If anyone attending the public meeting needs special assistance, please provide advance notice by calling 258-4877. Missoula County will provide auxiliary aids and services.

1. CALL TO ORDER

Commissioners Present: Commissioner Nicole “Cola” Rowley (Chair), Commissioner Stacy Rye, Commissioner Jean Curtiss.

Staff Present: Clerk and Recorder’s Office, Steve Niday, Surveyor’s Office

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS

Historical Museum at Fort Missoula, annual book sale.

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA – None

5. CURRENT CLAIMS LIST

October 28, 2015 through November 3, 2015 ($960,463.31)

6. HEARING

Petition to Alter a Portion of Mullan Road (Sections 4 & 5, T13N, R20W)

Staff report: Shyra Scott - not in attendance

Steve Niday, Surveyor’s Office – Petition to relocate Mullan Road right of way from its historic location. Steve Niday is in support of alteration.

Commissioner Curtiss – For the record Shyra Scott is not in attendance. She does have a certification that meets all the criteria that is required and has the necessary signatures that are required.

Jim Turner, Montana Department of Transportation/Surveyor – Large quantity of annuities on where the two locations are. Issues in regards to boundaries on Mullan Road spoke with Steve Niday, in regards to trying to facilitate or speak with the land owners and start a petition to alter the Mullan Road. Mullan Road since the late 1800s has been physically altered in which no legal documentation was provided for it to be altered. More than 50% of the public was in
agreeance to facilitate a petition to alter Mullan Road, or to make the alteration in the legal footprint.

**Commissioner Curtiss** – What you are doing is asking us to put the legal description of the road where the physical road actually is?

**Jim Turner** – Exactly and also as noted in the petition, according to statute of the year and time that the road was created the legal foot print of the Mullan road statutorily at the time should be 66 feet. This petition, in order to maintain harmony within the community, maintains the boundaries as near as can be possibly ascertained.

**Commissioner Curtiss** – Mullan road that I remember that Steve Niday and our attorneys a few years ago brought to our attention that while most public roads are either 60 or 80 this one is 66 feet. Are you proposing in some places?

**Jim Turner** – I am proposing the entirety of it maintain the 60 foot wide. Many landowners thought to maintain the 60 foot.

**Commissioner Curtiss** – Is Mullan Road under the responsibility of the State Road Department?

**Jim Turner** – It is the road under ownership of County. The State has authorization for maintain and doing maintenance on the road that includes reconstruction by act of legislation in 1974. The County has appeared to maintain ownership of the Mullan road itself. I also wanted to note that there are clerical errors on petition itself (pgs. 43-54 should be deleted; preliminary renderings).

**Commissioner Rye** - Can you describe where the road is that they are altering?

**Jim Turner** - The line that is shown there on the map, list as a (inaudible). Is a line that was created by the GLO in a federal survey that was done in this area in 1870. They marked out and monumental the section line plan for the purpose of being able to sell land. I have to believe that there wasn’t a whole lot of changes from 1859 to 1870, there could have been, it is really hypothetical. The line that is currently shown is an approximation. It is near impossible to actually determine the Mullan road within this area without further significant archeological examination, historical documents.

**Public Comment:** none

**Chair Rowley** – site visit must be set up. Commissioner Rye is next on Board of County Commissioners rotation to go.

**Jim Turner** requested to also attend the site visit.

**Commissioner Rye** – What is your interest in altering the roads?

**Jim Turner** - That is a very good question. The whole idea is I am a licensed surveyor, I work for the state of Montana. I represent the people. I came into an issue that I found that there was an opportunity here to fix an issue that has been an ongoing issue for surveyors. Surveyors have tried to bandage this issue. One of the things is it is too expensive for land owners to try to
facilitate a petition to fix this. It puts a major burden on the land owners. I had an opportunity to actually help the community help the public and to fix the situation that should have been fixed 100 years ago. So I took it upon myself to go through the department, to talk to the people.

Audience – (not on mic) What was the filing intent of the legal width, that the petition is petitioning for?

Jim Turner - According to statues when the road was created, the road should have been 66 feet wide legally. The petition itself is saying “No we don’t want it 66 feet wide, we want it what it is.”

Steve Niday - Add background on the width. I had personal heartburn giving up those 6 feet of rights. In consultation with deputy county attorney, he suggested that for us to exert control over those additional 3 feet on each side of the road would have been very difficult and would have let to liability on the county’s part. We would have found it very difficult to define exactly where those 3 feet were. We thought it best for all parties involved to define it as 60 feet and not go after those additional 3 feet.

Public Comment - None

Commissioner Curtiss – response on schedule. We will make sure to contact Mr. Turner or anyone else who wishes to go on the site visit. It will take a couple hours in the afternoon.

Chair Rowley – November 18, 2015 at this same time we will plan on making a decision.

7. OTHER BUSINESS

Commissioner Rye - update on transportation planning meeting. Comments may be made at activatemissoula.com

8. RECESS

There being no further business, meeting was adjourned at 2:00 pm