PUBLIC MEETING
BOARD OF COUNTY COMMISSIONERS
WEDNESDAY, FEBRUARY 12, 2014 – 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 (CO-Chair) Bill Carey, Commissioner Michele Landquist

Commissioners Absent: Commissioner (Chair) Jean Curtiss

Staff Present: James McCubbin, Deputy County Attorney, Erik Dickson, Public Works, Kali Becher, CAPS, Nancy Heil, CAPS, Scott Barton, Environmental Health Junk Vehicle Coordinator, Jim Carlson, Director Environmental Health, Steve Smith, Surveyor Public Works, Marianne Lemons, Clerk & Recorders Office

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS
The Missoula County Employees’ Council is having a Valentine’s Day Bake Sale, Friday, February 14th at the Courthouse Rotunda, 8:30 a.m. – 3:00 p.m. Stop by to purchase your last minute Valentine treats.

4. PUBLIC COMMENT
None

5. ROUTINE ADMINISTRATIVE ACTIONS
Current Claims List ($2,221,056.79)

Executive Session
Commissioner Landquist made motion that the Board of County Commissioners approve the Current Claims List in the amount of $2,221,056.79. Commissioner Carey second the motion. The motion carried a vote of 2-0.
6. HEARINGS
   a. Hidden Trails Subdivision HOA (Establishing Parking Restrictions)

**Erik Dickson gave staff report and showed PPT Presentation.** The Resolution that is before you today for your consideration is a consideration to restrict parking on portions of the interior streets of the Hidden Trails Subdivision in East Missoula. This was approved in 2003 as a planned unit development. As a planned unit developed had smaller lots, increased density, some reduced road sections, reduced right-of-ways and was likely to lead to some on-street parking problems. The infrastructure was completed in 2004 but the full build-out of the residential lots was not complete until probably 2007 or 2008. In 2008, I think is when we received the first request from the Home Owners Association (HOA) to restrict on-street parking, there were concerns for the lack of service by Public Works and the potential lack of service from emergency responders due to the narrow streets and the on-street parking. There were numerous requests and numerous responses from both the Commissioner’s Office and Public Works suggesting to the HOA what would be necessary to implement these parking restrictions. A lot of it went back to the fact that it would take a lot of buy-in from the residents to adhere to the parking restrictions and also rely on enforcement from the Sheriff’s Dept. Those requests went on and off from 2008 through 2010, a lot of holdups along the line. It wasn’t until 2013 that the HOA made the request again, so there was that gap between 2010 and 2013 and they requested both through the HOA themselves and through the East Missoula Community Council that we consider the parking restrictions. They followed the advice that was offered in 2010 by Greg Robertson, from our Office, that they contact the East Missoula Fire Department and Emergency Responders and also to continue the discussions internally with the residents to convince them of the need for the parking restrictions. The current board did that, they had continued discussions at their monthly HOA meetings. They obtained signatures on a petition indicating their approval by the residents that they wanted these restrictions. Again, as I mentioned, they contacted the East Missoula Fire Department who submitted a letter of recommendation for the parking restrictions. Ultimately they went to the solution of...based on their own observations of recommending which streets and which locations the parking be restricted. Just for reference I’ve included some photos here so you can see what streets those are (PPT Presentation). When you look at Discovery Way, looking from Staple Street, you see cars that are parked on both sides of the street. This portion of Discovery Way is 32 feet wide so by the time you take up 16 feet of travel lane, with parking spaces, and then you’re left with a 16 foot drivable surface, which most fire departments want a 20 foot clear driving surface to pass. And also, if this were the case in the winter, then obviously we couldn’t get through with a snow plow, which is one of the major concerns from residents that we weren’t providing service through the winter. The proposal from the Home Owners Association is to restrict parking in areas marked in red (looking at the PPT Presentation), along community mailboxes and locations with fire hydrants or just near the intersections. Again, these recommendations are based on their own observation of where the parking restrictions would have the least impact on the residents. They’ve proceeded as we’ve requested to move ahead with this request and give us an option that is apparently reasonable for their own needs and for rural fire needs.
Public Comment

Jim Hamill: I actually went around a couple nights and got signatures from residents, I can give that to you. The way it sits now, there’s so many cars on the street we’d end up having to park out on the highway, out by the mini-storage. Discovery Way has been plowed every time it’s snowed this year, Bonner hasn’t been but it isn’t a big issue. If we have to park out on the highway there would be walking conditions that we’d have to endure to get into our subdivision (showing photos). The HOA doesn’t take care of the common areas and you’ll see in one of those pictures where the sidewalks aren’t plowed or shoveled. In regards to Discovery Way, when it is plowed and it has been plowed, it’s not all the way to the curb so there’s a berm of snow sticking up probably five (5) feet away from the curb, so you can’t park on Discovery Way anyway with the plowing.

Commissioner Carey: How often did you say it was plowed by the County?

Jim Hamill: Discovery has been done every time the snow has fallen. Last year when it got really bad I believe they came out with a smaller pickup and did Utah and Connor Court.

Commissioner Carey: So where we have a petition on the one hand from the HOA to do this, you’re telling us that there are people who don’t want it done?

Jim Hamill: I went around the neighborhood for two (2) nights and I got a lot of signatures and I couldn’t find anybody that was for the parking restrictions.

Erik Dickson: This was the petition that was received with the East Missoula Community Council in their May 2013 letter.

Commissioner Carey: Is there any way to get together and figure out what would work?

Jim Hamill: We don’t have monthly meetings. The board has monthly meetings, but our Association has yearly meetings. In the annual meetings it’s been shot down every time they it brought up. There are one (1) or two (2) people on the board that really want this. The majority of the people living in the neighborhood do not want it.

Commissioner Landquist: We did also receive a letter from the fire department in support of the restrictions.

Jim Hamill: I had talked to East Missoula Fire when I was on the board, that’s been two (2) years ago, they said they had a contingency plan if they couldn’t get their trucks down the streets. They had made hoses that would extend on either end, I don’t remember the gentlemen’s name that I talked to out at East Missoula Fire.

Erik Dickson: This is the letter; you have a copy in your packet from Travis Wafstet, the Assistant Chief. He said that this week they were getting a new truck. Basically says that their new truck would not fit down the streets if there was parking, either alternating side or near an intersection.
Commissioner Landquist: That confirms what I was told the other night at the Bonner Community Council, there was someone there from rural fire that knew that this was coming up on our agenda. I don’t know, I guess things have probably changed since you were on their board.

Jim Hamill: No, it’s the same board members and our last annual meeting was last month and it wasn’t brought up to a vote, it was just mentioned that there was going to be hearing on it.

Commissioner Carey: About how many signatures did you get?

Jim Hamill: There are five and a half (5½) pages and I think eleven (11) per page. I probably could have gotten more.

Commissioner Landquist: Some of them live in the same house. Here are four (4) people that live in the same house that signed.

Commissioner Carey: Anything else to add to that right now?

Jim Hamill: That’s all I have.

Commissioner Carey: Does the county need to consider liability issues when we’ve been told that the fire department can’t make it down the street?

James McCubbin: This is a discretion decision for you, based on public health and safety and general public interests, so those are all factors that you need to weight. I don’t read the East Missoula Fire Departments letter as saying that they won’t be able to response in this area if there aren’t parking restrictions. It may be a convenience factor, which if they (unauditable). That letter is absolutely something you should take into account. Also a lot of this has to do with the convenience of travel in the neighborhood and whether the streets are going to be hard to travel on. There are lots of communities in Montana and certainly in other states; I’m sure we’ve all been to cities where if the street is fully packed with cars on both sides, you basically have one car at a time and I’m not aware of that being a major liability issue anywhere. So I don’t think we’re looking at that so much as just looking at the best of public benefit. Another factor is if the point is to not have parking on both sides of the street, the proposed map is not entirely consistent on that point. There are certain areas where…you look at Utah Drive, maybe the width of the drive expands, it’s hard to tell with the trees. The NE section of the road you’d have parking on both sides, but on the rest of it you wouldn’t, so I have been looking at that…wondering about that. When you do parking restrictions you want to have it consistent to meet whatever goal you’re trying to achieve. Same with Judy Drive, although I think that extends past the subdivision. I think this is a discretionary decision for the Commissioners. I have spoken with Erik about whether a legal review was required. The statue said, that are sighted in the proposed Resolution, are well established and we’ve done essentially the same Resolution for different areas before. I wasn’t really looking at this as a legal review issue.
**Commissioner Carey:** Is there a way we can take some time to see if we can work an agreement with these folks? I’d hate to have this neighborhood pitted against each other.

**Erik Dickson:** Yes. We can go back to the Home Owners Association and if we need to have… I didn’t realize there was a separate monthly meeting from your annual meeting, so if we need to get together on a larger scale. As I mentioned, these restrictions that were proposed by the board were based on their observations as… I recognize what James is saying; if we restrict the parking entirely on one side of the street it should be continuous but I think their attempt here was to leave portions where they could park on the street, kind of a compromise I suppose. Which was around their mailboxes, the intersections and the fire hydrants so if there’s something that can be negotiated amongst themselves, we are I guess as we can provide service especially on Discovery. I didn’t realize it was as consistent as it was, but whenever there’s a narrow street we’re a little hesitant to go in there, so depending on the day, depending on the parking situation that may change.

**Commissioner Landquist:** What I came up with from this petition and I was quick, so I could have made mistakes… out of the 57 signatures, 43 of them are from the same actual address, so if you want to look at it that way and break it down a little differently. This happens to be one of the first road reviewer field trips that I went on, when I first came on to the Commission. I was quite frankly shocked and appalled that something like that would be approved knowing that people will eventually be parking on the street and it would be problematic for emergency services, let alone for the county to do their job in plowing roads. At that time, I remember the neighbors in the area were conflicted with some of them were for it, some of them were against it. One of the problems being; not everybody can park in their garages, the way that they had expected to because of the curvature over the garage. How was this sold to the county and get passed? Was this one of those subdivisions that was sold to the county as; “Oh, the covenants are going to say no parking on the street, there won’t be parking on the street”? Does the covenant for this place address any of that parking on the street, at all?

**Erik Dickson:** No.

**Jim Hamill:** The covenants say you have two off-street spots; which is your garage and your driveway. When we first moved in – I have a Dodge minivan and there wasn’t anything in the garage, I tried to put it in there and it doesn’t fit, can’t get in the doors. But it doesn’t say anything about on-street parking.

**Commissioner Landquist:** So it says you either park in your driveway or the garage but it doesn’t say necessarily that you’ll not be allowed to park on the street; it’s just ‘assumed’?

**Jim Hamill:** Right.

**Commissioner Carey:** It just strikes me that it would be better if the neighborhood had a general buy into this, rather than….
Jim Hamill: And they’ve tried for the last 3 or 4 years that we’ve lived there to do these restrictions and it’s been shot down.

Commissioner Landquist: It’s never going to happen.

Jim Hamill: My issue with it is that we’ve got a lot of elderly people that live out there and some of those pictures show if you have to park out on the highway and walk in at night, there are no sidewalks coming into the subdivision. And then the subdivision itself, the HOA doesn’t take care of their sidewalks.

Commissioner Landquist: It’s real unfortunate that something like this even got approved. But that was before my time and I don’t know who else was on the Commission at the time but it’s a bad deal all the way. I feel like we’re between a hard spot here – I don’t want people parking out on the highway, we can’t have that, but by the same token, we have to make sure emergency services can get through and the snow plow drivers can get through. I’d really like to hear what our snow plow drivers have to say. I understand what the gentleman’s saying as far as they sent a smaller one out, I don’t know Erik, do you know how many smaller ones we have and what kind of high demand they are compared to the larger plows that the county has?

Erik Dickson: We just have one; it’s basically a large crew-cab, one ton Dodge truck. We send our single axels through there but they’re still bigger, wider than that smaller one and the blades are a lot larger. When we were doing that last year, the demand was so high for our other areas that we had that truck as a backup and we did send it to some of these tight area just as a spot clean up. So we have the one truck and it was bouncing to different parts of the county, so it wouldn’t be typically a regularly assigned route for that truck.

Commissioner Carey: I just don’t know if there’s any point in not acting today or…it sounds like this has been going on for quite a while, the division is not going to be healed anytime soon in terms of what people want out there.

Erik Dickson: Right. I can go back to the Home Owner’s Association, their representative wasn’t able to be here today, he’s out of town. I can check back in with him and see if they can…I don’t know if there’s any need to try to have a special meeting on it. Sounds like it’s a regular discussion that hasn’t been a unanimous decision so maybe give them one more attempt.

Commissioner Carey: Maybe meet a month from today, I realize winter’s going to be pretty much finished by then but is it worth trying to work something out. Mr. Hamill’s shaking his head yes.

Commissioner Landquist: I would like to at least see if we can work something out with the HOA and if all else fails maybe come back with a modified agreement. Because according to the Hidden Trails Home Owners Association that wrote us regarding; to ensure that they have numerous families with children in this subdivision and he was also requesting so that they can be seen when they cross the road that the street corner curbs be marked yellow and this would also allow for emergency and county service vehicles to turn in and out of each street. There’s also something in
here that talks about the difficulties for the mail being delivered at their mailbox clusters. If all else fails, maybe we could make sure that proper ‘no parking’ markings are made where fire hydrants are, as well as where people are supposed to be crossing roads and where the mailbox clusters are. We could make sure that part is done and maybe...to make sure that they're really adhering to it because I don't know...if they're having trouble getting to the mailboxes, I don't know how much distance before or after is marked but maybe increase that enough so that the mail truck can get in there and do what they need to do. I’d be ready to move forward on it and give it a whirl because I don’t think leaving it up to the Home Owners it will ever get done and I am concerned for safety but I still think we need to work out the highway too. That's huge.

Commissioner Carey: Should we recess this hearing for two (2) weeks? Is that going to give people enough time to meet?

Commissioner Landquist: When do they have their annual HOA meeting?

Jim Hamill: They had it in January.

Commissioner Carey: But you do meet monthly?

Jim Hamill: The board members do.

Commissioner Landquist: Then they can have a special one and let everybody come out too.

Jim Hamill: The yellow corners and the hydrants and mailboxes are painted that way now.

Commissioner Landquist: And are people following it? Maybe we should just expand on those a little bit. I’m just looking for some sort of compromise here because I see the problem and you admitted that you guys have a minivan and you can't park in your garage. Are those square curbs or rounded curbs? Those are square county curbs aren't they, darn it. Those rounded kind you can do the European model and park half way up on the boulevard.

Executive Session
Commissioner Landquist made motion that the Board of County Commissioner recess this hearing until March 12, 2014. Commissioner Carey second the motion. The motion carried a vote of 2-0.

b. Rich Ranch Open Space Bond Project (Seeley Lake)
Kali Becher gave staff report. This project proposes to use up to $84,000 of Open Space Bond funds towards the purchase of a conservation easement on 122 acres of land owned by Jack and Belinda Rich in the Woodworth Meadows area near Seeley Lake. Five Valleys Land Trust would hold the conservation easement on the property. On January 14, 2014 the Board of County Commissioners determined that this is a qualified Open Space Bond Project and adopted Reimbursement Resolution 2014-001
and this qualifies the project for Open Space Bond funding. Missoula County Open Lands Citizen Advisory Committee met on January 16, 2014 and voted unanimously to recommend this project for approval. The 2008 interlocal agreement related to the Open Space Bond established the general purposes of the bond. This project meets the following purposes; providing open space and scenic landscape, conserving working ranches and managing for growth. The 122 acres being placed under conservation easement is under undeveloped pasture land, with important agricultural soils. Only one structure is existing, this is a barn and under the conservation easement no other structures would be permitted besides those for agricultural purposes. The total estimated project cost is $281,400.00 with an estimated conservation easement value of $250,000.00. Since the final appraisal is not available at this time, Five Valleys Land Trust is asking for bond funds to cover 30% of the total cost and this would be up to a cap of $84,000.00. The bond funds will be applied towards the purchase of the conservation easement and Five Valleys Land Trust has raised additional funds for the project and the estimated match for this project in private to public dollars is 2.35 to 1, with a bond cost of roughly 688 per acre. Staff recommends approval of this project; there are no special conditions for approval and a draft Resolution is attached to your Request for Commissioners Action (RCA).

Public Comment

Alisha Vanderheiden, Missoula County Open Lands Committee (OLC): I’m here to share our enthusiastic support of the Rich Ranch proposal for open space bond funding. OLC members received the written proposal, participated in a question and answer session in person with the land trust and land owners and attended a site tour. The project scored highest in scenic and historic values and is a prime example of the benefit of open space bond money working to support the counties working landscapes in its rural communities. The land owners have a clear love of the land and provide excellent stewardship. In their role as outfitters they share these values broadly with neighbors and visitors alike. We ask that you fully fund the request that is before you. Thank you.

Sara Richie, Five Valleys Land Trust: Showing maps and photos of the Rich Ranch land. An overview of the funding that Kali already detailed for you but we’re very fortunate this project to have a number of programs that fit well with this project. We’ve been able to apply for match funding. Some of our match funding is already secured, including the Montana Association of Land Trust Travelers for Open Lands Program request of $5,000. The land owner donation, both cash and in-kind and then we are currently applying for a federal program, the Farm and Ranch Land Protection Program for $125,000.00. So our request, again, for you today is 30% of the project cost, up to $84,000.00. The easement is designed to protect the 122 acres of productive farm soils, as well as a scenic view shed from Cottonwood Lakes Road. Thank you.

Executive Session

Commissioner Landquist: We took a field trip up there and the heavens were good to us again, we luck out and have some of the best weather on some of our field trips. What a fantastic place, what a fantastic job they’ve done at managing the ranch. It’s my understanding one of the...besides from them wanting to just conserve the area, one of the things that they’re going to be doing with the proceeds from this is
purchasing even more land that will already have a conservation easement on it. So they'll be adding to their ranch as well, is that correct for record?

Yes. That is correct.

Commissioner Landquist: While it’s a fact that not all of our conservation easements include the public access, actual public access to those places, the public certainly from so many directions has the benefit of this fantastic view shed. Not only what’s shown on here but as we drove around when you’re up there in that kind of country, the view shed is spectacular and magnified so much more and it wouldn’t be that if it hadn’t been for their good stewardship and their land management policies. I certainly appreciate that.

James McCubbin: Just to clarify for the record; I understand if there’s an intention of using the funding from this to purchase additional lands that would reflect upon the good stewardship practices of these owners. My understanding is that would not be a requirement of this or a condition of this funding. I want to keep the record clear that they’re not...

Commissioner Landquist: It certainly isn’t but there’s a misconception out there, I appreciate you mentioning that James but there is a misconception out there with some folks who seem to think that people are selling off their development rights to their properties are getting rich at county taxpayers expense and in most cases what we have found is that that’s not true. What they’re doing is they’re like some of us that for years have considered themselves land rich and money poor and continue to even when they come into a little bit of money. Continue to become land rich and money poor because they love the land so much that they buy more of it, so they can be monetarily poor but have all this land around them. So I was mostly saying that for the benefit of people out there that had that conception as well as the people out there that feel like all these conservation easements should offer some public access to them and while some have in the past, it’s not a requirement of the county and it never was a requirement of the county when that bond was going before the voters to be voted on. My next question is; this is really bad timing for this question because we are continuing to have issues with the county’s website, which we were informed is right now being declared clinically dead and going through more emergency measures to fix it and get it operational. These wonderful photos and powerpoints that we have, I know that we’ve put together a collection of a survey, so to speak, of all of our open space projects, including with maps and some pictures of each one ~ that is available for people to access on our website, is that correct?

Kali Becher: Yes. It’s called the Open Space Bond Atlas. If you go the Missoula County website and then the Community & Planning Services Page, they’ll be a link at the top for our Communities and Conservation ~ click on that and there’s a hyperlink to the Open Space Bond Atlas. From there you can see an overview of what’s happen with the bond money to date, as well as specifics on each project and maps and pictures and that has recently been updated so all the projects are on there.

Commissioner Landquist: That’s pretty much what I wanted to say for the record because I know there was some letters to editor with some information that wasn’t quite
accurate and that often times stirs the pot of negativity around some of these things. If you want to be negative that’s fine, just have your facts right, that’s all I ask. This is a good project and I’m really proud and honored to be a part of being able to support it. It’s a good buy for the money.

Commissioner Carey: I agree. I’d like to thank Jack and Belinda Rich and the Open Lands Committee, Five Valleys, our staff for all the good work you’ve put in to make this possible. For me it’s the kind of gift to the public that will increase in value over the years.

Motion
Commissioner Landquist made motion that the Board of County Commissioners approve the expenditure of up to $84,000.00 in Open Space Bond Funds via the attached Resolution towards the purchase of a conservation easement on approximately 122 acres for the Rich Ranch Project, based on the findings that the project does qualify for funding. Recommendations of the Open Lands Advisory Committee, public hearing comments and staff analysis. Commissioner Carey second the motion. The motion carried a vote of 2-0.

c. Motor Vehicle Wrecking Facility License Application (MB Auto Parts – Futurity Drive)
Scott Barton gave staff report. I just passed out an updated preliminary Resolution to you with six (6) items that we would like to have included as conditions for approving this Resolution. The fence currently is 2/3 of the way built but it needs, after talking with Steve Hutchings at the Missoula County Public Works Building Division, it needs to be engineered and it needs to be permitted before it can be completed.

Commissioner Landquist: Is it that tall of a fence or something, is that why it needs to be engineered?

Scott Barton: Sections of it are over the eight (8) foot limit, yes. We would also ask that the shielding of the property be completed before the license is issued by the DEQ. That’s part of ARM Rule 17.50.201, that MB Auto Parts finish the shielding at the chain-link gate that they have at the entrance of the property. It’s required to have either fiber-glass or some kind of slates put in it to prevent public view into the property. That the fence, the shielding conforms to the rules of the junk vehicle program specifically 17.50.202 that addresses the quality of the material and the type of construction. Currently the material is not of the type that’s outlined in that section the Rule, so it actually needs to be approved by DEQ before it’s used and then just to make sure it meets all the standards. The fence posts on the property are of multiple heights, they vary a good 18 inches in height above the fence line. We’d ask that they cut those all to a common height. After the license is issued that they abide by the rules of the junk vehicle program and that all the junk vehicles are kept within the shielding.

Commissioner Landquist: Is this a new junk yard?

Scott Barton: Yes. This is a new wrecking yard that was applied for on January 27, 2014. The location of the property is; it’s two addresses lots 3 & 4 but the addresses are 9227 and 9301 Futurity Drive.
Jim Carlson: As in previous hearings for licenses in this neighborhood, to remind the Commissioners, the Missoula Industrial Park is unpaved and the roads are a significant source of particulate pollution and the soils in that area have high clay content. When people drive out, especially in the Spring and the Fall and carry lots of mud onto old Hwy 10, a lot of that’s re-suspended by high speed traffic. We’d like to ask all current and future business owners out there participate in a paving RSID to control dust and particularly in light of the fact that that area, after having been an industrial park for 40 years, is getting to be used more and more in higher density development, it’s time to look to pave those streets. We would ask that the applicant participate in a probable future paving SID in the area.

Commissioner Landquist: What have we done in the past Jim? I know we’ve approved some others in the area, have we put in a contingency thing such as approval based on…

Jim Carlson: State law already has voting procedure for RSIDs. We’ve been advised to make other licensing and other activity is probably not appropriate to require that they waive the right to protest on something that’s as far away as licensing. And certainly we need the support of all the business men in the area to do that. So if you’re asking if we are asking for leverage at this point and time, no we are not.

Commissioner Landquist: Seems like this would be the time to do it. I get what you’re saying.

Public Comment

Tom Orr: I’m here on behalf of MB Auto Parts, LLC, the applicant. We’re asking that you approve it. We had an opportunity to review the proposed conditions 1-6 and we agree with those. We’re going to get the fence into shape. I understand Mr. Carlson’s concerns about dust and mud out there; I think that at a certain time the business people…it will probably become something that the business people will want. I think at this point it would be inappropriate to add that as a condition. We’re asking for the support of the County Commission to approve this application subject to the six (6) conditions in the Resolution. There’s two other similar businesses out there so we’re sort of gonna become part of the group out there. Auto Parts Recycling was the one that you previously approved and I think Pacific Steel has a place out there.

Commissioner Landquist: But that one’s not active yet, right?

Tom Orr: They’re not active. We’re just trying to be a good neighbor. I guess another thing for the record is that this will part out the owner of MB Auto Parts to move some junk vehicles from an area that isn’t presently permitted and bring that into compliance.

Executive Session

Commissioner Landquist made motion that the Board of County Commissioners approve the license for MB Auto Parts LLC based on the six (6) conditions that staff mentioned. Commissioner Carey second the motion. The motion carried a vote of 2-0.
d. Petition to Alter & Abandon a Portion of Utility Easement (Ramos Addition)

**Marianne Lemons:** On January 28, 2014 our office received a petition from Chad and Andrea Fero to abandon or alter a 30 foot utility easement benefitting Lot 1, as shown on the plat of Ramos Addition, located in S18, T12N, R19W beginning at the Northerly right-of-way limits of Lorraine Drive, as shown on the plat of Ramos Addition and ending at the Northerly property line of Lot 2 of Ramos Addition. Missoula County has been petition to abandon 10 feet of the 30 foot utility easement, relocate the utility easement to parallel the east property line of Lot 2 and decrease the utility easement from 30 feet to 20 feet, as shown on exhibit A. They would also like to pair a 10 foot telecommunications easement within the border of the 20 foot private access easement along its easterly boundary line as shown on exhibit A. The Missoula County Surveyors Office and the Missoula County Attorney’s Office have reviewed the petition. Utility owners have provided written consent. All effected land owners and 14 Missoula County free holders have signed the petition and the petitioners have paid the Clerk & Recorders fee, and a notice of Public Hearing has been posted two (2) consecutive times in the Missoulian.

**Public Comment**
None

**Executive Session**

**Commissioner Landquist:** I’d like to point out that we don’t get this kind of request very often, as you’ve probably been informed. We’re going to handle these similar to how we handle other requests for road abandonments, which means we start the hearing process here but offering the ads have been placed. We also offer the public an opportunity to come before us and tell us why we should or shouldn’t do this abandonment. Then one of us Commissioners, whosever turn it is, because we take turns between the three (3) of us, going out and doing an actual on-site visit to the site. You only get so much in printed form with plat maps and so on, so one of us will go out with either our surveyor or someone from Public Works to take a site visit. Then we’ll come back and reopen the hearing, so to speak, and make our decision based on a written up report at that time. So we’ve decided that’s what we’ll do for this type of request as well so that we have some sort of consistent process in place. Robin, do you have the calendar of what Commissioners turn it is? I’m guessing Bills.

**Robin Moore, Secretary:** Yes, it’s Bills turn.

**Commissioner Landquist:** How soon could we get this site visit done and get it back on our schedule.

**Robin Moore:** We don’t have the schedule in front of us; we will need to ask Patty Rector, our Office Manager for the calendar.

**Commissioner Carey:** So we can recess this hearing until we have a chance to look at schedule.

**Commissioner Landquist:** We usually get these done pretty quickly.
Robin Moore: Is snow a factor?

Commissioner Landquist: As long as we can reach the site. The site’s reachable right?

Commissioner Carey: What do you mean reachable? (laughter)

Commissioner Landquist: Like it’s not way up on the side of a cliff. That’s what I mean by reachable, it is winter time and we’re finally getting winter.

James McCubbin: You usually ask if the property owners want to be present.

Commissioner Carey: Do the property owners want to be present?

Answer is no.

Ryan Shoemaker, Gavin, Inc Architects: If you have any questions on this, I can answer those now but it’s pretty straightforward.

Commissioner Carey: So we’ll recess until... do we have a good date to get back on this? It shouldn’t take more than a couple weeks.

Commissioner Landquist: We should be able to contact them by this afternoon; it’s just a question of going upstairs and checking the calendar.

Robin Moore: The 26th is our next public meeting.

James McCubbin: Is the property fairly apparent as to where this is? Because I notice it looks like it’s a bunch of bare land. That boundary may or may not be easy to identify.

Ryan Shoemaker: Yes, it’s pretty apparent there’s a house adjacent to it, it’s built on the property next door. It’s accessible from Lorraine Drive, the top lot is. If there needs to be help to find the lot, I could come or one of the property owners could come with.

Commissioner Carey: Steve, are you planning on coming as well.

Commissioner Landquist: As we were briefed earlier on this, it’s really more like sort of a relocation, sort of, of the easement.

Steve Smith: Yes, I can attend. I’ll be one of the designated individuals from Public Works.

Commissioner Carey: Okay. We’ll have Patty get in touch with you. So we’ll recess this hearing until the 26th of this month. Meanwhile, we’ll take a look at the actual property.
7. OTHER BUSINESS
   None

8. RECESS
   Being no further business to come before the Board the Commissioners are in recess at 2:34.