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

Staff Present: Marnie McClain, Deputy County Attorney, Greg Robertson, Director Public Works

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS
The call is out for interested parties for the annual dust amendment program, call 258-4753 and ask for Molly.

4. PUBLIC COMMENT
None

5. ROUTINE ADMINISTRATIVE ACTIONS
Bi-Weekly Claims List ($2,627,273.93)

Executive Session
Commissioner Carey made motion that the Board of County Commissioners approve the Bi-Weekly Claims List in the amount of $2,627,273.93. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.

6. HEARING
310 Application (Orchard Homes Irrigation Ditch/Brennan's Wave)
Marnie McClain gave report. This structure was constructed in 2006. There was a collapse that’s been removed and the new structure was proposed to maintain grade control and recreational play way features were also incorporated into the design. The middle part of the structure has settled and there’s a crack visible that needs to be repaired. In addition some debris from the original structure has surfaced and is exposed. Full repair of the structure would require dewatering of the river.

What’s being proposed today is phase I of what will be a larger project. After their initial submittal they send an addendum which proposed then to divide it into two parts. What they want to do is go ahead and do the debris removal this week and come back with a more developed proposal to do a larger scale fix. The larger scale fix is more expensive and complicated, it requires dewatering the river and they’re still working on developing the proposal.

A team inspection was held at Brennan’s Wave on February 28th, 2013, there were representatives there from Orchard Homes Ditch Company, Fish, Wildlife & Parks, Greg Robertson, who is acting as our technical advisory in this project along with Brent O’Connor, I attended and Commissioner Carey. They would like to do this project next week while the water is still low.

Chair Landquist referenced Bruce Farling’s letter, Executive Director Montana Trout Unlimited. He has many concerns, as he refers to in his letter it still remains a mystery to him. Marnie would it be appropriate to mention what some of those concerns were since Bruce couldn’t be here today and the public may very well have some of these same questions.

**Marnie McClain:** His concerns include questions about ownership and maintenance, along with liabilities and long term plans for funds for maintenance. When the original project was approved in 2006, Orchard Homes Ditch Company, at the request of the Commissioners, acknowledged ownership of the diversion and the proposed reconstruction without reservation or exception or distinction between parts of the structure. They also accepted and assumed all maintenance responsibilities that were necessary. In addition to that there’s an agreement between Orchard Homes Ditch Company and Brennan’s Wave Inc. under which Brennan’s Wave will assist with the maintenance for a period of 10 years, that agreement is still in effect, I think until July 2014. I feel like the ownership and their maintenance responsibilities were addressed and pinned down in 2006 when they issued the original permit. He also expresses concern that they set aside $20,000 to cover future repairs, it appears that it’s not adequate, I agree that seems to be the case. I think they’re working to raise funds to make up what they need in order to do this work and then I think it will be reasonable for you to talk to them about what the next plan is for capital fund improvements so that they’re not caught without any funds the next time they need to do a repair.

**Public Comment**
None

**Executive Session**
Commissioner Curtiss made motion that the Board of County Commissioners approve the request for Phase 1 with the modifications as referred to in both team reports. Commissioner Carey second the motion. The motion carried a vote of 3-0.
Marnie McClain: Permits are good for up to a year; do we need to make this good for a year?

Commissioner Curtiss: So we’re saying good through May 1st. Project starts next week and ends May 1st.

7. OTHER BUSINESS
None

8. RECESS
Being no further business to come before the Board the Commissioners are in recess at 1:52.