PUBLIC MEETING
BOARD OF COUNTY COMMISSIONERS
WEDNESDAY, JANUARY 23, 2013 – 1:30 P.M.
ROOM B14 – ADMIN BUILDING
MINUTES

If anyone attending the Public Meetings needs special assistance, please provide advance notice by calling 258-4877. Missoula County will provide auxiliary aids and services.

1. CALL TO ORDER
Commissioners Present: Commissioner Michele (Chair) Landquist, Commissioner Jean Curtiss, Commissioner Bill Carey

Staff Present: James McCubbin, Deputy County Attorney, Jennie Dixon, Community and Planning Services (CAPS), Tim Worley, CAPS

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS
I want to remind folks who need to get your name on the ballot Community Council, Fire Districts, all those things that are on the ballots in May, to remember that your name needs to be in sometime in February so be thinking about getting your paperwork done soon.

4. PUBLIC COMMENT
None

5. ROUTINE ADMINISTRATIVE ACTIONS
Bi-Weekly Claims List ($2,415,678.43)

Executive Session
Commissioner Curtiss made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount of $2,415,678.43. Commissioner Carey second the motion. The motion carried a vote of 3-0.

6. CONSIDERATION
Boundary Line Relocation (Clearwater Junction/Camp Utmost Road)
Jennie Dixon gave staff report.
Commissioner Landquist: What is exempting it from review?

Jennie Dixon: The sanitation? The fact that both partials will be over 20 acres.

Commissioner Landquist: Okay and what is the part about the unlicensed trailer park?

Jennie Dixon: The Health Department in reviewing this request for a boundary line relocation, what I tried to indicate in my presentation here is that the information is a little spotty or at least not consistent so it would require some additional research but it appears that if there are two or more dwellings on the property, which the applicant states that there are and the air photos show that there are, if two or more of those are trailers that would be considered a trailer park by the Health Department standards and would need to be licensed as such, there’s no such record of it being licensed as a trailer park so the Health Department indicated it may fall in the category of an unlicensed trailer park which may necessitate some sort of a further permitting as a trailer park. The Health Department there in the midst of some sort of training program this week and could not have anyone here at this meeting so I’m not sure if I’m answering that fully but that’s my understanding.

Commissioner Landquist: But it would be up to the Health Department to follow-up on that, not us, per say?

Jennie Dixon: True. The Health Department would pursue that as an unlicensed trailer park that may need to pursue licensing.

Commissioner Landquist: So do you know if there’s any sort of grandfathering in as far as dates go with stuff like that?

Jennie Dixon: The Health Department email that I received indicated that some of these structures were placed after 1995, which would be indicative of possible lease or rent violations, Subdivision for Lease or Rent violation and place of trailers without a license as a trailer park. So essentially violations that may have happened prior to Mr. Richards ownership.

Commissioner Curtiss: Can you explain the difference between what the camadata shows which is what the Department of Revenue goes on and what your applications says really exists on the ground?

John Richards: I don’t know this is the first time I’ve heard of this.

Commissioner Curtiss: Sounds like the Health Department only has record of the two septic’s on the large parcel, maybe no septic on the little one?

John Richards: I have no idea; this is the first I’ve heard of that.

Commissioner Curtiss: So you don’t know when they were all put in?

John Richards: I know they’ve been there for a long, long time, that’s all I can tell you.

Commissioner Curtiss: I know that one by the highway has been there a long time.
Commissioner Landquist: The sewage is going somewhere, we hope.

John Richards: Yes.

Commissioner Curtiss: So when did you purchase this land?


Commissioner Curtiss: And all of these dwellings existed when you purchased?

John Richards: Yes.

Commissioner Curtiss: I know that you know how to count, there’s two old houses I think is what the camadata shows, are the rest mobile homes?

John Richards: I don’t know where the old houses are, I know of one.

Commissioner Curtiss: So the rest are mobiles?

John Richards: Yes. Maybe they consider one of them a modular, I consider it a mobile. So it’s definition.

Commissioner Curtiss: Can you tell us on the record what your plans are, why you’re asking for this boundary line relocation?

John Richards: Yes, the Commissioners have run me through the gauntlet of financial expenditures trying to get this thing subdivided and I need to do some financing, that’s the reason why I’m splitting it. Not splitting, that’s the reason why I’m relocating the boundaries.

Commissioner Curtiss: Because then you could use one parcel as a collateral or something?

John Richards: Yes.

Commissioner Curtiss: If we did this then the small parcel that we don’t have any record of septic systems would be exempt from review, is that right Jennie?

Jeannie Dixon: Yes, that’s my understanding from the Health Department because it would be over 20 acres.

James McCubbin: It means that it doesn’t go through sanitation and subdivision review from changing the parcel. However, it’s all still subject to septic regulation. But that’s not reviewed in connection with the boundary relocation.

Commissioner Curtiss: So therefore it wouldn’t say that he had to prove what kind of system all eight of those houses are on?
James McCubbin: No, it wouldn’t trigger any of that review.

Commissioner Curtiss: But if there is a problem with them…

James McCubbin: If there’s an ongoing problem it’s basically just a separate possible regulatory violation.

Commissioner Curtiss: And something that they’d need to fix going forward.

James McCubbin: Yes.

Commissioner Landquist: So John, do you realize that if we approve this today, that it may trigger some things with the Health Department? They may say you have an unlicensed park.

John Richards: It exists now; I don’t know what the problem is. I’m not changing anything.

Commissioner Curtiss: No but there are some trailer park rules that are in State law that says things like; they have to be skirted and there’s just some things, it’s not a big difficult thing I don’t think.

Commissioner Landquist: Some of it depends on how many people are there that you’re serving with whatever kind of well, they might have to do some water tests.

John Richards: Ed Zuleger and I were out there for two years together so if there was a problem he would of pointed something out, I would think.

Chair Landquist: I don’t know I’m not speaking for other people; I’m just giving you an FYI.

John Richards: I appreciate that, thank you. There aren’t any problems that I know of out there. None of the systems have had any problems. I’m a certified installer, I put in septic systems. There isn’t any problems with the septic systems that I know of.

Commissioner Landquist: How many wells serve that?

John Richards: I don’t remember off the top of my head but there’s several.

Public Comment
None

Executive Session
Commissioner Carey made motion that the Board of County Commissioner approve the request by John Richards to utilize the boundary line relocation exemption. The property is described as Tract 1, COS 5720, Tract 1-A2, COS 6077 based on the fact that there does not appear to evade subdivision review. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.
7. OTHER BUSINESS

John Richards: Previously I met with the Commissioners about the access on the lease that the MDOT and County and I talked about up there and I thought I was going to meet with the Commissioners before that got finalized and now I hear from MDT that it got signed, sealed and delivered but there’s still an access problem.

Commissioner Curtiss: So you’re talking about…to clarify…because you just changed horses in the middle of the street. You’re talking about the access, so the public understands access to the gravel pit at the Double Arrow Road in Hwy 83, right?

John Richards: Yes.

Commissioner Curtiss: Because we moved from one of your pieces of property to another and the public probably didn’t follow.

John Richards: Okay sorry about that. That’s why I waited until other business and it wasn’t new public comment so it’s a continuation of our meeting a month ago or whenever that was. I wanted the Commissioners to be aware there’s still a problem with the access that I have based on previous…my father’s the one that sold the MDT property; I think I gave you a copy of his affidavit. So we need to get that resolved a win, win, win for everybody.

Chair Landquist: But that’s MDOT’s property right?

John Richards: its MDOT property but it has to be okay with you guys.

Commissioner Curtiss: Is that because you’re talking about the access off of the road into the Double Arrow?

John Richards: No. In relation to our previous meeting talking about the access and what it is, I need to be able to turn semi’s with double trailers. Can’t turn around in the lease area that I have, it has to be through your lease also. I need a 40’ x 100’ foot corner on a diagonal just so the trucks can drive through there. I’d like to get that resolved at some point; it doesn’t have to be today.

Chair Landquist: MDOT wa calling the shots on that because it’s not our ground, we’re just leasing that little area. I would start with them and then double check with Public Works.

Commissioner Curtiss: It would be best if you put your concerns in writing with maybe a diagram and then we can have the conversation….

John Richards: I thought I did that at the previous meeting.

Chair Landquist: You did and I don’t know why you weren’t present when we signed that but I know it was a noticed meeting.
John Richards: I thought you were going to contact me when you were going to have it, that's the way we left our last discussion.

Chair Landquist: I thought you were.

John Richards: I wasn't. Let's try to get that resolved easily, not the hard way.

Commissioners: Okay.

8. RECESS
Being no further business to come before the board, the Commissioners were in recess at 1:48.