively those lots would be at that reduced price and there would be one, we don't have in our definitions in our subdivision regs we don't have a definition for "farmstead," maybe it is a new definition we need to have. It would allow for one single dwelling and then as you can see the last one says there would have to be a deed restriction that would allow the maximum one dwelling within those four lots. So, any comment on the way this is written? Do we think that we got to where we want to be?

**Commissioner Rowley** – I would just like to clarify that it does specify that the 80 percent only pertains to lots 1 through 4.

**Commissioner Curtiss** – Lots 1 through 4, right and took out the lease language.

**Commissioner Rowley** – Is that language acceptable to the developer?

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**Commissioner Curtiss** – Okay.

**Commissioner Rowley** – Do I need to read into the motion?

**Commissioner Curtiss** – I think it is probably good.

**Commissioner Rowley** – Okay.

Commissioner Rowley made the motion that the Board of County Commissioners alter Condition #6 to read as, the developer shall provide documentation of a right of first refusal for the agricultural and utility lot in lots 1, 2, 3, and 4 collectively, binding the subdivider to offering or making a good faith effort to offer lots 1 through 4 for sale at a price no more than 80 percent of the appraised value to a party for the exclusive use of agriculture and a single dwelling for 12 months from final plat approval. Subject to review and approval by Community and Planning Services (CAPS) prior to final plat approval. If sold within those 12 months the developer shall provide a deed restriction on lots 1 through 4 that would allow a maximum of one dwelling. Commissioner Strohmaier seconds.

**Commissioner Curtiss** – Okay, so my only question would be, you said earlier, what if it is 13 month? I guess this is an experiment and I think it's fine. I think we have the intent of what we all want there. So, Dave.

**Commissioner Strohmaier** – I would just like to speak to the motion. I think the intent is great here, but I do want to qualify my support for this condition in that I don't see this as mitigation. I see this as different than mitigation. I don't see true mitigation as having any time restraints attached to it any more than I would see if we were taking into consideration by way the state statute statutory criteria of wildlife natural environment, wildlife habitat, public safety and health. If someone failed to buy a parcel dedicated to any of those reasons within a specified time period we would not say even though it's critical wildlife we are going to turn it back and that's somehow mitigation. So, I will support it, but I do not think it is mitigation.

**Commissioner Curtiss** – I would just like to add that I think that this, as Commissioner Rowley said earlier, this is a community value the community needs to figure out how to help and this gives us an opportunity and a couple years now to figure out how we can come together and maybe figure out how to help somebody to buy this lot and be a great demonstration project. So, I look forward to that conversation.

**Commissioner Rowley** – I would agree with Commissioner Strohmaier's sentiments about it not necessarily being the mitigation, but that even without those lots, it is 15 percent of the land value, which I think would still be hard to argue that it's not meaningful. But moving forward, yeah, I don't want to set the precedent of selective mitigation and something that if it sells it get mitigated. So, I do think that's a good point to make. Thanks.

Passed 3-0.

**Commissioner Curtiss** – And then one more question, Christine, do you think that we need to say anything about this if it's purchased in this method that it could be part of the senior water rights. It has water rights. Do we want to tie it to the senior water rights? Those of you who are dealing more with the water rights.

**Christine Dascenzo** – Yeah, I think that's a good idea and maybe in the Condition #7. The covenants shall be amended to clarify that the agricultural lot maintains the senior water right and...

**Commissioner Rowley** – Since he wasn't on the microphone he said, "to add for use of irrigation ditch water for agricultural purposes so that it's clear that that's not for a fountain in the front yard or something."

**Commissioner Curtiss** – But I think that, actually aren't your water rights restricted? They say agricultural use they don't say fountains, but yeah. My dog drinks out of mine.

**Commissioner Rowley** – Do we just add a sentence that says, if purchased within the 12 month period this condition or the senior water rights also apply to lots 1 through 4 in perpetuity.

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**Christine Dascenzo** – We could say, if condition blank is satisfied the condition that would be, Condition #6. If Condition #6 is satisfied, your water right applies.

**Commissioner Curtiss** – Would apply to lots 1 through 4.

Commissioner Rowley made the motion that the Board of County Commissioners alter recommended Condition #7 to include that we specify that the use of irrigation ditch water is for agricultural purposes and adding that if Condition #6 is satisfied that the senior water right use is extended to lots 1 through 4 for agricultural use as well. Commissioner Strohmaier seconds. Passed 3-0.

**Commissioner Rowley** – Was there anything else that we needed to amend or condition?

Commissioner Rowley made the motion that the Spurgin Ranch subdivision be approved as amended based on the findings of fact and the staff report, public testimony, findings of Planning Board and subject to all conditions of approval. Commissioner Curtiss seconds. Commissioner Strohmaier opposed. Passed 2-1.

**Commissioner Curtiss** – All right, so the subdivision has been approved as amended. I really thank all of you for your input and your passion and all your work that we do to preserve ag and farmers and ranchers. So, thanks. Is there any other business to come before the Commission? Seeing none, we are in recess.

[Letter 2017-214: Dated June 23, 2017 mailed to Spurgin Ranch, LLC.]

## 7. OTHER BUSINESS

None

## 8. RECESS

**Commissioner Curtiss** – Called the meeting to recess at 4:39 p.m.

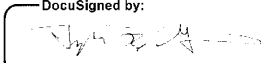
**Friday, May 12, 2017**

BCC met in regular session; all three present.


### Calendar

9:00 a.m. - 10:00 a.m.	BCC - Special District Canvass
10:00 a.m. - 11:00 a.m.	BCC - 10 Year Homelessness Project Review
11:00 a.m. - 12:00 p.m.	NR - Midtown Mojo
12:00 p.m. - 1:30 p.m.	NR - Partnership Health Center
1:00 p.m. - 5:00 p.m.	DS - Heartsaver CPR and AED Training
1:00 p.m. - 3:00 p.m.	JC - Mental Health Summit Steering Committee

### Journal Approval

DocuSigned by:  
  
804CE6776D68405

Tyler Gernant  
Clerk & Recorder

DocuSigned by:  
  
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Jean Curtiss, Chair  
BCC

**Monday, May 15, 2017**

BCC met in regular session; all three present.

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**Calendar**

8:00 a.m. - 9:00 a.m.	DS - Lisa Moisey
9:00 a.m. - 10:00 a.m.	BCC - Budget Review-Missoula International Airport
10:00 a.m. - 11:00 a.m.	BCC - Community and Planning Services Update
11:00 a.m. - 12:00 p.m.	BCC - Budget Review - Risk and Benefits
1:00 p.m. - 2:00 p.m.	JC - Partnership Health Center Missoula
1:00 p.m. - 1:30 p.m.	BCC - Budget Review - Weed and Extension
2:00 p.m. - 3:30 p.m.	BCC - Review of Budget Requests
4:00 p.m. - 4:30 p.m.	BCC - Interview Missoula Aging Services Advisory Board – Judge Leslie Halligan

**Items for Signature**

County Payroll Transmittal Sheet – BCC signed. Pay Period: 10/CY2017- Pay date May 12, 2017. Total Payroll \$1,693,869.90. To Barbara Berens, Auditor's Office.

**Community and Planning Services Update:****Agenda:**

1. Public Comment
2. Communications
3. General Updates
  - a. 10:00 - Long Range Transportation Plan/Missoula in Motion - Jessica Morris
  - b. 10:15 - Fort Missoula Regional Park 2017 Maintenance & Management Agreement - Lisa Moisey
  - c. 10:30 - 3806 South Avenue West - Zoning Violations - Casey Drayton
  - d. 10:40 - CAPS Summer Internship - Karen Hughes
  - e. 10:50 - Tom Green Park Advisory Group Bylaws - John Stegmaier
4. Director's Update Patrick O'Herren

**Tuesday, May 16, 2017**

BCC met in regular session; all three present.

**Calendar**

9:00 a.m. - 10:00 a.m.	BCC - Nicole Noonan-Exit Interview
10:00 a.m. - 11:00 a.m.	BCC - Commissioners' Administrative Public Meeting
11:00 a.m. - 12:00 p.m.	BCC - County Attorneys
2:00 p.m. - 3:00 p.m.	DS - Shirley Faust -- Clerk of Court
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 –
5:00 p.m. - 7:00 p.m.	BCC - Law Enforcement Torch Run Welcome BBQ

**Items for Signature**

Employee Benefits Claims - BCC signed one signature page for Employee Benefits Manual Check Claims dated May 11, 2017. Amount \$36,998.17. To Barbara Berens, Auditor's Office.

**Administrative Meeting**

**BOARD OF COUNTY COMMISSIONERS  
ADMINISTRATIVE PUBLIC MEETING MINUTES  
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206  
May 16, 2017 Start 10:08 a.m. - End 10:45 a.m.**

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**ATTENDANCE Present:** Jean Curtiss, Nicole Rowley, David Strohmaier, Andrew Czorny, Chris Lounsbury, Anne Hughes, Barbara Berens, Dori Brownlow, Annie Cathey, Bernadette Roy

**Other Attendees:** Cindy Farr, Melissa Gordon, Bryce Christiaens, Garrick Swanson, Peter Friesen

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

**II. ACTION ITEMS**

**1. Request board approve budget transfer to combine the Public Health Accreditation account with the Performance Management and Quality Improvement account into one account on the budget.**

**Presenter:** Cindy Farr  
**Moved:** David Strohmaier  
**Second:** Nicole Rowley  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:**

Originals to Cindy Farr, Missoula City-County Health Department (MCCHD).

**2. Request board approve Department of Public Health and Human Services FY 18 Missoula County Alcohol Tax Fund Service Provider Designation form.**

**Presenter:** Melissa Gordon  
**Moved:** Nicole Rowley  
**Second:** David Strohmaier  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:** 89% Western Montana Addiction; 11 % Missoula Urban Health Center – Project term July 1, 2017 to June 30, 2018

Original to Melissa Gordon, Community and Planning Services (CAPS) - Grants.

**3. Request board approve employment agreement between Partnership Health Center - Missoula County and Alyssa Harris, DMD with the term of July 24, 2017 through June 30, 2018 for the annualized salary set at \$149,344 for 1.0 FTE.**

**Presenter:** Bernadette Roy  
**Moved:** Nicole Rowley  
**Second:** David Strohmaier  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:**

Filed with Clerk and Recorder/Treasurer's Office. Original to Patricia Baumgart, Human Resources. Copy to Lindsey Cromwell, Partnership Health Center (PHC).

**4. Request board approve Missoula County standard professional services agreement between Partnership Health Center-Missoula County and Rocky Mountain ENT (ear, nose & throat) in order for Rocky Mountain ENT to provide services to clients in Partnership Health Center's Ryan White Program. Amounts exceeding \$500.00 need to be approved.**

**Presenter:** Bernadette Roy  
**Moved:** Nicole Rowley  
**Second:** David Strohmaier  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0  
**Additional Info:** Term April 18, 2017 to April 19, 2018.

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

**5. Request board approve Missoula County standard professional services agreement between Partnership Health Center-Missoula County and Big Sky Surgery Center in order for Big Sky Surgery Center to provide medical services to clients in Partnership Health Center's Ryan White Program. Any amounts exceeding \$500 must be approved by the Ryan White Senior Community Health Specialist of Partnership Health Center.** Postponed

**6. Request board approve professional service agreement with Clark Fork Maintenance to provide seasonal lawn services at Cottage Park (\$1,020.00) and Canyon View Park (\$2,195.00) for a total cost of \$3,215.00.**

**Presenter:** Garrick Swanson  
**Moved:** David Strohmaier  
**Second:** Nicole Rowley  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0  
**Additional Info:** Contract term April 1, 2017 to November 1, 2017

Filed with Clerk and Recorder/Treasurer's Office. Original to Garrick Swanson, CAPS - Parks & Trails.

**7. Request board approve and sign an independent contractor agreement with Mountain Valley Plant Management for \$10,400 to treat approximately 232 acres of Montana Department of Transportation right-of-way in Missoula County.**

**Presenter:** Bryce Christiaens  
**Moved:** Nicole Rowley  
**Second:** David Strohmaier  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0  
**Additional Info:** Contract term May 18, 2017 to June 26, 2017

Filed with Clerk and Recorder/Treasurer's Office. Original to Bryce Christiaens, Extension Services & Weed Control District.

**8. Request board approve Missoula County DUI Task Force Program Plan FY2018.** Postponed

### III. CORRESPONDENCE None

### IV. DISCUSSION ITEMS

1. Upcoming board meetings and review of meetings

### V. UPCOMING EVENTS AND INVITATIONS None

### VI. OTHER COMMENTS/INSTRUCTIONS None

<b>Wednesday, May 17, 2017</b>
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BCC met in regular session; all three present.

### Calendar

9:00 a.m. - 10:00 a.m.	BCC - Staff Update
11:15 a.m. - 11:45 a.m.	BCC - Interview Bonner-Milltown Community Council - Kali Orton
1:00 p.m. - 1:30 p.m.	BCC - Budget Review - Development Park
1:30 p.m. - 2:30 p.m.	BCC - Budget Review - Technology
3:00 p.m. - 4:30 p.m.	BCC - Review of Budget Requests

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7:00 p.m. - 9:00 p.m. BCC - Lolo Mosquito Board

**Items for Signature**

Replacement Warrant - JC signed. Reece Lucier, Frenchtown, MT. Frenchtown School District #40 Warrant 26082463, issued on December 9, 2016 on county payroll fund. Amount \$11.16 for Salary. Warrant not received in mail.

Replacement Warrant - JC signed. Reece Lucier, Frenchtown, MT. Frenchtown School District #40 Warrant 26082329, issued on November 10, 2016 on county payroll fund. Amount \$17.86 for Salary. Warrant not received in mail.

<b>Thursday, May 18, 2017</b>
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BCC met in regular session; all three present.

**Calendar**

10:02 a.m. - 10:53 a.m.	BCC - Commissioners' Administrative Public Meeting
11:15 a.m. - 11:45 a.m.	BCC - Interview Parks and Trails Advisory Board-Chris Hale
12:15 p.m. - 3:00 p.m.	JC - Health Boards
1:00 p.m. - 2:30 p.m.	NR - East Mullan Road Viewing
1:30 p.m. - 3:30 p.m.	DS - Parks and Trails Advisory Board
3:00 p.m. - 5:00 p.m.	JC - Travel to Libby
3:30 p.m. - 4:30 p.m.	DS - Diann Ericson

**Items for Signature**

Larchmont Claims – BCC signed one signature page for Larchmont Golf Course Accounts Payable Invoice Register dated May 16, 2017. Amount \$31,729.78. To Barbara Berens, Auditor's Office.

**Administrative Meeting**

**BOARD OF COUNTY COMMISSIONERS  
ADMINISTRATIVE PUBLIC MEETING MINUTES  
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206  
May 18, 2017 Start 10:02 a.m. - 10:53 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 Kletz, Ellen Leahy, Greg Robertson

**Other Attendees:** Emily Bentley, Karen Hughes, Lonnie Hutchens, Jerry Marks, Peter Friesen

**I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA****1. Kids to Park Proclamation****II. ACTION ITEMS**

**1. Request board approve memorandum of understanding between the Missoula County Fairgrounds and the Extension and Weed Department related to the use of land to construct the Extension center building and gardens.**

<b>Presenter:</b>	Emily Bentley Jerry Marks
<b>Moved:</b>	David Strohmaier
<b>Second:</b>	Nicole Rowley
<b>Motion:</b>	Motion Passed as written

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**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:**

Filed with Clerk and Recorder/Treasurer's Office. Original to Chris Lounsbury, Commissioners' Office.

**2. Request board approve budget amendment for Community and Planning Services Planning Internship who will work approximately 15 hours per week for up to 14 weeks researching documents related to adoption of zoning in Missoula County. Estimated costs of wages plus fringe is \$1,983.97. Request to use cash to fund this one-time cost.**

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

**Additional Info:** Project term June 1, 2017 to September 1, 2017

Resolution 2017-180. Filed with Clerk and Recorder/Treasurer's Office. Original to Teresa Graham, Financial Services. Copy to Karen Hughes, Community and Planning Services (CAPS).

**3. Request board approve hour-for-hour overtime pay as per HR policy 214.30 for specific exempt managers involved in internal promotions at health department with limitations.**

**Presenter:** Ellen Leahy  
**Moved:** David Strohmaier  
**Second:** Jean Curtiss  
**Motion:** Motion passed as written  
**Vote:** Yes 2, No 1, Abstained 0 Nicole Rowley- No

**Additional Info:**

Original to Patricia Baumgart, Human Resources. Copy to Ellen Leahy, Missoula City-County Health Department (MCCHD).

**4. Request board approve budget amendment to Health Fund to spend \$85,000 cash for capital equipment to replace air handling system.**

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

**Additional Info:**

Resolution 2017-179. Filed with Clerk and Recorder/Treasurer's Office. Original to Teresa Graham, Financial Services. Copy to Ellen Leahy, MCCHD.

**5. Request board approve and chair sign resolution relating to the issuance of \$2,970,000 in General Obligation Bonds for the Missoula Public Library.**

**Presenter:** Dori Brownlow  
Andrew Czorny  
**Moved:** David Strohmaier  
**Second:** Nicole Rowley  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:** Series 2017A Bonds to be sold in a private sale. Interest rate fixed at 3.00% per annum and term will be up to 20 years.

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Resolution 2017-181. Filed with Clerk and Recorder/Treasurer's Office. Original to Dori Brownlow, Commissioners' Office.

**6. Request board approve Missoula County DUI Task Force Program Plan FY2018.**

**Presenter:** Lonie Hutchison  
**Moved:** Nicole Rowley  
**Second:** David Strohmaier  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0  
**Additional Info:** Project term July 1, 2017 to June 30, 2018

Filed with Clerk and Recorder/Treasurer's Office. Original to Lonie Hutchison, MCCHD.

**7. Request board consider budget amendment to the Road Fund for the purchase of plows, sanders and tooling equipment for \$109,888.10 and will be paid for from cash in the equipment sinking fund.**

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

Resolution 2017-178. Filed with Clerk and Recorder/Treasurer's Office. Original to Teresa Graham, Financial Services. Copy to Greg Robertson, Public Works.

**III. CORRESPONDENCE** None**IV. DISCUSSION ITEMS** None**V. UPCOMING EVENTS AND INVITATIONS** None**VI. OTHER COMMENTS/INSTRUCTIONS** None**Friday, May 19, 2017**

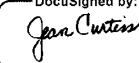
BCC met in regular session; all three present. JC out of office 9:30 a.m. – 2:00 p.m. at Mental Health and Child Development Center Board Meetings in Libby, MT.

**Calendar**

8:00 a.m. - 5:00 p.m.	NR - Community Assistance Fund Application Review
8:00 a.m. - 9:00 a.m.	DS - Bonnie Buckingham
9:00 a.m. - 10:00 a.m.	DS - Heather Harp
9:30 a.m. - 2:00 p.m.	JC - Mental Health and Child Development Center Boards
4:00 p.m. - 5:00 p.m.	DS - Ron Erickson

**Journal Approval**

DocuSigned by:  
  
604CF6776D6840E...  
Tyler Gernant

DocuSigned by:  
  
C76309876BC14F6...  
Jean Curtiss, Chair

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Clerk &amp; Recorder

BCC

**Monday, May 22, 2017**

BCC met in regular session; all three present.

**Calendar**

8:30 a.m. - 9:30 a.m.	DS - Burt Caldwell
9:30 a.m. - 11:30 a.m.	BCC - Community and Planning Services Update
1:00 p.m. - 2:00 p.m.	BCC - Budget Review – Library
2:30 p.m. - 3:30 p.m.	BCC - Budget Review of Requests
3:45 p.m. - 5:00 p.m.	NR - Eran Pehan

**Items for Signature**

Replacement Warrant – JC signed. Helen Weller, Frenchtown, MT. Frenchtown School District Warrant #25064746 issued November 8, 2016 on County Claims fund. Amount \$36.00 for meals. Warrant not received in mail.

Tax Abatement Request – At a meeting with Tyler Gernant, Clerk and Recorder on May 10, 2017, BCC approved the following letter that was mailed May 22, 2017:

- Approving request from Paulette MacIntyre, Missoula, Montana, for a refund of 2015 taxes paid regarding Taxpayer ID No. 414274005. Error in the description of the property.

**Community and Planning Services Update:**

Agenda:

1. Public Comment
2. Communications
3. General Updates
  - a. 9:30 - City's Western MT Retriever's Club OSB Project - Kali Becher
  - b. 9:45 - 2017 Land Stewardship Award & Intern Project - Kali Becher
  - c. 10:00 - Special Use Permit Proposal for Martina Creek Rd - Kali Becher
  - d. 10:05 - Keenan Family Transfer - Casey Drayton
  - e. 10:10 - Swan River Floodplain - Todd Kliez
  - f. 10:20 - Grant Award to Missoula Food Bank from Community Development Block Grant Revolving Loan Fund - Nancy Harte
  - g. 10:30 - Bitterroot Trail Preservation Alliance MOA - John Stegmaier
  - h. 10:45 - PTOL FY17 Accomplishments & FY18 Work Plan - Lisa Moisey
4. Director's Update Patrick O'Herren

**Tuesday, May 23, 2017**

JC and DS met in regular session; quorum present. NR out of office all day.

**Calendar**

9:00 a.m. - 10:00 a.m.	BCC - Public Service Agencies
10:06 a.m. - 10:38 a.m.	BCC - Commissioners' Administrative Public Meeting
1:00 p.m. - 2:00 p.m.	BCC - Missoula Aging Service
2:00 p.m. - 3:00 p.m.	JC, DS - Missoula County Full Scale Exercise May 2017

**Administrative Meeting**

**BOARD OF COUNTY COMMISSIONERS**

May 2017

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**ADMINISTRATIVE PUBLIC MEETING MINUTES**  
**MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206**  
May 23, 2017 Start 10:06 a.m. - End 10:38 a.m.

**ATTENDANCE Present:** Jean Curtiss, David Strohmaier, Andrew Czorny, Anne Hughes, Patty Baumgart, Barbara Berens, Annie Cathey, Katie Kliez

**Other Attendees:** Kali Becher, Lisa Moisey, Anna Conley, Peter Friesen

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

**II. ACTION ITEMS**

**1. Request board approve professional services agreement with Mountain Valley Plant Management for vegetation management at Missoula County Parks for an amount not to exceed \$7,000.**

**Presenter:** Kali Becher

**Moved:** David Strohmaier

**Second:** Jean Curtiss

**Motion:** Motion passed as written

**Vote:** Yes 2, No 0, Abstained 0

**Additional Info:** Contract term May 23, 2017 to December 31, 2017

Filed with Clerk and Recorder/Treasurer's Office. Original to Kali Becher, Community and Planning Services (CAPS).

**2. Request board approve professional services agreement with Native Yards, Inc. for vegetation management services at Tom Green Park for an amount not to exceed \$5,000.**

**Presenter:** Kali Becher

**Moved:** David Strohmaier

**Second:** Jean Curtiss

**Motion:** Motion passed as written

**Vote:** Yes 2, No 0, Abstained 0

**Additional Info:** Contract term May 23, 2017 to December 31, 2017

Filed with Clerk and Recorder/Treasurer's Office. Original to Kali Becher, CAPS.

**3. Request board approve professional services agreement with WMA Specialists for vegetation management along select Missoula County trails for an amount to exceed \$7,000.**

**Presenter:** Kali Becher

**Moved:** David Strohmaier

**Second:** Jean Curtiss

**Motion:** Motion passed with exception to amount **not** to exceed \$7,000.

**Vote:** Yes 2, No 0, Abstained 0

**Additional Info:** Work to be performed in Spring 2017 and Fall 2018

Filed with Clerk and Recorder/Treasurer's Office. Original to Kali Becher, CAPS.

**4. Request board approve and chair sign four (4) easements with Northwestern Energy for Fort Missoula Regional Park.** Postponed

**5. Request board approve chair to sign amendment to agreement between Missoula County and Missoula Horseman's Council, Inc. to reflect their name change to Missoula Horse Council, Inc. dba Big Sky Horse Park for use and maintenance of county park land.**

**Presenter:** Lisa Moisey

**Moved:** David Strohmaier

**Second:** Jean Curtiss

**Motion:** Motion passed as written

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**Vote:** Yes 2, No 0, Abstained 0

**Additional Info:**

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

**6. Request board approve construction contracts between Missoula County, Missoula Public Library, and Dick Anderson Construction for the Missoula Public Library building.**

**Presenter:** Andrew Czorny

**Moved:** David Strohmaier

**Second:** Jean Curtiss

**Motion:** Motion passed as written

**Vote:** Yes 2, No 0, Abstained 0

**Additional Info:** Contract details construction management services to be provided and costs for preconstruction phase services of \$45,000 to be paid from bond proceeds.

Filed with Clerk and Recorder/Treasurer's Office. Original to Dori Brownlow, Commissioners' Office.

**7. Request board approve chair to sign separation agreement and release approved by the PHC Board of Directors to conclude the term of employment of the current Executive Director.**

**Presenter:** Patricia Baumgart

**Moved:** David Strohmaier

**Second:** Jean Curtiss

**Motion:** Motion passed as written

**Vote:** Yes 2, No 0, Abstained 0

**Additional Info:**

Original to Patricia Baumgart, Human Resources.

**8. Request the board approve an exception of 160 additional hours to the policy limit on donated sick leave in accordance with County HR Policy 403.20.**

**Presenter:** Patricia Baumgart

**Moved:** David Strohmaier

**Second:** Jean Curtiss

**Motion:** Motion passed as written

**Vote:** Yes 2, No 0, Abstained 0

**Additional Info:**

Original to Patricia Baumgart, Human Resources.

**9. Request board approve resolution authorizing intercap loan for Fairground improvements to cover the remodel of fair office and various repairs completed in FY17** Postponed

**10. Request board approve contract with Temp Right Services for the installation of a cooling unit at the Health Department for an amount not to exceed \$55,736.** Postponed

**11. Request board appoint new member to the Evaro-Finely-O'Keefe Community Council.**

**Moved:** David Strohmaier

**Second:** Jean Curtiss

**Motion:** Motion passed as written

**Vote:** Yes 2, No 0, Abstained 0

**Additional Info:** Jeanna Miller to fill vacant term on Evaro-Finley-O'Keefe Community Council term June 1, 2017 – May 30, 2020.

Original to Sarah Bell, Commissioners' Office. Letters of appointment mailed by Commissioners' Office. Letter No. 2017-163 to Jeanna Miller.

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**12. Request board appoint new members to the Lolo Community Council.****Moved:** David Strohmaier**Second:** Jean Curtiss**Motion:** Motion passed as written**Vote:** Yes 2, No 0, Abstained 0**Additional Info:** Appointed Kevin Noland to Lolo Community Council new three year term June 1, 2017 – May 31, 2020

Original to Sarah Bell, Commissioners' Office. Letters of appointment mailed by Commissioners' Office. Letter No. 2017-164 to Kevin Noland.

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

1. Upcoming board meetings and review of meetings.

**V. UPCOMING EVENTS AND INVITATIONS** None**VI. OTHER COMMENTS/INSTRUCTIONS** None**Wednesday, May 24, 2017**

BCC met in regular session; all three present.

**Calendar**

9:00 a.m. - 10:00 a.m.	DS - Montana Wilderness Association-Blackfoot Clearwater Stewardship Act
10:02 a.m. - 10:26 a.m.	BCC - Commissioners' Administrative Public Meeting
11:15 a.m. - 11:45 a.m.	BCC - Interview Missoula Aging Services-Jon Weisul
1:00 p.m. - 2:00 p.m.	BCC - Budget Review - Fair
2:00 p.m. - 3:00 p.m.	BCC - Budget Review of Requests
3:00 p.m. - 5:00 p.m.	NR - Technical Advisory Group

**Administrative Meeting****BOARD OF COUNTY COMMISSIONERS  
ADMINISTRATIVE PUBLIC MEETING MINUTES****MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206**

May 24, 2017

Start 10:02 a.m. - End 10:26 a.m.

**ATTENDANCE Present:** Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Andrew Czorny, Barbara Berens, Annie Cathey, Dori Brownlow**Other Attendees:** Nancy Harte, Erik Dickson, Shantelle Gaynor**I. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** None**II. ACTION ITEMS****1. Request board approve agreement for Community Development Block Grant Revolving Loan Fund grant to Missoula Food Bank in the amount of \$200,000.****Presenter:** Nancy Harte**Moved:** Nicole Rowley**Second:** David Strohmaier**Motion:** Motion passed as written**Vote:** Yes 3, No 0, Abstained 0**Additional Info:** Approval Letter also signed

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Letter 2017-162 awarding the Missoula Food Bank's new facility a \$200,000 grant from the County's Community Development Block Grant Revolving Loan Fund. Filed with Clerk and Recorder/Treasurer's Office. Original to Nancy Harte, Community and Planning Services (CAPS) - Grants.

**2. Request board approve budget amendment to transfer funds from prior year Community Development Block Grant (CDBG) Revolving Loan Fund to award a grant to the Missoula Food Bank. Amendment also corrects an error in a previous budget amendment from the same fund.**

**Presenter:** Nancy Harte  
**Moved:** David Strohmaier  
**Second:** Nicole Rowley  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:**

Resolution 2017-182. Filed with Clerk and Recorder/Treasurer's Office. Original to Teresa Graham, Financial Services. Copy to Nancy Harte, CAPS-Grants.

**3. Request board approve and chair sign the Big Flat Road improvement project Storm Water Pollution Prevention Plan (SWPPP) fee of \$900.**

**Presenter:** Erik Dickson  
**Moved:** Nicole Rowley  
**Second:** David Strohmaier  
**Motion:** Motion passed with addition this is an application with a \$900 fee.  
**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:** Project term May 30, 2017 to July 31, 2017

Originals to Erik Dickson, Public Works.

**4. Request board approve and chair to sign the Big Flat Road improvement project Notice of Intent (NOI).**

**Presenter:** Erik Dickson  
**Moved:** David Strohmaier  
**Second:** Nicole Rowley  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:** Project term May 30, 2017 to July 31, 2017

Original to Erik Dickson, Public Works.

**5. Request board approve budget transfer within Relationship Violence Services fund to correct the project code for the 2015 - 2018 Office of Violence Against Women (OVW) Rural Domestic Violence (DV) grant revenue.**

**Presenter:** Shantelle Gaynor  
**Moved:** Nicole Rowley  
**Second:** David Strohmaier  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:**

Original to Shantelle Gaynor, Relationship Violence Services.

**III. CORRESPONDENCE** None

**IV. DISCUSSION ITEMS** None

**V. UPCOMING EVENTS AND INVITATIONS** None

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**VI. OTHER COMMENTS/INSTRUCTIONS** None**Thursday, May 25, 2017**

BCC met in regular session; all three present.

**Calendar**

8:00 a.m. - 9:00 a.m.	DS - Alan Newell
9:00 a.m. - 10:00 a.m.	BCC - Public Works
10:00 a.m. - 11:38 a.m.	BCC - Commissioners' Administrative Public Meeting
11:15 a.m. - 11:45 a.m.	BCC - Interview Parks and Trails Advisory Board-Jenna Lyons
12:00 p.m. - 5:00 p.m.	JC - Missoula Economic Partners Board Retreat
2:00 p.m. - 5:00 p.m.	BCC - Commissioners' Public Meeting
5:00 p.m. - 7:00 p.m.	BCC - DS-Missoula Food Bank Grand Opening

**Items for Signature**

Employee Benefits Claims - BCC signed one signature page for Employee Benefits Manual Check Claims dated May 22, 2017. Amount \$11,329.84. To Barbara Berens, Auditor's Office.

Indemnity Bond - JC signed. Reese Richter, Lolo, MT. Missoula County Detention Facility Warrant #158596, issued March 2017 on Missoula County public safety fund. Amount \$290.00 for travel advance claim. Warrant lost.

Letter No. 2017-165 - BCC signed. Dated May 25, 2017 confirming approval of request to vary 8.2 feet from the 50 foot high water setback at 8140 Lindbergh Lake Road - ZD #25A Zoning Variance at the April 27, 2017 public meeting. To David and Cynthia McCrane.

**Administrative Meeting**

**BOARD OF COUNTY COMMISSIONERS  
ADMINISTRATIVE PUBLIC MEETING MINUTES  
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206  
May 25, 2017 Start 10:00 a.m. - End 10:38 a.m.**

**ATTENDANCE Present:** Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Andrew Czorny, Chris Lounsbury, Dori Brownlow, Annie Cathey, Matt Jennings, Bernadette Roy

**Other Attendees:** Wesley Tanner, Anna Conley, Matt English, Lisa Beczkiewicz, Lisa Moisey

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

**1. Request board approve closing documents for the transfer of the Library property with the property owned by Payne Properties, LLC and authorize payment by Missoula County in the amount of \$33,204.48 to be paid from the Library construction account bond proceeds.**

**Presenter:** Matt Jennings  
Dori Brownlow

**Moved:** Nicole Rowley

**Second:** David Strohmaier

**Motion:** Motion passed with addition of the amount listed at \$33,204.48

**Vote:** Yes 3, No 0, Abstained 0

**Additional** Authorize payment of \$33,204.48 to be paid from Library cost account bond

**Info:** proceeds.

Original to Dori Brownlow, Commissioners' Office.

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**2. Request board approve affiliation agreement between Partnership Health Center-Missoula County and Charter College for Partnership Health Center to make its facilities available to the college's medical assistant students.**

**Presenter:** Bernadette Roy

**Moved:** David Strohmaier

**Second:** Nicole Rowley

**Motion:** Motion passed as written with addition this is for medical assistant training

**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:** Contract term May 11, 2017 to May 11, 2018

Filed with Clerk and Recorder/Treasurer's Office. Original to Lindsey Cromwell, Partnership Health Center (PHC).

**3. Request board approve affiliation agreement between Partnership Health Center-Missoula County and Touro University College of Osteopathic Medicine for students to obtain clinical education and experience with Partnership Health Center's providers for the term of 5/15/17-5/15/19, automatically renewing for successive terms of two years each.**

**Presenter:** Bernadette Roy

**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 Lindsey Cromwell, PHC.

**4. Request board approve employment agreement for Stacy Boehm, MS, DNP, PMHNP-BC for her to serve Partnership Health Center-Missoula County in the capacity of Advanced Practice Registered Nurse for the term of 04/01/2017-08/31/2017 for the performance of 10 hours per week at the rate of \$50.00 per hour, which is an annualized salary of \$26,000.**

**Presenter:** Bernadette Roy

**Moved:** Nicole Rowley

**Second:** David Strohmaier

**Motion:** Motion passed as written

**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:**

Filed with Clerk and Recorder/Treasurer's Office. Original to Patty Baumgart, Human Resources. Copy to Lindsey Cromwell, PHC.

**5. Request board approve budget transfer for \$6,000 in Invest Health budget from Outreach to Contracted Services.**

**Presenter:** Lisa Beczkiewicz

**Moved:** Nicole Rowley

**Second:** David Strohmaier

**Motion:** Motion passed as written

**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:**

Original to Lisa Beczkiewicz, Missoula City-County Health Department (MCCHD).

**6. Request board approve Let's Move! Missoula budget amendment for a Pacific Source grant award for \$1,600.**

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**Presenter:** Lisa Beczkiewicz  
**Moved:** Nicole Rowley  
**Second:** David Strohmaier  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:**

Resolution 2017-184. Filed with Clerk and Recorder/Treasurer's Office. Original to Teresa Graham, Financial Services. Copy to Lisa Beczkiewicz, MCCHD.

**7. Request board approve a budget amendment for the DUI Task Force due to a grant from State Farm Insurance for \$5,000.**

**Presenter:** Lisa Beczkiewicz  
**Moved:** David Strohmaier  
**Second:** Nicole Rowley  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:**

Resolution 2017-183. Filed with Clerk and Recorder/Treasurer's Office. Original to Teresa Graham, Financial Services. Copy to Lisa Beczkiewicz, MCCHD.

**8. Request board approve contract with Temp Right Services for the installation of a cooling unit at the Health Department for an amount not to exceed \$55,736.**

**Presenter:** Wes Tanner  
**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 Larry Farnes, Facilities Maintenance.

**9. Request board approve chair to sign resolution authorizing intercap loan and sign loan documents for Fairground improvements to cover the remodel of fair office and various repairs completed in FY17 for \$823,604.00.**

**Presenter:** Chris Lounsbury  
Wes Tanner  
**Moved:** Nicole Rowley  
**Second:** David Strohmaier  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:**

Resolution 2017-185. Filed with Clerk and Recorder/Treasurer's Office. Original to Andrew Czorny, Commissioners' Office.

**10. Request board approve and sign four (4) easements with Northwestern Energy for Fort Missoula Regional Park.**

**Presenter:** Lisa Moisey  
**Moved:** David Strohmaier  
**Second:** Nicole Rowley  
**Motion:** Motion passed as written  
**Vote:** Yes 3, No 0, Abstained 0

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**Additional Info:**

Filed with Clerk and Recorder/Treasurer's Office. Originals to Lisa Moisey, Community and Planning Services.

**III. CORRESPONDENCE** None**IV. DISCUSSION ITEMS** None**V. UPCOMING EVENTS AND INVITATIONS** None**VI. OTHER COMMENTS/INSTRUCTIONS** None**Public Meeting**

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  
THURSDAY, MAY 25, 2017 - 2:00 P.M.

**1. CALL TO ORDER****2. PLEDGE OF ALLEGIANCE****3. PUBLIC ANNOUNCEMENTS**

**Commissioner Strohmaier** – I would just like to remind everyone, if anyone is watching live, that today is Election Day, so if you have not voted please get out and exercise your right as a citizen of this country.

**4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

**Commissioner Strohmaier** – Any public comment on items that are not on the agenda? Seeing none, we have a list of our current claims.

**5. CURRENT CLAIMS LIST**

Claims received as of May 5, 2017 to May 19, 2017 by the Commissioners' Office total \$3,049,584.40.

**6. HEARINGS**

**Commissioner Strohmaier** – We have a number of public hearings today, we will just roll right into them, and the first is a petition for annexation into the Clinton Rural Fire District. I will open the public hearing. Is there a staff report?

**a. Petition for Annexation – Clinton Rural Fire District**

**Sam Scott, Deputy Clerk, Clerk and Recorder's Office** – Our office received a petition to annex a property into the Clinton Rural Fire District. The petition fee has been paid in full. The legal description of the property is Tract 2 of survey number 5966. Located in Section 8, Township 12N, Range 17W, with an address of 6208 Donovan Creek Road Clinton, Montana 59825 and Tract 3A of Leischner Tracts Lot 8A located in Section 8, Township 12N, Range 17W, which is 6222 Donovan Creek Road, Clinton, Montana 59825. The petition has been signed by property

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owners who represent at least 40 percent of the acreage and 40 percent of the taxable value of the property to be annexed and a notice of hearing has been published twice in the Missoulian.

**Commissioner Strohmaier** – Thank you. Is there anyone from Clinton Rural Fire District or a property owner who would like to speak? Any other public comment on this item? Seeing none, we will close the public hearing. Any questions?

**Commissioner Rowley** – No.

**Commissioner Strohmaier** – How about a motion?

Commissioner Rowley made the motion that the Board of County Commissioners approve the petition from Yvette Deitrick and Gregory Deitrick to annex properties described as: Tract 2 of Certificate of Survey No. 5966 located in Section 8, Township 12N, Range 17W, Principal Meridian Montana and Tract 3A of Leischner Tracts Lot 8A located in Section 8, Township 12N, Range 17W, Principal Meridian Montana into the Clinton Rural Fire District. Commissioner Strohmaier seconds.  
Passed 2-0.

[Resolution 2017-189: Approval of annexation to the Clinton Rural Fire District.]

**Commissioner Strohmaier** – Okay, that passes. We will move onto the next item, which is also related to an annexation into a rural fire district. This time a petition for annexation into the Missoula Rural Fire District. I will go ahead and open up the public hearing and is there a staff report?

**b. Petition for Annexation – Missoula Rural Fire District**

**Sam Scott, Deputy Clerk, Clerk and Recorder's Office** – We have received a petition to annex land into the Missoula Rural Fire District. The petition fee has been paid in full. The legal description is Parcel 1 of COS [Certificate of Survey] 1881 located in the east half of the west half of Section 10, Township 14N, Range 19W, which is 11815 Bench Road, Missoula, Montana 59808. The petition has been signed by the property owners who represent at least 40 percent of the acreage and 40 percent of the taxable value of the property and a notice of hearing has been published twice in the Missoulian.

**Commissioner Strohmaier** – Excellent, thank you. Anyone from Missoula Rural District? Anyone else like to comment on this item? Okay, seeing none we will close the hearing on that. Anyone questions for this item? Or a motion?

Commissioner Rowley made the motion that the Board of County Commissioners approve the petition to annex Parcel 1 of COS 1881 located in the east half of the west half of Section 10, Township 14N, Range 19W, into the Missoula Rural Fire District. Commissioner Strohmaier seconds.  
Passed 2-0.

[Resolution 2017-188: Approval of annexation to the Missoula Rural Fire District.]

**Commissioner Strohmaier** – Moving into our third item, this is a petition to alter County Road, East Mullan Road. It looks like, Sam, you are at bat again and also maybe Steve Niday.

**c. Petition to Alter a County Road – East Mullan Road**

**Sam Scott** – Yeah, we don't have anything new, so straight to Steve.

**Steve Niday, Land Survey Manager, Public Works** – I will read the road viewer's report on East Mullan Road in the north half of Section 21, Township 12N, Range 17W, principal meridian Montana. Date of viewing, May 18, 2017. In attendance: Nicole Rowley, Missoula County Commissioner and Steve Niday, Missoula County Land Survey Manager. At approximately 1:30 p.m., the attendees traversed the subject section of road. This visual

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investigation, along with an investigation of maps, documents, and imagery, supports the granting of the petitioner's request. The viewers recommend altering the right-of-way as petitioned, with a further recommendation to reduce the 66 feet wide right-of-way to 60 feet. This reduction in width is consistent with recent petitions for Mullan Road, the majority of recorded surveys adjacent to Mullan Road, and Deputy County Attorney James McCubbin's 2012 opinion.

I will add that that reduction of width was discussed with the lead petitioner, and he conquers, and that is the end of the report.

**Commissioner Strohmaier** – Thank you, Steve. I will go ahead and open up the public hearing on this. Are either the petitioner or a representative of the petitioner here who would like to speak? Okay, any additional public comment on this item? All right, seeing none, I will close the public hearing. Any questions, Commissioner Rowley?

**Commissioner Rowley** – I was just curious, Steve, for the 60 foot, I know on other parts of Mullan Road it's because the 66 feet it would cause some problems with other people's property and things. Is that the case here, or is it just for consistency sake?

**Steve Niday** – It's for consistency sake. James' main argument, I think, was that because 99.9 percent of the surveys out there assumed that it was 60 feet wide. Improvements and surveys have all honored that 60 feet width. He felt that if we then tried to claim that additional three feet on each side it would result in a lot of litigation and hardship and felt that it was not worth the three feet. Initially he thought that it would be wise to do a petition to alter through the entire county and I suggested that would be a nightmare for the Clerk and Recorder's to contact every affected landowner and he agreed and thought that we should address this as a piece by piece process.

**Commissioner Rowley** – Thanks. I was on the viewing with Mr. Niday and would concur with the report. It is another case of where the road that is shown is not where the road is and this is just moving the road to where the road is. I support approval of the petition to alter. [Commissioner Rowley made the motion that the Board of County Commissioners approve the petition to alter the county road known as East Mullan Road, located in the north one-half of Section 21, Township 12N, Range 17W. Beginning at the north line of Section 21 and ending at the east line of Section 21.]

**Commissioner Strohmaier** – Okay, that motion is in order; I will second it. Any further discussion or comment? And I know, Scott, you were looking for more work over there to do the entire Mullan Road.

**Passed 2-0.**

[Resolution 2017-191: Approval to alter East Mullan Road.]

Next item is a family transfer, Keenan family transfer. Casey, the staff report.

**d. Keenan Family Transfer**

**Casey Drayton, Planner, Community and Planning Services** – This is the staff report for a Keenan Family Transfer at 2740 Highway 10 East. This request is made by the property owner Elroy Keenan. The property, as you can see on the map, is in an unzoned portion of Missoula County, approximately two miles south of Clinton along Highway 10 East. This tract was created via certificate of survey [COS] 2677. This is Tract 1A created through an occasional sale exemption. The tract we will be looking at here is the northern tract on this certificate of survey. It is approximately 10.0138 acres. The proposal in front of us today is a family transfer. This is an exemption to subdivision review and a family transfer in Missoula County Subdivision Regulations is a single gift or sale of tracts outside of a platted subdivision to a member of the landowner's immediate family, as defined in 76-3-1038 MCA as a landowner's spouse, children by blood or adoption or parents. The proposal is to transfer this area of land shown on the red shaded to Elroy Keenan's son, Kody Keenan. This transfer would be approximately two acres. This exhibit submitted with the exemption application affidavit shows the proposed property line and a future house is noted on the west side, which would be the left on this screen, which would be a residence for the son, Kody Keenan, as indicated in the application. Elroy Keenan has a house on the east side, as you can see there designated a little bit darker originally shown. This request went out for agency comment. The only comment of note received

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was from the Missoula County Floodplain Administrator and it was a recommendation that any new development occur in accordance with the Shadow Mountain Estates condition of approval #9. Shadow Mountain Estates would be the subdivision just to the north of this proposed split in the property. In summary, Condition #9 of Shadow Mountain Estates states that the lowest floor elevation including basements, mechanical equipment and ductwork shall be a minimum of 3,476.2 feet in elevation. As a reminder, this is just a recommendation and not a condition. As staff reviewed the evasion criteria for this, there was only one item that triggered and that is that the proposed division is on a tract that was previously created through use of an occasional sale exemption. This was done long before Elroy Keenan owned the property. This was completed in 1981. At this time, if we could have Elroy Keenan come up we have a few questions to ask and these are the questions that I sent you in the mail, several weeks ago.

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

**Elroy Keenan** – No.

Do you or your transferees intend to transfer the property within the next two years?

No, sir.

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

No, not into any detail or anything.

Will the property be developed?

Yeah, just for my boy's house.

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

Yes.

**Casey Drayton** – Okay. That's all the questions we have. If the Commissioners have any more?

**Commissioner Strohmaier** – Commissioner Rowley, any questions at this time?

**Commissioner Rowley** – No.

**Commissioner Strohmaier** – I will go ahead and open up the public hearing for additional comment. Anyone here to comment on this item? Okay, I will close the hearing. One question I have, I guess for either Casey or John, you and I chatted about this a little bit. So, the occasional sale exemption is no longer available? That was done away with at some point in the past? Is that correct?

**John Hart, Civil Deputy Attorney, Attorney's Office** – That's correct, Commissioner. It was repealed, I believe in 1993. It was an exemption that would allow people to divide property once a year. In other words, occasionally, and they didn't have to go through subdivision review. I suspect, although I don't know, it was some sort of a compromise that came out of the legislation in 1973. It was, from my understanding, it was used frequently to sort of create subdivisions so to speak over a period of years and that was the basis for its repeal.

**Commissioner Strohmaier** – All right, any other questions, or a motion?

Commissioner Rowley made the motion that the Board of County Commissioners approve the request by Elroy Keenan to use the family transfer exemption to create and transfer one parcel to son, Kody Keenan.

Commissioner Strohmaier seconds.

Passed 2-0.

[Letter 2017-166: Dated May 30, 2017 to Elroy Keenan.]

**Commissioner Strohmaier** – The next item we have is related to preliminary digital flood insurance rate maps along the Swan River. Do we have a staff report?

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**e. Swan River Preliminary Digital Flood Insurance Rate Maps**

**Todd Kliez, Floodplain Administrator, Community and Planning Services** – We would like to start with a presentation from the Montana DNRC [Department of Natural Resources Conservation] regarding the progress with the FEMA [Federal Emergency Management Agency] flood insurance rate map revisions for the Swan River. We have Tiffany Lyden and Walt Ludlow here representing DNRC and we will turn it over to them.

**Tiffany Lyden, Department of Natural Resources-Helena, Floodplain Outreach Specialist**– We just wanted to come today to give a little update on the Swan River floodplain mapping update project that we have been working with the county on for the last several years. There's a lot of folks involved in that project, some of which are here today, Walt Ludlow, who is my co-worker, is the State Floodplain Engineer. We have also worked with some contractors, DOWL, who did a lot of the engineering work for this and FEMA is an important partner in this and their contractor who has also been working with Todd and Jamie as we move this project forward.

I just wanted to talk about the purpose of this project is to help. The purpose of mapping floodplains in general, not only on the Swan River, but anywhere in the county is to help identify risk. For the purpose of keeping people and property out of harm's way when we have big flood events. We all work together to try to identify and reduce those risks and I would say that we do the best that we can to try to map those flood risks using the information we have at the time. One of the things that we do when we map flood risks is we are not mapping any area that is susceptible to flooding from any spring flood event or anything like that. What we map here in Missoula County, in Montana, and across the nation, are those areas at risk of getting flooded when we have what's called a 100-year flood event. Just to get everybody on the page, we tell this to the public, but it's just worth repeating, is that it's a little bit of a misnomer. People think that if it's a 100 year flood event, if it happened last year we're not going to have another flood event like that for another 100 years, or 99. A better way to think about it, it's that magnitude of a flood event that has a one percent chance of occurring in any given year. So that's why we can have back-to-back flood events and things. The other to just keep in mind when we are mapping these flood risk areas is, even though technology has gotten much better, engineering has gotten much better, we are able to do a much better job of accurately mapping those areas at risk, but the maps aren't showing everyone's percent flood event absolutely perfectly. You are always going to have little localized conditions, a downed tree, or a blocked culvert that is going to cause the water to behave a little differently in spots. But for the most part, these maps should represent those areas at risk of flooding when we have that one percent flood event. Those areas that we mapped get put on, what we call, flood insurance rate maps. They, again, they indicate those areas of flood risk and they get used for a variety of purposes. Here in Missoula County you use to determine where your floodplain regulations apply. But they are also used by insurance agents to rate flood insurance premiums and by banks to determine if a structure, a house they are financing, has a risk of being flooded. If it is shown that there is flood risk, they are going to require that structure to have flood insurance in the event of a loss. It is an area of flood risk so that's part of covering those risks. Then you certainly use them for emergency planning purposes as well. That said, we realize that sometimes we need to update the maps. If better information is available or there has been some change in an area. That's what we are talking about on the Swan River today.

Just for the benefit of everybody in the room here, this is kind of a snap shot of what rivers in Missoula County you have floodplain maps on. It's any of the areas that are colored. Those are kind of the stream segments. You will note that not every river is marked there. There are only some of your rivers in the county where there has been some sort of study or some sort of work done to identify those flood risks. In a perfect world, if we had unending amounts of funding and could map all of the rivers and determine where the areas of flooding risk would be all of them would be mapped, but they were selected over time based on priorities. That just kind of gives you an indication of which rivers you regulate in the county. Okay, so let's talk specifically about the Swan. On the Swan River, you actually have had in Missoula County floodplain maps on the Swan River since 1983. The work that was done to develop those maps actually started in the late 70s. They did a flood insurance study for Missoula County back in the late 70s and they did some limited engineering work and they used whatever other information they had to map those flood risk areas. For the Swan River, we don't know exactly what they used. They probably took some historical evidence, they may have taken some USGS [United States Geological Survey] topo[graphic] maps and tried to just map the best that they could. The area they thought would be inundated with water when you had a big flood event. So even though since 1983 Missoula County has had a couple of updates to your floodplain maps, your county-wide floodplain maps in 1988 and then again in 2015. If you see, starting from the upper left and kind of going down to the bottom right, the shape of that map, for Swan River, has not changed and the reason is there has been no new

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information. What we had in 1983 has just been transferred each time you have had a mapping update. When you had the mapping update in 2015, you had a couple other areas in the county that did get some updated study information, but not the Swan. But what happened in 2015 and as we were getting ready, it was in 2014 actually, that was the first time that aerial photos were put underneath these flood maps and that's when it became really apparent to the county that, wow, the information really isn't adequately showing the flood risks for the Swan River. I don't know, Todd, if you want to comment, but one of the pieces was a split in the river where part of it had been mapped, but not the other, and there's changes that happen over time, as you know with rivers. And so, we basically had the mainstream channel, which was not in the mapped floodplain. That was something that the county said, we really need to address this and look at doing an updated study. So that's something we worked with, I guess this is just the same picture basically, just backing up a second. So, even though you have updated maps and its showing things that have structures and other things since then the information is still based on what they came up with in the late 70s. Missoula County and DNRC have been working together through the help of Todd and the Commissioners to come up with a plan to update the floodplain maps on the Swan River. You provided some funding and also you got some topographic information through a grant, lighter information that you collected that we were able to use as criteria for applying for a grant from FEMA, as well as you provided survey work that was a necessary component of that. And then we were able to do some in-kind services too. We did the hydrology study and then we got some funding from FEMA to basically carry it through and finish it out. It's been really a good partnership project. These are the maps. We hired a contractor to do a lot of the technical work, the engineering work, to basically take the data and figure out, okay when we have a 100-year flood event looking at the engineering, where is that water going to go and map it and show elevation?. So, DOWL produced these maps. This is just one of the maps that were produced for the Swan River. If you think back to the maps we had up a couple slides ago, it looks a lot different. One of the things on there is that now instead of just a shaded area, the maps actually show elevations. Showing how high the water is expected to come at given spots along the river, and those are those green lines that you see across there. It also shows in that middle section, in the red hatching, is what we call a floodway, which is the main channel of the river and usually some additional parts where you are going to see the deepest and fastest moving water. That's a zone that gets designated as a more restrictive zone, so we don't want any new development in there because it is a higher danger area there. Those maps we produced late last summer. We came and met with the commissioners, Commissioner Rowley, I don't remember if you were there. It was the end of August we were here. It might have just been Commissioner Curtiss, I can't remember, but we gave a little update. I think you were there. -Yeah you were there, to the commissioners and then we followed that up with a public open house for the residents in the Swan. Todd and Jamie worked together. We held an open house on Sept. 20 and I think Commissioner Strohmaier you were there for that one or the meeting after it, there were two of them back to back there. Todd sent out about 127 postcards, I think, to any of the landowners that would be affected by the changes and then we had a little presentation and gave people an opportunity to look one-on-one at the maps and what the proposed changes are. That's the postcard that Todd sent out. He put everything on a project website, which is really helpful for folks they can go ahead and look at the draft maps. This is a shot from what it was from last fall. Along with that is a map viewer that people can zoom in and see their property in relation to what the new maps are. This screenshot actually shows... Todd's also got it set up with the GIS department where you can see the comparison of what the existing floodplain was, the new one is, and what those changes are. We walked property owners through those and then we had a couple follow up. I don't think I, my name was on a lot of things but I don't think I got any follow-up phone calls, I think you had a couple after the meeting, people just kind of getting a little bit more information about them. The Pathfinder did write an article that appeared and then CAPS did the newsletter article there just to inform people about that.

Where we are today, is that those meeting that we held here with the commissioners in August and then the public open house in September. Since that time, we have basically kind of handed the project over to FEMA to take that information and put that information onto FEMA maps. They are not official yet they are just preliminary. So you got mailed a whole set of preliminary maps for the Swan River at the end of March and Todd's got those here. As I said, they are preliminary. Part of the process is that you can't just immediately replace the existing ones, they have to go through a public process and that does take quite a bit of time. One of the things that happens next is those maps and the report that goes with it, need to go through an official public review process. We are anticipating that process to happen in fall, it's a 90-day appeal and comment process that goes through for any FEMA floodplain maps. This is just kind of a snapshot of what the maps look like. There are, I forget how many map panels there are, 10-15 maybe. Then there is an associated report with that called the Flood Insurance Study. You will see with the, I circled the red things. Both of those are preliminary because they haven't gone through review yet and been adopted, but the report details how the study was done and it also has everything else from in from the rest of the

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county, so all of your information is together. Again, same as what we were looking at before, the blue is the 100-year floodplain, what would get wet in a one percent flood event. That red in the middle is that floodway. The other thing that this is showing, if you look at those brown spots there, that's on the map for, in most cases, for informational purposes. It is what we call the 500-year floodplain. It would get wet in a bigger event, a 500-year event. The maps and the report are what form the basis for the public comment period that's coming up. Like we did in the fall, the county would like to do another open house for property owners with the preliminary maps. We have that tentatively scheduled for June 20, same place. We would probably run it the very similar way since that seemed to be an effective way to talk people through the properties. Todd has updated that project website with the preliminary

maps, so those are the map panels there that you see. He's got links to the study that's on there, so that's all there. We probably will put up the, once we get postcards out things, we will put up information about the meeting. Again, it will have a link to the map viewer and this is showing the same information that's on the hard copy maps it's just that the colors are a little different. The pink 100-year floodplain, the red is the flood way and the yellow is the 500. One of the things that we started working with Todd is to provide some additional information for people to really understand. Okay, what does it matter to me? What does it mean as a property owner to have a house or have property in a 100-year floodplain? What does it mean for me to own property that's in a floodway, or in a 500-year floodplain? Those are sheets that we just worked with Todd on. I think our intent is to eventually put those on the project website and have those at the meeting, but I gave you a copy of these now. We may do some slight changes, but this is what we've come up with so far and really it just kind of, there may be some slight changes, but this is what we came up with so far. It just kind of walks people through what does that mean for development in terms of building or doing any changes to my property and what does it mean for insurance. I am going to just walk through kind of the highlights on there. In a nutshell, if you are in a high-risk flood zone, which is what we call the 100-year floodplain, we want people to know that there are floodplain regulations. The county regulates those areas because they're risk areas. We want to make sure that any new construction is going to be safe from a flood event and is not going to impact others, so that's the reason you have a permit process to walk through that. We talk about the permitting for new construction as well as modifications to existing structures. Those details are spelled out in your County Floodplain Regulations. If somebody is doing new residential construction, the requirements are that they, the first floor has to be two feet above that flood elevation. That's actually a state law and that's what you have in your county to, to provide a little bit of measure security, that you're not just right at that 100-year. Now that you have maps that actually have elevations, it's a whole lot easier for somebody to determine if I am going to build something, how high to I need to build it? There are some restrictions in terms of doing improvements to existing structures. Essentially, if you get to some threshold you need to bring the whole thing into compliance. Likewise, with insurance, a couple of things we want people to know about is that if you are in the high risk flood zone, whether you were in before or maybe you are going to be in, we didn't realize it in the past, the old maps didn't show it, but you really are in a high-risk flood zone, so these maps are more going to more accurately show that. A lender, if you have a mortgage on your property, your lender is most likely going to require you to carry flood insurance to protect their asset. If you are in a lower risk zone, like a 500-year floodplain or maybe you are outside of the floodplain, we do have some properties that were mapped based on those in 1983 as being in a flood risk area and based on our new information they actually aren't. So they're in a lower risk then we thought. That insurance is not going to be mandatory if you have a mortgage, it's certainly recommended, you are near the river, if you want to purchase it, you certainly have that opportunity to do so. Because you have floodplain regulations and you require permits for anything in those flood risk areas, anyone in the county can purchase flood insurance. If you didn't manage your floodplains, that wouldn't be available to county residents, but that is something to just note. The other thing with that is Missoula County participates in the community rating system, which means Todd and his folks they have shown that the county is going above and beyond the minimum standards and doing additional outreach and a lot of other things with your regulations and things to show you are being more proactive. So, anyone who has a flood insurance policy in the county gets a discount because of the actions that the county does. And I don't know off-hand what the discount is.

**Todd Kliez** – We are class A so it is 10 percent.

**Tiffany Lyden** – So your county residents are getting a 10 percent discount, which is a good deal. Some people don't realize this, but renters can also purchase flood insurance. Again, just to kind of look at that timeline where we are at. We don't know exactly when that 90-day comment and appeal period will start. We will know as we progress a little further here, hopefully we will have a pretty good idea by the time the meeting comes around, but we are expecting that to be in the fall and it's open for 90-days. One of your roles as the county is to be the collector of any

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of the comments that come in. We want people to look at these and if there's something that doesn't look right or maybe there is an error, we want to catch that now before the maps gets finalized. We also want to give people an opportunity to dispute the information. If they have better information this is the time to bring it forward and then we can replace that information if it does show that there is an error in the engineering or the mapping. So, Todd will collect all of those, and then those get evaluated and changes get made to the maps or the study if needed and then those get finalized. We are expecting, if we don't get a lot of comments and changes in, we are expecting that the maps and the report should be finalized maybe about spring of 2018. Then there's a six-month delay before everything goes into effect for insurance and that's in fall of 2018. People still have quite a bit of time. That's the intention of having a couple different meetings just to give people lots of opportunity to understand what the proposed changes are and help us get the maps as correct as possible before they go final. I think that's all that I have, just as an update. Are there any questions that commissioners have? Or, any thoughts in terms of the upcoming public open house that we are working on getting pulled together?

**Commissioner Rowley** – I was just wondering if you could clarify for people watching this, what it is we are being asked to do today, since the final adoption isn't until next fall. Either of you who want to explain that a little bit?

**Todd Kliez** – What FEMA recommends is that whenever they come out with a preliminary map, it takes obviously quite a while for those things to get finally formal approval for flood insurance purposes, and right now we've got the information in-hand that would say, this particular portion of a property is subject to flooding and the flood depths are five or six feet. We want to ensure that if someone's going to develop in that area between us having this information now and a year and a half, two years from now when they finally become effective, that they don't harm themselves by building a home with a basement or that's too low that won't be flood protected. What we are being asked and actually being required to today by FEMA is to formally adopt these maps as best information. Not for insurance purposes, we can't affect anybody's mortgage or what they pay on their monthly payment. That doesn't come out until FEMA adopts these formally, but would be to adopt these for regulatory purposes and I can go into that here in a little bit. I did want to follow up on one thing that Tiffany said about the flood insurance aspect of when these do [lost audio for 8 seconds] are basically grandfathered in with lower flood insurance premiums now. If they are shown as being out of the floodplain now, for insurance purposes, on FEMA's current 2015 maps but are shown that they will be coming in, they can lock in their premium for now until congress changes the law. They can lock in that premium at the lowest premium cost now based on the current map that shows them being out.

**Commissioner Rowley** – Are we making citizens who could benefit from that lower premium, but will be having a higher premium in 2018, are we doing outreach specifically to them so they are getting their flood insurance, hopefully, ASAP?

**Todd Kliez** – Yes, so with both previously last fall and coming up here this summer we're identifying everyone that's either currently in the floodplain on the 2015 maps or potentially coming in on the 2018 maps, or letting them all know, and we are specifically targeting those with primary residential structures. So everyone will get notified and the people that have homes that may be affected will also get additional notification.

**Commissioner Strohmaier** – And as far as FEMA's involvement, to what extent have they been involved so far? Does today's action kind of trigger formal review on their part or have they been reviewing the maps thus far and today's preliminary adoption for regulatory purposes? Or is this a step in their review process?

**Tiffany Lyden** – They've been involved kind of throughout. The very first part is they provided some of the grant funding to go ahead and do this project. Once our contractor came up with the draft maps we handed it over to FEMA take that information and produced it onto the preliminary maps. Let me back up for a second. One of the pieces they did, as our contractor was developing those draft maps, FEMA did do quality review on all of those pieces, on the hydrology and the hydraulics, they have reviewed kind of every step of the way to make sure that it is meeting all of the guides and specifications that FEMA has for floodplain maps. We have also been reviewing that as well. Right now, we were involved a lot in the earlier stages. Right now, it's more in FEMA's hands, as they are doing that production to the kind of the last steps of it. They use a contractor as well, called Compass, to help them with the technical pieces of that. But right now, this meeting actually today will kind of trigger them to go ahead and initiate those next steps. That's one of the reasons we don't have a definitive timeline for the appeal period because this is one of the boxes that needs to be checked; that we are here meeting with the commissioners so that they can go ahead and start putting it in the federal register and all the pieces that will happen. I will say one of the pieces that

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does happen legally too before the appeal and comment period is notification will appear in the Missoulian as legal notices, two of them.

**Todd Kliez** – And also, the Pathfinder.

**Tiffany Lyden** – That's right. So, that will go in as well. We want to do additional outreach since the legal notices aren't necessarily people's primary source of information for changes that are happening.

**Commissioner Strohmaier** – Great, thank you. We are all about checking boxes.

**Commissioner Rowley** – I appreciate this step being a part of the process actually because we have run into a situation where we were utilizing a map that wasn't adopted as best available information, but we have that information so people can say, 'You can't use that information.' I think this kind of puts a clear line of what we are going to use as our best information as we move forward with floodplain stuff. Thanks.

**Tiffany Lyden** – You're welcome.

**Commissioner Strohmaier** – Thank you and the handouts look really good. I look forward to reviewing them over the long Memorial Day weekend. Thank you. Todd, did you have some more you were going to share?

**Todd Kliez** – When the commissioners are ready we can go into the adoption process for these maps as best available information.

**Commissioner Strohmaier** – Okay, hold that thought, for a moment. Doesn't look like we have much by way of public today, but I will go ahead and open the public hearing. Is there anyone else who would like to offer some comment on this item?

**Walter Ludlow, Department of Natural Resources and Conservation, State Floodplain Engineer** – I do think this is a great example of a collaborative effort with the county and FEMA. The grants you got for the LiDAR [light detection and ranging], working with DNRC where we produced the hydrology in-house, and then also working with FEMA to obtain additional grants, and allowed us to get the contractor to go through and complete the hydraulic analysis and the floodplain mapping. It is at the stage now to actually developing the final maps as best available data and a new product for the public's use.

**Commissioner Strohmaier** – Thank you very much. Okay, I will go ahead and close the public hearing. Before we make the motion, is there something else you wanted to add, Todd? Or are we ready to move this?

**Todd Kliez** – No, if you are ready to move ahead I think we can go ahead and move ahead.

**Commissioner Strohmaier** – Okay, thank you.

**Commissioner Rowley** – I have one impertinent question. We got a lot of grants and everything for this and put it together collaboratively, but do you have an idea of what the cost of this type of mapping project was, in this case?

**Todd Kliez** – Well, for the LiDAR that we got through a grant that was a \$50,000 grant, I think we had like a \$200 submittal fee for that, but we paid out \$50,000 in LiDAR, which is aerial topography, that's how they generate these now. So that cost was \$50,000, but that included not just for the Swan, that was for parcels of the Clark Fork and Rock Creek and the Bitterroot as well. We also had, after the 2015 adoption map, we had agreed to kick in about \$17,000 in hard funding to help get this project formalized, as well as quite a bit of staff time from the County Surveyor's Office, travel time up to the Swan to do some surveying and us as well. I think to you have the final tally?

**Tiffany Lyden** – As we submitted the grant application we tried to document that to FEMA, kind of what the local and state contributions were both cash and in-kind. So, I think we were looking at the \$17,000 from the county as cash and then about \$85,000 in in-kind between the county and the state and then we requested \$127,000 in change

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from FEMA for the other pieces of the study. The total project costs with in-kind and hard dollars it looks like it is about \$218,000 is what we were kind of anticipating.

**Commissioner Rowley** – Great, thank you. I think this seems anticlimactic. Compared to it was years long and a lot of dollars long and it really helps the public in the sense that if they do want to develop. You know, sometimes people are needing to do their own studies and it's expensive to do and to be able to collaborate and put together an effort like this and map an area and get good data for people to use and for us to use so that we are actually doing the best job we can do. I think that's fantastic. So, thank you for all of the work you have put into it, and Todd too.

**Tiffany Lyden** – Thank you, it has been a great group effort.

**Commissioner Strohmaier** – I will second that idea and I just suggest that maybe have those dollar figure numbers at your fingertips during your upcoming open house. I think it would be useful context for folks in the Swan to know the significant of investment that's been put into this project over the years. So, thank you.

Commissioner Rowley made the motion that the Board of County Commissioners approve a resolution to adopt the Federal Emergency Management Agency (FEMA) Swan River Preliminary Digital Flood Insurance Rate Maps (DFIRM) as best available information. Commissioner Strohmaier seconds.  
Passed 2-0.

[Resolution 2017-190: Approval to adopt the March 30, 2017 Swan River preliminary flood insurance rate maps.]

**Commissioner Strohmaier** – Anything else you wanted to add, Todd?

**Todd Kliezt** – No.

**Commissioner Strohmaier** – Okay, I was waiting for some bombshell.

## 7. OTHER BUSINESS

**Commissioner Strohmaier** – Okay, with that, any other business or public comment on non-agenda items that we have not already discussed. Seeing none, we will be in recess.

## 8. RECESS

Commissioner Strohmaier called the meeting to recess at 2:50 p.m.

**Friday, May 26, 2017**

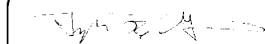
BCC did not meet in regular session. JC and NR out of office all day. NR at Travelers Rest from 9:00 a.m. – 12:00 p.m.

### Calendar

8:00 a.m. - 9:00 a.m.	DS - Grant Kier
9:00 a.m. - 12:00 p.m.	NR - Travelers Rest
2:00 p.m. - 3:00 p.m.	DS - Dan Kemmis
4:00 p.m. - 5:00 p.m.	DS - Juanita Vero

### Journal Approval

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Tyler Gernant  
Clerk & Recorder

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Jean Curtiss, Chair  
BCC

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**Monday, May 29, 2017**

Office Closed Memorial Day

**Tuesday, May 30, 2017**

BCC met in regular session; all three present.

**Calendar**

8:30 a.m. - 9:00 a.m.	DS - Vickie Zeier-Discussion
9:00 a.m. - 9:30 a.m.	BCC - Interview Missoula Rural Fire District-Ben Murphy
10:00 a.m. - 10:53 a.m.	BCC - Commissioners' Administrative Public Meeting
11:30 a.m. - 12:00 p.m.	BCC - Budget Review - Historical Museum
2:00 p.m. - 3:00 p.m.	DS - Pat O'Herren
3:00 p.m. - 3:30 p.m.	BCC - Interview Missoula Aging Services Advisory Board-Amanda Cahill

**Administrative Meeting**

**BOARD OF COUNTY COMMISSIONERS  
ADMINISTRATIVE PUBLIC MEETING MINUTES  
MISSOULA COUNTY ADMINISTRATION BUILDING, 199 WEST PINE STREET, ADMIN ROOM 206  
May 30, 2017      Start 10:00 a.m. - End 10:53 a.m.**

**ATTENDANCE Present:** Jean Curtiss, Nicole Rowley, David Strohmaier, Vickie Zeier, Chris Lounsbury, Anne Hughes, Barbara Berens, Andrew Czorny, Dori Brownlow, Katie Kliez

**Other Attendees:** Vicki Dundas, John Stegmaier, Sarah Bell, Jerry Marks, Peter Friesen, Emily Bentley, Don Fisher

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

**II. ACTION ITEMS**

**1. Request board approve professional services agreement between Community Medical Center (CMC) and Missoula City-County Health Department (MCCHD) for the Universal Home Visiting "Welcome Home Baby" project.**

**Presenter:** Vicki Dundas  
**Moved:** Nicole Rowley  
**Second:** David Strohmaier  
**Motion:** Motion passed as written.  
**Vote:** Yes 3, No 0, Abstained 0  
**Additional Info:** Contract term July 1, 2017 to June 30, 2018  
 Original to Vicki Dundas, Missoula City-County Health Department (MCCHD).

**2. Request board approve chair to sign a permit renewal application for the lease of a gravel pit in Seeley Lake on property owned by the Department of Natural Resources and Conservation (DNRC).**

**Presenter:** Commissioner Curtiss  
**Moved:** David Strohmaier  
**Second:** Nicole Rowley  
**Motion:** Motion passed as written.  
**Vote:** Yes 3, No 0, Abstained 0  
**Additional Info:**  
 Original to Erik Dickson, Public Works.

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**3. Request board approve eleven scopes of work totaling \$1,612,195.00 under the 2014 AIA-B101 contract with A&E Architects for Fairgrounds projects including design guidelines/standards, culinary building, commercial building, mid-century buildings, landscape improvements, learning center, utilities, new maintenance building, existing maintenance building, livestock center, and rodeo arena.**

**Presenter:** Emily Bentley  
**Moved:** Nicole Rowley  
**Second:** David Strohmaier  
**Motion:** Motion passed as written.  
**Vote:** Yes 3, No 0, Abstained 0

**Additional Info:**

Filed with Clerk and Recorder/Treasurer's Office. Original to Emily Bentley, Fairgrounds Management.

**4. Request board approve agreement between the County and Bitterroot Trail Preservation Alliance to define a shared set of expectations for the ongoing stewardship of the Bitterroot Trail segment under County jurisdiction.**

**Presenter:** John Stegmaier  
**Moved:** David Strohmaier  
**Second:** Nicole Rowley  
**Motion:** Motion passes as written.  
**Vote:** Yes 3, No 0, Abstained 0  
**Additional Info:** Board approve chair to sign.

Filed with Clerk & Recorder/Treasurer's Office. Original to John Stegmaier, Community and Planning Services - Parks, Trails & Open Lands.

**5. Request board approve professional services agreement in the amount of \$11,316.34 with Vannoy Landscaping to mow the County owned lots in the Missoula Development Park**

**Presenter:** Dori Brownlow  
**Moved:** Nicole Rowley  
**Second:** David Strohmaier  
**Motion:** Motion passed as written.  
**Vote:** Yes 3, No 0, Abstained 0  
**Additional Info:** Term: June 2, 2017 to September 15, 2017

Filed with Clerk and Recorder/Treasurer's Office. Original to Dori Brownlow, Commissioners' Office.

**6. Request board approve FY 18 budget enhancement for a full time Combination Building Inspector with an emphasis in Electrical, particularly with experience in commercial solar. The ongoing cost would be approximately \$79,400.**

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

**Additional Info:**

Original to Vickie Zeier, Commissioners' Office.

**III. CORRESPONDENCE** None

**IV. DISCUSSION ITEMS**

1. Upcoming board meetings and review of meeting

**V. UPCOMING EVENTS AND INVITATIONS** None

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**VI. OTHER COMMENTS/INSTRUCTIONS** None**Wednesday, May 31, 2017**

BCC met in regular session; all three present.

**Calendar**

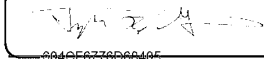
8:45 a.m. - 1:00 p.m.	NR - Q&A Sessions Community Based Organizations
9:00 a.m. - 10:00 a.m.	DS - Mayor Engen, Melanie Brock
1:00 p.m. - 2:00 p.m.	BCC - Review of Budget Requests
2:30 p.m. - 3:30 p.m.	DS - MCAT
3:30 p.m. - 4:30 p.m.	BCC - Chief Administrative Officer Update

**Administrative Meeting**

The BCC administrative public meeting for May 31, 2017 was canceled.

**Journal Approval**

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Tyler Gernant  
Clerk & Recorder

DocuSigned by:



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Jean Curtiss, Chair  
BCC