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

Staff Present: Deputy County Attorney James McCubbin, Greg Robertson, Public Works, Shyra Scott, Clerk and Recorders Office

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

Western Days at Historical Fort Missoula this weekend.

4. PUBLIC COMMENT
None

5. ROUTINE ADMINISTRATIVE ACTIONS
Current Claims List ($2,941,043.67)

Executive Session
Commissioner Landquist made motion that the County Commissioners approve the Current Claims List in the amount of $2,941,043.67. Commissioner Carey second the motion. The motion carried a vote of 3-0.

6. HEARINGS
a. Petition to Abandon a Portion of a Public Right-of-Way (Portion of Lewis & Clark Drive & Lolo to Lolo Hot Springs Road)

Shyra Scott verified that Mr. Jenks paid the appropriate fees, and that he obtained the appropriate signatures.

**Chair Curtiss:** Two different LLC’s are affected.

**Mr. Jack Jenks:** I’m one of the land owners of Tract 2, COS 5520. This could be viewed as phase 2 ~ in 2010 when we were developing and building the multi-family apartment complex next door, we came to the Commissioners and asked you to abandon this same portion of road, just farther to the west.

Mr. Jenks gave update and showed PPT Presentation of the property.

**Chair Curtiss:** Are you planning to build a second building there in the near future or is that a possibility?

**Mr. Jenks:** We don’t have anything definite yet. Right now I’m trying to decide whether to hold on to it or sell it, but either case, I think it makes sense to abandon that road through the middle of it, just to stop the traffic going through it. We don’t have anything on the drawing board as far as development.

**Chair Curtiss:** If I remember correctly, when you improved that flag pole at that flag lot, you provided space for people to walk.

**Mr. Jenks:** That’s correct. As part of that abandonment process, we gave the county a non-motorized easement, trail easement that runs up the flag pole. Right now it stops right about in the middle of that lot that we project that Lewis & Clark Drive could or should be located. I’ve had some decision with Mr. Robertson about that and we would be willing to extend that non-motorized trail easement along the southerly boundary and then up the easterly boundary, so that you would have access all the way down to Hwy 12. Part of that then would be to abandon this little piece of the easement here because at that point it goes nowhere.

**Chair Curtiss:** So, if that’s something that the Commission agrees with – that the abandonment was okay, would we want that as part of this? Normally we don’t condition things but we could offer that up so that it it’s still part of this, right?

**Greg Robertson:** Initially when the abandonment was considered, there was a request for an easement because of some of the development that was occurring.

**Chair Curtiss:** And the kids walk to school.

**Greg Robertson:** Yes. Now that things are coming along with the Lolo to Missoula trail, it’s going to increase the need to consider that piece of area on the survey. With that offer it will satisfy any concerns that I have for providing access for those folks along Hwy 12.
Chair Curtiss: Because we can’t legally convert one right-of-way to another but when somebody offers something up we can it.

James McCubbin: Exactly and you can condition road abandonments. For example, you could partially agree to a petition, if you wanted to do that. Normally we wouldn’t be able to impose this type of condition without an offer from the owner because it could be considered a taking. But since it’s been offered you can certainly accept that condition. That does affect the safety on it for the kids and so forth. That seems like a really good idea from my perspective.

One other note is on the stem of the trail that we current have, was the abandonment of that path included in this petition?

Mr. Jenks: No, it’s not. I didn’t really consider that a road.

James McCubbin: It’s not.

Chair Curtiss: Is there another process for abandoning that?

James McCubbin: Normally we would process an abandonment of any kind of public way the same way we do a road petition. There’s no statute on how does a county abandon a trail easement, there’s no real law on that that I’m aware of. So I’ve advised in the past that we process it the same way as we do a road abandonment.

Chair Curtiss: But right now it provides access for people to get to your apartment complex and in the future whether you develop or someone else, it could still provide for that, so you’ll have to think about whether that is needed.

Mr. Jenks: Well all I’m asking to abandon that easement from the middle of that lot down to the corner.

Chair Curtiss: It has to be part of the petition, right?

James McCubbin: Informally, I just did a little sidebar with Greg and the stub trail easement that is being asked to be abandoned is not substantive, there’s no developed trail there. And the proposed new trail easement would replace that, essentially alter it. I’m told by Greg that there’s no substantive use of the trails so under those circumstances I think you can abandon that piece of stub trail today. I don’t think we need a separate process.

Chair Curtiss: We can’t do it today anyway.

James McCubbin: Right, but as part of this process is what I’m saying. You’re right; this is just the first hearing. That is something that you should confirm when you are on site, that that won’t substantially change anything. Ideally when we get to a Resolution if we could include that in the findings that would be a good idea as well. But we need to specifically spell out if that’s the decision after the viewing that the road is being abandoned but that’s on a condition upon on a grant of the trail easement and I can assist with drafting that up. I think we did that documentation for the prior one.
Mr. Jenks: That was all one package deal on the first time.

James McCubbin: Right. I just wanted to do that analysis because we didn’t specifically have that announced for this hearing process. It’s minor enough and not being a substantiate change, I think we’re okay with proceeding with this.

Public Comment
None

Chair Curtiss: We take turns as to who the Commissioner is to do the viewing and it's my turn. I called Greg a little bit ago and told him I have some open time this afternoon so after this meeting, I think we can make it out there by 3:00. So if anyone would like to join us. Are you available Mr. Jenks?

Commissioner Landquist: Are there going to be some jersey dividers or something there so that cars can’t drive on it anymore?

Greg Robertson: Yes.

James McCubbin: Just to respond to that. The abandonment as proposed would not actually prevent people from driving along the border of that property. We could put a sign up where that driveway/intersection is saying; dead end, no through access. You can’t actually put a jersey divider to the edge of the abandonment.

Chair Curtiss: No but I think some of the traffic was coming from the apartments.

Executive Session
Hearing recessed until May 14th. Viewing today at 3:00 p.m. with Chair Curtiss and Greg Robertson. Decision will be made on May 14th.

b. Adopt Resolution to Authorize Expenditure of Title III Funds
Chris Lounsbury from the Office of Emergency Management could not be here today because he’s out of town.

These are dollars that we get from the Federal Government Secure Rural Schools and Community Self Determination Act. Missoula County has chosen to take our portion to be used for Fuel Mitigation on private property in the WUI. Information has been out for public comment but I don’t see that we have received any. The Resolution would authorize the use of $120,000 in Title III Funds for use in reimbursing local fire service agencies for fire wise communities program projects that they undertake to assist home owners.

Public Comment
None

James McCubbin: I will toss in some public comment since we don’t have fire personnel present. I provide legal assistance to fire districts fairly regularly and I know that by large they consider this to be a very helpful and useful program.
Executive Session
Commissioner Carey made motion that the County Commissioners adopt the Resolution to authorize expenditures of Title III Funds. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

7. OTHER BUSINESS

8. RECESS
   Being no further business to come before the Board the Commissioners are in recess at 1:56.