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

Staff Present: Deputy County Attorney, James McCubbin, Chief Finance Officer, Andrew Czorny, Jennie Dixon, CAPS, Jamie Erbacher, Tim Worley, CAPS, Jim Carlson, Director Environmental Health, Jean Harte, GCP, Jeff Darrah, Supervisor, Animal Control

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS
Chair Curtiss: Tuesday, October 28th, 9:00-11:00 at the Holiday Inn. Forum sponsored by the Forum for Missoula Children and Youth it’s a free workshop Conversations Matter, listening and responding to our youth. On the Forums website

Stories and Stones at the Missoula Cemetery, Sunday 12:30-3:00. CP Higgins and Janet Rankins will be there to tell stories of our history.

4. PUBLIC COMMENT
Kim Bagnell: Two things I want to bring up that we really don’t think about. When you are using a public restroom would you feel more comfortable if you could put a lid down? Especially in today’s world, with all the germs and the lack of cleanliness. Where the funds would come from, I have no idea but such places as Public Schools and public arena’s and restaurants. When you walk out of a bathroom and you’re greeting people, how do you know people wash their hands?

I’m gonna hire myself out, I’m gonna purchase one of those paintball guns, I’m gonna get lime green and hot pink and when I sit at the stop sign or a light and I see someone on a cellphone, I’m gonna be your phone bandito. That’s such a crutch and such a selfish act, I’m tired of the bull. The city had to go through the process to get that handled and when people can’t control their insecurities and perform their selfish acts at my risk, the people in my vehicle, the other people down the road who are accommodating and following the rules of the land and driving a vehicle, for those of you who can’t get it together you need to have your asses nailed to the wall! The city has passed the ordinance, now the county has its chance to step-up and take care of it.
Chair Curtiss: Thanks Kim. I knew you were coming one of these days, because you told me. I checked with the County Attorney’s Office and we don’t have the authority to but if you’d like to contact your legislator, they could change that in the legislature.

Jim Conkel: I have been trying to work on government collaboration on priority spending for capital expenditures. As part of the process I provided the two County Commissioner candidates and our three current commissioners an opinion survey to try to collect information. I want to come out publicly and thank Bill for the nice phone call and follow-up response; obviously I’m not mentioning Michele’s or Jean’s names in their follow-up responses. Cola and Vicki also both contributed information. Not enough statistical information to accumulate anything, but the key part is we somehow gotta get stability transparency back in the government. Working with the Missoula Independent last week, they had trouble on the street people, when you walk down the street talking to people and take pictures, they couldn’t find anybody following the political race. When I talk about my own project, people say why are you wasting your time, they don’t listen. Unfortunately I agree with them and that’s not the community I wanted to live in. Somehow we have to start better open direct communication about all the issues. I say my specific issue I don’t think the Fort is our best priority spending, the bigger issue is transpiercing government. I just want to bring down a challenge specifically to Jean and Bill because they’re still on the terms, I will change my vote about the fort if you will go public after reading the survey, the 2010 survey and find me any support for a sports team complex at Fort Missoula in the survey that’s justifying the initial process about the Fort, I can’t find any. So that’s one thing; read the Fort survey, come out and give us some information why you believe in support for the Fort. Second thing is the campaign to pass the Fort, 90% of it is going to the Fort, how much information do people know about the Fort? Parks & Trails, doesn’t that sound nice? Again from transparency, if we just had the true information out there, I would take the result of the Fort load so much easier. How many people know that $4M is going to one soccer field? Again, support the campaign to pass the Fort vote on, I think it’s nice and open. 90% of the project, that’s what people should know about. Read the survey, let me know why that survey supports the Fort, specifically for sports complex teams and 2 tell me why you agree with the campaign to pass the Fort publicity wise and I’ll gladly change my support to pass the Fort.

Lastly, I’ve worked with Michele on the Larchmont Board of Directors for the last two or three years, I want to compliment her hard work, etc. It’s interesting, I’ve talked to Bill and Jean about this openly right now is obviously the machine, or whatever you call the machine, doesn’t think she’s a true Democrat for Missoula standards. She’s the most impressive person on our Board of Directors the last years, somehow she didn’t meet the -- test again, I’m curious about that I’m not involved in the circles but how can a Democratic machine come out and beat her? I just don’t get it ~ watch your backs.

5. ROUTINE ADMINISTRATIVE ACTIONS
Current Claims List $4,262,468.67

Executive Session
Commissioner Carey made motion that the Board of County Commissioners approve the Current Claims List in the amount of $4,262,468.67. Commissioner Landquist second the motion. The motion carried a vote 3-0.
6. **HEARING & DECISION** (Postponed from 10-8-2014)
   Petition to Abandon a Portion of Public Right of Way (Lundberg Road-Condon)

   **Chair Curtiss:** We have additional information that we received since the last time. Is anyone here from last time that was asking for that road to be abandoned?

   None

   Since we met the last time we received correspondence from the Confederated Salish & Kootenai Tribe and the road that we had been asked to be abandoned or a portion of goes towards a sacred site for the tribe and they asked us to wait on our decision until they have time to communicate with the land owner. So they’re not asking us not to abandon but they urged us not to approve it at this time. Since no one is here from the land owners we’ll have to let them know. It seems like we should give them time to communicate, so if there’s no rejection we’ll recess the hearing and reschedule the decision for December 10, 2014.

7. **HEARINGS**
   a. **New or Expanding Industry Tax Benefits Application (Roseburg Forest Products)**

   **Ken Fargo, Plant Controller for Roseburg Forest Products:** We’re recently in the process of installing 18.1 Million Dollar project that will actually do a number of things. It will improve our board quality; it will lower our costs significantly, primarily in the raw materials end. Just as informatively, the raw materials is part of production process and it’s extremely expensive. We’ll spend close to 2M a month on raw materials so any reduction you can make there is very important. But there will also be environmental and safety benefits from this project also. Of course, particle board is produced with small particles and dust is always an issue. Our new equipment will control the dust control, which is an environmental concern and will also help with plant safety. That’s the basics now ~ what is boils down to and I’d like a little bit of show and tell here, I brought a couple pieces. You really can’t tell much but the trained eye can tell the difference, our salesmen went wow! You want the surface to be as fine and smooth as possible. We had to do this to be competitive in the market place; we’re just going to do this in terms of jobs and all of that. It’s going to allow us to go deeper into the Midwest because we can produce our product for less money. It’s going to help ensure that the jobs that we have here have a future. Dan can speak on terms of how many jobs we have here with rail and trucking, etc. That was a quick rundown, of course we’re asking for the tax credit on the new industry tax benefits, any reduction of costs of any kind is beneficial to us and this is important that we would get this.

   **Andrew Czorny:** What they're applying for is expanded industries tax credit which is made eligible under MCA 15-24-1402. Basically it says that they have to process Forestry Products, which they do. They earn more than 50% of their annual gross income from out of state sales; I believe you will in access of 90%?
Ken Fargo: Yes.

Andrew Czorny: And for an expanding tax credit they have to have a minimum of $50,000 worth of improvements for modernization to their machinery. The tax credit is a rolling average to be taxed at 50% of the taxable improvements that are provided by the improvements to your plant equipment, both real property and business equipment taxes. At 50% through the first five years, 60% through 6 years, 70% through 7 years, 80% through 8 years, 90% through 9 years, then you’ll be taxed at 100% in year ten. You’ll be done with your project on November 30th, is that correct?

Ken Fargo: Actually, that was the original plan, we do have most of it installed right now and it’s up running and functioning, but there’s a phase I and a phase II. Phase I was put in in July, but we had to postpone phase II which dealt with the milling and drying because I’m not sure if you’re aware of all those big fires that they had in California? The one they had in Wheat California, we actually had a plant there and the plant almost burnt down and this town, the whole works. It took all of the engineers from the company to go work on Wheat because of this emergency and so we had to postpone the 2nd phase of our project. We’re gonna look at April to do that.

Andrew Czorny: The issue we have is; I spoke to the Department of Revenue this morning and for us to pass the tax credit, we have to pass a specific dollar amount. So it has to be a specific dollar amount that you’ve expended. The second public hearing is November 12th so I was going to suggest moving to a date beyond November 30th for completion of your project. But if you’re saying it’s going to be completed in April?

Ken Fargo: That’s what it’s looking like.

Chair Curtiss: Could we do phases then? Could we do the dollar amount that’s been expended now and then in April it will count for the next year?

Andrew Czorny: We’d have to split it up into two separate projects then. I’ll have to talk to the DOR and see if that works, it seems intuitively that it would work. I know you have about $2M in contingency out of that 18.125.

Ken Fargo: And of course right now we won’t have the exact dollar amount until the project is 100% finished. On any given day we could tell you how much we spent, in terms of the project, maybe if you wanted to do it at a specific date in this year. But, we have expenditures rolling in every single day and will until the project is complete.

Chair Curtiss: So can we make that final decision based of Department of Revenue at the next hearing?

Andrew Czorny: I think that makes most sense.
Chair Curtiss: Seems to me the taxable value is whatever is there January 1st. So it seems like that second phase wouldn’t be on the tax bill until the next year anyway, if you work with Department of Revenue. We should be able to do that.

James McCubbin: The statue does actually require that the taxes be paid first, before getting the tax credit back. Which does lean towards splitting it on a year by year basis. Statue also only requires a hearing, we’re having two hearings so I think…

Chair Curtiss: Maybe the second hearing we’re talking about is for the TEDD and Animal Control. But we could delay our decision until we have…

Andrew Czorny: We are having two hearings.

James McCubbin: So, no decision is being made today, I think we’re fine to continue. But we should definitely have some more communication with the Department of Revenue to be sure we’re following their process.

Andrew Czorny: Jill Gallagher with the Department of Revenue (unauditable) will be here for the next hearing.

Dan Fargo: I’m in communication with Jill, in fact, she was the one that initially said we should we should put everything in motion this year just for your planning purposes you knew about it since it’s a big chuck on change that we spent here.

Andrew Czorny: I’ll speak to her right after the meeting and we’ll get it straightened out.

Dan Fargo: Okay, I guess we’re just trying to postpone the meeting?

Chair Curtiss: The next hearing will be on November 12th, we’ll make sure we have all those questions answered by then so we have a specific dollar amount that we approve.

Public Comment

Dan Daily: Ken alluded to the jobs; this project was a job security project, quality improvement, job security for the 120 people at our plant, for people at MRL, for truckers, for Pyramid Saw Mill which is within Missoula County we buy all their raw material. This project will also help us with our raw material reduction. I don’t want to open this up but it’s two distinct separate portions of the plant that we’re talking about; we are complete with the former milling and drying that was postponed due to the fire will be a separate phase of the project so dollar wise it will be very easy to identify what we spent for the first phase in this year, and we won’t complete the second portion of that until next year, it will be obviously a different dollar amount.
Chair Curtiss: So the entities that are within this taxing jurisdiction; Missoula Rural Fire and the school districts were notified of this request because it will affect the growing portion of their taxes, we received no comment at this time from them. Is there anyone here that would like to make comment about the request from Roseburg Forest Products to use the expanding industries tax credit?

Doug Rice, Superintendent of Schools, Hellgate Elementary: Since we’re impacted by this, would the Department of Revenue representatives that may be coming in November or would they be able to give us a better picture as to what the fiscal impact would be to our school district, if this is approved? Or would there be a fiscal impact to our district?

Andrew Czorny: The fiscal impact would be on the increased taxable value that’s created by these improvements and those increased taxable values, they’re categorized into a variety of different layers; there may be one for plant, there may be one for buildings, there may be one for siding and all those classifications have individual taxes associated with them. I’m not certain that they will be able to give you the impact at that meeting because they haven’t gotten the final numbers from Roseburg, but they would be able to give them to you after they have those final numbers.

Doug Rice: Okay I appreciate that. Thank you very much.

Chair Curtiss: So they won’t reduce any of your current taxes of course, this would just be that the others get phased in.

Doug Rice: Of course. Thank you.

Commissioner Landquist: I just want to thank Roseburg for their commitment to staying in business here in Montana, Missoula in particular, the county even more. I’m glad that we can help you get some tax credits to expand your business and improve your business and have the good working relationship with you that we do. Thank You.

Chair Curtiss: We’ll recess the hearing and continue it with some additional information on November 12th.

b. Lift Agricultural Covenant on Parcel A2A of COS 2708 (Frank Allen, approx. 16 acres, 2 miles south of Lolo)

Jennie Dixon gave staff report. This is a consideration of a request submitted by the Allen Trust, the Trustee is Frank Allen to lift Agricultural Covenant from Parcel A2A, COS 2708. This 15.88 acre parcel is vacant and is located 2 miles south of Lolo on the West side of Hwy 93 in the vicinity of Macintosh Manor. The parcel was originally part of COS 1169, which was a 309 acre parcel created by exemption in June 1977, as a parcel being greater than 20 acres. In 1982 there was boundary line relocation between parcels A1
and A2, it increased the size of tract A1 to about 25 acres and it decreased the size of the subject property, tract A2, to about the 16 acres that it is right now. As a result, tract A2 at that time was subject to sanitation and subdivision review, or it would have been, however the property was not intended for development at that time and so the owner requests that an Agricultural exemption covenant be placed on the property to eliminate that need for that sanitary lifting. The Ag covenant was placed on the property at the same time as the boundary line relocation and shown on that recorded COS. The property owner now intends to develop the property and cannot do so under the restrictions of the Ag Covenant, therefore, the owner has requested that the Ag covenant that was place on the property more than 30 years ago be lifted. Included in your application before you is the DEQ approval in July of this year for lifting of sanitary restrictions to construct a dwelling on the property. The request to remove the Ag covenant from this property is not subject to county Resolution 2013-135 since the parcel was not created by Ag exemption. Rather it was created through boundary line relocation and was subsequently approved for an Ag covenant to eliminate the requirement for lifting for sanitary restrictions. Thus, the covenant may be approved for removal without the need for concurrent subdivision review. As you will hear later in this meeting today with the D-B Flats Subdivision, that's the difference between the two (2) projects. In conclusion, as it does not appear this is an attempt to evade subdivision review, staff recommends approval of this request to lift the Ag exemption from parcel A-2-A, COS 2708.

**Colleen Dowell:** I represent Mr. Allen; he could not be here today because he is traveling. I'm available for questions otherwise; I don't have anything to add.

**Public Comment**
None

**Executive Session**
Commissioner Landquist made motion that the Board of County Commissioners approve the request by the Frank Allen Trust to lift the Agricultural Exemption from the property described as parcel A-2-A, COS 2708 based on the fact that there does not appears to be an attempt to evade subdivision review. Commissioner Carey second the motion. The motion carried a vote of 3-0.

**c. BD Flats Subdivision (1 Lot Subdivision to Lift Agricultural Covenant) Off River Drive in Lolo**

**Jamie Erbacher gave staff report.** Showed a PPT Presentation.
This is a proposal from Dale Wisby represented by Montana Northwest Company. It's to lift an Agricultural covenant on the property located off of River Drive in Lolo, Montana. The property is 4.72 acres and adjacent to the Bitterroot River. The majority of the property is within the AE floodplain or the floodway, with a small portion of the property outside of the floodplain. In 2002 Mr. Wisby placed a mobile home on the property and
shortly thereafter he connected the mobile home to Lolo water and sewer. Prior to connecting the mobile home to Lolo’s water and sewer Mr. Wisby had been in contact with the Planning Department and was aware that this parcel was only to be used for agricultural purposed and no building of structures that require water or sewage facilities was allowed on the property. Per the County Subdivision Regulations the removal of the agricultural covenant requires subdivision review. As a result the county has been working with Mr. Wisby to resolve the violation by undergoing the subdivision process.

There is an unpaved driveway that loops around in front of the residence and continues eastward towards the river and it creates another loop connecting to adjacent property owners to the south. In 2011 there was a receptacle easement filed and unknowingly and inadvertently it created a violation of the county’s subdivision regulations by allowing lots A1 – D1, the southern lots, it allowed them motorized and non-motorized access to the subject property across and access to the river. Due to the fact that the existing gravel road is almost entirely within the floodplain a variance to prevent pavement and widening of the road has been requested. This variance would be to the benefit of the public health, safety and would not be interest to any person or property.

The Missoula County Weed District typically recommends a re-vegetation plan for disturbed sites and a final re-vegetation plan signed and approved by the county weed district is currently required in the proposed conditions of approval. However, after discussion with Ken Jenkins of Montana Northwest Company ~ we’ve had a discussion and feel the need for an ongoing weed management plan could suffice, since the trailer is already in existence and there’s no additional roadways proposed.

**Chair Curtiss:** When we talked on Monday at our briefing of this subdivision, there was some discussion about whether or not there was going to be some changes made in that receptacle agreement to clarify that it not be motorized.

**Jamie Erbacher:** I think it would be to clarify the number of people that would be using that, the Health Department is working with them to amend that receptacle access easement so that the Health Regs don’t trigger the paving for it. So we’re treating that as two separate things.

**Chair Curtiss:** So when we talked earlier we talked about #13 being eliminated?

**Jamie Erbacher:** I believe you’re looking at findings?

**Chair Curtiss:** Oh, I am looking at findings.

**Jamie Erbacher:** We would amend the findings and then strike #2 on the motions and conditions page.

**Chair Curtiss:** So we’d strike #13 in the findings?
Jamie Erbacher: Yes. Then strike #2 in the motions and conditions.

Ken Jenkins, Montana Northwest Company: I would begin by thanking Jamie and Hilary before her. This seems like a fairly simple project with a lot of loose ends. I appreciate your staff with all of that. With regard to the public comment letter that was received, we’ve been actively working on this project for a couple years. What has gone on prior to that I’m not sure. But in our work we’ve been on site many times and I have not personal seen the trash, some of the things that letter alludes to. It seems to me that the property is fairly clean and is cleaner now than when we started, a lot of the violations that were out there have been moved. I’ll just throw that out. If those sorts of problems are going on I think they are more a public nuisance and I think Fish, Wildlife & Parks or the Sheriff’s Department should be involved in but not necessarily part of a subdivision review. I certainly agree and am thankful that you’re willing to look at dropping condition #2, the re-vegetation plan. I’m not really anticipating any disturbed soils out there so I’m obviously in favor of that. We can certainly do an elevation certificate to verify the elevation of the house that’s there. The only thing I would point out is that we’re being asked to provide documentation not just now on the existing residence but also future residences that might be placed there, in an area that’s outside of the regulatory floodplain area that Missoula County utilizes, that just seems a little strange to me. It’s not a big deal because I think we probably already have the information we need mapped in order to produce an elevation certificate now on the existing residence. It’s more of a philosophical question of Missoula County apparently wanting to regulate something that’s outside of their regulatory boundary. That’s my only comments again very much appreciate all the help with this and would answer any question you may have.

Public Comment

Fred Simpson, Attorney: I’m here with my Client Doug Moorhead, Mr. & Mrs. Moorhead own the property that’s directly adjacent and to the north of the subject parcel. As was noted, we filed a written objection to the lifting of the covenant and the subdivision approval. I think our reasons are pretty clearly set forth in there; as well, I’d like to add that my client has reasonably noted that to the northern part of that parcel Mr. Wisby apparently maintains or keeps trailers which are occupied on an occasional basis. So I think the suggestion that this is compliant is incorrect, that there is in fact multiple family housing in effect onsite presently. I think under the circumstances to change this from agricultural to a residential subdivision use would be contrary to the original purpose of the exemption as well as be detrimental to my clients property which is next door.

Doug Moorhead: That’s it exactly, we’ve noticed several times use of the property is – we feel it degrades the environment. We routinely pick up chairs and garbage out of the river, in fact right now we have a chair and BBQ that we picked out of the river a few weeks ago. There are some people residing in a trailer that’s on the property, I don’t have written documents with me but the sentiment is pretty consistent throughout the neighborhood. Most of the property owners are pretty disappointed with the way the land
has been used prior to his living on the property in 2010. It’s been much different and not adding any value to the neighborhood. All the neighbors that live there are pretty frustrated, it’s a constant aggravation to have to continually clean up things that are floating down the river, it’s not the way people should treat our rivers.

**Chair Curtiss:** Sounds like the concerns that you have should be addressed in a different process then the subdivision process, however, because all’s this is doing is establishing that Mr. Wisby can live on his own property, on the corner that’s not in the floodplain.

**James McCubbin:** I’ve been working on this property in some other respects. Commissioners I think that whether or not there are multiple residences on the property that are occupied is relevant because this is a proposal for a single home. Along with floodplain issues and zoning issues. Mr. Moorhead can you give us a little more detail on what you’ve observed and why you believe…whether it’s one or more trailers. More detail on that and who’s living there.

**Doug Moorhead:** Sure.

**Commissioner Landquist:** Are these camp type trailers or are they doublewide’s?

**Doug Moorhead:** 5th wheel type trailers.

**Commissioner Landquist:** Okay so they’re travel trailers. I’m aware of the one double wide he put on the place.

**Doug Moorhead:** In the northern corner of the property you can see some white objects (looking at the map) those are travel trailers that are typically stored there, they’ve been there longer than we’ve been there and we’ve lived there for seven (7) years. A few weeks ago we noticed that there’s a couple living in one of them, we’ve said hi. We’ve noticed every morning them waking up and taking their garbage to the river to burn it and there’s assorted trash around there at this time, it’s a bit concerning to us. They sometimes getting into loud screaming matches which is how we initially realized people were living there.

**Chair Curtiss:** Could you also describe…Mr. Wisby isn’t the only one that uses or accesses the river there do you know for sure that it’s his garbage that ended up in the river there or is it just that there’s garbage there?

**Doug Moorhead:** I’ve observed him and his friends. (Looking at map) Do you see the little sandbar out there?

**Chair Curtiss:** Yes.
Doug Moorhead: It’s used by a lot of people to recreate and the problem is that you need to bring up your stuff because the water level isn’t consistent. Every year there’s lawn chairs and BBQs and stuff. This year we had to pull a bunch of stuff out of the area in front of our house, BBQs and lawn chairs and we’ve observed them using it.

Chair Curtiss: So Mr. Wisby or the people living in the trailer? Or both?

Doug Moorhead: Mr. Wisby and some of his friends. Occasionally it’s used by a lot of other people. The entire area with the loop is generally used as a parking lot, routinely there’s 20-30 cars that are parked down there. Just south to the corner of the property there’s a large home that’s on the river, I believe that’s a rental, we hear music and things like that but what happens is the parking for all that happens on the river side front of Mr. Wisby’s property and that results in garbage and things that we have to clean up occasionally.

James McCubbin: So a couple follow-up questions. In terms of the occupancy of the trailer, how do you know that they’re living there and not visiting in an RV? Is there a distinction that’s clear to you?

Doug Moorhead: I’ve never noticed vehicles coming there, I haven’t noticed them leaving. I wake in the morning and they wake up and come out of the trailer and we noticed them going to bed at night. I’ve been doing a lot of cleanup to get ready for winter and they’re there all the time. It’s been about 2-3 weeks now.

Chair Curtiss: They don’t seem to have their own vehicle, is that what you’re saying?

Doug Moorhead: No. My wife spoke to the lady and she said they were cleaning it up and hoping to get a truck to take it out of there. But that was three (3) weeks ago and they are there every day. I’m not sure what they’re doing in the trailer but they come out with big bags of garbage and burn it at the river.

James McCubbin: How often is this burning going on?

Doug Moorhead: Every day.

James McCubbin: Every day?

Doug Moorhead: That we’ve noticed, yes.

Chair Curtiss: So my question to James, I guess, in looking at what’s in the subdivision proposal at this time, is there a way because of the reciprocal agreement to limit people
driving down to the river there? I don’t think it’s it in the best interest of the public to have that be basically a river access point for a lot of vehicles.

James McCubbin: That’s probably true but it is private property that Mr. Wisby can let people drive across his property if he wants, so it’s a difficult issue. For subdivision paving requirements what we’re looking at is; is it a road? Which it is because it’s not just legal access as opposed to permissive access there’s now legal access there, that way that easement has been established. That makes it a road, that’s why you have a variance request in front of you. But even if that easement didn’t exist, even if this was just purely a driveway there’s no limitation or anyway to prevent somebody from allowing people to drive across their property to get to the river or for whatever other purpose.

Chair Curtiss: Although there are some riparian area restrictions, right? No build no alterations but there’s already a road there.

James McCubbin: Right and that’s already there. That’s historical is my understanding.

Michele Landquist: At some point when it comes to allowing people access to use that road, to access the river, if it’s the public in general doesn’t it become almost like a prescriptive easement after a while? Mr. Wisby needs to be aware of that if that’s the case.

James McCubbin: I guess there’s a potential for that but if he is allowing his friends or even friends of his friends. If it’s a permissive use and he says, “oh yea, come on in and have fun, have a nice day”…in order to get a prescriptive easement it has to be adverse use. If he’s letting people do it and he’s inviting people to do it, these are his guests; he’s not limited to how many guests he has. I think Mr. Carlson has some more questions about some of the usage.

Jim Carlson: I’m just curious if folks are living in there, do you have an idea about bathroom facilities?

Doug Moorhead: We’ve been really confused, not sure what they’re doing.

Chair Curtiss: It can be self-contained but of course they have limits.

Doug Moorhead: The particular one that they are living in right now or at least that they’re are in 20 hours out of every day is a truck top, travel trailer, there’s no bathroom in that. There are other 5th wheel trailers that are but they’re not living in them, it’s one of the smaller ones so I’m really kind of confused.

Jim Carlson: Okay but you haven’t seen a unit pulled out so they could dump, I mean they don’t move those units?
**Doug Moorhead:** No. That particular one hasn’t move since before we bought the house in 2005.

**Chair Curtiss:** So you said it’s a unit that would slide into a pickup bed?

**Doug Moorhead:** Correct. It’s been a bit confusing how they can spend so many hours in there but again, it’s just things we’ve observed.

**Public Comment**

**Jim Carlson:** The Air Pollution Control Program Paving Regulations which apply in the air stagnation zone, I believe pre-date some of the subdivision requirements, require that any road created after a certain date, I think it’s 1996, certainly this road postdates the regulatory applicability. Require that any new road that serves more than two (2) dwellings be paved. Currently, there’s an agreement that allows several parcels to use this road, so under our regulations it is a new road, it is required to be paved. If the driveway serves two (2) dwellings it would have to be paved, I believe its 25 feet past the county’s paving. But we would ask that if you approve the paving variance, and we’re not recommending that you do, that it would be contingent upon making sure that the access agreements and the use of that road do not constitute a road that needs to be paved under either regulation; the Air Pollution Control Program or the Subdivision. It seems to me that the request is a little early; they need to take care of exactly who has legal access to that road before requesting that they not pave. In fact, if they take care of that situation then they wouldn’t be required to pave. Also, if there is a variance being applied and you can put conditions on that variance, I think it would be a good idea, if it is possible to require that the road be used in a way that doesn’t allow for public access to the river. Because again, we’ve had information indicating that a lot of people use that in addition to the persons that have legal access.

**Chair Curtiss:** What is our normal, Marnie might know this, do we usually like to have paving in the floodway or not?

**Ken Jenkins:** I’m not here to answer that question. I just wanted to point out as we went through this review process we did have meetings with the Planning Office and the Health Department, it was decided that these are two (2) distinct things. There is a subdivision paving requirement, which we’re asking for a variance from. In addition to that, there are the Air Quality standards and regulations that are very much like the subdivision regulations so we’re not asking for a blanket variance from the entire paving requirement. We want to get through the subdivision process. Negotiations are underway with the adjoining landowner to rectify the air quality regulations, that does not go away. And unless I misunderstood as we went through the review process of how this was going to work, I thought everybody was on the same page that we will get through the subdivision. We will then be subject to the air quality regulations which would still require paving and if something isn’t there then they have a violation going on with the Air Quality Regulations.
So that was my understanding of how this process was supposed to work, that’s how we proceeded, that’s why we’re asking for the variance but only to the subdivision regulations. Work is in progress, contacts have been made to rectify the situation as a whole to also bring everything into compliance with the Air Quality Regulations.

Chair Curtiss: Thank you for that clarification.

Commissioner Landquist: It’s my understanding that this property has been out of compliance for over five (5) years plus or minus, about the time I took office when this first surfaced. The fact that he had a home on it and started developing it and one of the things our Floodplain Administrator, Todd Klietz, working with him prior to him doing anything with it was to lift the Ag exemption, so I agree with what Ken Jenkins just said. It’s sort of like we’re taking baby steps here but this is a huge leap in those baby steps to get this Ag/zoning lifted from this property and then we can continue to work with the Health Department and other departments as necessary to get it fully complied with. But I think this is a big step before us today, I’d certainly not like to see a monkey wrench thrown in.

Tim Worley: I just wanted to speak to the paving issue. The reason that we support the variance, at least at the planning end, is that if a road is built down here it has to built essentially to county specs and we don’t want to encourage more traffic down here, especially since it’s in the floodway and from what we heard today. So that’s one of the reasons we support keeping that road, or whatever you want to call it, as is.

Chair Curtiss: So Jim, after that clarification from Mr. Jenkins, do you feel like again there’s two (2) processes here, they’re not trying to get out of one.

Jim Carlson: Right. I recognize that, I just know that…I wanted to make it clear that there’s a second requirement and certainly have no objection to changing the Agricultural status of the land and increasing the tax base for the county. It’s the paving issues and making sure that there is a clear understanding that they need to do quite a lot of work and change those easement agreements or pave the road, or abandon the road, I think there are a number of things that could be done. It all involves agreement with some other neighbors who have been involved in legal access to this particular access.

Commissioner Landquist: I think one of the other reasons for the reciprocal road agreement that came into play has to do something with the fact that the floodplain issue was there so he needed an alternative two ways in.

Jamie Erbacher: So the access road is all within the floodplain and the floodplain regulations need high and dry access. By providing the reciprocal easement between lots A1 and B1 that gave emergency personnel that access point down to the trailer on the south side of the property.
Chair Curtiss: Although it looks like you could wade out of there most any day, it’s not very far.

Jim Carlson: To restate my request was to make it contingent upon the paving variance to make it also contingent upon resolving the issue with your (unauditable) control program so if that’s resolved they would also have a variance; if it isn’t then they wouldn’t, they’d be in violation of both regulations.

James McCubbin: That’s certainly something you could do as part of the subdivision regulation process. One of the things you could consider is whether the proposal is compliant with the laws and regulations. Putting a condition for a final plat approval or here it would be final approval of the variance at the time of final plat. That you have a certification from the Health Department that the proposal is not in violation of their regulations, that’s something you could do. I don’t think that will really affect the rest of the discussions because you’ll essentially have this approval in place, but only if they ensure its compliant with the Health Regulations as well. So that seems like a good idea to me. Jamie or Tim, do you see any practical problems with that?

Chair Curtiss: Seems like we’re mixing our two (2) regulations and they both have separate processes.

Tim Worley: The only concern I would have is that it could be a deal breaker if they don’t work out the reciprocal easement, like if one of the parties doesn’t want to come to the table necessarily to rectify this on the Health end. It could be a problematic for the filing of the plat.

James McCubbin: The difference is if we proceed without a condition, just treat them entirely separately it means that Mr. Wisby could finalize the subdivision and continue to have his trailer there, regardless of the paving issue. On the flipside, if we did have a hang-up with the neighbors or something and couldn’t get the paving done...because I’m not sure whether he would be able to get a floodplain permit for paving. The floodplain issue and I think it was Michele’s concern, is not necessarily the paving itself, it’s the road construction and the fill (unauditable) the surface really doesn’t make a difference with the water flow, it’s the stuff associated with building the road, so that could be problematical. If that all fell about and the subdivision was contingent upon it then the subdivision might not be able to be finalized, which means ongoing litigation, which we already have. Basically we’d have to force Mr. Wisby to remove his home.

Chair Curtiss: But it seems to me like there’s actually more teeth in the Health Regulations then ours anyway.

James McCubbin: Well, our regulations would only require that paving be done in order to get final plat or have an improvement’s agreement. So that doesn’t actually require that
paving gets done, it’s just for the final plat. So yes, as an absolutely matter for the Health Regulations apply.

Chair Curtiss: But I think all this discussion is on record, so Mr. Wisby is on notice and we as Mr. Jenkins said there’s already things in the works.

James McCubbin: He’s clearly already on notice.

Chair Curtiss: But the neighbor that has this very generous easement could break the deal, if they don’t want to let go of it.

James McCubbin: So current status is if you don’t do anything different than what’s recommended by staff then he could end up having to pay for that. Then it doesn’t end up being a subdivision issue it would just be with the Health Department. But there would be floodplain issues there; he’d have to get a floodplain permit as well.

Chair Curtiss: But if he had to pave it because of Health regulations would he have to build it to county standards?

James McCubbin: No, I don’t think so.

Jamie Erbacher: Yes. Public Works has commented on that already.

James McCubbin: It would be Public Works standards.

Commissioner Landquist: It seems like we’re going through a looped kind of thing here. Then we encourage more driving down to the river.

Ken Jenkins: I would ask that you keep these processes separate. This subdivision that we’re here today to consider is one of the increments of an incremental process to bring Mr. Wisby’s property into compliance to allow him to address complaints that this county has filed against him. The floodplain violations, the floodplain permits that were required can’t be accomplished until first the Ag covenant is removed. We’re working through an increment here. This inadvertent road easement issue that triggered the paving requirement in two (2) different sets of regulations happened because Mr. Wisby was trying to address the county requirement to provide emergency access to his property. So Mr. Wisby as of today is in negotiation with the neighbor to bring the easement into compliance with the Air Quality Standards. While those negotiations are ongoing, I would ask that you don’t jeopardize Mr. Wisby’s position in negating by making his ability to live on this property. As you can guess, it would very much weaken Mr. Wisby’s negotiating position if the entire project, all of the increments, are based upon this Air Quality Regulation, or based upon a stipulation that we can’t record the subdivision without first
addressing the Air Quality issue. If we can’t record the subdivision, we can’t comply with floodplain, we can’t comply with any of it and he needs to move his house off of there. So that puts everything in a bad position considering how far down the road Mr. Wisby has gone to rectify this with the county. So I would ask that we don’t go there. There are specific regulations in place after this subdivision is long gone to address the Air Quality. Nobody wants to have a paved road down there. The other issue is we’re going to be platting and including in the development covenants no disturb zones that that road is already a part of and that would essentially...unless is readdressed to prohibit paving and construction. So I think we’re needlessly getting into an area that complicates things immensely.

Chair Curtiss: James, I have a question in regard to the new information we got today regarding people living in some campers there. Because this area is zoned, there’d be a zoning enforcement for having an extra dwelling on a lot and then it sounds like there’s some health and safety issues that could be addressed through the Health Department, now that we have a complaint. I guess maybe we need an official complaint in regard to sanitation and burning trash and those kinds of things. Well I understand the Moorhead’s concerns about that it seems like that could be addressed in another way also.

James McCubbin: Yes, those really aren’t impacts of the subdivision proposal. Those are, if it’s true that somebody’s living there and burning trash. That’s basically three (3) violations; zoning, sanitation and Air Quality. That is something that we...staff is going to need to follow-up on collectively and investigate, we’ll need to address that. But that really I think would be difficult to address as part of the subdivision proposal because actually the subdivision proposal does not include having another residence there, it wouldn’t of gotten past sufficiency if it did because it’s a zoning violation. And then going back to the paving requirement; sort of the good news, bad news here is that I haven’t been directly involved in a lot of the discussions that have been ongoing because it’s been going so well. I had forgotten that there’s a floodplain permitting issue and I believe what Mr. Jenkins told you is correct; if we throw things out of whack with a condition here, if we can’t finalize the subdivision then that could throw the rest of the compliance plan, if you will, into a down word spiral. We certainly can and have in the past independently enforced the Air Stagnation Zone paving requirements, there’s no hurdle to that. Failure to address that in this process is not going to prevent enforcement of pavement requirements if those two still continue to comply with Health. So that does sound like the better course.

Executive Session
Commissioner Carey: Are we back to where we started with terms of striking the weed verbiage and moving ahead with the variance.

Chair Curtiss: We need to amend the findings by striking #13 and then strike #2 in the conditions.
Jamie Erbacher: Correct.

Motion 1
Commissioner Carey made motion that the Board of County Commissioners strike condition #13 with regard to Weed Management, in the Findings. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

Motion 2
Commissioner Carey made motion that the Board of County Commissioners strike #2 in the Conditions, striking the re-vegetation plan for the subdivision. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

Motion 3
Commissioner Carey made motion that the Board of County Commissioners approve a variance request from table 3.3.4.1 to waive the requirement for paving and surface width for the existing 12 foot wide access road on subject property based on the amended findings and facts in the staff report. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

Motion 4
Commissioner Carey made motion that the Board of County Commissioners approve the B-D Flats Subdivision based on the amended findings and facts in the staff report and subject to the recommended amended conditions in the staff report. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

Chair Curtiss: Mr. Moorhead I hope that you understand that we’ll address the issues you brought up in another way. I don’t think your letter talks about additional dwellings so if you want to put that in writing, it would be easier for us to enforce probably…the things you shared today, although they are part of the record

James McCubbin: I anticipate that county staff will be contacting the Moorheads for further information. I’ll coordinate that through his Attorney.

Chair Curtiss: Okay but you don’t really need to be paying an Attorney either to do this part if you don’t want to continue.

d. CDBG Housing Rehabilitation Funding through Department of Commerce for Human Resource Council

Jean Harte: The Montana Department of Commerce has established a housing loan program to provide financial assistance for single family rehabilitation activities in the
county. The program is funded through the State Community Development Block Grant or CDBG. The county proposes to partner with the District 11 Human Resource Council (HRC) as a local community housing development organization, who will work with eligible low moderate and middle income homeowners to rehabilitate their homes. One of the purposes of the rehabilitation is to improve the health and safety of the real property for its occupants. Funding for this program must go to households earning 80% or less than the area medium income. To put that in perspective a family of four (4) must have earnings less than $48,950.00. The counties application request the State to certify Missoula County for a term of up to five (5) years to provide CBG funding to Homeowner Rehabilitation Loan Assistance. We’d be partnering with the local community housing development organizations. HRC will submit project requests on a house by house basis and contract with each homeowner individually. Available funding may vary from year to year. Approval of the application by the state of Montana would allow Missoula County and HRC to coordinate on housing rehabilitation activities with CBG funding. This application has a budget of approximately $212,000.00 and will provide approximately $30,000 - $40,000 per single family housing. With this fund we do expect to serve up to six (6) single family households with rehab loans. Only $500,000.00 is available statewide under this program and it’s on a first come, first serve basis and we only serve one household at a time. I’d like to introduce Jim Morton Director for the Human Resource Council; he’s here with Bob Anderson, his architect and another additional staff.

**Jim Morton, Director Human Resource Council:** As Jean just mentioned our proposal is to work with households who own their own home, we currently do that in the City of Missoula. The City of Missoula also uses community development block grant funds that they’ve awarded to the Human Resource Council. We work with the homeowners on a variety of measures and I have staff that will go into some detail with that. But, in the county we don’t have any way to help homeowners who need septic, water/well, those kinds of issues come up, we don’t see them obviously in the city. The other things that comes up in the county is for years the county was not a code enforcing county but the city was so we know that we might face issues in the county that we may not have seen in the city because there’s been a little different approach in the city for code enforcement. The homeowner will borrow the money, we intend for them to pay it back. As we like to point out, we’re all deserving but this is a business deal and we loan you money, we want it back. We will defer the payments so those individuals who do borrow from us can express concern that they can’t make the payment, the term of the loan is about 20 years and it can be deferred. So again, we’re trying to get to those who don’t have any other means. With that and with your permission I’d like to have Shera Carlascio to come up, she’s our loan officer and give you just to a couple minutes to explain what a household will do when they come in and request a loan.

**Shera Carlascio, Loan Officer:** I’m here to talk about the process and households that we currently serve in the City of Missoula and how it can be valuable for county residents as well. I’m the first point of contact for clients that are interested in the program, I initially
meet with them and we make sure they are income eligible and then go over all the additional guidelines to make sure that it looks like they would qualify for the loan program. Then at that point it’s determined what repairs are necessary for the home to become a more safe and sanitary place for the homeowner. It’s a very valuable program. I hope to be honest, a certain set of population, including elderly population with things like basic needs, getting their roofs repaired that are leaking and furnaces that go out, they have such a fixed income that so low they can’t get any other means to finance the repair. I see a lot of people that are in need and that are so grateful that this program is around and offered for them, otherwise they’d have no other means to make just basic and necessary repairs to keep the home habitable for them.

Chair Curtiss: I have one question for you. Jim started to talk about this, but if it’s considered a loan and they don’t have the means to pay it back, when you say deferred, does that mean they sell the home and it gets paid back?

Shera Carlascio: Correct. In most cases the loan is paid back when the property is sold.

Chair Curtiss: So if they don’t sell it for 20 years, does it go away?

Shera Carlascio: It doesn’t go away, at that point the term is due and at that point they would need to start making payments over 10 years to pay off the loan. The reason behind the 20 year term is that if they are still in the home at the end, they will have their first mortgage loan paid off at that point and would be able to afford some sort of payment to pay this loan down.

Commissioner Landquist: Is there interest applied to that?

Shera Carlascio: There is a simply interest rate applied, which is at 5.5%

Chair Curtiss: I know that people’s homes are their homes but sometimes it seems like we invest a lot of money in a mobile home that’s probably got a utility bill that runs them right out. Is there some balance there to try and figure out how to make their house also energy efficient?

Shera Carlascio: Most of the clients that are able to apply for this loan also qualify for things like weatherization, which would make the home more energy efficient as well.

Scott Daniels, Human Resource Council: I work with Shera on the City of Missoula rehab program also. Most of my time is spent in the weatherization department so I want to give you an idea; I’m kind of on the front lines seeing the homes that are potential for this program. Some of the stuff I see are; roofs that are beyond the repair that we can do. So I see roofing that needs to be done, wiring issues, nob and tube that would prevent us from insulating. Access ability issues, a lot of people ask about ramps, ADA accessible
bathrooms. I see how the safety concerns; one particular house that I worked on had a wraparound deck and you really had to walk gingerly on that deck for fear of falling through. Those folks didn’t have any other avenue to get that repaired. I see drainage issues so sloping issues with water draining into the basements and rotting the house out, mold issues. The weather program cannot abate any mold or do any abatement of any kind. I’ve been to places with no well, no septic, using an outhouse. I see overcrowding; I see lead based paint issues. I see heating issues that are beyond our weather program. Shera commented about furnaces. One issue that I see fairly consistently or often is asbestos. So we, in weather, if there’s asbestos in the house we can’t work on the house, so those folks are just out of luck. That latency for asbestos diseases is 30-50 years and for most of us in this room, 30-50 years from now we’re really old people, but I’ve been to houses where there are very small children, 30-50 years from a small child’s view is…our age.

**Chair Curtiss:** So you’re talking about asbestos that’s exposed?

**Scott Daniels:** Yes, abatement. You asked about weatherization; if that was taken care of then we could go in and make these homes more energy efficient.

**Chair Curtiss:** So it could be like floor tiles that had asbestos and are worn down?

**Scott Daniels:** No. I’m talking about friable type ~ vermiculate.

**Chair Curtiss:** We had asbestos behind the stove when I was a kid, that’s what kept the house from catching on fire.

**Scott Daniels:** The weather program, it’s not a rehab program or a repair program.

**Chair Curtiss:** It’s something they could do in addition?

**Scott Daniels:** Yes.

**Bob Robinson, Staff Architect for the Human Resource Council:** On this particular program my role will be to ~ if issues are found or suspected on the front lines, I’m going to be called in to do a review of the structure of the house trying to find issues and solutions, if it comes down to it. To solve the issues, it could be in the lines and going through and identifying where we need smoke detectors and things fairly as straight forward as that. What needs to happen to bring a home with an elder homeowner to try to make it more accessible them by widening doors, redoing the front entry to the house. And then also if we run across structures that we suspect may have larger problems, structural issues, my job will be to go out there, look at them and come up with a solution and evaluate whether they’re even safe to move forward with…I’ve actually run into that a few times in my career where it would be a better situation to not even worry about that...
structure because it’s so bad off. Then create reports or solutions and assist the other people in the program and the homeowners in identifying these issues, getting them documented and then getting them fixed. The other thing that Jim and I were just talking about yesterday was that we also wanted to pay attention to the quality of the materials that are going into it. There are a lot of materials just out there for anything you want to fix; we want to get a quality material in there without trying to get into something that’s not going to have a good payback or it to be worth it. We want to advise the homeowners into some solutions and what we would recommend as to the correct, proper way to fix this and think about life here…life cycle repairs and things of that nature. The homeowner will have, as I understand the program, will have opportunities to control some of the bidding in terms of we’re not going to tell them who’s going to build it, they will be about to if they have somebody and that person can meet the insurance requirements and other things that we want to see, we don’t have a problem if we need to we can give some suggestions I would imagine to them. That’s kind of the role that I will play in this and a real brief rundown of it.

Chair Curtiss: We’re holding this on behalf of the HRC and there will be an application, it’s not guaranteed, but if we get the grant how are we going to solicit people to apply?

Jim Morton: The requirement of the community development block grant program is that we have an outreach and marketing plan as part of the application to the Montana department of commerce and it’s the usual stuff that we try to get the information out both electronically and by media. Broadcast media, community councils, the seven (7) are referred to in the application, word of mouth as you know, often the best approach. The six (6) that we are going to do doesn’t give us a whole lot of units, usually we’re giving up an amount of money and then we figure we’ve got so much time as Jean mentioned we only get one loan at a time and it’s on a first come, first serve basis and it’s a $500,000 state wide pool.

Chair Curtiss: So if someone needed a $10,000 roof, they could apply. So it’s up to $30,000 or $40,000

Jim Morton: No, but it could be larger. The program is pretty flexible actually. The State, we’ve commended them actually because they understand when you get out to the rural areas of Montana you’re going to face issues that you don’t see in towns and cities often. So they haven’t put a cap on it, they’ve ask that we be reasonable and justify. For instance, we will do a market analysis and value of the structure so that we know how to proceed in terms of that but they understand that there may be times that we would have a small $10,000 job and might have a $50,000 job, we’ve estimated an average of $30,000.

Jean Harte: We want to make sure that the public comment period is open until October 24th, which is Friday. I also want to note that this Hearing was published in the Missoulian
two (2) times for the Board of County Commissioners and then we had a seven (7) day requirement for the State of Montana as well.

Chair Curtiss: So do we hold another Hearing then?

Jean Harte: No, we'll have a Resolution before you next week. One note; Jim is reminding me about the interest rate, we haven't settled on that yet. It may be a 0% deferred rate through the first 20 years and then the loan officer mentioned a 5% after that.

Commissioner Landquist: Will there be anything on the county's website?

Jean Harte: We will have it on our Grants website. Jim Morton has a website as well. He has many meetings in outreach so we'll get the word out as much as possible. We'll do mailings, we'll do newsletters. There's not enough homes, there's not enough money but maybe we'll get a good program going for the next five (5) years.

Public Comments
None

8. HEARINGS
a. Proposed County Animal Control Ordinance Update

Jeff Darrah, Supervisor Animal Control gave the update on the proposed revisions to the Missoula Animal Control Ordinance and showed a (PPT) Presentation.

Sample revisions:

a. Service dogs will not be exempt from license fees; in the current ordinance you do not have to license the dog. There are three (3) exemptions for not having to license a dog. One is if it's a service dog. Checking with the ADA there is no rule that you can't charge for a license. We feel we need to charge for a license, even for service dogs.

b. The fees in the current ordinance are spread out all through the ordinance. Marnie thought it would be good to have a fee section, I agree. That's the last section in the new proposed ordinance, Section 12.

c. In the City ordinance there's a dangerous dog and a vicious dog. We didn't have the authority to have a dangerous dog ordinance so we decided to make a level 1 vicious dog and a level 2 vicious dog. K-9 units are exempt.

Section 6: Dogs at large, dogs in signed areas and dogs near food service.

Chair Curtiss: What is the deal there? Really, everywhere you go people have dogs in their grocery carts.
Jeff Darrah: We’ll go back to service dogs and I learned a lot since I took over here as supervisor, but if somebody has a dog and they say it's a service dog, you are limited. You can really only ask a couple questions; is this a service dog? And what service does it provide to you? It’s very limited. The ADA protects those types of people with issues. You can’t ask what type of disability. They are not required to wear a vest, the ADA says it draws attention to the disability.

Cash Reserves have been depleted at Animal Control. 
Reasons:
1. Payouts for long term employees 
2. Increasing operation costs 
3. Long term care of livestock

Operation costs have continued to rise. Vehicle costs have climbed 69%. Vet costs have gone up 92%. Food and care costs spiked due to caring for the horses. Food and Care costs have gone up 160% since 2006.

A Few Fee Comparisons:
Increase boarding from $5/day to $10/day is much needed.
Single year license - $15 to $20/year
Impoundment fee: $25.00 to $30.00/licensed ~ $60.00 for unlicensed with a graduated fee

A Few Proposed Fees:
License fees raised $5.00 increments
Kennel fees: $60.00 to $100.00
Quarantine fee: $100.00 (if your dog or cat bites)

Public Comment
Burt Coldwell: Why don’t we license cats?

Jim Carlson: The legislature doesn’t require it for counties

Jeff Darrah: Billings is the only City that has a cat license.

Burt Coldwell: Instead of impound fees based on calendar years; make it a rolling twelve (12) months.

Jeff Darrah: Actually that is the way it is. Once you have your first impoundment, that’s when it starts.

Chair Curtiss: Should we clarify that then since it says calendar year?
Jeff Darrah: Yes.

Chair Curtiss: In a twelve (12) month period, is that the way to say it?

Jim Carlson: Yes.

Executive Session
Commissioner Landquist made motion that the Board of County Commissioners modify the language on page 15 regarding the impound fees to say twelve (12) month period rather than calendar year. Commissioner Carey second the motion. The motion carried a vote of 3-0.

Commissioner Landquist made motion that the Board of County Commissioners adopt the animal ordinance draft as amended, which will remain subject to the second public hearing and second approval, as required by Montana Code annotated 7-5-103. Commissioner Carey second the motion. The motion carried a vote of 3-0.

b. Proposed Creation of the Bonner Targeted Economic Development District (TEDD)

Barb Martens gave the update. Missoula County is considering the creation of a tax increment financing district called a Targeted Economic Development District or a TEDD in the Bonner area. More particularly the area of focus is comprised of the site known as the Bonner West Log Yard, it includes 117 acres. The goal of the Bonner West Log Yard TEDD is to foster economic vitality and increase employment opportunities through the development of infrastructure to encourage the location and retention of secondary value adding products. Prior to its creation, the area under consideration for the TEDD had to be found efficient in infrastructure improvements as stated in the Resolution of Necessity. The Commissioners did adopt this Resolution of Necessity on August 5th of this year. As a prerequisite to the creation of the Bonner West Log Yard TEDD the Planning Board held a public hearing at a special meeting on September 30th. They made the determination that the Bonner West Log Yard comprehensive development plan is in conformance and the zoning of the Bonner West Log Yard TEDD area is in accordance with the Missoula County Growth Policy 2005 update which was amended in February 28th of this year and also includes the recommended revisions by the planning board. Missoula County is conducting a public process to determine whether the County Commissioners should create a TEDD at the Bonner west log yard site. The proposed public hearings...or the purpose of the public hearings is to receive public input in the ordinance to adopt the Bonner west log yard TEDD. The first reading of the Ordinance is today, October 22nd, with final adoption to take place at the public hearing on November 12th, if approved. In the course of developing this project, staff and consultants have met and talked with the Bonner Milltown Community Council. We met with the Bonner School District Superintendent and Board and also the rural fire district. As part of our process, the
county has also hired Janet Cornish and Lynette Windemaker of Community Development Services of Montana as our Tax Increment Finance Consultants to assist us in this process. I'll turn the presentation portion over to Janet now to talk about the staff report and our recommendation.

Janet Cornish, Community Development Services of Montana: I have made this presentation several times to all of you so I'll go rather quickly. There were some changes to Montana Statutes as a result to the 2013 legislature that changes somewhat the authorities associated with counties tax increment financing districts.

Showed PPT Presentation. There is no financial effect on individual property owners!
The plan recognizes the importance of the historic setting of the Bonner Milltown area and the importance of the river to the area.

Public Comment
Gary Matson, resident of Riverside: This has been an informative afternoon for me and it's been a long one for all of us. I appreciate the economic development boost that will occur through develop from the west log yard. I applaud the county’s recognition of the natural resource open space and recreational aspects. Quoting from the comprehensive development plan of the West Log Yard TEDD in the introduction it says; “Plans for the development of the site must reflect Missoula County’s commitment to the stewardship of our natural resource heritage, in particular the Blackfoot River corridor and the associated restoration and interpretive recreation and conservation programs currently underway. Efforts in support of secondary value adding economic and development will consider these important natural and recreational based resources.” Janet mentioned that and it certainly is a strong interest that many of us have.

I have three (3) specific concerns:
1. Traditional access to public lands on Woody Mountain, North of the West Log Yard, was lost when Harris’ multi-fenced his property. The need for fore fencing is certainly understood but there needs to be provision for restoring lost access to public property.
2. Traditional access and natural resource protection along the west bank of the Blackfoot River to the West Log Yard need to be maintained and/or restored. It’s there and it’s used a little but it needs to be a primary access route for the public to public lands.
3. The transportation route from the West Log yard to the Alberta Oil Sands needs to be via interstate highway and not via highway 200. Direct recreational scenic and natural resources to the Blackfoot River are important economic and quality of life assets. Although initial use of the highway by Harris thermal is forecast to be light, subsequence developments in the West Log Yard suggests the likelihood that there will be potential future capacity to manufacture the mega loads that can have major impacts on their haul routes. The existing interstate route to the Balkan and Alberta is adequate and highway 200 must not be used.

The tools the County has to enable those things, I’m not sure what they are but to whatever extent there are tools I appreciate your attention to those concerns.
Chair Curtiss:  Could you clarify, was the access to Woody Mountain always by trespass?

Gary Matson:  It was – it was a hole in the fence.  But it depends on how far back you go.  Because if you go back to 1969, there was no fence around it at all and we all hiked through Cowboy Trail to get to Woody Mountain and there was a wonderful access up.  So then Champion eventually fenced it off into the West Log Yard.

Chair Curtiss:  I don’t think that those things can be address through this process, but they are being addressed.  Other than the route to Canada, the only thing we have to say in that and the only way we get involved is if their load fits on the highway and the State approves it, that’s one thing.  But if it needs to have additional…for those of you who were around when we interjected ourselves in the discussion with the permits the State gave to Exxon Mobil it was because of the turnouts that they had to build and it seems like now most of these now can meet all the requirements of the permit without building anything new.  So that limits our ability to do that.

Executive Session
I guess being clear as to what they said to do we close down this hearing.  We adjourn this hearing and we’ll have another hearing on the 12th.

Commissioner Carey made motion that the Board of County Commissioners adopt the Resolution of Intent.  Commissioner Landquist second the motion.  The motion carried a vote of 3-0.

Lynette Windemaker:  Back when you set the public hearing you already adopted that.

Chair Curtiss:  We need to vote to pull back the motion.

Commissioner Carey made motion to rescind the Motion.  Commissioner Landquist second the motion.  The motion carried a vote of 3-0.

Dorie Brownlow:  You have the motion similar to what you just did at that last hearing for the Resolution to Create.  This will be the first reading on that and the next hearing will be the second hearing on that Resolution.

Lynette Windemaker:  We’re asking that you provisionally adopt it today; this was the first reading on it and on the 12th you will have the second reading on it and at that point you will finally adopt it.

Commissioner Landquist made motion that the Board of County Commissioners provisionally adopt the Ordinance to create the economic district.  Commissioner Carey second the motion.  The motion carried a vote of 3-0.
9. OTHER BUSINESS
   None

10. RECESS