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

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS
None

4. PUBLIC COMMENT
Jeffrey James Halverson, Orange Acres: In light of the ruling of the Donrovan Ranch, I wanted to bring up a few things; I was there and attended the court case as well. The Judge, McClain asked Deputy County Attorney, James McCubbin why was the Health Department so interested, why was the county pursuing the Miller’s after all they’ve been through? After all the money they’ve already spent on attorney fees and everything they’ve done to try to comply with the law. He shook his head and he did not understand. He said I don’t understand why you’re targeting these people and why you guys are standing in the way of these good people. I wanted to speak and say the Millers are good people and I too want to know why. I think this is something the County Commissioners should really look into as well. I want to bring up the track record; there was the subdivision for purpose of mortgage case that McCubbin also lost. Then he appealed it to the State Supreme Court and lost it again there. Whose interest was that in? Who was the benefit of this and why is the county against these cases? As well as the case like mine, I let homeless people and veterans stay on my property for free. And I filed a counter-claim now, I don’t know if McCubbin is keeping you up to date. But the court case basically at this point, they have ruled that my property can never have anything...so much as more than a three (3) bedroom house and I have an eight (8) acre piece of property. I’m on the reservation, tribal members less than 1,000 feet from my house. They’ve put three (3) septic tanks in, as far as I know, they don’t have to get any permits. They can build five (5) feet from my property and septic tanks, which the county is saying I can’t build a septic tank. They’ve said that just like in the Miller’s case; McCubbin said the law was funny, or fuzzy, or doesn’t
seem to make any sense. When you look at the permits on mine, that were before I purchased the property, they said the county’s permits didn’t make sense. The COSA says the septic field had to be one hundred (100) feet from the irrigation ditch and the county approved it sixty (60) feet from the irrigation ditch. Then before I bought it I went in and I went to the Health Department and I asked them; is this a commercial piece of property? Is it suitable for use? I want you to know I’m a minister, I help people. I don’t preach because I have a stutter, I don’t talk well. I practice what I preach though and I believe in forgiveness. The first thing that happen when we had a stipulation for preliminary junction; the county asked to inspect my property without a warrant, I said sure come on up, I want to show you what I do for people. I want to show you the safe, clean environment I provide for people, instead of camping on the Courthouse lawn, instead of camping at the WalMart parking lot where there’s 75 RV’s in the summer ~ and you’re suing me for doing the same exact thing. When Tom Barger came to me and said you can’t let people camp on your land ~ but the county can let people camp on the Courthouse lawn, it didn’t make any sense and I asked why, and that was what I’m guilty of. I’m guilty of asking why and for that I’ve been targeted. I’ve come here to ask you again to reconsider and sit down at the negotiation table and look at my case again. I’ve asked to talk to Hal Luttschwager and I understand he can’t talk to me. But I would ask the Commissioners again, as I’ve asked before. You’ve seen now that McCubbin has been wrong and people are saying why are…not me, but people like representative Ellie Hill. She said in a radio interview; the judge left the door open for the Millers to sue and get loss of use of their property, and get loss of business and damage to their reputation because of what McCubbin has accused them of. I am asking you to re-evaluate your contract, your deal with McCubbin and get a second attorney, and let me sit down with him. Let me go over my case, he doesn’t have to say a word, I just want to show him my case and I want to say; Now am I wrong, or is the county wrong? I’ve sued the county for damages, for money now. I don’t want the tax payers money, I want the tax payers money to stop being wasted in all these cases that McCubbin has done. It’s just like every tax payer in Missoula have all asked why? I just want to sit down and say can we settle this in a way that makes for my property…..right now my property’s not worth making my mortgage payments on. Because, if I can never build on it, if I can never have anything but a three (3) bedroom house and a business with six (6) employees, you’ve basically condemned my land. That’s why I have to fight. I can’t afford $40,000 or $150,000 like the Millers have spent on an attorney because it wouldn’t be worth spending it on, I’d be better just to tear down my house or walk away and take everything I own. I can’t afford that kind of stuff. And you’re using the tax payer’s money. McCubbin’s strategy is; okay maybe there’s a fine or something like that or maybe something you’re guilty of but we’re going to make you spend $50,000 in court to prove you’re innocent on a stupid violation, and that’s his strategy. What is the point of it? People want to know, the Missoulian wants to know ~ Why? Why are the Commissioners intent of abusing people like that and not helping people? That’s what I’m asking. Like I said; I’d like to sit down again, I’d love it if you want to talk about communication, you want to talk about being open and everything. Let’s just sit down and figure out a solution to this problem. If you want to come see my place, I let the people come see it before; I want you to see what I’ve done. I’ve dropped off my 300 sign-in sheets to Mr. Carey and I said you can call all these people, I’ve never charged anybody rent to stay here. Ask them what they think of me. We’re starting a letter campaign in the Missoulian, I’ve got probably 50 people writing letters about how good of things I do for people. I don’t do things to ask people favors and do things that ask people to come back and defend me later on but I’m going to lose everything I own and I’m gonna have to drag
everybody into this and say look at what the county’s done to me, all I’ve done is tried to help people.

5. ROUTINE ADMINISTRATIVE ACTIONS
   Current Claims List ($700,041.43)

   Executive Session
   Commissioner Carey made motion that the Board of County Commissioners approve the Current Claims List in the amount of $700,041.43. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

6. HEARING
   Lifting of Ag Covenant for Potomac School District #11 (COS 2703)

   Jennie Dixon gave staff report. This five (5) acre tract is vacant and has been utilized by the school since December 1981 for a variety of school activities. In September of 1981 Mr. Hall created this tract through agricultural exemption and subsequently sold the property to the school district. The school district now proposes to improve the property with the multi-use recreation. The community consensus is to create a setting for an assortment of activities for school sporting events and public recreational use. The district has secured over $100,000 to date for the development of this site as a community recreational facility. To continue with this plan, the school district is now requesting the agricultural covenant placed on the property be lifted. Staff recommends approval of this request to lift the Ag exemption off of COS 2703 for the Potomac School District.

   Alisha Vanderhiden: The issue of the agricultural covenant came to our attention through the Public Works Department when the school had applied for permits to do some of the work that we’ve already been doing the last couple of years, that was related to culverts. So it came to our attention that there was this covenant on the property and we were informed that even at a recreation site and even the septic field that was approved by the county in the 90’s was not legal under the existing covenant. We needed to make sure that we did our due diligence and try to make sure that the project was going to move forward appropriately. This opportunity came to our attention with the amendment in the language to the subdivision review. I brought supporting documents and plans with us that have been well circulated throughout the districts – the plans for the site with the multi-purpose grass recreation field and pavilions.

   Chair Curtiss: So there’s not a plan to build other than pavilion type things, you’re not going to build a building?

   Alisha Vanderhiden: No.

   Chair Curtiss: The reason why it took a little while is because we had to amend our regulations to figure out a way to help public entities lift Ag covenants.

   Executive Session
Commissioner Landquist made motion that the Board of County Commissioner approve the request by Potomac School District 11 to lift the Agricultural Exemption from the property described as COS 2703 based on the fact there does not appear to be an attempt to evade subdivision review. Commissioner Carey second the motion. The motion carried a vote of 3-0.

7. OTHER BUSINESS
None

8. RECESS
Being no further business to come before the board the Commissioners are in recess at 1:45.