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**
   **Commissioner Present:** Commissioner (Chair) Bill Carey, Commissioner Nicole Rowley, Commissioner Jean Curtiss

   **Staff Present:** Todd Klietz, Floodplain Administrator CAPS, Erik Dickson, Public Works, Erica Grinde, County Attorney

2. **PLEDGE OF ALLEGIANCE**

3. **PUBLIC ANNOUNCEMENTS**
   Commissioner Curtiss reminded everyone of Forestry Days at the Historical Fort Missoula this weekend.

4. **PUBLIC COMMENT**
   None

5. **ROUTINE ADMINISTRATIVE ACTIONS**
   Current Claims List ~ $3,270,179.67

   **Executive Session**
   Commissioner Curtiss approved the Current Claims List in the amount of 43,270,179.67. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

6. **HEARING (Continued from 3-25-2015)**
   Missoula County Shoreline Regulations Update
   **Todd Klietz gave update.** A comment received during our public comment period during our last meeting was that we had a comment from Fish Wildlife & Parks that had recommended against our allowance of recreational campfires within the shoreline
protection zone. And we had another comment from a property owner that advised that we should have campfires within the shoreline protection zone but to have them within fire rings. The Commissioners decided to table the motion to give us a little more time to think about it. I went back and went through the other local jurisdictions in Montana regarding campfires; Flathead County, Lake County are the two (2) counties that have regulations that address campfires. The only thing that they insure is that any campfires that occur happen above the ordinary high water mark. Lincoln County does not address campfires. The Tribe says that the burning of any materials below the high water mark of Flathead Lake is prohibited and the City of Whitefish allows small campfires above the average high water line. So the rest of the State, they don’t restrict the size of the campfires or what they burn. With our proposed regulations we were to correspond with our Missoula County Health Department Air Quality Regulations; which would be to not exceed two (2) feet in diameter. We also want to assure that they only burn clean natural wood. With this, if the Commissioners are to propose to continue to allow the campfires in recreational shorelines, what we’d recommend is that we add the languages similar to what the other jurisdictions add, which is to ensure that they occur above the main annual high water elevation. That’s the only amendment that we’ve added to these from the last time. Just to ensure there’s no burning down in the gravels where the materials will be washed out every spring.

**Commissioner Curtiss:** I think the gentleman that was here last week is here again today, he brought up a good point. I think the problem with…it’s kind of easy to understand why the water level in Flathead Lake changes a lot. We have a lot of unique lakes with high banks so it would tell people they have to burn above the medium water line, they’re going to be in the riparian area, which is gonna lead to forest fires. So it’s that balance of how do we find that they have fire safety, but also try to protect the shoreline as much as we can from burned materials be washed out into the lake. Here’s the idea I came up with after thinking about this a lot, if you look at Section 2 of the General Procedures to 2.5, which is Construction Installation not allowed in the lake or shoreline protection zone, then under J.

**Calvin Castlegate:** The only thing I would think about that is in my situation and the neighbor’s situation, their fire is a permanent thing. They’re there every weekend, summertime they live there so they are having a fire all the time. They’re gonna have benches around it.

**Commissioner Curtiss:** We don’t say you can’t have benches.

**Calvin Castlegate:** I understand that but we’re back into the riparian area.

**Commissioner Curtiss:** We could also under the definition of recreational campfires, add a piece that talks about being contained in some sort of way. It doesn’t have to be logs; it might be that it’s gravel.

**Commissioner Rowley:** I like the idea. My question would be, if we put language like encourage and discourage in regulations, usually we put more absolute language in, so that language would belong in guidelines of some sort, we don’t use that language in regulations typically.
Erica Grinde: The difficulty is including that language in the regulations, it’s not enforceable. I think it gets a little tricky if you have concerns from neighboring landowners in the future, if you’ve include encourage/discourage, but you can’t do anything about it. I guess I would just caution you to include that sort of language for the reason that down the road you’re really not going to be able to enforce anything.

Commissioner Curtiss: Right. I think it would be more informational then enforceable. I guess the other thing would be that we could add a little attachment that talks about...like what we do with subdivisions when we hand out the thing that says don’t feed the deer, or how to deal with wildlife. It could be more of why you want to protect the riparian area and why you don’t want a fire there, common sense.

Erica Grinde: Right, which maybe goes to the point that Cola made too in the guidelines. If you wanted CAPS to put something together about campfires in the riparian area or in the shoreline area, if that’s where we’re headed. It would be more appropriate than to say encourage or discourage.

Commissioner Curtiss: So it could be more of a handout when someone is inquiring? And add it to the website. So we could adopt the regulations without that and just let staff do that as an additional piece?

Erica Grinde: Yes. I don’t believe that staff will need Commissioners approval for that.

Todd Klietz: CAPS is working with Fish, Wildlife & Parks on general education and information as well.

Commissioner Curtiss: Fish, Wildlife & Parks and the fire folks are the two (2) things were trying to balance.

Todd Klietz: If I could clarify; what we’ve proposed at the latest was to have that additional language on the bottom similar with the other jurisdictions, to say; above the main annual high water elevation. If the Commissioners were to take action, if you could specify whether you did or did not want that included.

Commissioner Curtiss: I think that we could take it out because there are going to be times when it’s better that they have the fires there then have them dig away a bunch of willows so that they can have it above. I think your original language is better.

Executive session
Commission Rowley made motion that the Board of County Commissioners approve the Shoreline Regulations as amended by Planning Board. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.

Commissioner Curtiss made motion that the Board of County Commissioners adopt a Resolution that Todd put before us today, that reflects these changes and replaces the old Resolution that was dated 1997. Commissioner Rowley second the motion. The motion carries a vote of 3-0.
7. **HEARING & DECISION (Continued from 12-10-2014)**

Petition to Abandon a Portion of a Public Right-of-Way (Lundberg Road, Condon)

**Commissioner Curtiss:** When this came to us, we realized that it was in the general vicinity of a sacred site for the Salish and Kootenai Tribe; we delayed our actions so that we have time for the tribal cultural committee to give us some input. Since December the land owner and the tribe have had some communication, the land owner doesn’t live here all year, he’ll be here this summer and they’ll visit. I think we have done our job, which was to facilitate a conversation between the land owner and the tribal folks so that they can make sure it is all taken care in their eyes. The road doesn’t actually get cleared to that property so I’m in favor of granting the abandonment as petitioned.

**Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioner approve the abandonment as petitioned. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

8. **CONSIDERATION**

Adopt a Resolution to Reaffirm Missoula County’s Commitment to the South Avenue Bridge Project

**Erik Dickson:** The Resolution before you for consideration today is a commitment by Missoula County to the South Avenue Bridge Project. MDT has certified Missoula County to manage this project. Typically MDT would hold 25% of their withholdings until it's complete, in order to ensure that everything is done according to plan and according to federal regulations. That 25% withholding was a little too much for us to carry with our recent budget loss, so we requested that MDT remove that requirement that they would hold 25% and they agreed to it as long as they were comfortable with the County’s commitment to this project. This Resolution is intended to demonstrate that commitment regardless of the ___ of the Commission in the future as this project progresses.

**Commissioner Curtiss:** I think that there is always some confusion; we don’t normally have a meeting of this size to adopt a Resolution for something that we’ve already made a decision on. It usually just doesn’t have that much fanfare but we knew there’s a lot of interest so that’s why we choose to do this and give folks an opportunity to speak. I just want to be clear about what the Resolution does. What this Resolution will do is; the “Whereas” is the Resolution state the facts of things that have happened. It puts all those decision points in one place that will then, once adopted, would be filed with Clerk & Recorder so it’s in one place and easier to find. When we looked at putting this Resolution together, at the request of the Department of Transportation, I had staff digging around to find all the different documents and the dates that we made decisions. It was clear that this is what we should do. So the part that we’re taking public comment on is the Resolve section, the other things are not in dispute, they’re done. We do have the project specific agreement it’s being amended right now because they agreed to take that retainage, that 25% out, they haven’t signed that yet. That’s the only thing that isn’t done yet. We entered into the first agreement and then we had a loss of money, which has now come back. So what we’ll ask the public to comment on is the “Resolve”. That is whether or not Missoula County should reaffirm its commitment to develop and manage the project. We’ve always wanted to show the Department of Transportation that we have the ability to
manage a project; Erik will be the project manager for this particular project. We’re not
here to discuss whether we should build a bridge here. We’re not here to discuss what
kind of environmental assessment needs to be done, that happens through the project. It
is starting at a CAD X. If a CAD X isn’t enough, it will go to NEPA. If a NEPA isn’t enough,
it will go to an EIS. That happens in the project, that’s where those decisions are made.
The decisions made so far by the Federal Highway, is that it only needs a CAD X. So
we’re not arguing about those facts, we’re just talking about whether we get this little bit
stronger commitment to going forward.

Public Comment

Robert Gentry: Legal representative for McClay Bridge Alliance and as a resident of
Missoula County and a recreationalist on the Bitterroot River. I have written comments for
submission as well. We assume a project management believe, as you know, includes
legal compliance responsibility for all phases of the project. Prior to handing this project to
MDT and county staff not the federal highway administration, to determine that the project
will be categorically excluded from environmental review as a bridge replacement project. I
understand your request to restrict comments to the Resolution, I think this essential that
you examine this issue as a part of your consideration of this Resolution. So I ask the
County takes the lead on this project once again to prove this Resolution, the McClay
Bridge Alliance encourages the county to reexamine that determination because it is simply
not supported by law. MDT regulations say that a CAD X is not legally sufficient. In your
consideration to the Resolution today, I want you to consider that first this project is not a
bridge replacement project as that turns into regulations. This is construction of a new
bridge on a completely new alignment, requiring the exercise of immediate domain, to
acquire right-of-way necessary for the project. McClay Bridge Alliance encourages you to
commit in this Resolution to undertake a full environmental review of this project, an EIS,
prior to its implementation and as a condition of this Resolution before the Commission
today.

Linda St. Peter: Attorney with the St. Peter Law Offices and I’m a home owner on the
Bitterroot River. We’ve already gone through this; we don’t need to go back again. Yes,
right now the decision for this to go back into local hands is good. Let’s get the job done!
Yes, positive, vote for the Resolution and let’s move this process forward.

Kirstin Anderson: I’m sure you can appreciate the parallels of your actions. Today you
are solidifying Missoula’s commitment to a healthier community and I’m here to thank you
for that. Your action today will not only go to a better a better bridge, but build a better
community in Missoula County.

Bob Carter: I’m against the commitment to this Resolution. I believe the county has
better things to do with their time and their money.

Donna Headaphol: Resident of Target Range. Imagine the changes that will occur with
not only the construction of a new bridge, but as County Commissioners have pointed out
in previous meetings, this will necessitate the removal of another bridge. So there will be
two (2) areas of the Bitterroot that will be affected. There are upstream and downstream
consequences that do need to be taken into account.
**Kari Brittian:** I live in the Orchard Homes area. I’m against the proposed Resolution. Written comments given.

**Bob Sweitzer:** I live on Big Flat Road. I wanted to bring your attention to a few of the unknowns in this project; money being at the top of this list. This project involves other costs, especially with expected upgrades to South Avenue, Big Flat Road and various other routes. None of that has been addressed as to exactly where that money is gonna come from.

**Fred Stewart:** I live in the Target Range area. I think it’s a little bit confusing at some of the statements the Commissioners have made about the decision that has already been made. Whether a bridge will be built or not is not really within the realm of your decision making. That’s a decision that will be made by the Federal Highway Administration at the conclusion of the NEPA analysis. I think we need to be clear that the decision to build a bridge has not yet been made and it can’t be made until the Federal Highway Administration makes that conclusion. I hope that I’m correct about that. I have for your consideration a slightly different Resolution that you could pass today.

**Bob Mutch:** The Bridge is as much a part of Target Range culture as the old white school house on South Avenue and the Dairy on Clements. With the passing of a 42 Million dollar bond issue, imagine the changes that will take place there, along with other institutions in the two (2) mile stretch of South Avenue. Do consider the cost impacts to the tax payer. With a new travel corridor be prepared for dynamic and unanticipated growth patterns. Maintaining the McClay Bridge accomplishes that while at the same time achieving a more cost effective solution. Written comments handed to Commissioners.

**Hanna St. Peter:** I live in the Target Range Area. I agree with the Alliance Attorney, he said it’s your job to anticipate problems. I agree that the problem is that we have an unsafe structure that will soon if not already is dangerous. There will always be people who support this project; there will always be people who oppose it. We need to move forward with our continued support for this bridge.

**Barbara Chilcote:** I’m with the Clark Fork Coalition. We haven’t in the past taken a position on whether or not a new bridge is appropriate and we’re not going to do that today. What we have asked for is the full environmental analysis. We are really here today to include that in the Resolution and move forward with that.

**Sharon Sturvis:** Included written comments.

**Peggy Morrison:** President of the Target Range Home Owners Association. Read submitted letter from Executive Board. The majority of the Target Range Area Residents are opposed to a South Avenue Bridge. The Target Range HOA Executive Board wishes to express opposition to a South Avenue Bridge and this Resolution.

**Joseph St. Peters:** For the new bridge. I received that poll and it was a push-pull. They already told you what they wanted you to write on it and they only sent it out to select members of the Target Range. Three (3) Environmental studies have already been done. The current bridge has completely changed the river and the impact of the current bridge is a huge detriment to the environment.
Steven Kern: I live in very close proximity to the bridge. I think this is a very responsible use of tax payers’ dollars; I strongly support the new bridge on South Avenue.

Don Stephenson: I live near the existing bridge, for the last 45 years. I’m not a traffic engineer by any means, but I think logistically I can tell you that the straight route across the Bitterroot River to the end of South Avenue kind of makes sense, in terms of traffic flow.

Bob Carter: I heard many comments from the McClay Bridge Coalition against the Target Range HOA survey that went out. I’m a computer software and hardware engineer by trade. Don L. is a retired University of Montana stats technician. The two of us took the questions and handled the entire survey and what I will do is hand you our response, including the coalition’s comments and our response to it, just to clarify the validity of the survey.

Ben Deval: I’m a resident of the Target Range neighborhood. I am opposed to the Commissioners adopting this new Resolution in support of constructing the new Bridge.

Ann Calvis: I’m a Target Ranger. Mr. Gentry’s statement included some language from Mr. George Darrow when he helped craft the NEPA law in 1971. I would like to refer to a statement within the larger: “This mechanism should be used to anticipate and prevent unexamined, unattended and unwanted consequences, rather than stumbling through the circumstances or cumulative crisis that a governmental body can only react to and attempt to then mitigate”. I think this is so relevant to this situation. I would really urge you to reread all the unexamined, unattended consequences that may develop when the park is built.

Nancy Surba: Please consider moving forward.

Vickie Michaelson: I’m not in the Target Range area. I think we need to be forward thinking and look at alternative transportation, building bigger bridges and wider streets. Ultimately Missoula’s only got so much space. It’s my strong feeling that we need to really preserve what we’ve got and keep that in mind.

Dave Loomis: As a daily user of that bridge, it’s not a problem there but I’m here to help you save the taxpayers. You made a wrong turn a while ago, some months ago, it’s time to look back. Here’s your chance to do right by us.

Executive Session

Commissioner Rowley: I do take my responsibility to our environment very seriously and I appreciate all the comments that everyone has brought about. There have been studies done but there are still base studies that we have to do. Upon those, we may have to do more studies. Perhaps a CE is not appropriate, I’m relatively skeptical that CE is appropriate. That will be determined if we move forward with the preliminary engineering. It’s not saying that we are going to 100% go with this project no matter what, no matter what it costs us, no matter what the environmental impacts are, no matter what, it doesn’t say that. It says let’s take the next step, move into the preliminary engineering and then that will determine doing an EA or an EIS. I have asked a lot of questions about this, sent Greg many emails. I’m trying to get my facts straight so that we can move forward in an educated manner and taking my responsibilities seriously. I can tell you that I do support
this Resolution. I do think it’s appropriate to take the next step of the preliminary engineering and move the project forward. But I take it seriously that it’s my job to ask questions and keep a close eye on this and keep it going in a positive direction. I am not shy of being a pain and at some point perhaps saying, I don’t think this is the right direction to go. But currently I don’t feel that the evidence I have right now would drive me to necessarily say that at this point, so I do support the Resolution.

**Commissioner Curtiss:** I know Ms. Michaelson had sent us an email and I know there are some others who had sent emails which will be part of public comment with our discussion today. We’ve had two (2) detailed Comprehensive Studies to lead us to the same conclusion 20 years apart or more. I’m comfortable with the fact that we’re making this decision on Earth Day. We all worked on this Resolution together.

**Chair Carey:** Obviously again for me, public safety is key. For me it’s about public safety, do we leave an unsafe bridge in place? Or do we make something safe? Does a school bus have to go into the river or a fire truck or something? If I’m going to make a mistake, it’s going to be on the side of safety.

**Motion**

Commissioner Curtiss made motion that the Board of County Commissioners adopt the Resolution as presented today to reaffirm our commitment to the development and management of this project. Commissioner Rowley second. The motion carried a vote of 3-0.

9. **OTHER BUSINESS**

None

10. **RECESS**

Being no further business to come before the Board, the Commissioners are in recess at 2:42.