

MISSOULA COUNTY COMMISSIONERS' JOURNAL: JULY, 2014

BCC = BOARD OF COUNTY COMMISSIONERS

JC = Commissioner Jean Curtiss, Chair

BC = Commissioner Bill Carey

ML = Commissioner Michele Landquist

The following Claims Lists were signed during the month of JULY 2014:

Date Signed	Claims List Date	Who signed	Amount
July 2, 2014	July 2, 2014	JC, BC	\$31,285.61
July 8, 2014	July 2, 2014	BCC	\$750.00
			\$15,569.79
			\$56,891.71
			\$3,854.23
			\$7,571.70
			\$10,432.02
July 8, 2014	July 7, 2014	BCC	\$755.84
			\$2,444.34
			\$15,776.81
			\$1,050.80
			\$1,187.57
			\$8,801.09
			\$416.87
			\$6,390.00
			\$5,340.32
			\$180.50
			\$200.00
			\$615,848.46
July 7, 2014	PHC Amerisource ACH		\$15,484.85
July 9, 2014	July 8, 2014	BCC	\$1,167.26
			\$21,886.10
			\$377.94
			\$3,177.22
			\$732.50
			\$7,428.26
			\$11,123.58
			\$3,029.94
			\$115,360.18
July 9, 2014	July 9, 2014	BCC	\$720.00
			\$2,204.72
			\$717.29
July 10, 2014	July 9, 2014	JC, BC	\$2,498.77
			\$65,578.26
			\$1,005.49
July 11, 2014	July 8, 2014	JC, BC	\$16,772.66
July 11, 2014	July 9, 2014	JC, BC	\$33,534.26
			\$27,813.76
			\$1,058.61
			\$199.99
			\$33,031.88
			\$239.00
			\$29.30
July 11, 2014	July 10, 2014	JC, BC	\$953.60
			\$121,725.01
			\$62,888.06
			\$320,057.54
			\$322,559.00
			\$2,253.00
July 11, 2014	July 11, 2014	JC, BC	\$4,942.10



July 14, 2014	July 14, 2014	JC, BC	\$1,468.82		
			\$28,731.91		
			\$6,434.21		
			\$489.84		
			\$321.01		
			\$297.50		
			\$15,606.13		
			\$2,733.55		
July 15, 2014	July 14, 2014	BCC	\$14,564.43		
			\$475.00		
			\$215,068.48		
July 16, 2014	July 14, 2014	BCC	\$1,319.04		
			\$275.90		
July 16, 2014	July 15, 2014	BCC	\$20,125.73		
July 16, 2014	July 16, 2014	BCC	\$943.22		
July 17, 2014	July 16, 2014	ML, BC	\$1,950.00		
			\$44,798.62		
			\$11,389.38		
			\$637.46		
			\$4,657.63		
			\$3,775.78		
			\$122,147.35		
July 18, 2014	July 17, 2014	JC, BC	\$23,506.19		
			\$4,522.61		
			\$2,068.16		
			\$3,750.00		
			\$1,459,639.74		
			\$1,389.08		
			\$13,020.93		
			\$79.67		
			\$709.26		
			\$352.00		
			\$3,142.33		
July 21, 2014	July 21, 2014	JC, BC	\$90,247.63		
			\$1,396.00		
			\$1,216.86		
			\$7,290.00		
			\$2,703.38		
			\$106.61		
			\$694.59		
			\$686.22		
			\$3,081.05		
			\$23,422.34		
			\$59,972.47		
			\$16.00		
			July 9, 2014	PHC Smartfill ACH	\$20,389.61
			July 11, 2014	PHC Amerisource ACH	\$15,085.22
July 16, 2014	PHC Smartfill ACH	\$43,237.47			
July 18, 2014	PHC Amerisource ACH	\$43,602.55			
July 23, 2014	July 22, 2014	BCC	\$778.13		
			\$4,600.30		
			\$23,328.51		
			\$75,963.25		
July 24, 2014	July 21, 2014	JC, BC	\$1,929.64		
July 24, 2014	July 21, 2014	JC, BC	\$657.85		
July 24, 2014	July 23, 2014	JC, BC	\$6,291.95		
			\$2,526.62		
			\$886.82		
			\$6,515.00		
			\$3,671.75		
			\$43,253.67		
			\$48,256.08		

(7-24-14 cont'd)			\$3,499.40
			\$5,991.70
July 24, 2014	July 24, 2014	JC, BC	\$4,426.34
July 28, 2014	July 24, 2014	BCC	\$146,672.57
			\$11,509.75
			\$1,860.38
			\$895.13
			\$5,931.63
			\$25,531.20
			\$6,825.00
			\$11,172.40
			\$37.06
			\$45.63
			\$73.52
July 23, 2014	PHC Smartfill ACH		\$25,789.40
July 25, 2014	PHC Amerisource ACH		\$6,594.69
July 28, 2014	July 28, 2014	JC, BC	\$2,480.77
			\$917.84
			\$21,915.00
			\$373.61
			\$65.61
July 29, 2014	July 28, 2014	JC, ML	\$174,008.28
			\$14,516.28
			\$3,461.43
			\$1,085.23
			\$3,150.00
			\$36,430.60
July 31, 2014	PHC Smartfill ACH		\$29,075.71
July 31, 2014	July 23, 2014	ML, BC	\$4,490.08
July 31, 2014	July 28, 2014	ML, BC	\$5,188.39
July 31, 2014	July 29, 2014	ML, BC	\$4,031.49
			\$465.38
			\$44,664.71
			\$35,494.45
			\$14,334.39
			\$255.30
			\$341.02
July 31, 2014	July 30, 2014	ML, BC	\$61,379.66
			\$172,290.78
			\$6,844.55
			\$135.00
			\$329.85
			\$3,970.29
			\$134.40
			\$70.00

All Claims Lists were returned to the Accounting Department.

**TUESDAY, JULY 1, 2014**

BCC met in regular session; quorum present. ML out of office through Friday, July 4<sup>th</sup>.

Monthly Report – JC examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of District Court, Shirley Faust, for month ending June 2014.

ADMINISTRATIVE MEETING

Resolution No. 2014-081 – BCC signed, dated July 1, 2014. Adopting compensation schedule for FY15 for County elected officials, effective June 22, 2014, as recommended by the FY 2015 Compensation Board. Original to C&R.

Grant Award – JC signed. State of MT Board of Crime Control Subgrant #15-L05-91731: Western Regional Juvenile Detention Grant. Total amount/\$547,388.26 (State amount/\$275,531; local match/\$271,857.26). Missoula County to receive \$88,223. Term/July 1, 2014 – June 30, 2015. Original to Gary Elliott/Sheriff's Office.

Contract – BCC signed, dated July 1, 2014. Between County and the Missoulian for legal printing. Amount/ varies, as set forth therein. Term/July 1, 2014 – June 30, 2015. Originals to C&R and Barbara Berens/Auditor.

Shoreline Permit w/Conditions – JC signed. #2014-10 for Applicant Gary Muskett to replace existing dock (to be smaller than existing structure) at 7356 Lindbergh Lake Road (Lots 40, 41 Diamond L Bar Lakeshore Tracts #2). Existing ramp and deteriorated dock must be removed from shoreline protection zone. Original to Todd Kliez/CAPS for further handling.

Resolution No. 2014-082 – BCC signed, dated July 1, 2014. Setting Seeley Lake Refuse District Administrative Policies for the benefit of both staff and District users. Original to C&R.

Bid Award/Contract – BCC approved bid award and signed contract between County and Highmark Traffic Services (as low bidder), Billings, for Road Striping Project (which includes re-striping some roads striped 5 years ago). Amount/not to exceed \$75,000. Term/July 1 – October 31, 2014. Originals to C&R and Erik Dickson/Public Works.

Wetland Credit Purchase Agreement – JC signed. Between County and Nevada Spring Creek Partners ("NSCP"), in order to purchase 0.49 credits from NSCP (a wetlands mitigation bank) to mitigate wetlands impacted by Missoula to Lolo Trail Project. Amount/\$17,150. Two originals to Greg Robertson/PW.

Amendment – JC signed. To grant agreement (#DTFH6114G00001) between County and MT DOT for Missoula to Lolo Trail. Amendment commits remaining TIGER funds (\$4,580,363) for construction and allows Public Works to advertise for bids. Term/February 12, 2014 - March 15, 2016. Three originals to Greg Robertson/PW for further handling.

Additional discussion item(s): Larchmont easement.

<b>WEDNESDAY, JULY 2, 2014</b>
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BCC met in regular session; quorum present. ML out of office through Friday, July 4<sup>th</sup>. Evening: BC attended East Missoula Playground Project Ribbon-Cutting Ceremony.

Indemnity Bond – JC signed. Douglas J. Siegle, Missoula, Principal for Target Range School Warrant #16013579, issued June 7, 2013 on County Payroll Fund. Amount/\$121.60 (for wages). Warrant lost.

Indemnity Bond – JC signed. James Mountjoy, Missoula, Principal for Target Range School Warrant #5054825, issued August 8, 2013 on County Claims Fund. Amount/\$28.82. Warrant lost.

Indemnity Bond – JC signed. Megan Hopper, Missoula, Principal for Target Range School Warrant #15054876, issued August 30, 2013 on County Claims Fund. Amount/\$35.99 (for classroom storage). Warrant lost.

Indemnity Bond – JC signed. Mary Eudy, Missoula, Principal for MCPS Warrant #28233564, issued June 20, 2014 on County Payroll Fund. Amount/\$718.42 (for wages). Warrant lost.

#### ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 13/CY2014 - Pay Date/June 27, 2014. Total Payroll/\$1,376,701.43. To County Auditor.

Contract – BCC signed, dated June 20, 2014. Between County and Let's Pretend Entertainment for *Cutest Show on Earth* entertainment at the 2014 Western MT Fair. Amount/not to exceed \$4,750. Term/August 5–10, 2014. Original to C&R.

Contract – BCC signed, dated April 30, 2014. Between County and Fast Track Entertainment, Inc. for *Kids Pedal Tractor Pull* entertainment at the 2014 Western MT Fair. Amount/not to exceed \$5,450. Term/August 5–10, 2014. Original to C&R.

Grant Agreement – JC signed contract between County and MT DOC on behalf of Advanced Technology Group's Big Sky Economic Development Trust Fund (BSTF) Category 1 Job Creation Grant (#MT-BSTF-1-14-10) in amount not to exceed \$172,500. Grant to be used to purchase furniture and technology equipment. Payment awarded to County May 21, 2014; contract end/May 21, 2016. Originals to Kelly Yarns/BREDD for further handling.

Request – BCC approved variance request from Health Department to County Purchasing and Contracts Policy, requiring a limited solicitation for bids to purchase services for services greater than \$20,000 and less than \$80,000. Basis for request is proposed \$26,000 contract with Pruy Veterinary Hospital, who has provided many vet services for Animal Control for more than ten years. County Attorney's Office and County Auditor reviewed/approved request. Document to Ellen Leahy/Health Dept. for further handling.

Shared Use Agreement – JC signed. Shared Use Path Agreement between County and MT DOT for Highway 93 – Missoula to Lolo Trail Project. Agreement allocates responsibility for maintenance/repair/reconstruction of the Shared Use Path constructed by County between Missoula City Limits and Lolo. Term/effective upon execution and construction completion, by both parties. Two originals to Greg Robertson/Public Works for further handling.

Additional discussion item(s): None.

NO PUBLIC MEETING HELD THIS DATE

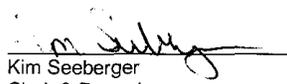
**THURSDAY, JULY 3, 2014**

BCC did not meet in regular session. JC out of office all day. ML out of office through Friday, July 4<sup>th</sup>.

ADMINISTRATIVE MEETING – Canceled. Quorum unavailable.

**FRIDAY, JULY 4, 2014**

**COURTHOUSE AND ADMINISTRATION BUILDING CLOSED FOR THE 4<sup>TH</sup> OF JULY HOLIDAY**

  
Kim Seeberger  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, JULY 7, 2014**

BCC did not meet in regular session; all three Commissioners out of office all day.

**TUESDAY, JULY 8, 2014**

BCC met in regular session; all three present.

Indemnity Bond – JC signed. Travel Café, Billings, MT, Principal for MCPS Payables Claims Warrant #27111672, issued May 7, 2014 on County 215 Fund. Amount/\$693(for Airline tickets). Warrant lost.

Indemnity Bond – JC signed. Travel Café, Billings, MT, Principal for MCPS Payables Claims Warrant #27111673, issued May 7, 2014 on County 115 Fund. Amount/\$578 (for Airline tickets). Warrant lost.

Monthly Report – JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Amy Blixt, Acting Justice of the Peace, for month ending June 2014.

Monthly Report – JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending June 2014.

ADMINISTRATIVE MEETING

Change Order – BCC signed. #3 to contract between County and Jackson Contractor Group for Courthouse Phase 3A Annex/2<sup>nd</sup> Floor Office Remodel. For miscellaneous extra costs relating to electrical, architectural, mechanical, etc. in amount of \$54,738.05. New base contract sum/\$1,615,091.72. This phase is complete with this Order. Original to C&R.

Agreement – JC signed, dated July 8, 2014. Between County (PHC) and UofM College of Biomedical and Pharmaceutical Sciences to purchase .30 FTE of Dr. John Miller from UofM, to serve as Medical Director and physician member of PHC primary care staff.. Term/July 1, 2013–June 30, 2014. Amount/\$70,616. Originals to C&R and Andrea Laine/PHC.

Board Appointment – BCC requested Shelly Andres be interviewed before appointment to Evaro-Finley-O'Keefe Community Council.

Resolution No. 2014-083 – BCC signed, dated July 8, 2014. Authorizing/supporting submittal of County's application to MT DOC for a Big Sky Trust Fund Grant on behalf of FilSpur. If awarded, grant to be managed by BREDD. Original to C&R.

Additional discussion item(s): 1) Scheffer Family Transfer; 2) East Missoula planning; 3) Joint BCC-Swan Valley Community Council meeting to be held on July 15, 2014 @ 7:00 p.m.

**WEDNESDAY, JULY 9, 2014**

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Lease Agreement – BCC signed, dated June 23, 2014. Between County (PHC) and Seeley-Swan Hospital District for PHC to lease portion of building at 3050 Highway 83, Seeley Lake, for use as a federally qualified health center. Amount/\$2,000 per month. Term/January 2, 2014 – December 31, 2028. Originals to C&R and Andrea Laine/PHC.

RFP Award - BCC approved award to Missoula Auto Parts (current provider for 5 years) for the Public Works On-Site Vehicle and Equipment Parts Operation. Document to Amy Rose/Public Works.

Budget Transfer – BCC signed, dated July 10, 2014. Control #14-019 for Special Projects in amount of \$5,393 (approved May 2014) to increase contract amount for landscape maintenance of MDP roundabout/medians. Amount transferred to correct line item error. Original to Teresa Graham/Accounting.

Settlement Agreement – BCC approved payment of complaint against County by Budding Star, located within Momont Industrial Park. Budding Star alleges County/City did not exercise proper care in

constructing main sewer lines in 1981, or additional lateral lines installed in 1998. Amount/\$25,000 to be paid on or before July 31, 2014. Document to Barb Martens/Special Projects.

Grant Agreements – BCC signed two (2) agreements between County and Big Sky Economic Development Trust Fund (BSTF) for Category 1 Job Creation Grants on behalf of Submittable, Inc. County is pass-through agency to Bitterroot Economic Development District, Inc. ("BREDD"), as manager of these funds. Grant awarded December 19, 2013.

- 1) #MT-BSTF-1-14-08-MP: Management Plan between County, BREDD and Submittable, dated July 9, 2014.
- 2) #MT-BSTF-1-14-08-AB: Business Assistance Agreement between county and Submittable, Inc. dated July 9, 2014.
- 3) #MT-BSTF-1-14-08-SR: Sub-Recipient Agreement between County and BREDD, dated July 9, 2014.

Originals to C&R and Kelly Yarns/BREDD.

Budget Transfer – BCC signed, dated July 9, 2014. Control #14-018 for Environmental Health in transfer amounts of \$10,000 and \$6,500 (DEQ funds) from Operations to create Capital code for well and well house at Junk Vehicle Yard. Original to Teresa Graham/ Accounting.

Amendment – JC signed. Amendment #3 to Task Order #13-07-5-31-035-0 between MCCHD and MT DPHHS for additional funding in amount of \$35,000 for MIECHV ID Missoula Best Beginnings Council services, etc. New total Task Order amount/not to exceed \$187,470. Term/November 1, 2012 – September 29, 2014. Three originals to Julie Mohr/MCCHD for further handling.

Appointments – BCC appointed Barbara Berens and Todd Garrett as additional members of the Board of Directors of the Western MT Fair Foundation (as allowed per Resolution 2014-069). This action is a step in process of reactivating the Fair Foundation and converting it from 509(c)(3) "supporting organization" to a different classification of public charity. Original to Barb Berens/Auditor.

Resolution No. 2014-084 – BCC signed, dated July 9, 2014. Relating to Public Works' MT Board of Investments INTERCAP Loan Program (Bond Series 2014) to fund purchase of six motor graders for road fleet. Amount/\$560,000; to be paid over next five fiscal years. Original to MT State; copy to C&R.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated July 8, 2014. Amount/\$70,172.87. To County Auditor.

Letter, BCC signed, dated July 9, 2014 to Tim Love, Seeley Lake Ranger District, Seeley Lake, providing concerns and comments on the Placid Lake Cost Share Supplement project, and asking for an extension of the comment period for this project until basic information is made available for public review. Returned to Kali.

Letter, BCC signed, dated July 2, 2014 to MT Office of Tourism, Tourism Infrastructure Investment Program, Helena, in support of the upcoming renovation project of the Children's Museum Missoula, as it will provide wonderful access for families to an excellent, well established facility. Letter mailed.

Additional discussion item(s): None.

#### **PUBLIC MEETING – July 9, 2014**

##### **1. CALL TO ORDER**

**Commissioners Present:** Commissioner (Chair) Jean Curtiss, Commissioner Bill Carey, Commissioner Michele Landquist

**Staff Present:** Jennie Dixon, CAPS

##### **2. PLEDGE OF ALLEGIANCE**

##### **3. PUBLIC ANNOUNCEMENTS**

Chair Curtiss reminded everyone that the County Fair is coming up in about a month; it's a good time to get your entries in.

##### **4. PUBLIC COMMENT**

None

##### **5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List (\$5,167,998.60)

##### **Executive Session**

Commissioner Landquist made motion that the Board of County Commissioners approve the current Claims List in the amount of \$5,167,998.60. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

##### **6. HEARING (Certificate of Survey)**

Scheffer Family Transfer – Nine Mile Road

Jennie Dixon gave staff report and asked Mr. Dennis Scheffer the standard family transfer questions.

Public Comment – None.

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the request by Dennis Scheffer to create one (1) additional parcel by use of the family exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

**7. OTHER BUSINESS**

None

**8. RECESS**

Being no further business to come before the Board the Commissioners are in recess at 1:39.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated July 17, 2014:

- Denying request from Robert Smith, Greenough, MT to refund motor vehicle taxes/fees paid for incorrect vehicle (Title #AA2175715) he registered due to seller giving him incorrect title. Seller should reimburse Mr. Smith.
- Approving request from Larry Guerrero/Russell Motor Sports, LLC, Missoula, to refund penalty/interest paid on taxpayer id #3475501 for \$627.22.
- Denying request from Eugene/Karen Hansen, Florence, MT to partially refund taxes for taxpayer id #1208202. BCC has no discretion in this area, as there was no error in the DOR's description.

**THURSDAY, JULY 10, 2014**

BCC met in regular session; quorum present. Morning: BC attended Suicide Prevention Leadership Team Meeting, held at Currents. Early afternoon: JC attended County Transportation Committee Meeting, held at MCPS Admin. Building.

ADMINISTRATIVE MEETING

Resolution No. 2014-085 – BCC signed, dated July 10, 2014. Ends State of Emergency declared May 22, 2014 due to threat of floods from heavy snowpack/weather/rising water conditions. State of Emergency no longer exists. Original to C&R.

Request – BCC approved request from Seeley Lake Community Council to have the election expenses (in amount of \$629.03) for the 2014 Primary Election waived. Document to Rebecca Connors/Elections.

Bid Award – BCC approved bid award to L.S. Jensen Construction and Ready Mix (as lowest bidder) the Airway Boulevard Rehabilitation Project. Amount/\$286,541.50. To Barb Martens/Special Projects.

Task Order – JC signed. #14-07-1-01-105-0 between MCCHD and MT DPHHS (Office of Public Health System Improvement Master Contract 7/1/12-6/30/19). Grant funding in amount of \$25,000 for period June 16, 2014 – June 30, 2015. Allows MCCHD to engage with local public health agencies in Montana and further develop performance management system. Three originals to Julie Mohr/MCCHD for further handling.

Notices of Hearings – JC signed. Hearings were set for the following:

- 1) Preliminary Missoula County FY2015 Budget Hearing on Wednesday, July 23, 2014; Final Budget Hearing on Wednesday, August 27, 2014. Both to be held as part of regularly-scheduled Public Meeting Agenda (1:30 pm, Room B14/Admin Building). FY2015 Budget to be adopted on Thursday, August 28, 2014 at 10:00 am in Room 206 of Admin Building.
- 2) Seeley Lake Refuse District Budget and Assessment Hearing to keep assessed fees at \$150 per year will be held Wednesday, July 23, 2014 Public Meeting (beginning at approx. 2:15 p.m.) in Room B14/Admin Building.

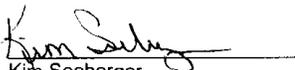
Publish dates for Notices: July 13 and July 20, 2014.

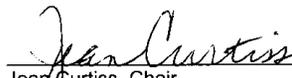
Additional discussion item(s): None.

**FRIDAY, JULY 11, 2014**

BCC met in regular session; all three present.

Replacement Warrant - JC signed. Katy Thomas, Missoula, Principal for Missoula Area Education Coop Warrant #87032404, issued January 10, 2014 on County Claims Clearing Fund. Amount/\$15 (for fingerprinting reimbursement). Warrant not received in mail.

  
Kim Seeberger  
Clerk & Recorder

  
Jean Curtis, Chair  
BCC

**MONDAY, JULY 14, 2014**

BCC met in regular session; all three present. Luncheon: BC attended City Club Meeting re: Air Quality in Missoula, held at DoubleTree.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Canyon River Subdivision (Condition Amendment) – (action); 4) MPO update; 5) Section 36 Trail Easement; 6) Subdivision Regs Article 8 – evasion criteria for Boundary Line Relocations; 7) Inter-Agency Meeting August 18<sup>th</sup>; 8) Director's update.

**TUESDAY, JULY 15, 2014**

BCC met in regular session; all three present. Morning: BCC, CAO Vickie Zeier, et al participated in tour of UofM's research facilities at Skaggs Building. Evening: BCC, Swan Valley Community Council, Kati Becher, Forest Service Reps, et al held meeting re: Implementing Day Use Fees at Holland Lake.

ADMINISTRATIVE MEETING – Canceled. Quorum unavailable.

Request: Records Disposal/Transfer Authorization – JC signed. From Clerk & Recorder: 1) Birth request letters/forms (1/1/2009-6/10/2010); Death request letters/forms (1/1/2009-12/31/2009); 3) Military discharge requests (6-29-2008-7-8-2008); 4) Terminated UCC Filings (1/1/1989-12/31/2003. To be disposed of.

**WEDNESDAY, JULY 16, 2014**

BCC met in regular session; all three present. BCC held meetings re: Consideration of FY2015 Enhancement Requests. Evening: JC attended Law Enforcement Youth Camp's Annual Dinner, held at Camp Paxson, Seeley Lake.

ADMINISTRATIVE MEETING

Memorandum of Understanding – BCC signed, dated July 16, 2014. Between City and County (Parks and Trails Program) to jointly complete an operating proforma business plan for City and County-owned Fort Missoula Regional Park. Contract for proforma approved/signed March 19, 2014. Project end expected mid-July, 2014. Originals to C&R and Lisa Moisey/County Parks.

Agreement – BCC signed, dated July 16, 2014. Between County (Public Works) and Sheriff for fleet maintenance services. Costs will be split for a new mechanic position whose priority will be Sheriff vehicles first; others as time permits. Sheriff to be responsible for all parts used during servicing as well as specialty items beyond capability. Term/one year from date of execution. Originals to Greg Robertson/PW for further handling.

License Agreement – BCC signed, dated July 16, 2014. Land Use License No. 306336 between County (Public Works) and MT DNRC to continue limited term rights for use of "Old Seeley Lake Shop" property, legally described as approx.. one acre located in NE4SW4 of Section 24, T 16 N, R 15 W. Term/upon signature of Area Manager through February 28, 2019. Amount/\$2,812.50 annually; (\$25 filing fee paid by MDOT). Two originals to Greg Robertson/PW for further handling.

Contract – BCC signed, dated July 16, 2014. #15-07-3-01-010-0 between County (PHC) and MT DPHHS for Montana Cancer Control Program to implement breast/cervical/colorectal cancer screening services and continue MT Comprehensive Cancer Control Plan. Term/July 1, 2014–September 30, 2015. Amount/not to exceed \$187,910. Three originals to Andrea Laine/PHC.

Letter – BCC signed, dated July 15, 2014 to Montana's Congressional Delegation (Senators Tester and Walsh, Representative Daines), re: House Committee on Homeland Security/Subcommittee on Emergency Preparedness, Response and Communications' hearing on the FEMA National Preparedness Grant Program proposal to eliminate decision-making on grant proposals based on formulas. The BCC requests they vote "No" on this issue should it go forward because it would adversely impact rural/urban counties across MT working to deliver critical emergency preparedness services.

Additional discussion item(s): None.

NO PUBLIC MEETING HELD THIS DATE**THURSDAY, JULY 17, 2014**

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Contracts – BCC signed following between County and Jackson Construction for demo, abatement and reconstruction of County Courthouse Phase 3B Annex Stairs and 3rd Floor Office Remodel.

- 1) Phase 3B Base Bid Contract Alt #1: Amount/\$1,956,990
- 2) Phase 3B Asbestos and Lead Abatement Contract: Amount/\$28,367

Term/July 20 2015 – February 27, 2015. Originals to C&R.

Site Lease Application – JC signed. Montana Rail Link Site Lease Application for Missoula to Lolo Trail, which is necessary to permit unavoidable encroachments within MRL right-of-way adjacent to Hwy 93. All issues have been resolved. Two originals to Greg Robertson/PW for further handling.

Letter – BCC signed, dated July 17, 2014 to Centers for Disease Control, Partnerships to Improve Community Health, CDC Grant Application Committee, supporting City-County Health Department's grant application to help *Let's Move Missoula* continue their work to improve physical activity and nutrition throughout the County. Original to Lisa Beczkiewica/Let's Move.

Additional discussion item(s): Fair Booth judging (BC and ML to participate; JC tbd).

**FRIDAY, JULY 18, 2014**

BCC met in regular session; all three present.

  
Kim Seeberger  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, JULY 21, 2014**

BCC met in regular session; all three present. Morning: BCC held meeting with Pat O'Herren, Reps from DNRC and USFS, et al re: access issues.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 14/CY2014 - Pay Date/July 11, 2014. Total Payroll/\$1,483,528.65. To County Auditor.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Anderson Shoreline Permit (*action*); 4) 2014 Stewardship Award recommendation; 5) Overview of JTL Rezoning Request; 6) Director's update. Adjourned at 10:30 a.m. Reconvened in Admin B14 at 10:45 pm for following: 7) DNRC/USFS Access discussion.

Shoreline Permit w/Conditions – JC signed. #2014-12 for Applicant E. Lynn Anderson to replace existing wooden dock at 147 Edgewater Drive, Lindbergh Lake. Existing ramp and deteriorated dock must be removed from shoreline protection zone. Original to Todd Kliez/CAPS for further handling.

**TUESDAY, JULY 22, 2014**

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Agreement – BCC signed, dated July 22, 2014. Between County (Youth Detention Center) and Missoula County Public Schools (MCPS) to hire a 0.67 FTE certified teacher to design/deliver educational program to youth at County Detention Center. Term/July 1, 2014 – June 30, 2015. Amount/\$60,000. Two originals to Detention Center for further handling.

Request – BCC approved request from CAO Vickie Zeier to approve two complimentary 2014 fair tickets to County employees. County to pay discount price of \$3.50 each. [Staff subsequently ordered 1,650 tickets for total price of \$5,775. Invoice for same amount received July 23, 2014].

Request – BCC approved request from CAO Vickie Zeier to approve FY 2015 expenditures for the following: MACO dues (\$10,725); NACo dues (\$2,186); and Special Assessment for PILT (\$1,099) – for total amount of \$14,011. Claim processed.

Board Appointment – BCC appointed Shelley Andres as a new member of the Evaro-Finley-O'Keefe Community Council. Ms. Andres' term begins July 22, 2014 and runs until the Special District Election is held in 2017, at which time she will need to file to be elected for a new 3-year term.

Updated Cooperator Agreement – JC signed. Between County and State of MT DNRC Southwestern Land Office (originally signed January, 2014, detailing conditions for reimbursement to County when County employees and/or equipment are used in wildland fire suppression/management efforts within Montana). Updated document includes out-of-state requests. Term/July 1, 2014 – June 30, 2015. Originals to C&R and Adriane Bick/OEM.

Amendment – JC signed. #1 to Consultant Agreement for Professional Services between County and Great West Engineering for Hayes Ranch Opencut Sand & Gravel Pit. Amount increased by \$2,100 for up to 18 additional hours of Engineer (or Scientist's) time to address "Deficient" Notices from MDEQ and facilitate supplementary coordination activities re: Application Package. New contract total amount/\$12,800. Project term/October 29, 2013 – July 30, 2014. Original to C&R.

Contract – BCC signed, dated July 21, 2014. Between County and MCAT (Missoula Community Access Television) for recording of BCC Public Meetings, as well as County portion of City-County Air, Water & Health Board meetings. Amount/\$3,000; user quantities to be reviewed annually. Term/July 1, 2014 – June 30, 2019. Original to C&R.

Request – BCC approved. Sheriff Department's variance request from Purchasing/Contracts Policy requiring limited solicitation for bids to purchase services in amount greater than \$20,000 and less than \$80,000. Request pertains to legal duty to provide education services for juveniles in custody at the Detention Center. Original to Jason Kowalski/Sheriff Dept.

Additional discussion item(s): 1) Senior Leadership Team update; 2) Meeting with Senator Walsh's Missoula Office Staff.

**WEDNESDAY, JULY 23, 2014**

BCC met in regular session; all three present. Luncheon: JC attended Leadership Montana meeting, held at Iron Horse. Evening: JC attended NCBI Appreciation Night Event, held at Le Petit Outre.

**ADMINISTRATIVE MEETING**

Resolution No. 2014-086 – BCC signed, dated July 23, 2014. Resolution of Intent to rezone property owned by JTL Group from C-RR1 (Residential) to C-A1 (Open and Resource Lands), legally described as the SE¼ SE¼ and that portion of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's right-of-way in the NE¼ SE¼; also the portion of the NE¼ SE¼ south of said railroad right-of-way, all in Section 13, T 13 N, R 20 W, PMM, Missoula County. Also NE¼ NE¼ less river in Section 24, T 13 N, R 20 W, PMM, Missoula County (Tract 1 and Tract 2, COS No. 6384). Containing 74 acres more or less. Original to C&R.

Additional discussion item(s): None.

**PUBLIC MEETING – July 23, 2014**

**1. CALL TO ORDER**

**Commissioners Present:** Commissioner (Chair) Jean Curtiss, Commissioner Bill Carey, Commissioner Michele Landquist

**Staff Present:** Deputy County Attorney, James McCubbin, CAPS, Hilary Schoendorf, Public Works Director, Greg Robertson, Chief Financial Officer, Andrew Czorny

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC ANNOUNCEMENTS**

Missoula Aging Services is always looking for volunteers to deliver meals on wheels. There are some programs that they have that they can pay a stipend for volunteers that are over 55. Call Missoula Aging Services.

**4. PUBLIC COMMENT**

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List (\$3,340,679.25)

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$3,340,679.25. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

**6. HEARING**

JTL Rezone Request

Hilary Schoendorf gave staff report. Staff has recommended approval.

**Chair Curtiss:** At our Planning Board Meeting Monday we came up with some potential language changes in the covenants James has proposed that and we'll put that forward now.

**James McCubbin:** I have copies of the proposed changes to the covenants if anyone in the audience wants to see what we're talking about. Basically I'm proposing adding a new Article 5 to the covenants proposed by the applicant that would set out the procedure for how these covenants could potentially be amended in the future. Which is a matter of law, you can't really have covenants that are just set that can never be amended. I've seen them in the past where it doesn't address the amendment and basically what we do is, we tell people, and the county has done this as well, that if all the parties to the covenants agree to an amendment, then they can be amended basically just as a plan matter of law. So that's essentially what my proposed amendment language says.

**Proposed Article 5 Amendment:** These protective covenants, conditions and restrictions may be amended upon mutual agreement in writing by the property owner and Missoula County to the Missoula County Board of County Commissioners. Amendment may also be made by mutual agreement of the property owner and the Missoula County Board of Adjustment, as provided in Article 3. Amendments may be made to the text of and or exhibits to this document. In considering a proposal for amendment, the county shall take into consideration regulatory standards in place at the time of the proposal.

I also note that that reference to the Board of Adjustment is the language that Hilary was mentioning earlier about motorized access. As drafted by JTL, that motorized access would be for mining purposes, would be limited to a maximum of 5 years. That's already in their proposed language. If the

County Commissioners don't want to delegate that particular ability to amend the covenants to the Board of Adjustment, in other words, if you want to hold onto all review of amendments for just the Board of Commissioners, we could remove the second sentence here and basically the first sentence/paragraph of article 3. Then, all amendments would have to go to the Commissioners. That's a policy call that just sort of what you want to do, I do note that if and when there is a special exception for mining on this property in the future, it would pretty much be meaningless unless there was some kind of motorized access to develop for mining. So those two things would have to go hand in hand, which I think is what JTL had proposed. That the Board of Adjustment be allowed to amend the covenants to go with the special exception. But you could require a two-part process, if you wanted to.

I also, in my email to Hilary and Ken Jenkins, I pointed out that in the second whereas paragraph of the covenants, there's a reference to the City of Missoula that should read Missoula County and there are a couple typos.

**Ken Jenkins, Montana Northwest Company representing JTL Knife River:** I would like to start by thanking Hilary for her efforts to assist in getting this project in front of you today. I would also like to thank Elizabeth with Parks Department at the City; we did spend a good deal of time. Our purpose is to get back to the approval that was granted in 2005 but never came to be. Except for having to go through this whole process again, there is a bright side to that, in that I think we made significant improvements to the language in the easement and in the covenants, over what was approved in 2005. I appreciate Hilary and Elizabeth and everybody in local government that was involved in that and James for taking a look at the covenants and how that would work.

I would ask and hope that you agree with the staff recommendation that the proposed zoning is a much better fit for the property than the current residential zoning. It is all within the floodplain or for the most part, except for the railroad grade, it is in the floodplain. There's been much discussion about the riparian resources that are on the property; clearly it is not suitable for the residential zoning that's in place now. If you look at the review criteria for zoning property, if you look at what's being proposed and how well that fits the growth plan. If we look at this zoning that's being proposed, based on its merits, I think the staff recommendation for approval makes all the sense in the world. That being said, the property is owned by JTL Knife River. We fully understand that can cause some anxiety, they are an extraction company. I would reiterate again, there are no immediate plans, no plans in the near future, and no foreseeable plans to mine this property. That being said, when the property that's within their ownership is zoned as residential, which by the way prohibits mining, the land itself cannot be seen as an asset for the company to own zoned as it currently is. Under the current zoning, if and when they ever wanted to try to do mining down there, under the current zoning, they're dead in the water. They're not even allowed to pursue that. It's difficult for that property to be an asset to the company as it is now zoned and that is one of the primary purposes of why we're here today. If in the future they ever wanted to pursue mining, there is a lot of local government process that would still have to be gone through. They would need a floodplain permit, which we've already heard is highly unlikely. They would need zoning compliance; it's a special exception to the zoning, which allows local government review again, if they ever chose to ask to mine down there. And not to mention the DEQ permits that would be necessary. So there is a lot of process, a lot of opportunity for comment relative to environmental concerns. I understand where those come from because of who owns the property but as part of this process, I don't know that going into great detail to address those types of concerns, this to me, isn't the appropriate time to do that. That would be down the road when they are in additional processes that would be necessary to \_\_\_ away all the mining, as a special exception.

The benefits to this Hilary pointed out there's an important link that the company is willing to donate on the railroad trail system. It's a sizable piece of property that they plan to donate, that is south of the river. That happens to be a lot of acres of cottonwoods and where the bird study was done south of the river. That would be donated to the City Parks Department to become part of the Tower Street Park. I don't have a whole to add to what's been said, the language that James proposed, I think I certainly agree with that. There needs to be provisions for 50 years down the road if local government is going to revisit this or if the company wants to do something down there. I think it's appropriate that the riparian resource mapping be looked at again. That the use of the property be looked at again, it would have to be a special exception to allow that and I think it only makes sense that years and years down the road we allow whoever local government is at that time to take a fresh look at it. I'm in agreement with that language.

The last thing I would add is the covenants that we've been talking about, the donations of land that we've been talking about, the protections to the riparian zones that are in those covenants; those are protections that are not in place today. Those are protections because of who the owner is; to alleviate some of that anxiety of the what-if. I don't want us to make our decision today based on what-ifs that may or may not ever happen. Nobody has a crystal ball and can predict that but because of who the owner of the property is; these protections are being offered by the applicant. So I think that's noteworthy that there would be protections on the property if this zoning is approved, that aren't there today. I would certainly field any questions if there are any and thank you.

**Chair Curtiss:** I have a question that may be good to state on the record. As Hilary stated this river has moved 400 feet into this property over the last ten (10) years. It seems to me that the owner, in the language that's proposed, it says the 500 foot buffer moves as the river moves. The owner is taking a risk if he doesn't do anything for (10) years, there might not be any gravel that's left that isn't protected in that buffer zone, is that true?

**Ken Jenkins:** That is something that the owner is aware of and that certainly is a risk. The river seems to have a pattern and 400 feet in ten (10) years is a lot. But that's not to say that an ice jam couldn't push it clear over to 3<sup>rd</sup> street next year.

**Public Comment**

**Jim Cusker:** Longtime resident of upper Grass Valley, Hellgate Community. I just recently became aware of this request when I attended the Planning Board Meeting, July 1st. I had attended at that time for a look at an item that was later in the agenda; I didn't realize it would be that much later because this particular topic occupied the better part of two (2) hours. As I listened to Hilary's presentation that night and again this afternoon, I thought it was very complete. I thought things were laid out very well and I think that you did a very good job in pointing out the natural resources that are present on the property. These are as indicated renewable resources; there's a riparian zone, there's a cottonwood forest, there are all the birds that are associated with that, which have been documented very well by the Audubon Society. Certainly the zoning requested today would put that property more into compliance with the Wye-Mullan Plan. As I listen to the presentation then, I thought well this is a slam dunk until Mr. Jenkins gave his presentation. I congratulate him on being very forthright and honest in stating the causes or the reasons for JTL wanting to have this particular rezoning put in place. The thing that bothered me at the time was the fact that the present zoning, which really isn't very appropriate, would prohibit gravel mining. The zoning as proposed would allow it to happen. If these renewable resources are that important then perhaps we should take a look at whether or not they could be best protected by rezoning or leaving things the way that it is. You bet assured this is most certainly true that in the event that down the line Knife River would like to apply for a mining permit on that property, if it were rezoned, that there would be plenty of opportunity for public hearings. That sends a shiver down my spine. Years and years ago I was in attendance at the public hearing that was held at the Hellgate Middle School when the original gravel pit off from Mullan Road permission to have that occur brought before the community. The gym was absolutely packed and person after person, neighbor after neighbor got up and said; we do not want a gravel mine here, for many reasons, one of the reasons being that; hey, that's been wonderful farmland since 1870. Other reasons of course would include the noise and nuisance and all that sort of thing. I believe only one or two persons who were would of directly benefitted from the gravel mining being permitted spoke in favor of everyone else overwhelmingly negative. The person who chaired the hearing said; well my goodness, we certainly understand where you folks are coming from. Within two weeks the permit was issued. Hilary, if we could look at the Fish Wildlife & Parks slide you can see the mining operation, that's the one where...

**Hilary Schoendorf:** This is actually owned by another mining company.

**Jim Cusker:** Yes, that's Jensen but as you can see the renewal natural resources are absolutely gone and never can be replaced. The non-renewable resource is being extracted and extracted very, very rapidly, it can't be replaced either. Immediately to the East the open space belongs to a farmer who has been approached by the adjoining gravel company, they want to purchase his property, they've been after him for years to do that. He has declined and at present I'm sure you'll remember in the paper just recently that that track of land, approximately 70 acres, has been converted to a rapidly growing poplar farm. One that will not only take advantage of the wonderful soil that is present there, but it's also watered by the affluent from the sewage treatment plant, further purifying the water. The farmer has given a long term lease for that property and in fact, if we go directly to the south we'll be considering another 30 acres going through the same thing. Contrast that to the property immediately to the west, renewable resources are being used and will be reused and reused forever. It may be a long time before JTL decides to move into this area that's proposed for rezoning but when that time comes, if you vote for approval today, you will have removed one of the big protections of that area today. I want to take this opportunity to sincerely congratulate and give my thanks to the commission for the legacy that you people will be leaving Missoula County. You are known throughout the State as the commission that looks out for the preservation of open space, including Ag and forestry land. You passed an open space bond in 2006, since that time 30 projects have taken use of the money to protect 23,500 acres of open space land, forest land, Ag land, open space land, and over four (4) miles of trails; a wonderful legacy, thank you. Interestingly enough, just a few miles down the river in 2007 from the proposed site one of the very first projects to come before the city open space bond committee was a request to acquire 40 acres of land very similar to that being considered today. Again, with exactly the same type of highly renewable resources present there and that was done. Are there alternatives for the preservation of these resources, other than rezoning it today with the possibility that in a number of years it's going to be mined? Well of course there are. It may be unlikely, but Knife River owning this land and wanting to regain some of the money that they have put out for it, if they could no longer list it as an asset, they could say hey, we'll put this entirely an open space and there's still money left in that fund just looking for projects such as this to set aside. Now if JTL decides not to take that route, then I would highly urge the commission to leave the zoning just as it is today. Why? First of all it will exclude a gravel mine but more importantly another great thing that the commission has done and working on right now, is revising the subdivision review regulations, and it's coming right along. If that area with its one house per acre zoning right now was up for subdivision, by that time there will be some wonderful mitigation standards present in these regulations that will probably come out this fall, which will protect land like that. So if we are truly interested in preserving that land for the open space that it has and the renewable resources that are on it, I request that you say no to this proposal.

**Ms. Rita Axtell:** Gave the Commissioner a letter with her concerns. I do live in the area that is being rezoned, I moved there 7 ½ years ago. My issues are the same as the gentleman that just talked. I have no problem with gravel and so forth being mined, although when I moved there 7 ½ years ago it was very, very quiet. I since have had to retire from work due to health issues. In the morning and all day long, I hear the commercial backup and I do understand about OSHA of this \_\_\_ noise. All of us that live off Mullan, we just want some peace and quiet. I enjoy so much the wildlife down there and the birds. Isn't this something we can preserve for the generations to come either by parks, walkways or whatever? I do live right in the middle of the flood zone and it doesn't bother me at all. Yes I did get flooded but that's part of nature. I thank you for your time and for listening to me and I know that you will take the interest of everybody at heart before you vote.

## Executive Session

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**Commissioner Carey:** I'd like to ask Mr. Cusker a few questions. As always you've got some very precedence remarks and I appreciate that. I'm wrestling with this too, for me it's not real clear cut; on the one hand we get easements for a trail to extend Milwaukee Trail, we get acreage for a park. We still have safe guards in place although it's a question of whether or not the Board of County Commissioners or the Board of Adjustments, or both of us whatever, are going to be able to take a look at any proposal to mine gravel. But what about those tradeoffs if we don't...we've got the opportunity for the trail easements, park land. Is that something we just say we can't do given the important nature of this particular piece of property or what?

**Jim Cusker:** Well most certainly the open space bond would allow for that entire piece to be placed in a conservation easement, with those things in place. As I mentioned before, this would allow Knife River to recover some of the money that they put into the purchase of that property. What that would do would be to absolutely seal for perpetuity those valuable resources and yet it's very troubling to me to think that, okay we make that tradeoff now; this is what we can get now and that the hearings will occur in 5 years, 10 years, 20 years, 30 years. We'll go against the gravel interest and reject might, well I don't think so, history hasn't told us that that's true. We've got to have gravel but it's just like building houses, there are places where you can dig it and there are places where you should leave the surface alone. This area that's being considered has a proven resource in gravel below the surface. It's there and it's convenient, very convenient, but there are other places within the county that have similar resources that do not have the extremely valuable natural resources.

**Commissioner Carey:** My preferred outcome would be some sort of purchase of the property. But, we need a willing seller for that and I haven't heard anything that indicates that they want to pursue that.

**Jim Cusker:** And I certainly understand that. One way to make it highly more profitable that they would consider selling would be to deny the rezoning. Because if you take away the ability to mine gravel they're gonna find some way to get the money then.

**Chair Curtiss:** I think part of our dilemma is that when someone asks for rezoning they have several criteria to meet, which are addressed in the packet that we've been given. Whether it confronts the objections of the comprehensive plan, it does. There are all these different criteria; I think there are six (6). Number 6 does say; does it consider expressed public opinion.

**Commissioner Carey:** I have a question or two for James. Do you know whether or not the recommendations from Elizabeth Erickson with the open space program, in her letter of May 22<sup>nd</sup> she asked for three (3) things that all basically...have they been addressed, her concerns?

**James McCubbin:** I think Hilary could probably answer that.

**Hilary Schoendorf:** Elizabeth is here today if you would prefer her to answer that.

**Elizabeth Erickson with Parks Department:** I want to reiterate a couple things that Hilary mentioned and then also Ken discussed that one aspect of this proposal the trail easement securing the Milwaukee Corridor for a public non-motorized trail is a very high importance to the City. It's in a number of our land use plans as with some of the county land use plans. That is one of the pieces that is very valuable to the Parks Department and valuable to our plans and goals to have a trail through there. So that was one of the concerns that was in the agency comments and that would be addressed. I spent quite a bit of time working directly with Ken Jenkins to craft language in the easement that the Parks Department was comfortable with. It was reviewed by the City Attorney, it was reviewed by other staff within the Parks Department and it was reviewed by our GIS Specialist. And we feel comfortable that the trail itself would be protected, if and when the day arrived that a trail was actually constructed across this area. We feel comfortable that it would be compatible with whatever operations JTL moved forward with. More importantly, I having reviewed the proposal and having worked on these documents with Ken and having worked also on the warranty deed that would transfer the land south of the river to the City. Our department and I personally feel comfortable that there are sufficient mechanisms in place to protect the valuable riparian resources in this area. As Commissioner Curtiss mentioned those riparian buffer zones, they're not static, they will move as the river channel moves. What that will do the area that's viable for gravel mining down the road, I don't know. But I do know that those would move with the river channel which adds an additional amount of buffer. My predecessor, Jackie Corday, spent quite a bit of time actually walking the site and measuring out the riparian vegetation to ensure that it would sufficiently protect those zones and I understand what Mr. Cusker is concerned with, as we all are. It's of utmost importance to protect this amazing area, to protect these riparian resources. Knowing that JTL Knife River is a gravel mining company, we have to be prepared for the possibility of that down the road. I do also believe that there are other junctures along the way when there would be a review of the permit. As everybody has already discussed, there would be other times at which the specifics as to whether a mining is actually appropriate on this parcel would be addressed through a public process. Our department and myself, I feel comfortable that this would protect the resources in the area that need to be protected.

**Commissioner Carey:** Are the conditions in the covenants covered? That was your second request. You recommend the conditions be adopted as both conditions to the rezoning and this recorded covenants.

**Elizabeth Erickson:** I think the covenants addressed more of the buffer zone, I believe. I would have to review the covenants more specifically. I do know that the actual easement document itself, as well as those riparian buffer zones, in addition to the transfer of that land that's south of the river that

contains a lot of the very valuable riparian resource area. Those combined would do quite a bit to protect that riparian resource.

**Chair Curtiss:** Looking at attachment A, which we know will have a staff line that moves. If it's moved could the property ever be mined? If it's not in some kind protective zone and then you have to look at the map that includes the vegetation types also.

**Hilary Schoendorf:** The Board of Adjustment could modify those development zones at the time.

**Chair Curtiss:** True, if we leave the language that way.

**Commissioner Landquist:** I just want to thank everyone that worked on this from the Planning Board to Ken Jenkins, the owners and Parks folks and all the agencies that commented on it. There are some specific property rights here and I think that there are some definite givens that were getting out for protecting it for here and now. I think it gives the owners, JTL, what they need out of it for the time being. And I find more protection quite frankly having the zoning change so that not so many houses could be built in there with that many people in the flood plain, should they want to develop it as residential at some time in the future and knowing that the door is open, that they still have to go through a number of hoops to actually get a mining permit for this. This is not for them to get a mining permit; this is just a zoning change. I realize that the difficulties that people have had to wrestle with but I don't think we really have sufficient findings of fact to deny it, should we want to go that way.

**Chair Curtiss:** I think one other thing that Bill alluded to is that the open space bond project was designed for voluntary, willing sellers. I guess you can always try to hold a hammer over someone's head but it was not approved to be something that we try to force people to use. While it would be nice if they did that I think the donation of the cottonwood gallery on the south side of the river is really an important aspect of this project too.

#### Motion

Commissioner Landquist made motion that the Board of County Commissioners approve the request from CRR1 Residential to CA1 Open and Resource for JTL Groups property subject to the conditions based on the findings of fact contained in the staff report, public testimony and written comment. The subject property is legally described as the SE ¼ of the SE ¼ and that that portion of Chicago Milwaukee Saint Paul and Pacific Railroad Company's right-of-way in the NE ¼ and SE ¼, also the portion of the NE ¼ and the SE ¼ South of the railroad right-of-way. All of S13, T13N, R20W PMM also NE ¼ NE ¼ less river in S24, T13N, R20W PMM Missoula County, Montana, Tract 1, Tract 2, COS 6384 containing 74 acres more or less. Including James' amendment to the covenants, adding a new article 5 as stated previously in this meeting and correcting a couple typos. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

## 7. PRELIMINARY BUDGET HEARINGS

### a. Seeley Lake Refuse District Budget & Annual Assessment

Greg Robertson gave budget update. The purpose of the hearing today is to take public input on levying assessments for management of the Seeley Lake Refuse District. We are recommending no change to the assessment which is \$150.00 per property within the district. It's living within its means and we see no reason to adjust. Revenues are keeping up with expenses.

#### Public Comment

None

**Greg Robertson:** This is just for taking public testimony. There will be a Resolution presented to you next week for your consideration.

### b. Missoula County FY2015 Preliminary Budget

Andrew Czorny gave budget update.

#### Public Comment

**Sherry, Mountain Home Montana:** I'm here today to recommend your funding of the Poor Fund and the Substance Abuse Prevention Fund as proposed in this budget. I can tell you from our experience with the CVO monies that we've really done a lot with the amount that you're able to give us for our support of housing program. It really does go a long way to helping the valuable families that we do serve. We're seeing an increasing number of families; this is as a result of our expansion of services with the supportive living apartments. We're able to help more of these families who are in need. We still do operate with a waiting list; we have 14 on our waiting list right now. We want you to know how crucial this funding is to the support of housing work that we do. I also want to thank you for the substance abuse prevention funding that has been made available for our application. We hope to be able to use those monies for some community activities that will help the population that we serve, learn alternatives to substance abuse and help prevent some of the substance abuse issues that we're seeing in our community.

**Kate Siegrist, Health Services:** I'd like to echo the words that were just spoken in support of the Poor Fund. We have been able with the support of the county to leverage that money into sustainable foster child health program that has currently served over 240 foster children. Mountain Home Montana is a partner with us in that effort. This year in our application you might have noticed that 71% of the residents in 2013 in Mountain Home Montana had been in the foster care system as children. And 4 of the residents were currently foster children at the time that they were either pregnant or parenting at Mountain Home Montana, so we really appreciate our partnership with Mountain Home. But in addition

to that, we're working very closely with Child and Family Services as well as the foster care clinic at Providence Medical Center Grant Creek Practice to provide a really unique program in the state of Montana that's getting attention at the State level. We're hoping to be able to help other counties and prove their services to foster children by modeling our model here that really launched with poor fund support in 2012 and continues to thrive. So I want to thank you and I appreciate your interest in caring for these children.

**Danette Rector, Director of Big Brothers and Big Sisters, Missoula:** On behalf of the Board of Directors, the parents, the volunteers, the staff and especially all the little brothers and sisters, I want to thank you for investing in our program and for believing in the work that we do and how it is helping Missoula County children succeed and thrive in life. The funding that we have received through the substance abuse prevention levy has really made a difference to our program, it has allowed us to increase the number of matches and work with very high risk children in our community that are referred for services. These are children who are living in homes where they may have one or both parents that are incarcerated. We have children that are growing up in homes where they're being raised by their great-grandparents because their parents are experiencing many stresses in life from jobs to income, to use of various drugs, so it's very important that we put positive healthy adults into the lives of the children. In fiscal year 2014 we matched 242 children from Missoula and out of that number 21 of those matches were made and supported by funding through the SAPL Grant that we have been so appreciative of receiving for a number of years. Although we matched 242, we still started July 1 of this year with close to 60 boys and girls on our waiting list, of that number 58 of them are boys. I always want to put a plug in for the fact that we need big brothers. Also, at least half of those boys have been waiting for at least 6 months or longer. So the good news is, with the funding that will come in for this fiscal year, we will be able to match, we know 21 of those boys with big brothers, thanks to the funding. And really that helps us then to use our other revenues and resources to match the other children that are on the list. I just want to again thank you for all you do, not only for the children and big brothers and big sisters but for all the children here in Missoula County, as well as their families. Again, they all say thank you very much.

**Peggy Seel:** I'm here for Steve Schmidt who had to leave. The forum just wanted me to thank you so much for not just funding the forum, but for the substance abuse mill levy. It funds many programs other than the forum and we all work together, and we can all help to reduce substance abuse problems we have in Missoula. The forum this year has taken off, that's why nobody is here because they're all doing forum work. All three (3) of them thank you very much and watch out for their work...coming up in September is a Prescription Drug Misuse Abuse Campaign that will target parents and just talking about the accidental misuse by kids because of the drugs being available in their own homes. I do have three (3) issues for you of the Best Beginnings Missoula Kids' Book and this is the supplement to the one last year where Brandy gave you that it was for middle school and high school. This is for child care and elementary schools.

**Patty Murphy, Director of programs of the YWCA, Missoula:** I want to thank you for considering our two (2) CVO funding requests. One is for our Gateway assessment center/emergency housing, that's actually the entryway for homeless individuals and families here in the community; we're a base of the Salvation Army. We currently have seven (7) rooms and a local motel for homeless one and two parent families. We also give out one to three night emergency motel room vouchers. But our case manager works with each family with resources and referrals, just really working on trying to get the families housed. The other program is our YWCA Domestic Violence Shelter; we have a seven (7) bedroom shelter that is full on consistent bases, the funding will help support our case managers answering our 24 hours crisis line. We have walk-ins where we can meet one on one for crisis counseling, meeting the survivors of domestic and abusive violence for the women, children and men that we see here in the community.

#### Executive Session

Final Budget will be at the end of August after we get our numbers from the Department of Revenue.

#### 8. OTHER BUSINESS

None

#### 9. RECESS

Being no further business to come before the Board the Commissioners are in recess at 3:09.

**THURSDAY, JULY 24, 2014**

BCC met in regular session; all three present. Late afternoon: JC attended Destination Missoula's 11<sup>th</sup> Annual Awards Celebration, held at the DoubleTree.

#### ADMINISTRATIVE MEETING

Proclamation – BCC signed, dated July 24, 2014. Proclaiming Bud Moore of the Swan Valley as posthumous recipient of the 2014 Missoula County Land Stewardship Award, and honoring his outstanding efforts in caring for the natural resources in Missoula County and for providing citizens with an opportunity to learn from his success.

Agreement and Memorandum of Agreement Regarding Lease Payments – JC signed. Between County (PHC), MT State Board of Investments ("BOI"), and Seeley-Swan Hospital District ("SSHD") to assure that SSHD qualifies for construction financing for renovation of Seeley-Swan Hospital Facility. Project approx. amount/\$551,390. PHC will lease portion of facility for next 15 years (rent payments of \$2,000 per month

via grant to PHC) to provide Medical/Dental care in Seeley area. Three originals of each to Dorsey/Whitney for further handling. One original to be returned for filing.

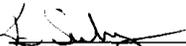
Letter – BCC signed, dated July 23, 2014 to Mike Tooley, MT DOT, Helena, requesting a corridor study on Highway 200 – Easy Street to Speedway Boulevard. Safety/geometric/operational conditions exist to support the need for a study.

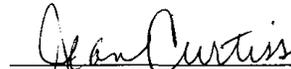
Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated July 24, 2014. Amount/\$57,136.99. To County Auditor.

Additional discussion item(s): MIM County Contribution.

**FRIDAY, JULY 25, 2014**

BCC met in regular session; all three present.

  
Kim Seeberger  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, JULY 28, 2014**

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) BLR Evasion Criteria; 4) DNRC-FS Access Agreements; 5) Director's update.

**TUESDAY, JULY 29, 2014**

BCC met in regular session; all three present. Afternoon: JC attended Housing First Task Force Meeting, held in Reidy Conference Room. Mid-afternoon: BCC participated in County Employee Service Awards Ceremony, held in Admin B14. Late afternoon: JC met with Pat O'Herren, et al re: Seeley Lake issues.

ADMINISTRATIVE MEETING

Resolution No. 2014-087 – BCC signed, dated July 29, 2014. Setting assessment of \$150 to each lot, tract or parcel of record within the adopted Seeley Lake Refuse District service area boundary for one year. Treasurer directed to coordinate the placement of assessment on 2015 property tax bills. Original to C&R.

Form – JC signed. County's Comprehensive Medical Benefit Plan Quarterly Federal Excise Tax Return (IRS Form 720). Amount owed to be paid by Health Plan/\$1,774 (form required by Affordable Care Act. Original to Hal Luttschwager/Risk & Benefits for further handling.

Letter – BCC signed, dated July 29, 2014 to N. Love-Weaver, State Policy Advisor for Justice and Mental Health Collaboration Program, Office of Justice Programs, USDOJ, Washington, D.C., requesting a one year no-cost extension of Grant Number 2011-MO-BX-0040 (for Missoula Co-Occurring Court) in amount of \$92,611.29. New project end date will be September 30, 2015. [Note: Letter stated incorrect amount. Actual amount is \$74,213. DOJ was notified and sent supporting documents to verify correct actual amount.]

Change Order – BCC signed. #1 to contract between County and Sirius Construction/MMW Architects for CVA remodel at 317 Woody Street. For 14 miscellaneous items that need to be addressed in amount of \$14,562.24. New base contract sum/\$341,671.24. Date of Substantial Completion/September 26, 2014. Original to C&R.

Contract – BCC signed, dated July 29, 2014. Between County and the Missoulian to fix rates for other types of advertising (legal printing contract signed July 1, 2014). Amount/same rate as FY14. Term/July 1, 2014 – June 30, 2015. Originals to C&R and Barbara Berens/Auditor.

Request – BCC approved/authorized ML & VZ to sign MT DOC Reimbursement Request for Payment Form for Hunting GPS Maps' Big Sky Economic Development Trust Fund (BSTF) Category 1 Job Creation Grant (#MT-BSTF-1-13-13). Payment awarded to County April 11, 2013; contract end/January 17, 2015. Amount requested/\$38,780; new total grant balance/\$261,220. Original to Kelly Yarns/BREDD for further handling.

Letter – BCC signed, dated July 24, 2014 to Victor Bjornberg, MT Office of Tourism, Helena, supporting Friends of the Historical Museum at Fort Missoula's application for a Tourism Infrastructure Investment Program Grant to preserve/interpret the DOJ Alien Detention Camp at Fort Missoula. Many County departments are pleased to work together on this project.

Additional discussion item(s): MOU between Relationship Violence Services (CVA) Office and Missoula Police Dept. BCC agrees that Shantelle Gaynor should sign for CVA Office.

**WEDNESDAY, JULY 30, 2014**

BCC met in regular session; quorum present. Morning: JC participated with BREDD staff in a BSTF monitoring visit of ALCOM. JC then out of office through Friday, August 1<sup>st</sup>. Late afternoon: BCC participated with Marcy Allen, et al in Final Broadband Feasibility Study at City Council's Meeting of the Whole, held at City Council Chambers.

BOOK 015 PAGE 0017

ADMINISTRATIVE MEETINGNo Agenda Items

Additional discussion item(s): Elections Administrator recruitment process.

NO PUBLIC MEETING HELD THIS DATE

<b>THURSDAY, JULY 31, 2014</b>
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BCC met in regular session; quorum present. JC out of office through Friday, August 1<sup>st</sup>.

Indemnity Bond – BC signed. Gregory Chandler, Missoula, Principal for MCPS A/P Warrant #27113430, issued June 18, 2014 on County 201 Fund. Amount/\$64.22 (for mileage). Warrant lost.

Indemnity Bond – BC signed. Maureen Martin Brown, Missoula, Principal for MCPS Warrant #28233628, issued June 20, 2014 on County Payroll Fund. Amount/\$787.90 (for mileage). Warrant lost.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 15/CY2014 - Pay Date/July 25, 2014. Total Payroll/\$1,429,003.03. To County Auditor.

Resolution No. 2014-088 – BCC signed, dated July 31, 2014. Declaring an emergency exists in Missoula County effective July 31, 2014. Hazardous fire danger is very high and is predicted to increase due to hot, dry weather. Original to C&R.

Memorandum of Agreement – BC signed. Between County and FEMA Integrated Public Alert and Warning System (IPAWS) Program Management Office relating to use of County's Interoperable System(s) and IPAWS OPEN Platform for Emergency Networks. This software replaces previous Reverse 911 system, and enables County to generate our own Emergency Alerts through numerous avenues. Original to Adriane Beck; staff checking re: recording.

Contract – BCC signed, dated July 31, 2014. Between County and Missoula Art Museum for program purposes. staff salary/benefits in order to engage artists/audiences in the creative exploration of contemporary art relevant to our community/state/region. Amount/\$195,000. Term/July 1, 2014 – June 30, 2015. Original to C&R.

Task Order – BC signed. #15-07-3-31-011-0 between MCCHD and MT DPHHS (Master Contract 7/1/12-6/30/19) for MT Tobacco Use Prevention Program services. Grant funding in amount of \$100,000 for period July 1, 2014 – June 30, 2015. . Three originals to Julie Mohr/MCCHD for further handling.

Task Order – BC signed. #15-07-6-11-035-0 between MCCHD and MT DPHHS (Master Contract 7/1/12-6/30/19) for Public Health Emergency Preparedness activities. Grant funding in amount of \$113,632 for period July 1, 2014 – June 30, 2015. . Three originals to Julie Mohr/MCCHD for further handling.

Bid Award – BCC approved/BC signed bid award between County and PCI & Specialty Excavating (as low bidder) for construction of MDP Parks 9 & 11 pedestrian trails & park benches project. Amount/\$33,900. Term/Fall 2014. Original to Barb Martens/Special Projects for further handling.

Task Order – BC signed. #15-07-5-11-032-0 between MCCHD and MT DPHHS (Master Contract 7/1/12-6/30/19) for Maternal, Infant, and Early Childhood Home Visiting services. Grant funding in amount of \$115,949 for period June 1, 2014 – June 30, 2015. . Three originals to Julie Mohr/MCCHD for further handling.

Task Order – BC signed. #14-07-5-01-105-0 between MCCHD and MT DPHHS (Master Contract 7/1/12-6/30/19) for Maternal home visiting services. Grant funding in amount of \$158,271.30 for period July 1, 2014 – June 30, 2015. . Three originals to Julie Mohr/MCCHD for further handling.

Contract – BC signed contract between County and L.S. Jensen Construction and Ready Mix for the rehabilitation of Airway Boulevard. [Notice of Award for contract signed July 10, 2014]. Agreement effective July 31, 2014. Amount/ \$286,541.50. Term/Fall 2014. Originals to C&R and Barb Martens/ Special Projects.

Additional discussion item(s): None.

MISSOULA COUNTY COMMISSIONERS' JOURNAL: AUGUST, 2014

BCC = BOARD OF COUNTY COMMISSIONERS

JC = Commissioner Jean Curtiss, Chair  
 BC = Commissioner Bill Carey  
 ML = Commissioner Michele Landquist

The following Claims Lists were signed during the month of AUGUST 2014:

Date Signed	Claims List Date	Who signed	Amount
August 4, 4012	August 4, 2014	JC, BC	\$252,600.00
August 4, 2014	July 31, 2014	BCC	\$15,026.94
			\$17,022.06
			\$18,525.25
			\$60,267.07
			\$70,598.35
			\$3,683.19
August 5, 2014	August 4, 2014	BC, JC	\$5,739.01
			\$1,888.74
			\$695.00
			\$112,217.34
			\$6,953.07
			\$11,295.41
			\$29,576.71
August 6, 2014	August 4, 2014	JC, BC	\$16,305.67
			\$4,516.68
August 6, 2014	August 5, 2014	JC, BC	\$13,750.31
			\$1,058.79
			\$959.29
			\$567.00
			\$17,500.00
			\$365.00
			\$630.00
			\$709.00
			\$143,633.20
August 7, 2014	August 5, 2014	JC, BC	\$4,200.00
August 7, 2014	August 6, 2014	JC, BC	\$54,696.22
			\$454.14
			\$4,901.16
			\$4,695.71
August 7, 2014	August 7, 2014	JC, BC	\$401.24
			\$51,239.34
August 6, 2014	PHC Smartfill ACH		\$36,365.50
July 16, 2014	PHC Overpayment		\$3,708.19
August 8, 2014	August 6, 2014	JC, BC	\$11,044.10
			\$5,929.06
			\$26,617.40
			\$5,221.99
August 8, 2014	August 7, 2014	JC, BC	\$192,591.75
			\$8,143.73
			\$10,200.00
August 8, 2014	August 8, 2014	JC, BC	\$4,500.00
			\$3,900.00
August 12, 2014	August 12, 2014	BCC	\$78,198.86
			\$56,314.11
August 12, 2014	August 7, 2014	BCC	\$99,442.31
August 12, 2014	August 11, 2014	BCC	\$2,876.98
			\$23,839.75
			\$84.00
			\$1,099.00
			\$74,960.78
			\$354.24
			\$2,682.95
			\$15,531.75



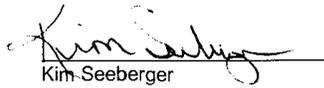
(9/12/14 cont'd)			\$5,106.96
			\$710.86
			\$1,671.91
			\$3,500.00
			\$14.50
			\$615.30
			\$779.52
			\$225.15
August 14, 2014	August 11, 2014	JC, BC	\$3,981.94
			\$431.33
			\$20,268.57
			\$1,358,555.30
August 14, 2014	August 13, 2014	JC, BC	\$1,168.64
			\$76,548.66
			\$739.44
			\$6,745.21
			\$16,678.24
			\$352.08
			\$555.29
			\$9,616.03
			\$32,575.42
			\$127,653.33
			\$464.35
			\$7,359.39
			\$729.20
August 15, 2014	August 11, 2014	JC, BC	\$727.77
August 15, 2014	August 14, 2014	JC, BC	\$13,375.00
			\$14,341.04
			\$11,450.54
			\$8,675.00
			\$872.37
			\$128,985.00
August 12, 2014	August 11, 2014	BCC	\$9,596.10
August 15, 2014	August 11, 2014	JC, BC	\$32,985.65
August 15, 2014	August 14, 2014	JC, BC	\$1,069,197.24
			\$5,780.91
August 15, 2014	August 15, 2014	JC, BC	\$7,027.14
August 18, 2014	August 18, 2014	BCC	857.12
			3233.58
			4941.12
August 8, 2014	PHC Amerisource ACH		\$10,283.92
August 13, 2014	PHC Smartfill ACH		\$81,360.19
August 15, 2014	PHC Amerisource ACH		\$86,643.86
August 19, 2014	August 18, 2014	BCC	\$554.24
			\$20,549.74
			\$40,905.12
			\$1,201.59
			\$2,085.73
August 20, 2014	August 18, 2014	ML, BC	\$831.88
			\$84,123.92
August 20, 2014	August 19, 2014	ML, BC	\$6,694.24
			\$4,680.48
			\$850.95
			\$2,400.00
			\$479.24
			\$576.26
			\$1,000.00
			\$30.00
			\$1,250.42
August 22, 2014	August 19, 2014	JC, BC	\$62,442.49
August 22, 2014	August 20, 2014	JC, BC	\$498.96
			\$7,175.21
			\$13,670.66
			\$10,793.38

August 22, 2014	August 21, 2014	JC, BC	\$17,126.69
			\$44.63
			\$20,637.56
			\$11,285.02
			\$238.99
			\$16.04
			\$110,782.68
August 26, 2014	August 21, 2014	BCC	\$61,342.41
August 26, 2014	August 25, 2014	BCC	\$20,549.48
			\$2,119.05
			\$28,241.66
			\$21,907.41
			\$7,125.00
			\$877.99
			\$239,602.71
August 27, 2014	August 25, 2014	BCC	\$841.26
August 27, 2014	August 27, 2014	BCC	\$45.63
			\$12,467.68
			\$2,277.31
			\$111,199.20
August 27, 2014	August 27, 2014	BCC	\$344.14
			\$13,600.45
			\$522.10
August 20, 2014	PHC Smartfill ACH		\$15,130.66
August 22, 2014	PHC Amerisource ACH		\$55,882.15
August 28, 2014	August 27, 2014	JC, BC	\$7,656.24
			\$14,289.18
			\$750.00
			\$81.00
			\$120.20
			\$16,137.01
			\$244.00
			\$380.00
			\$39.44
			\$9,748.26
August 28, 2014	August 28, 2014	JC, BC	\$9,748.26
August 29, 2014	August 28, 2014	JC, BC	\$10,534.12
			\$36,573.58
			\$4,592.97
			\$1,717.50
			\$125.62
			\$31,111.86
			\$538.74
			\$100,547.24
			\$858.29
			\$101.00
			\$1,000.00
			\$1,263.31
			\$335.00
\$5,760.00			
August 29, 2014	PHC Smartfill ACH		\$21,869.29
August 29, 2014	PHC Amerisource ACH		\$3,567.32

All Claims Lists were returned to the Accounting Department.

**FRIDAY, AUGUST 1, 2014**

BCC met in regular session; quorum present. JC out of office at Mineral County Centennial Celebration through Sunday, August 3<sup>rd</sup>.

  
 Kim Seeberger  
 Clerk & Recorder

  
 Jean Curtiss, Chair  
 BCC

**MONDAY, AUGUST 4, 2014**

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) 2014 Stewardship Award Presentation; 4) EQC SJR-15 Report on Federal Land Management; 5) Director's update.

**TUESDAY, AUGUST 5, 2014**

BCC met in regular session most of morning; quorum present. Late morning: BC & ML judged Fair Booths at Western MT Fair. ML at Western MT Fair through Friday, August 8<sup>th</sup>.

ADMINISTRATIVE MEETING

Agreement – BCC recognized Event Service Agreement with Piranha Productions, Inc. for PRCA Rodeo Gold Buckle Production at 2014 Western MT Fair (for large rodeo view screen and operators). Amount/\$14,500. Term/August 5 - 10, 2014.

Contract – BCC signed, dated July 27, 2014. Between County and Animal Alley Productions for 2014 Western MT Fair Entertainment (animal presentations). Amount/\$3,900. Term/August 5 - 10, 2014. Original to C&R.

Renewal Contract – BCC signed, dated July 25, 2014. Between County and Sapphire Resource Connection ("SRC") for purpose of providing County's Employee Assistance Benefit Program. Fees set forth therein. Term/July 1, 2014 – June 30, 2015. Originals to C&R and Human Resources.

Resolution No. 2014-091 – BCC signed, dated August 5, 2014. Setting Stage 1 Fire Restrictions effective (for no more than 90 days) at 00:01 a.m. on Thursday, August 7, 2014, due to dry conditions and wildland fires occurring in County. Original to C&R.

Resolution No. 2014-090 – BCC signed, dated August 5, 2014. Budget Amendment for Partnership Health Center for revenues/expenditures of \$342,920 and \$111,000 to reflect activity at Seeley Lake Medical and Lowell School Dental projects. Projects were not included in PHC's original budget for FY 2013-2014. For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

Budget Amendment – BCC signed, dated August 5, 2014. Control #14-020 for Partnership Health Center/Finance for code transfers of \$4,410.12 to reflect allocation of interest expense which was not shown in original budget for FY 2013-2014. For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

Lease Agreement – JC signed. Between County and State of MTDOT for campground MDT maintains at Seeley Lake maintenance shop. MDT will reimburse County for cost of continuing to lease land from DNRC known as the Old Seeley Shop. Amount/\$2,812.50. Term/July 1, 2014 – June 30, 2015. Originals to C&R and Greg Robertson/PW.

Resolution No. 2014-089 – BCC signed, dated August 5, 2014. Resolution declaring an infrastructure deficient area exists within the County in an area known as the Bonner West Log Yard and that the investment in infrastructure in that area is necessary in the interest of public health, safety, or welfare of County residents. A Targeted Economic Development District is under consideration by the County. Original to C&R.

Letter – BCC signed, dated August 5, 2014 to Senator Cliff Larsen, Chair, Energy Telecommunications Interim Committee, Helena, commenting on the "stranded 9-1-1 funds" proposed legislation. BCC asks the committee consider two suggestions for revision to language in bill: 1) use existing 9-1-1 jurisdictional language from MCA 10-4-313 for the draft bill; and 2) committee consider shortening disbursement timeframe from proposed 5-year disbursements to a 2-year disbursement period. Letter mailed.

Letter – BCC signed, dated August 5, 2014 to Joe Kolman, Environmental Quality Council, Helena, commenting on SJR 15 Evaluating Federal Lane Management in MT draft report. BCC supports approaches that rely on collaboration in more effective partnerships between local government and federal land managers, as well as making it easier for local government and rural communities to solve problems. BCC does not support legislators pursuing transferring federal lands to state ownership.

Additional discussion item(s): None.

**WEDNESDAY, AUGUST 6, 2014**

BCC met in regular session; quorum present. ML at Western MT Fair through Friday, August 8<sup>th</sup>.

ADMINISTRATIVE MEETING

Grant Forms – JC signed MT DOC Annual Certification of the 1999 and 2004 HOME Program for grantee Missoula County/Opportunity Resources, Inc. Pioneer I and Pioneer II group home residents, and Annual Certification of the 2001 HOME Program for grantee Missoula County/Carol Graham Home residents (Western MT Mental Health Center/ Western MT Addiction Services, Inc.) Originals to Melissa Gordon/Jean Harte at GCP for further handling.

Additional discussion item(s): 1) Consider proclamation for Honey Bee Awareness Day, August 16, 2014.  
2) Odor on Northside

NO PUBLIC MEETING HELD THIS DATE

**THURSDAY, AUGUST 7, 2014**

BCC met in regular session; quorum present. Afternoon: JC & BC attended: 1) Opening Ceremony & Presentation of 2014 Land Stewardship Award (Bud Moore Archives), held at Mansfield Library; and 2) Historic LaLonde Ranch Open House. ML at Western MT Fair through Friday, August 8<sup>th</sup>.

ADMINISTRATIVE MEETING

Resolution No. 2014-092 – BCC signed, dated August 7, 2014. Annexing Lots 1-3, 6-7, 9, 14-18, and 24-25 in Bitterroot Meadows Subdivision into the Missoula Rural Fire District. SUID #s set forth therein. Public Hearing held June 11, 2014. Original to C&R.

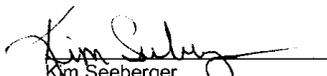
Resolution No. 2014-093 – JC/BC approved/signed, dated August 17, 2014. Budget Amendment for Grants & Community Programs showing \$5,000 Revenue from State of MT Crisis Intervention Team Training Grant and Expenditure of same for Contracted Services. For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

Proclamation – BCC signed, dated August 13, 2014. Proclaiming August 16, 2014 as Honey Bee Awareness Day, to further the awareness of honey bees and their importance to agriculture, food sovereignty, the ecosystem and the economy, and urging all citizens to recognize their many contributions with appropriate observances and activities.

Additional discussion item(s): 1) Frenchtown/Clinton Schools Zone signage; 2) Lolo Peak Brewery parking issue (Ponderosa Heights); 3) Clerk & Recorders supervisory changes; 4) General announcements to employees.

**FRIDAY, AUGUST 8, 2014**

BCC met in regular session; quorum present. ML at Western MT Fair through Friday, August 8<sup>th</sup>.

  
Kim Seeberger  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, AUGUST 11, 2014**

BCC met in regular session; quorum present. ML out of office all day.

Indemnity Bond – JC signed. Jim Schneider, Missoula, Principal for A/P Claims Warrant #27111776, issued May 9, 2014 on County Adult Education Fund. Amount/\$36 (for refund/class canceled). Warrant lost.

Monthly Report – JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Amy Blixt, Acting Justice of the Peace, for month ending July 2014.

Monthly Report – JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending July 2014.

Monthly Report – JC examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of District Court, Shirley Faust, for month ending July 2014.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated August 8, 2014. Amount/\$10,906. To County Auditor.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) MOU Briefing; 4) Bonneville Power Administration/Transmission Line Rebuild Project; 5) Two (2) Shoreline Permits: a/Anderson; b/Hunter; 6) Two (2) Family Transfers: a/Walker; b/Harrison; 7) Update on Sundown Acres Final Plat; 8) Director's update.

Shoreline Permit w/Conditions – JC signed. #2015-01 for Applicant Peggy Schlesinger to work within the Lindbergh Lake Shoreline Protection Zone and replace an existing wooden dock at Lot 28 of Erica's Land at Lindbergh Lake. New dock must be located a minimum of 20' from property line. Original to Todd Klietz/CAPS for further handling.

Shoreline Permit w/Conditions – JC signed. #2015-02 for Applicant Chris Hunter to work within the Salmon Lake Shoreline Protection Zone and replace an existing wooden dock at 2351 Hwy 83N. Applicant is to use plastic dock as swim platform that meets all regulations. Original to Todd Klietz/CAPS for further handling.

**TUESDAY, AUGUST 12, 2014**

BCC met in regular session; all three present. Early evening: JC attended Citizens for Parks & Trails Kick-Off event, held at Big Sky Brewery.

ADMINISTRATIVE MEETING

Vendor Agreement – JC signed. Between County (Tech Dept.) and Structured Communication Systems in order to borrow a Palo Alto 3020 (next generation firewall) for evaluation purposes. Term/August 19–September 20, 2014; if not returned, County will pay retail price of \$14,000. Two originals to Structured for further handling. [Signed original returned August 19, 2014; original to C&R].

Memorandum of Understanding – JC signed. Between County Weed District and County Parks & Trails Program. Outlines roles/responsibilities of each entity for FY2014 & FY2015 management of noxious weeds in County (per County Parks & Trails System Vegetation Management Plan). Originals to C&R and Bryce Christiaens/Weed District.

Request for Payment Form – BC & ML signed. Final draw request for remaining 10% (\$7,500) for the Recovery Center Missoula/WMMHC BSTF Job Creation Grant Contract #MT-BSTF-1-13-12). Total Grant Amount/\$75,000. Grant awarded February 5, 2013. Original to Kelly Yarns/BREDD for further handling.

Budget Transfer – BCC signed, dated August 12, 2014. Control #14-021 for Health Dept. in transfer amounts of \$916 and \$273 in order to create salary line items needed for grant match (DEQ funds to reformat/run riparian resource ads on TV). Codes were omitted from FY2014 Budget. Project term/January 2014 – June 30, 2014. Original to Teresa Graham/ Accounting.

Draft Regulation and Hearings – BCC reviewed/approved draft of rewritten Missoula Animal Control Ordinance. Public Hearing dates have been set for October 22 and November 12, 2014. Original to Jim Carlson/Health Dept.

CTEP Project Specific Agreement – JC signed. Between County and State of MT DOT for #UPN 8809 – Old Highway 200 Trail in Milltown. Total project cost/\$276,949, to be funded by CTEP and County local match. County commits to maintain/repair in perpetuity trail even though it is in state right-of-way. Two originals to Greg Robertson/Public Works for further handling.

Deposit Designation – BC signed (after Motion to Authorize BC as Chief Elected Official). MT Dept. of Commerce/TSEP Designation for Direct Deposit and Signature Certification Forms with First Interstate Bank, Missoula, for TSEP Grant (\$15,000) awarded to County for Buena Vista Sewer Improvements. Funds are to prepare a preliminary engineering report for said project. Bank form to Accounting and Signature Form to Amy Rose/Public Works for further handling.

Resolution No. 2014-094 – BCC signed, dated August 12, 2014. Order canceling/writing off 2008 delinquent personal property business and mobile home taxes. Original to C&R.

Amendment – JC signed. Amendment #4 to Task Order #13-07-5-31-035-0 between MCCHD and MT DPHHS in amount of \$5,250 for MIECHV ID Project. Amendment corrects an error made by DPHHS in Amendment #3 [See July 9, 2014 Journal entry] by changing additional funds upon approval of June 15, 2014 quarterly report and submitted services from \$4,462 to \$5,250. Term/October 1, 2013 – September 29, 2014. Three originals to Julie Mohr/MCCHD for further handling.

Task Order – JC signed. #15-07-5-01-076-0 between MCCHD and MT DPHHS (Healthy MT Families Project Master Contract 7/1/12-6/30/19). Grant funding in amount of \$93,806 for period July 1, 2014 – June 30, 2015. Provides Nurse-Family Partnership of MT Home Visiting services in County. Three originals to Julie Mohr/MCCHD for further handling.

Letter, dated August 11, 2014 to Chad Hamel/Bonneville Power Administration (“BPA”), Portland, OR commenting on Hot Springs to Anaconda Line Rebuild Project. BCC asks BPA to consider in a future environmental analysis of this project the possible impacts on utility and power lines which cross, or are adjacent to, numerous major waterways.

Additional discussion item(s): None.

**WEDNESDAY, AUGUST 13, 2014**

BCC met in regular session; all three present.

ADMINISTRATION MEETING

Budget Enhancement – BCC approved. FY 2015 Enhancement for Dept/Fund #143 in amount of \$20,000 to promote Shyra Scott to Clerk & Recorder Chief Deputy. Original to Kim Seeberger for further handling.

Resolution No. 2014-095 – JC/BC signed, dated August 13, 2014. Establishing a 25-Mile Per Hour School Zone Speed Limit at Clinton Elementary School, East Mullan Road, Clinton, weekdays during the school year from 7:00 am to 9:00 am and from 3:00 pm to 5:00 pm. County Public Works will place signs where appropriate on East Mullan Road. Amount/\$850 (from Traffic Dept.) Project end/June 2014. Original to C&R.

Resolution No. 2014-096 – JC/BC signed, dated August 13, 2014. Establishing a 25-Mile Per Hour School Zone Speed Limit on Main Street at Frenchtown Elementary School, weekdays during the school year from

7:00 am to 9:00 am and from 3:00 pm to 5:00 pm. County Public Works will place signs where appropriate on Main Street. Amount/\$750 (from Traffic Dept.) Project end/June 2014. Original to C&R.

Additional discussion item(s): BCC Offices.

**PUBLIC MEETING – August 13, 2014**

**1. CALL TO ORDER**

**Commissioners Present:** Commissioner (Chair) Jean Curtiss, Commissioner Bill Carey, Commissioner Michele Landquist

**Staff Present:** Deputy County Attorney, James McCubbin, CAPS, Jennie Dixon, Public Works, Erik Dickson, Public Works, Brent O'Connor

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC ANNOUNCEMENTS**

Proclamation: 2014 Missoula County Land Stewardship Award  
Commissioner Carey read the Proclamation

Proclamation: Honey Bee Awareness Day  
Chair Curtiss read the Proclamation

**4. PUBLIC COMMENT**

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List (\$2,720,317.01)

**Executive Session**

Commissioner Landquist made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$2,720,317.01. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

**6. HEARING (Certificates of Survey)**

**a. Walker Family Transfer (11696 O'Keefe Creek Blvd)**

Jeannie Dixon read the staff report. Mr. Walker proposes to create three (3) additional parcels to transfer to his two (2) minor children and his wife Laura. Mr. Walker proposes to divide the original property into four (4) five acre tracts and plans to construct the Walker home on the parcel that he intends to transfer to his wife. The claimant has previously used the boundary line relocation exemption to divide property in Missoula County however; he has not used the family transfer exemption. The staff report contains an evaluation of the evasion criteria and staff has determined that this could be an attempt to evade subdivision review, therefore; we have recommended denial of this exemption request.

Jennie Dixon asked Mr. Brian Walker the standard family transfer questions.

**Jason Rice, Territorial Landworks:** You don't see me at very many family transfer projects. The reason is that we try to let the applicants do as much of that, unless they request us to be here. This one, because I know Brian quite well, it's troubling to me because I do know his true intent. What we have is a whole culmination of unfortunate consequences or sequence of events that make it look a lot worse than what you might see. We ended up doing some research to look at some of the parcels and some of the things in the area and can find examples. I understand that they're all isolated and different but in this exact same COS there's been an example of every one of the invasion criteria that have been found to be sort of, I guess, not in favor of approving this project. But like I said, it's kind of an unfortunate sequences of events and then also with my history in doing this stuff, I used to work with Dick Ainsworth and I heard a lot of stories about what the history of the evasion criteria was and how talking about the immediate transferee. Well, just because he purchased the property recently for family planning doesn't necessarily mean that...this isn't the same thing as when the spouse would transfer right back to the spouse and back and forth. They were trying to do family planning from the beginning. He actually didn't mention that he's been watching this property for a long time, they really like this location and the pricing had gotten much more favorable. He talked to me about what he could do to make the whole thing come together and work. When I found out that was the intent, to get the pieces to the children and for them to build their family home; to make it really work with the way this property sits, this was the best route for him to go. Certainly through our experience we end up seeing all these pieces, but it's not an easy decision for you guys to put all the pieces together, when you have all these little pieces of evidence that led there. A couple of them I just don't agree with that match up with the state law, that's just unfortunate but that's the way the county interrupts like the county and deed. I always interpret it that to be from one spouse to the other, not that they bought the land, that's just an unfortunate situation. I think the other one was the configuration of the parcels. There's exact examples to the T almost, in our file, that you can see that are exactly in the same configuration with four (4) parcels, all within this COS 1925. All those pieces put together led us down line saying; yes this should be something that's doable for you and your family. So that's why I'm here to stand up and say that being somebody that's a consultant that really doesn't try to abuse the situation and understanding what the background really is here, I wanted to come and speak on his behalf and say this is one that was really surprising to me, I guess. I stand up for what I believe in. Thank you.

**Public Comment**

None

**Commissioner Carey:** Can we ask staff to review the criteria and basically explain why that denial recommendation was made?

**Jennie Dixon:** Absolutely. There are ten (10) evasion criteria in your subdivision regulations that we use to analysis exemption requests. And the staff report points to potentially six red flag indications of evasion. I'll start with the easier ones first, it's not going in order but just the ones that are more clear cut are: 1) Transfer to a spouse 2) Transfer to minor children 3) creating three (3) or more parcels from the original tract 4) that the tracts were recently transferred to the applicant 5) to create a parcel that is not intended for use as a home site for the transferee. Mr. Walker indicated here on the record that they do intend to sell the remaining piece, build their family home on the wife's transferred parcel. Then, of course, it's not clear what will happen on the minor children's two (2) parcels.

Let me just stop before I get to the last one to explain that the evasion criteria. The ten (10) are not that you meet an X number of them and boom you're an evasion; it's just a bigger picture, a drawing, a conclusion from all of the circumstances as Jason indicated. Kind of a coincidental perfect storm of all of these come together and in this situation appear to indicate evasion to staff and that's the reason for our recommendation. That last one is a little bit less clear, it states that an evasion criterion is to divide tracts that were created as part of an overall development plan with such characteristics as common roads, utility easements, restrictive covenants, open space or common marketing or promotional plan. In this situation, this is a Certificate of Survey from 1979, COS 1925, that was created 62 parcels of just over 20 acres through occasional sale, I believe. And at that time was designed with a common marketing plan and covenants that applied to that development. So those are the six (6) of the ten (10) that led us to draw that conclusion. It's also based, however, on public testimony and your comfort level with the information provided to you here today.

**Commissioner Landquist:** Jennie, while I appreciate the work that you do for the county because you're always so perfect in your i's dotted and t's crossed, I guess I have to look at this and can't naturally compare it to the ones that I've been exposed to since being here as a County Commissioner. We've done - almost every single one has involved transferring to a spouse, numerous ones have involved minor children that trusts were setup for. To use Jason Rice's words; some were fishier smelling than this one, as far as people couldn't tell us what their intent were and then we find when short order that some lots were sold. I think Mr. Walker has been really open and honest with us about what his intent is and as expensive as it is to build your own home, even if you're in the business of building your own home. All the legal fees, survey fees and sanitary review fees and the fact that these are going to be COS's, you may wish that you ended up going through subdivision review by the time DEQ gets through with ya. Because you're going to have to go through all these sanitary review criteria's that they're going to expect of you. And the fact that he is willing and plans on it, if this goes through, to put the kids' parcels into a trust for them. That's not simple either, and once it's in a trust for the kids it's very difficult to un-trust it because they'll have to have a guardian. I'm afraid that I disagree with the recommendation. I'll probably be the only one here maybe today to disagree with the recommendation to deny it but I do understand Mr. Walker's intent and I was involved with this month ago. I think he's been really honest with us on the process, unlike some that came to us that we did deny.

**James McCubbin:** So we developed ten (10) factors for you to consider as indication of evasion, in the subdivision regulations. This factual scenario raises six (6) of those, I don't think there's really any factual dispute that each of those six (6) criteria are triggered by this application. Attorney for the applicant, Mr. Gangle wrote and addressed the various criteria; basically his position is that the regulations shouldn't say what they say. He gives various arguments for that, but it doesn't really address the fact that the regulations do say and this application clearly falls under six (6) of those. I think the staff report is right on; in terms of reporting to you that there are six out of ten that are violation. I don't know what other recommendations Jennie can give you under our regulations, given that a majority of the criteria are there. I think it's certainly within your discretion to override the staff report and grant this family transfer if you choose, but it is also certainly within your discretion to deny the family transfer under our regulations and under the criteria. I have a little bit of concern if you do grant this, which again is within your discretion, but if you grant this and we've got a situation where we have six out of ten criteria that are raised I think we need to go back and revisit our regulations and revamp that because I don't know what other recommendations staff can give you on this circumstance. If you feel that's inappropriate for this one, it really is indicating that our regulations are incorrect.

**Chair Curtiss:** We are in the process of looking at the regulations.

**Commissioner Landquist:** Right, we are in the process of revamping those anyway. This happens to come before those are done.

**James McCubbin:** Just a couple other quick notes because if you're looking at Mr. Gangle's letter, he's got a couple things in there I think I need to point out that are incorrect. He discusses the statue ~ at the top of page 2 of his letter; he provides the word "sole purpose of evading subdivision review" and underlines that. That simply is not in the statue. The statue just says; "for the purpose of evading subdivision review", so he's putting a different slant on there then is actually in the legislative act. Then towards the bottom of that same page he says; neither the subdivision regulations nor the statue require an exemption affidavit ~ that's not true. Section 8.2.5 of our subdivision regulations provides for the affidavit and 8.2.6 provides for this process that we're going through right now. That's pretty clearly spelled out.

**Chair Curtiss:** The reason we do that is because it is a misdemeanor in law to evade subdivision, so that's why we try to get people to realize that up front.

**James McCubbin:** Yes. And it's been long established in Montana Law that counties and cities do have the power to adopt procedures for reviewing exemption applications and criteria and to evaluate those. I don't really think there's an issue in the law in those points.

**Chair Curtiss:** While I agree that it's true the one that talks about the overall development plan. We all know that the lots and the subdivision called Erin O'Keefe, they were created using an exemption in the law that doesn't exist anymore; the occasional sale by creating 20 acre lots, they were marketed then buy these and do family transfer. So it's true that that happened but it happened a long time ago and I don't think we can hold it for this one. It did go to court and the county won...(inaudible).

I guess the one that always makes me just a little nervous is just the intent of the law. When the intent of the law in allowing giving to your immediate family, means that you can give one to your spouse and then sell the remainder, I guess it wasn't allowed, you couldn't give to your spouse. So it's all these things that we try to waive, just to look whether somebody's trying to evade subdivision. We do recognize that people set aside lots for their kids, other than when their between the age of 13 and 26, we want them to live next to us (laughter)...You hope they come back when they have grandkids. All of these things are here just for us to look and it is up to us to decide whether we think it's someone trying to evade, or if someone's just using the exemptions as allowed by law.

**Commissioner Landquist:** I just really think this one deserves the benefit of the doubt. I think he's flat out told us what his intention is. Unlike others that have come before us and we've asked them and they didn't have a clue what their intent is. He's on the record as far as what he's told us what his intent is and I think we all know.

**Chair Curtiss:** Mr. Walker, I have one more question for you. So at this point and time other than putting up a trust for the children, do you have any plans for the land? Technically they could be sold and put in a college fund, at this point and time are you planning to hold the lots for the children?

**Brian Walker:** Yes, other than the remainder, all three (3) will be held.

**Commissioner Carey:** I'll make the motion in that I believe the evasion criteria's are fair and reasonable. I believe the staff did a very thorough, fair and reasonable job in reviewing the evasion criteria. I also believe that if we're going to ignore this kind of thing then our attorney's right, that there will be no point really in trying to track down evasion. Therefore, I move to deny.

#### **Executive Session**

Commissioner Carey made motion that the Board of County Commissioners deny the request by Brian Walker to create three (3) additional parcels by use of the family transfer exemption based on the fact that there does appear to be an attempt to evade subdivision review. Opposed by Commissioner Landquist and opposed by Chair Curtiss. Motion carried a vote of 1-0.

Commissioner Landquist made motion that the Board of County Commissioners approve the request by Brian Walker to create three (3) additional parcels by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Based on Mr. Walker's testimony here today and his consultant's testimony and the work I did on this several months ago. Chair Curtiss seconded the motion. Commissioner Carey opposed. Motion carried a vote of 2-0.

#### **b. Harrison (Jim and Carolyn) Family Transfer – 7705 Moe Road, Lolo**

Jennie Dixon read the staff report. Five (5) acres located at 7705 Moe Road, north of Lolo. The Harrisons proposed to create two (2) additional parcels to transfer to their two adult children, Ty and Tanya.

The applicants has previously used exemptions to divide property in Missoula County, in particular a family transfer on this specific property. That was approved in 1994, never filed. A transfer was to a different child of the Harrison's, so it's the same property, same people. The approved exempt family transfer is still in effect, though never filed, so what we advised Mr. Harrison and his agent is that should this family transfer to the two (2) children, Ty and Tanya be approved, that the 1994 family transfer to Kelly Ray be vacated and that should be included as part of your motion, if you should decide to approve this. As this does not appear to be an attempt to evade subdivision review, staff recommends approval of this family transfer request.

Jennie asked Jim and Carolyn Harrison the standard family transfer questions.

#### **Public Comment**

None

#### **Executive Session**

Commissioner Landquist made motion that the Board of County Commissioners approve the request by Jim and Carolyn Harrison to create two (2) additional parcels by use of the family transfer exemption based on the fact that there does not appear to be an attempt. And to vacate previously approved family transfer to Kelly Harrison from 1994. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

7. HEARINGS

8.

a. **Regulate Parking in Ponderosa Heights Subdivision (Lolo Peak Brewery)**

Erik Dickson read the staff report. The Lolo Peak Brewery opened July 4, 2014. It opened in the Ponderosa Heights Subdivision where there's a mix of residential and commercial lots so it was no surprise that a commercial business was going in there. After the brewery opened it became very popular and there was not enough room onsite for the patrons to park that were visiting the brewery. Those people naturally spilled onto the adjacent roads and almost immediately we received complaints from the residents, we actually even received a request from the owner of the brewery that was seeing the problems. We also received comments from rural fire that they are concerned with the parking problems down there. We looked at the area and decided that if we tried to eliminate parking on side of the street that would still give a good compromise for the number of people that visiting the brewery, but still give the local residents that live above that access and provide access for emergency services in the event that they need to be there.

**Chair Curtiss:** We do have comment received from the public that will be part of the record.

**Commissioner Landquist:** Who's going to police the no parking districts? No parking sections are only as good as how you can police them. Have you talked to the Sheriff's Department about how this will be enforced?

**Erik Dickson:** We have not, other than the fact that in the motion it requires that the Sheriffs enforce as they are able or as they receive complaints. We do propose to eliminate parking on...I'll call it the inside of the street, so that way the patrons that are leaving the brewery or going to the brewery...I understand there are future other commercial businesses in this area, so there's going to be a lot pedestrian traffic. So we propose to eliminate the parking on that side of the street so that they would be visible and if emergency services do need to get to these areas they can park closer to the business, closer to the residents. We also planned some restrictions on the intersections to help with the sight distance. As far as the enforcement goes, that's for the Sheriff's Department, I'm sure they're aware of the issue. Hopefully with rural fires concerns maybe they've been speaking but, other than that we don't have control over that.

**Chair Curtiss:** Do we end up putting up signs or do we also paint the curbs?

**Erik Dickson:** We have a combination plan in the immediate area of the brewery, which would be Culture Pine and Pinyon Way. We're proposing no parking signs and curb painting. The other part of Coulter Pine that goes up to Sugar Pine, since that's such a long distance it would be fairly expensive for curb painting and we think it would be as effective with just signs.

**Chair Curtiss:** Does this address one of the comments about the mailboxes? Does this then make the mailbox area clear? Is it legal to park in front of a mailbox?

**Erik Dickson:** That was actually brought up yesterday. I looked at the State law. James I don't know if you know off-hand but I couldn't find anything that restricts parking in front of a mailbox. So, we could amend it to include that side of the street within the mailboxes.

**Public Comment**

**Patrick Kaufman, Lolo Peak Brewing Company:** Since we started the brewery we were working with Brent on behalf of the county. We knew that we couldn't get anywhere and paint it ourselves, so we actually encouraged some people to file complaints. We knew we wouldn't get anything done unless we did that. We do have an opportunity to expand our parking lot pretty soon, so we'll be doing that in the next year.

**Chair Curtiss:** The photos we have right now show it before it was developed because it's an older, google picture. So you do have a parking lot besides the street?

**Patrick Kaufman:** Yes. Right now we have one around the side.

**Commissioner Landquist:** How much do you have? I should have counted, I was there last night. I counted 40 cars on the street.

**Patrick Kaufman:** A little over 35. A lot people don't understand that we have parking back there yet, so they're not using it yet.

**Chair Curtiss:** Do you have plans to sign that so that folks know there's parking in the back?

**Patrick Kaufman:** Yes. I believe we're talking right now to put a sign back there for additional parking.

**Paul Rossignol:** I'm representing the Ponderosa Heights HOA. We're very excited to have businesses as a rule, most of the population there is glad to see this. We all understood that there was some parking coming in the future...that was one discussion I heard. On the signage, there is some property that the HOA has between the Right-of-way and the...it's on the east side of the street right by the entrance into the parking, I haven't looked at the map. On the east, right across from the brewery, which isn't even in there now there's a little sliver of ground and I'm not sure what the regulations read on the signage on county right-of-way, I don't imagine that private signs on county right-of-way that's not approvable. But if we went outside of the right-of-way there, the homeowners would be able to allow a directional sign with an arrow on it to point out the parking lot that's behind the brewery.

**Chair Curtiss:** Are you talking about the corner of pinyon and....

**Paul Rossignol:** No.

**Chair Curtiss:** Do you just want to mark the map?

**Paul Rossignol:** I'll just put a circle where the approximate center location would be. It's directly across from the turn that goes into the parking lot. I would encourage the Commissioners to allow a sign there, as directional sign for the brewery because people just haven't got it yet. It keeps some of that congestion off of the street.

**Chair Curtiss:** Do we have to give special permission for them to put a sign on their HOA property?

**Erik Dickson:** Yes. We do have a no fee encroachment permit, so that is possible to put closer to the road so it is noticeable.

**Paul Rossignol:** So it's in the right-of-way?

**Erik Dickson:** Yes. If a resident wants to put that in, we can permit that, yes.

**Paul Rossignol:** I would probably leave that up to the brewery company to do that, but I do encourage that. Also, on the mailbox version of it, that will have to be clearly marked. That's one of the problems that I hear a lot of is to make sure that people can get in through those mailboxes. A lot of times the parking problems occur after work and that's when people are coming home and picking up their mail. So there needs to be some room there. Not only a sign, but if that could be painted too so it's quite clear in front of the mailboxes that there is no parking.

**Chair Curtiss:** Erik, are there rules on red and yellow paint?

**Erik Dickson:** Not that I've ever seen.

**Paul Rossignol:** So looking at the map, the red is the no parking?

**Erik Dickson:** Correct.

**Paul Rossignol:** I wonder if it would be...this is a thought...there's another series of apartments also to the west of the brewery and I wonder if some of that no parking should be on the north side of pinyon, which is the cul-de-sac street that runs to the west. We'll have to see what Brent says about that.

**Chair Curtiss:** The apartments are on the same side of the brewery?

**Paul Rossignol:** Yes, the south side. I'm not sure that's the best place for the no parking there because there will be people visiting the apartments and the townhouses that are part of the brewery.

**Chair Curtiss:** Do they have any off-street parking?

**Paul Rossignol:** Yes. I think there's quite a bit in behind the new apartments, I see some carports and stuff.

**Chair Curtiss:** So I imagine that the thinking behind this is so that all the people visiting the brewery aren't parked in front of the apartments.

**Commissioner Landquist:** If it's a no parking zone then the people visiting the apartments wouldn't be able to park there either, unless you get a special parking thing from the people in the apartments. Personally, I'm not a big fan of what's being proposed here. I like and I'm really glad that the brewery is in Lolo, everybody that I talk to in Lolo is so excited about it, like over the top excited about it. I'm really glad for the business in Lolo, I'm really glad for the development in Ponderosa Heights, for Paul's sake because he's been sweating bullets ever since he developed it. I think we, as in the people responsible for the development, can do better than what's proposed here. Last night when I went through there with my husband counting the cars all along here (along the street - looking at the map) it was solid the whole way with very few cars parked in the parking lot. There was tons of space for people to park in the lot, the place was hopping busy. I saw the area that looks like the parking lot, where it's going to be expanded, my suggestion would be to try to get that expanded as quickly as possible. Get your sign for directional parking and I'd rather see parking on this inside part, not on the outside part for being able to go in and out. I can't see affecting the rest of the neighborhood; I think all of it should be no parking, except for residents. I don't like any of it on the sides of the streets because it takes up too much. Unless we're going to do signs and painting, I realize paint gets covered up in the winter time but people don't read they just don't. I think what we're doing is creating another nightmare for the sheriff's Department to try to regulate and I think the responsibility should be on people that develop the properties. I think the sign for parking will be a huge help, I think the painting and signage is what's needed and I'm just not a fan....because it's too hilly.

**Patrick Kaufman:** I think when we expand it's going to probably take a lot of that up. I think we're going to have events that are definitely going to bleed up there occasionally, thankfully it's only occasionally. By this time next year people will be trained to pull into the brewery and see all

the parking back there. I've had a cone out front that was on our behalf, we felt that something needed to be done and we respect the folks that live above us in the community. It's been working great from what we noticed and what people commented to us with only having one side closed. I think once we have that painted and we have the signs up there, then our regulars start parking back in the other areas and our observers and my co-owner and other people in the community covey that to them, I think it will be much better.

**Paul Rossignol:** Yes on pinyon court, the one with the cul-de-sac, I would say that you'd be best off having the no-parking on one side of the street but probably on the north side. Also, I see Michele's point and I wonder if we couldn't do one side and then if there's still a problem we could always go from there and paint the other side. This would be a starting point, doesn't mean that this is the finalized product. I can see where we may need some parking on the street if something is going on, overflow.

**Brent O'Connor:** I've been working with Pat for the last few months that they've been open and I just want to answer some thought process on the no-parking restrictions. More specifically to the pinyon Court area that seems to be the area of concern. The reason why we chose the south side, if you will, is mostly for the fire access in there. What we've experienced with some of these patrons that are going to the brewery and some of the larger events of course, are chaos with the parking. What I've noticed with my observation is that people are parking so close to those approaches that it will hamper the people that are renting or buying, whatever the case may be there, their ability to make turns. On the flip side, if we were to do that, the no-parking on the north side that is a park area, which I believe is open to the public throughout the year, I think that will give them the ability to park closer to the park, not have to cross the street. The brewery has definitely created a lot of congestion, I've received a lot of complaints but I've talked to rural fire and they're in agreement with me that that's the parking scheme that we have that would benefit them as well.

**Terry Eccles:** I live on Coulter Pine. I experience this problem daily. I guess I would like to broaden the scope of thinking here, the streets approximately 32 feet wide, plus or minus, currently there's a 1/3 of the subdivision that was designed is developed; in other words, there's still 2/3 of homes to be either built or lived in. Basically we're going to have a significant number of people living in that subdivision, plus we added the apartments and the condos. Parking is an issue and it's something that you can resolve temporarily and work towards as the problem evolves to try and resolve it. The type of clientele that is here is the type of clientele that will use it as they choose. Reading signs is something they forget when they're going to a Friday evening event. The second thing that I would like to see in proposing what you're trying to accomplish with this is the parking on Coulter Pine because it is a narrow street, if you park on either side you still have a visibility problem and you still have a problem with people crossing the street and the congestion is created by opening doors, mailboxes and the like. When you come down the street from the subdivision it makes a curve, the new condo building basically blocks the view as you come around from any cars, traffic or any other pedestrian activity seen beyond the street to see what's coming at you or what's there. On occasion I've seen that the people had to backup or pull forward trying to get in and out of the area that is attracted by the brewery. I think one of the reasons that people are attracted to parking on Coulter is there's a doorway there. The nearest, shortest distance between two points is from that parking on Coulter is that door and that's where they're going in. Make that an exit door, close the door, make it an emergency door and that may help the parking issue and force people to park in the designated parking lot. I think finally, and we've recognized emergency vehicles, we've recognized general parking, we've recognized the hazards that are created by pedestrians and traffic. I think that rather than looking at marking the yellow signs that the capacity determination of that brewery should be determined and additional parking some place off the street should be located. And I think that no parking should be put up Coulter Pine a significant distance so that when people pull in park, they're not coming up and turning around in the subdivision and creating not only parking problems, but driving over people lawns and landscaping, which they currently are doing trying to find a place to turn around in the subdivision. My recommendation and based on the letter that I wrote and for the reasons that I wrote that is to find other parking, other than the street.

**Paul Rossignol:** That Park is actually a private park, not a public, although the public uses it and I don't say that they shouldn't but most of the use is from people that walk down out of the subdivision. That's owned by the HOA.

**Commissioner Landquist:** When that subdivision got built, did the county adopt those roads are they county maintained roads?

**Paul Rossignol:** The roads but not the park.

**Commissioner Landquist:** Then wouldn't it be a county park as well?

**Chair Curtiss:** No.

**Commissioner Landquist:** It's a private park?

**Paul Rossignol:** Yes.

**Commissioner Landquist:** Are there covenants in that subdivision that say no street parking? I thought I read that in one of the letters of complaint that came to us.

**Brent O'Connor:** I just want to say sorry about the park, I did not realize it was private, it certainly is not signed no trespassing and I reside in Lolo and I know that I use it as well as others.

**Commissioner Landquist:** I appreciate Mr. Eccles coming here today and testifying because that's one of the things that I noticed when I drove up there yesterday is the door, the front door to the place looks like it's facing the street where people are parking, so that's giving a mixed signal, I think. Maybe a great big Exit Only sign that's visible from the street might help, that's a really good suggestion that you have. And the visibility I think we can do better. I think Public Works and the developer can do better than just the nightmare that it's going to create for the future, for the Sheriff's Department and for people getting the get of it.

**Chair Curtiss:** The visibility of what?

**Commissioner Landquist:** The visibility period. Of driving that street, even in my more visible car that I have, I found it problematic with the cars that were parked on side trying to navigate that street feeling safe like I wasn't in the middle of the road.

**Chair Curtiss:** But this is going to block the whole one side.

**Commissioner Landquist:** And the people are going to park on the other side of it and you're going to take away visibility when you're driving. There are a lot of houses already built up there and people need to be able to drive on the appropriate side of the street. That's some of the complaints that we're getting now, people can't...they have to stop and pull over for another oncoming car to drive past them so they can get back in the road.

**Chair Curtiss:** I think when you have cars parked on both sides; you definitely have that feeling of being squeezed. I would think this is a pretty good compromise.

**Commissioner Carey:** I just wonder if we could postpone action on this for a couple weeks and take a site visit?

**Commissioner Landquist:** I'd suggest you take a site visit. That's why I did last night.

**Patrick Kaufman:** I'd be more than happy to take pictures for you guys and work with you on this. With the site that we have, we've obviously went through all the planning that we've done for an extensive amount of planning with the county prior on everything with expectants. Of course, we were just a couple Bitterroot Rednecks that wanted to put a small brewery in and serve beer, so we didn't expect to be this popular. But, we want to remain a community brewery and work with you people so anything we can do. Again, the proposal initially came from talking with Brent and looking at the distances that are already in the county for two-way, so that's why we propose that. We have considered parking off-site but since we were...obviously this business is very capital intensive, if we had the money to expand right now into the asphalt, we would have done so. I really don't think on our behalf that we have any room for expansion. I really would like to move forward and see how the parking does work. If we could do just the proposed parking, we obviously would do whatever we can do to mitigate that if that doesn't work at this point and time.

**Chair Curtiss:** Looks like the sidewalk goes up the hill just on the one side, right?

**Patrick Kaufman:** Yes.

**Paul Rossignol:** Both sides of Coulter.

**Brent O'Connor:** I kind of agree with Commissioner Curtiss that if you don't hit it at 5:00...I've been monitoring this thing ever since I've been getting the phone calls and the people coming to talk to me. If you don't hit this thing at 5:00 when you have the south bound traffic coming back home from work, you're not going to necessarily see the problem, or when they have one of their special events, which are usually in the evenings. If you show up there at 11:00 or 12:00, you don't see the car population parked on both sides of the street and up the hill but you certainly see it after hours.

**Patrick Kaufman:** I think the issue is; yes, we're seeing it now but I think the issue is greater than what we see now. Based on that fact, a trial by error may work for the immediate time but I think there needs to be a solution developed that's gonna take the problem...a solution into the future and that needs to be worked on. Maybe today they'll put some cones up or paint one side but I don't think that's the solution. I think the solution needs to be considered based on what the future development, that I'm sure Paul hopes is done and that the people that did the apartments and the townhouses also hope that are sold. What that's going to bring to that area and that corner and that immediate acre of land and the process of moving people back and forth and through the area.

**Chair Curtiss:** So if we adopt this today, it doesn't mean we can't amend it in the future.

**Erik Dickson:** Correct.

**Chair Curtiss:** When there is more traffic.

**Erik Dickson:** Yes. This could be maybe just the first step, but it's better than what's in place now.

**Chair Curtiss:** I think the good thing is, right now the Sheriff does not have the authority to tell somebody they can't park in the right-of-way. So this gives them that ability and we can start with signs, if that doesn't work then we go beyond that. But I agree that paint is a lot of work and money to put in on going up the hill and I think that we found in other no parking zones, the day the Sheriff hauls four (4) or five (5) cars to a tow yard that the word gets around, don't park there anymore.

**Commissioner Landquist:** This is a Request for Commissioner Action (RCA) that the...it says that the fiscal impact at a traffic (*inaudible*) is something like \$3,750.00, is that correct? Am I correct in reading this on the RCA here that the fiscal impact to the traffic department is \$3,750.00, is that out of Public Works money?

**Erik Dickson:** Yes.

**Commissioner Landquist:** We have to bear that cost because it's a county road?

**Erik Dickson:** Yes.

**Chair Curtiss:** Would you like to close the hearing or recess the hearing? I think Public Works has done their homework. They are looking at reasons that they have chosen the spots they have to be the no parking area for emergency equipment access and for site visibility as you come in and out of this. As you can see as you come out of pinyon onto Culture Pine now there won't be cars parked there to block your view, so you can see to get out safely. That's what their training is in is to work this kind of stuff out so I'm comfortable with taking action today with adding the piece for the mailbox area to have room for at least a couple cars to stop at a time.

**Commissioner Carey:** And if after a month or two we wanted to make changes, do we need to amend the Resolution?

**James McCubbin:** Correct.

**Commissioner Carey:** I can support this right now.

**Commissioner Landquist:** I do not. I want more. I want better. I want more of a commitment from the developer. I want a time frame from the developers to when more parking is going to be available. And is anybody, like the developer or the owner, helping bare the cost of a sign showing where your parking is? I see the county picking up the problem for something created by the developer and like I said, I'm glad that the brewery is there, I just don't think all the responsibility should be put on the county. I'm just not going to support this plan at this juncture.

**Chair Curtiss:** We're not paying for the sign where parking is.

**Commissioner Landquist:** I know but I want more of a commitment as to when the rest of the parking lot is going to be available.

**Chair Curtiss:** He said it's based on finances.

**Commissioner Carey:** Given Commissioner Landquist's concerns I would move to recess the Hearing for two (2) weeks.

#### **Executive Session**

Commissioner Carey made motion that the Board of County Commissioners recess this Hearing until August 27<sup>th</sup>. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

Each Commissioner will make individual visits to the brewery to observe the parking issues before August 27<sup>th</sup>.

**Patrick Kaufman:** The gravel right now is available for parking and I'm making signs right now to let people that not only when they come in to the brewery, which is already signed for additional parking, that there is additional parking on the gravel, which will then expand into the asphalt. So signs will be up.

**Chair Curtiss:** It doesn't meet the Health Department regulation though. You could probably get a temporary parking permit for a short period of time each year.

**James McCubbin:** I'm not sure you know what we're talking about here; there's an air quality standard for dust. So if you start signing that as a parking lot then you'll trigger those regulations.

**Chair Curtiss:** But if you check with Environment Health they can help you work through that because it takes a variance, it isn't a quick thing though.

**Commissioner Landquist:** You're planning on adding food soon too aren't you?

**Patrick Kaufman:** Yes.

**Commissioner Landquist:** What else are you planning on adding?

**Patrick Kaufman:** More fun.

**Commissioner Landquist:** Like Farmers Market?

**Patrick Kaufman:** Summer markets relatively small, it already is going to fit within the side of our volleyball court. We've spoken to Paul about possibility taking it to the park. Other than that we don't rally anything. The biggest nights that we have is our pint night, it's a community organization where we give \$1.00 for every pint to an organization. If it so happens to be that if it's a large organization, the entire organization comes out, that's when we have issues.

**Commissioner Landquist:** What night is pint night?

**Patrick Kaufman:** Wednesday.

**Commissioner Landquist:** I'm not trying to be a hard-nosed about this ~ I am delighted that you are there, for so many reasons, but I see this as a growing, expanding problem. As your business grows the parking problem may grow so I want to try to for the sake of the people that have invested lots of money to buy and build their home there, or live in the apartments there and have kids that live there. We've had a known and growing problem with kids walking up and down Ridgeway for years and years. I want to get this parking thing as right as possible from the get-go because I don't want anybody hurt and I want everybody to feel safe and loved living where they do in Lolo.

**Terry Eccles:** I'll volunteer my services to any committee to work with this. I don't want to be advocate because I like the brewery as well. Rather than say everything negative, I'm willing to help wherever I can.

**Chair Curtiss:** Thank you.

**b. Establish School Zone and Speed Limit at Clinton Elementary School**

Erik Dickson gave staff report. Last fall the Clinton Elementary School came to Public Works with some concerns about their school zone. Their immediate request was for stripping and we were out of time then to do the stripping. Really the stripping isn't part of the school zone, they wanted to see it for the kids that were already walking there so we were looking at it and realized that a lot of the signs were in that area where not meeting current standards. They also didn't meet current state law in that to be enforceable as double the fine in a school zone. We had to establish the school zone by Resolution and by consulting with the school district. We've done that, looked at what signs are going to be necessary to make that appropriate and enforceable. The stripping was already included after last fall, it still hasn't been done, we're at the mercy of our contractor but it is on the list. It was planned and approved in early July. This Resolution would just satisfy State guidelines as to how the school zone is established and make it enforceable and then we would be able to install the appropriate signs that identify that school zone. There is a minor issue that came up with that that the existing signs in the immediate area of Clinton property, in front of the school, are posted at 25 MPH permanently. State law doesn't allow for anything less than 35, so with this upgrade for the school signs we will be obligated at the same time to address the permanent signing through Clinton, which would be from the exit all the out to beyond Swartz Creek where it does currently transition back to a 35. The school has been advised of this so when the school zone signs are installed it is for just a two (2) hour period in the morning and two (2) hour period in the afternoon during the drop off and pick up times. We will make those changes at the same time but the school zone signs will be more definitely and more visible, so hopefully be a little more respected.

**Chair Curtiss:** Is there adequate road for you to stripe for walking area?

**Erik Dickson:** Yes. It's not the recognized shared use path or bike path anything like that sometime in years past the asphalt was widened so there's about a four (4) or five (5) foot shoulder on the south or the west side on the school side that goes from the school down to about fifth street, which is where the school zone ends on that south side.

**Commissioner Landquist:** And I believe Missoula Electric is going to add some lighting in the school area as well.

**Chair Curtiss:** So we had a second map provided today, it does quite go to Fifth Street.

**Erik Dickson:** In the original discussion with the school district I presented two (2) options in the MUTCD, the Federal standard for signing. Typically saw school zones extend three hundred (300) feet beyond the school property, depending upon the speed of the adjacent traffic. Given the fact that that wider shoulder does exist, it does encourage kids to walk. It seemed appropriate and the school district did prefer that school zone extend farther to the south, where that wider shoulder terminates near fifth street. In the exhibit that I had shown the school, it just somehow got a little shifted to the south, it just needed to move back to the north to represent where the school zone would end.

**Chair Curtiss:** So this one is right?

**Erik Dickson:** Yes.

**Public Comment**  
None

**Executive Session**

Commissioner Landquist made motion that the Board of County Commissioners approve the Resolution establishing a school zone and school zone speed limit for Clinton Elementary School with the correct exhibit as discussed. Commissioner Carey seconded the motion. The motion carried a vote of 3-0.

**c. Establish School Zone and Speed Limit at Frenchtown Elementary School**

Erik Dickson read the staff report. This also came about earlier this summer. The Frenchtown School District Transportation Director came to us with some concerns about this area and others. So when the shared use path was recently constructed from the Frenchtown Elementary School out to the golf course, it became a little more apparent that it was lacking. Being it a one block long dead-end street that's currently posted at 25 MPH, it wasn't really a big issue in the past but with that shared use path being attached to the roadway in that area, again, for the similar reason that we needed to more clearly identify that. And again, work with the school district so that we can install the appropriate signs and make the school zone penalty double enforced. So, it's the exact same motion as the previous, just difference circumstances for the extent of the road in the vicinity of the Frenchtown School.

**Public Comment**

None

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners adopt the Resolution establishing a school zone and school zone speed limit for Frenchtown Elementary School. Commissioner Landquist seconded the motion. 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 2:58.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated August 22, 2014:

- Denying request from Blue Marble Energy, Missoula, to refund penalty/interest for taxpayer id #3639203. BCC has no discretion in this area.
- Approving request from Richard Burrell, Missoula, to abate and refund overpayment of taxes paid on taxpayer id #1207404 (for up to 5 years).
- Letter to PCS, LLC (Attn: Bruce Erickson, Waltham, MA, acknowledging County received copy of a letter (dated September 7, 2012) indicating Digitalbridge Communications will not be paying their personal property taxes for tax id #80756060. Taxes are delinquent for 2012-2014, and will not be waived and taxes will still be incurred, unless PCS can provide all info requested by DOR.
- Denying request from Allen Nichols, Missoula, to refund motor vehicle taxes/fees paid for vehicle he had registered for his mother and later transferred to his name (Title #AA0549848). BCC has no discretion in this area.
- Denying request from Setsuko Roberts, Missoula, to have property reassessed/refunded for 2013 for taxpayer id #2355804, since she was not owner as of January 1<sup>st</sup>. She may request reassessment/refund for the 2014 taxes.
- Approving request from Mark & Diana Taylor, Seeley Lake, to abate and refund overpayment of taxes paid on taxpayer id #1474501 (for up to 5 years).

**THURSDAY, AUGUST 14, 2014**

BCC met in regular session in morning only. Afternoon: ML attended HRC Board Meeting, held in Superior, and BC participated in Orchard Gardens Tour.

**ADMINISTRATIVE MEETING**

Contract – BCC signed, dated August 14, 2014. Between County and David Christiansen, M.D. to continue role as Missoula City-County Health Dept.'s Medical Advisor. Amount/\$8,720 per year. Term/July 1, 2014 – June 30, 2016. Two originals to Julie Mohr/MCCHD for further handling.

Agreements – BCC signed following DUI Task Force contracts between County (MCCHD) and the following to reduce alcohol-related traffic crashes/injuries/fatalities in County. Term/July 1, 2014 – May 31, 2015. Funding from driver's license reinstatement fees per SFY2015 County DUI Task Force Annual Plan and Budget:

- 1) With County Grants and Community Programs for activities re: Missoula Underage Substance Abuse Prevention (MUSAP) Program. Amount/not to exceed \$2,975;
- 2) MT Highway Patrol, DOJ, State of MT. Amount/not to exceed \$2,975; and
- 3) Missoula County Sheriff's Dept. for enforcement and education activities. Amount/not to exceed \$4,024.

Two originals to Julie Mohr/MCCHD for further handling.

Request – BCC approved request from Grants and Community Programs for variance from Purchasing and Contracts Policy/Vendor Selection (limiting solicitation for bids to purchase services in amount greater than \$20,000 and less than \$80,000) for Mental Health Specialist position at County Detention Center. Original to Erin Kautz/GCP for further handling.

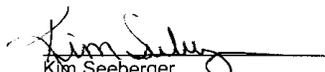
Amendment – BCC signed, dated August 14, 2014. Task Order #3 to Agreement between County and MMW Architects for Grants/Community Programs office space (CVA building) remodel. Amount increased by \$19,474 for additional work relating to fire escape, acoustical ceiling additions, sewer line break, and painting. New contract total amount/\$327,109. Project term/May 20, 2014 – October 1, 2014. Originals to C&R, MMW and Larry Farnes/Facilities.

Notice of Award/Contract – BCC approved/JC signed, dated August 11, 2014. Between County and Specialty Excavating (as lowest bidder) for the MDP Parks 9 & 11 pedestrian trails and park benches project. Amount/\$33,900. Term/Fall 2014. Originals to C&R and Barb Martens/Special Projects.

Additional discussion item(s): 1) Set up meeting with Katherine Isaacson, New Director of Adult Services at WMMHC has been moved to August 19<sup>th</sup> Agenda; 2) Broadband Working Group; 3) Community Medical Center Sale.

**FRIDAY, AUGUST 15, 2014**

BCC met in regular session; all three present.

  
Kim Seeberger  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, AUGUST 18, 2014**

BCC met in regular session in the morning; all three present. Afternoon: BCC participated in Rural Land Managers MOU meeting & field trip to Ninemile area. Evening: BC & JC attended Diana Hammer Celebration, held at Milltown Bluff Overlook.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Shoreline Regs update; 4) Director's update.

**TUESDAY, AUGUST 19, 2014**

BCC met in regular session; all three present. Morning: BC attended Parks & Trails Outreach Committee Meeting, held at CAPS. Afternoon: JC attended MT State Parks Board Tour of Milltown State Park. Late afternoon: BCC attended MT State Parks & Recreation Board Reception, held at Travelers' Rest.

Replacement Warrant - JC signed. Andrea Vance, Missoula, Principal for Clerk of Court Warrant #40040359, issued August 7, 2014 on County 7160 Fund. Amount/\$311 (for child support trust).

**ADMINISTRATIVE MEETING**

Permit – JC signed. #FS-2800-9 (7/2007). Agreement between County (Public Works) and USFS Lolo National Forest for Free Use Permit for gravel operations at Fawn Creek Pit, Seeley Lake. Term/5 years, expiring July 29, 2019 to include gravel crushing/storage by Road Department. Originals to C&R and Amy Rose/PW for further handling.

Request – BCC approved request to refund \$150 Annual Seeley Lake Refuse District Assessment to Samuel and Terry Bolton, as they had been assessed twice for the same property under both the real property and mobile tax rolls. Original to Amy Rose/PW for further handling.

Agreement Renewal – BCC signed, dated August 14, 2014. Between County and Missoula Motor Parts Company d/b/a NAPA Auto Parts to operate the On-Site Vehicle and Equipment Parts Operation (to serve as primary supplier of automotive replacement/fleet parts and other goods). Term/one-year with automatic renewal. Originals to C&R and Amy Rose/PW.

Letter – BCC signed, dated August 19, 2014 to Kent Atwood, MT DES, Fort Harrison, confirming Missoula County is applying for Hazard-Disaster Mitigation Grant for Hazardous Fuels Reduction in the Wildland Urban Interface. County is aware project funding will be conducted as follows: HMGP Funding (\$112,500); County's Match (\$37,500 – Total Project Cost/\$150,000. Letter mailed.

Additional discussion item(s): 1) MEP Economic Review; 2) Meet Katherine Isaacson, new Director of Adult Services at WMMHC.

**WEDNESDAY, AUGUST 20, 2014**

BCC met in regular session; all three present. Early afternoon: JC attended Frenchtown Community Coalition Meeting.

Plat – Owner/Fred G. and Linda K. Rush. Fred Rush Addition, a minor subdivision located in the SE¼ of Section 24, T 13 N, R 20 W, PMM, Missoula County. Total area/3.46 acres.

ADMINISTRATION MEETING

#K015 PAGE 0025

Resolution No. 2014-097 – BCC signed, dated August 20, 2014. Ending Stage 1 Fire Restrictions on private land, effective at 00.01 on the morning of Saturday, August 23, 2014. Original to C&R.

Contract – BCC signed, dated August 17, 2014. Between County and Rebecca Connors to serve as Missoula County Elections Administrator. Amount/\$74,464 annually. Term/August 17, 2014-August 17, 2017. Originals to C&R and Rebecca Connors.

Additional discussion item(s): 1) New cell phone tower building permit; 2) Senior Leadership Team update.

NO PUBLIC MEETING HELD THIS DATE

**THURSDAY, AUGUST 21, 2014**

BCC did not meet in regular session. Morning to mid-afternoon: JC & BC attended MACo District 10 & 11 Summer Meeting, held in Polson. ML out of office all day.

ADMINISTRATIVE MEETING – *Canceled (Quorum unavailable)*

Letter – JC/BC signed, dated August 21, 2014 to Nikisha Love-Weaver, Bureau of Justice Assistance, US DOJ, Washington, D.C., correcting BCC Letter 2014-100, dated July 29, 2014, requesting an extension for Grant #2011-MO-BX-0040. Correct amount requested should be \$74,213 (and not \$92,611.29, as requested). [See letter signed August 29<sup>th</sup> which needed JC's signature only.]

**FRIDAY, AUGUST 22, 2014**

BCC met in regular session; quorum present. Noon: JC & BC attended Missoula College Groundbreaking Ceremony. ML out of office all day.

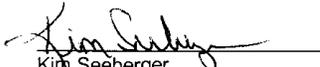
Indemnity Bond – JC signed. Brandon Johnson, Missoula, Principal for Lolo School Dist. #7 Warrant #060-28693, issued August 17, 2014 on County Payroll Fund. Amount/\$539.29 (for wages). Warrant lost.

Indemnity Bond – JC signed. Brandon Johnson, Missoula, Principal for Lolo School Dist. #7 Warrant #050-14611, issued July 16, 2014 on County Claims Fund. Amount/\$39.50 (for travel expenses). Warrant lost.

Request: Records Disposal/Transfer Authorization – JC signed following from Clerk & Recorder:

- a) 1) Chattel Mortgages Indexes (6/1/1881-12/31/1967); 2) Federal Tax Lien (1/1/1921-12/31/1981); 3) Financing Statements (1/1/1965-12/31/1981).
- b) Birth/Death & Discharge Requests (12/1/2010-3/31/2011).

To be destroyed.

  
Kim Seeberger  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, AUGUST 25, 2014**

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Bud Moore Land Stewardship Award follow-up; 4) Subdivision Regs Rewrite update; 5) Director's update.

Request: Records Disposal/Transfer Authorization – JC signed following from Treasurer:

- a) Many misc: Delinquent Tax Bk Personal, City Specials, Licenses, Tax Books, Warrant Reg, etc. (1/1/1869-12/31/2001).
- b) Many misc: Delinquent R.E. Tax, Butcher and Liquor Licenses, Tax Sale Certificates, etc. (6/13/1906-12/31/1980).
- c) Many misc: Delinquent Balance Sheets, Credit Card Receipts, Writ of Execution, etc. (12/2/2005-5/31/2012).

To be destroyed.

**TUESDAY, AUGUST 26, 2014**

BCC met in regular session; all three present. Early evening: BCC attended City-County Annual Ice Cream Social to thank all Board/Commission members, held at Caras Park.

ADMINISTRATIVE MEETING

Lease Agreement – BCC signed, dated August 26, 2014. Between County and Partnership Health Center to lease PHC Admin Building (323 West Alder) for CAPS offices. Amount/\$43,062 per year. Term/March 1, 2014 – March 1, 2017. Two originals to PHC for further handling.

Certification/Authorization – BCC signed Signature Certification form for all BSTF grant activities in 2014. BCC also signed first Request for Reimbursement for Nutritional Laboratories International's BSTF Category I Job Creation Projects Grant (MT-BSTF-1-14-04-NLI), awarded August 21, 2013. Amount requested/\$150,000 (of which \$7,500 will go to BREDD for Grant Administration costs). Project End/ August 21, 2015. Original to Kelly Yarns/BREDD for further handling.

Amendment – JC signed. Amendment #1 to Task Order #14-07-4-31-172-0 between MCCHD and MT DPHHS for additional funding in amount of \$1,300 for Immunization Billing Grant. Previous base amount/ \$12,600. Term/July 1, 2013–August 30, 2014. Three originals to Julie Mohr/MCCHD for further handling.

Task Order – JC signed. #15-07-3-01-083-0 between MCCHD and MT DPHHS (County Unified Government Master Contract 7/1/12-6/30/19) for MT Cardiovascular Disease & Diabetes Prevention Project Lifestyle Intervention Curriculum. Continuation Grant funding in amount of \$25,000 for period July 1, 2014 – June 30, 2015. Will help provide services to Medicaid patients, as well as County/Missoula employees enrolled in our self-insurance plan. Three originals to Julie Mohr/MCCHD for further handling.

Letter & Certificate – BCC signed, dated August 26, 2014 to Dave Mitchell, retiring Detention Officer, thanking him for his many years of service to Missoula County

Request: Records Disposal/Transfer Authorization – JC signed. From Justice Court: 1) Civil records (12/30/2003-6/23/2004); 2) Criminal records (11/17/2003-6/17/2004); 3) Tickets (12/23/2003-6/18/2004); 4) Trust Acct.–Cash Receipt Journal (2/28/1977-12/1/1978). To be disposed of.

Request: Records Disposal/Transfer Authorization – JC signed. From Justice Court 2: 1) Trust Acct.–Cash Receipt Journal (3/14/1974-1/31/1977). To be disposed of.

Additional discussion item(s): 1) Strategic planning; 2) Missoula Correctional Services Budget.

**WEDNESDAY, AUGUST 27, 2014**

BCC met in regular session; all three present.

Replacement Warrant - JC signed. Staples Advantage, Chicago, IL, Principal for Frenchtown School Dist. #40 Warrant #25060108, issued July 24, 2014 on County Claims Fund. Amount/\$500.25 (for replacement lamps). Warrant not received in mail.

Replacement Warrant - JC signed. Staples Advantage, Chicago, IL, Principal for Frenchtown School Dist. #40 Warrant #25060045, issued July 16, 2014 on County Claims Fund. Amount/\$2,600 (for Viewsonic PDJ6544W). Warrant not received in mail.

**ADMINISTRATIVE MEETING**

Request – BCC approved request to refund annual Seeley Lake Refuse District Duplicate Tax Assessment for Elizabeth Loudon, per her daughter's letter of August 20, 2014 re: overcharge for Mrs. Loudon's tax bill for period November 21, 2005–August 20, 2014. Returned to Amy Rose/PW for further handling.

Amendment – BCC signed, dated August 27, 2014. #1 to Agreement between MCCHD and Boyle, Deveny, Meyer (Accounting Firm) for efficiency analysis of OPC/Travel Clinic billing processes, as well as set up QuickBooks. Amendment changes end date from August 28, 2014 to June 30, 2015. All other terms/conditions remain the same. [No financial change indicated in amendment. Two originals to Julie Mohr for further handling.

Resolution No. 2014-098 – BCC signed, dated August 27, 2014. Regulating parking on Ridgeway, Coulter Pine Street and Pinyon Way, located in Ponderosa Heights Subdivision. Property is near Lolo Peak Brewery. Public Works to provide appropriate sign/curb markings indicating restrictions. Original to C&R.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated August 18, 2014. Amount/\$58,627.91. To County Auditor.

Additional discussion item(s): Meet Youth Council Focusing on Healthy Choices from Forum for Children & Youth.

**PUBLIC MEETING – August 27, 2014**

**1. CALL TO ORDER**

**Commissioners Present:** Commissioner (Chair) Jean Curtiss, Commissioner Bill Carey, Commissioner Michele Landquist  
**Staff Present:** Erik Dickson, Public Works, Brent O'Connor, Public Works

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC ANNOUNCEMENTS**

Missoula Aging Services Volunteers are always needed. They need folks to help deliver Meals on Wheels and if you're 55 or older, they can also use you as foster grandparents and senior companions, and they can pay a small stipend to help out. Let Missoula Aging Services know if you can help out. If you can't do it every day, they are always looking for substitutes also.

4. PUBLIC COMMENT

**Steve Schmidt, Missoula Forum for Children and Youth:** I missed the last meeting, had to leave early. I just wanted to say thank you for approving the mill levy money for the Missoula Forum for Children and Youth. I want to let you know we're gonna be putting that money to good use. We have a prescription drug campaign that's going to be running through the month of September, with ads on TV, radio and the internet. We also have our youth council, which some of you heard about earlier this morning and our best beginnings group, which will be starting a marketing campaign with early childhood development. So I just wanted to come here and say I appreciate it and thank you very much.

5. ROUTINE ADMINISTRATIVE ACTIONS

Current Claims List (\$4,117,105.29)

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$4,117,105.29. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

6. HEARING (continued from August 13, 2014)

**Regulate Parking in Ponderosa Heights Subdivision (Lolo Peak Brewery)**

**Chair Curtiss:** Since our last hearing each Commissioner made an on-site visit during peak hours. We did get additional comment from the public wondering whether we should consider not having parking on the east side from the corner of Ridgeway past the mailboxes. I asked Erik to look at that and think about it in his comments today.

**Erik Dickson:** We did look at it; I don't know that it would change anything. I think the recommendation for parking on one side of the street, I think is still valid, with the exception as we mentioned last time, with considering the mailboxes near the intersection. One side of the street parking is not uncommon. We have one similar over in Canyon Creek Village on Kendrick Place, there's angle parking on one side of the street so the travel lanes are not in the geometric center of the road. So it's not all that uncommon to have parking on one side of the street and the travel lanes move over, so it could be addressed.

**Chair Curtiss:** So the person that called, her concern was that when she turned the corner sometime cars are coming at her. But now because the travel lane will move over that should be (unauditable).

**Public Comment**

**Commissioner Landquist:** Paul Rossignol sent us all an email dated the 25<sup>th</sup>. He said that he wouldn't be able to attend this hearing but as a representative of the Ponderosa Heights HOA and after listening to the many requests by the residents, he would respectively offer these requests: 1) parking on only one side of Coulter Pine from Ridgeway up Patch Pine Court. 2) Parking on only one side Pinyon from Coulter Pine to cul-de-sac. 3) Signed and painted no parking zone in front of mailboxes on Coulter Pine and 4) no parking zones at intersection of Ridgeway and Coulter Pine and also at Pinyon and Coulter Pine according to county specs.

**Chair Curtiss:** Sounds like he's agreeing with what was proposed.

**Commissioner Landquist:** Pretty much. These requests implemented along with signage by the brewery to direct their customers to their parking lot should alleviate public safety and emergency vehicle concerns in Ponderosa Heights Subdivision.

I visited it several times and I can see it from Hwy 93 even when I'm just driving through Lolo. I can see how the parking is lined up. Chief Coldwell from the rural fire district called me because his deputy chief wasn't going to be able to be here today, he needed him for another meeting today. He spoke with me because he heard that there were some concerns and he listened to the minutes, since I was the one that was expressing the most concerns he felt the need to talk to me. He said he does support the no parking on one side and when I shared with him where I was coming from on it, he said ideally they'd like no parking at all on either side but the best case scenario for right now, at least he supports the no parking on one side. So we talked about it at some length because his concern is getting fire trucks up there in case of an emergency. When you figure that an emergency vehicle would be entering going up the hill and making that right, me and my thinking of people learning the road network there and the parking that is available. When they're parking on that one side that you're suggesting, to get out of there, they're either gonna have to pull a U-turn or K-turn or go through the road network to get out anyway. My thought and theory is; if they're pulling in there and have to turn around, if the parking was on the side of the brewery facing out, then the traffic wouldn't be on that east side of the road where the emergency vehicles are going to be turning in on that lane. With any luck they're going to learn the road and see the other parking and not be as prone to parking there. My daughter told me that the owners have been really frustrated; "I've done everything I think of to do to help people know that there's parking in the back." Well, if they learn the road and the road network by not being able to be parking on that one side and have to go in...if they want to park so bad on the street, in front of the brewery, then they're gonna have to go in and turn around to park on that side, by that time they're going to find other parking spots. I see this as still just a band-aid until his parking lot is finished the rest of the way. Have we heard from the owner, have they checked with the Health Department for getting any kind of variance to use that parking lot in the back until it's paved?

**Al Supeda, owner:** We haven't talked to the health department yet just because we want to see how this shakes out. Last time my partner Pat was here and right now we actually exceed parking that is required. I don't want to go through an application for something until we see where this shakes out.

**Chair Curtiss:** Besides a parking variance is going to have limited amount of time and I don't even know if it would be approved.

**Commissioner Landquist:** I get that. But I think that people will learn the area. If they're not allowed to park there on the east side, they're gonna go in, they're gonna start scoping out other parts, they'll learn. That's one way to condition them to learning where the parking is available. Worst case scenario they park facing out, then they are already facing out to leave the area instead of coning in front of the brewery, you'd be coning the other side and I think that actually makes it a little bit easier for emergency vehicles to come in and make that corner. That's just my suggestions.

**Chair Curtiss:** So then I went out and visited and their parking lot was full. So people had parked in the parking lot and along the side of the building along that driveway between the condos and it was the 5:30ish time. I guess the other thing is if you think about emergency vehicles, they need to respond to anything in this area, they preferred to be parked close to the building. I just think that this proposal is well thought out from an engineering point of view.

**Brent O'Connor:** The fire hydrant happens to be on the same side as the brewery and that is another reason why Chris Newman, the Deputy Chief, that I initially contacted to discuss this situation was and that's what he recommended would be for that side to be no parking. That way they don't have to avoid the conflict of vehicles parked in front of there at the time that there was a fire. The other concern of the point off from Ridgeway onto Culter Pine, the current no parking plan we have that whole radius, there's no parking which should clear that side triangle.

#### **Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the proposed Resolution. Commissioner Landquist opposed the motion. The motion carried a vote of 2-1.

**Erik Dickson:** We need to get it striped. The signs were previously located so we can get the signs in sooner. The curb marking will take a little bit longer, we're not exactly sure of the contractor's schedule but once the Resolution is signed, the signs can be up as early as next week.

**Chair Curtiss:** You'll notify the Sheriff's Office that it's in effect?

**Erik Dickson:** Yes.

**Al Supeda:** Every Wednesday night we do what's called Pint Night and we donate \$1.00 of the sale of each pint towards a charity. What we would like to do is do a Wednesday Pint Night for everybody in Ponderosa/Ridgeway and we'll donate \$1 to the cost. We will make the announcement.

#### **7. FINAL FY2015 BUDGET HEARING**

##### **Andrew gave update. PPT Presentation**

**Wendy Ferris:** I know of a lot of cases where a simple thing, as easy as writing a Bad check for business back in the 1990's, I know one (1) case where they sat in jail for seven months. The reason they sat in jail was they were waiting to go to a pre-release and they've been in a pre-release for four (4) months after that. It costs per day, I don't know if it's \$100 or over \$100 but that's a lot of money when they could be paying taxes or put an ankle bracelet on. They paid for their check in full, the Judge didn't want them in there and they get lost in there. So I would like to help do research and find out how many of these poor people are costing tax payers money, when they could be paying taxes, they're not a threat to society. The people that molest people get out quicker than them. I can save you millions of dollars. The excuses they're waiting for the pre-release, they're all full. He gets to the pre-release, they weren't full they were empty. Anyway, I'd be glad to help save a lot of money for the county and for the state and everything.

**Chair Curtiss:** Andrew can go into more detail but the Commissioners just met with Sue Wilkins, who runs our pre-release center, and in this budget is an additional pre-release officer...

**Wendy Ferris:** They need less money, not more money.

**Chair Curtiss:** No, this is for the pre-release so that they can be out of jail, they can be taking care of their family, they can be doing things while they are waiting for the courts. So we did add an additional person to do that so we can make sure that happens.

**Wendy Ferris:** There's no one accountable, they lose paperwork and they sit in there and it's costing the state money. I know this is a county meeting but it's implemental and people need to be aware of what's going on. I would be glad to do research for people because I can find a lot of wasteful money.

#### **Public Comment**

**Barbara Kuznic, Western Montana Addiction Services:** I'm here to say thank you to the Commissioners for giving us some money to support some programs that are very integral in our community to help our adolescents. I have two (2) of my staff members here Nick Roberts and Christi Miner. We receive funds from a couple different programs from the prevention mill levy, alcohol tax partnership for success and drug free communities. We really want to thank you for funding these programs. I'm pleased to be able to be here in front of you today and say that we are very happy to

provide these services to our community. We believe in our adolescents and making sure that they have a healthy upbringing and ways of being in the community and steer away from alcohol and drugs.

**Nick Roberts, Program Director for the Flagship Program:** Here to celebrate the present which is your support of our program through the mill levy in past. Also want to highlight that the county was integral in establishing the flagstaff program, which believe it or not is now almost 20 years ago. With what once was very limited in scope, one school focus initiative that we didn't know would succeed, 20 years later is in eight (8) schools, serving over 6,000 kids every single year. All for free. Want to thank you, you've been a critical partner of ours in the past and clearly continue to be so now in the future so we appreciate all that you do on paper and with your moral support in the community.

**Christi Miner, Clinical Supervisor for Western Montana Addiction Services, Adolescent Outpatient Program:** I oversee the project success counselors that we have in four (4) of the Missoula area High Schools. I wanted to say thank you again for supporting us for another year. Our services are appreciated and important in all of the schools, we get letters from administrators at the schools every year just telling us that we're doing a great job and thanking us for our services. We work fairly closely with Nick's program, getting referrals from flagship coordinators, referring kids to flagship so that they have after school activities that lower their risk factors for substance use. So we don't reach quite as many because our population is a little more targeted, but last year we had about 3,500 contacts with students in the schools. That's just individual contacts. We also do lots of school wide prevention activities, working to develop student lead support groups in the schools for other kids who are struggling with substance abuse. We couldn't be doing all those things without your support so thank you.

**Matt Arno, Potomac:** I'm opposed to increasing the County budget. The economy in this country has gone down significantly in the last six (6) years. The average middle class tax payer is not doing as well. That's definitely true in Missoula County. We've lost most of our forest products infrastructure, that's thousands and thousands and thousands of people that are making less money. Yet the county budget continues to grow and grow and grow. I didn't see anything in here with any program that's being reduced. And I haven't seen that over the last five (5) years. These all seem reasonable, it's not that much money. I'm sure the programs could use more money, but we could all use more money. But those of us that have to make a living here don't have the option to just raise the taxes to get a little more. I guess my point is that it's unsustainable to continue to take a larger portion of the tax payer's income, that's unsustainable. You can't continue to do that. Lastly, you're taxing people out of their homes. There was a pretty big article six months ago about elderly that are not doing well in Missoula County and I believe that's one of the reasons. Yeah, it's only \$23.00 here or \$23.00 there, well every year it adds up and they're getting hit from all sides. These meetings get held during the middle of the day, a large number of the tax payers are at work, I'm skipping work to be here.

**Wendy Ferris:** I totally agree with Matt Arno and I propose that we in lieu of raising taxes cut some programs. One example would be Department of Corrections. A judge will give out a sentence and Department of Corrections has no one to answer to, they just spend willy-nilly money like they have to spend or it won't get used. If they would listen to judges sentence and let these people out in the community, that are good citizens, that haven't been in trouble for 20 years. I know we can save a lot of money, Department of Corrections to start with and I would be glad to help save money everywhere else and not raise taxes.

**Sue Brown, associated with the Park Board for many years:** I just want to express my enthusiasm when I saw in the newspaper yesterday that you were funding the parks for a better degree then you have been able to in the past. A little historic data; when I first became knowledgeable of the park board we were receiving two mills at that time from the county, I don't know if it's the general fund, by 1997 that was reduced to zero. Because of that, we as a board and individuals who were interested in Parks went and got a mill levy pass for one to support the Parks but that was half of the money. So that's what we lived on since 1997. Since then we have developed a County Park Plan and a Fort Missoula Plan and we really are unable to fulfill the requests or the suggestions in those plan because we do not have enough funds. I was really excited to see that you are going to put this in your budget and I congratulate you on that. Thank you very much.

**Melinda Mason, WORD:** WORD receives money from the county for basic needs assistance to homeless families. We are so grateful for the assistance the county provides us so that we can offer this assistance to families. The statistics that I'm most familiar with are probably just the last six months where we were able to find or sustain housing for 45 families. We provided housing and counseling to 159 families. This represents 392 children in our community that are experiencing homelessness. This is absolutely the largest number of people who walk in the door at WORD and without the county assistance to WORD to provide this service it wouldn't exist in our community. Thank you very much.

**Sherri Stratton, Executive Director at Mountain Home Montana:** We are a non-profit organization, as you know, over on South Avenue near the Community Medical Center and provide housing to young women, ages 16-24, who are homeless and pregnant and/or parenting. So these are the most vulnerable of all single of household families that we see in the basic needs business. I just wanted to be here today to thank you for your support of our program and to just thank you for continuing to support the community based organizations in Missoula County.

#### **Executive Session**

**Commissioner Carey:** The obvious is that we have costs but those costs are matched, in my view, by the benefits which occur. I know it's a tough year, we kind of saw it coming; I think we've done the best we can so I'm in support of it.

**Commissioner Landquist:** I echo Commissioner Carey's sentiments. We worked over all the 5 years now that I've been here, when you consider the economy predominantly tanked in 2008, doing the budgets gotten tougher and tougher every year and we've made cuts where we possibly could. But for also listening to what the public wants, needs and expects from county, and the services we provide, and meeting our contractual obligations to the people that do the work and knowing that some of those still don't get paid what I wish we could pay them for the services they provide. We still have an awful lot of county people working two (2) jobs to support their family. This is a tight budget, it's a good budget, we're always, always looking for ways to improve services without raising the bottom line and we're fortunate that we have so many outstanding employees that try to do that with us. This is a good budget and as tough as it is to know that we'll be raising taxes some in moving forward, I know that we all worked very, very hard on this budget to not have to raise taxes. So I approve it also.

**Chair Curtiss:** There were requests to the Commission that we didn't approve this year. I see Mr. Clark, our undersheriff, sitting here today and their request for additional deputies that we decided that...because of some other things we couldn't do this year but it is something that's always hanging out there. This is a large county and unfortunately all the people that move here and live here are not outstanding citizens so that department sees a lot of growth too. I appreciate all the comments from the public and I think we're ready to vote on this budget.

**Motion**

Commissioner Carey made motion that the Board of County Commissioners approve the budget. Commissioner Landquist seconded the motion. The motion carried a vote of 3-0.

**8. OTHER BUSINESS**

None

**9. RECESS**

Being no further business to come before the Board the Commissioners are in recess at 2:31.

**THURSDAY, AUGUST 28, 2014**

BCC met in regular session; quorum present. ML out of office all day.

Request Records Disposal/Transfer Authorization – JC signed the following from Risks & Benefits. Claims Batch Medical, Dental & Vision 7/1/2006 – 6/27/2007; Cobra 7/1/2003 – 6/30/2004; Pharmicare Claims 7/1/2004-6/30/2006; Annual Data Collection 7/1/2005 – 6/30/2009; Bus Contracts 7/1/2005 – 6/30/2006; Fall Report 7/1/2003 – 6/30/2006.

**ADMINISTRATIVE MEETING**

Contract – BCC signed, dated August 28, 2014. Between County and Paul Kingsford d/b/a Kingsford Communications to complete a branding/outreach campaign for the Missoula Best Beginning Council, supported through MIECHV ID grant funds. Amount/not to exceed \$14,000. Term/August 26–September 29, 2014. Originals to C&R and Health Department.

Budget Transfer – BCC signed, dated August 28, 2014. Control #14-022 for Grants & Community Programs in transfer amount of \$279,000 in order to correct project code originally approved in FY14 from City Brownfields project RLF to County Brownfields for the EPA Brownfields/Courthouse Asbestos Remediation Grant. Original to Teresa Graham/ Accounting.

Resolution No. 2014-101 – BCC signed, dated August 28, 2014. Budget Amendment for Grants & Community Programs to transfer \$3,121 from MT BCC Underage Drinking Prevention grant funds to offset expenditures in same amount. For total disclosure, expenditures included in formal 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

Contract – BCC signed, dated August 28, 2014. Between County and Anne Hughes to serve as Communications/Projects Director for County. Amount/\$101,889.20 annually. Term/August 31, 2014– August 31, 2017. Originals to C&R and Anne Hughes.

Resolution No. 2014-099 – BCC signed, dated August 28, 2014. Adopting a Budget for Missoula County for Fiscal Year 2014-2015, as follows:

**RESOLUTION NO. 2014-099**

**ADOPTING A BUDGET FOR MISSOULA COUNTY  
FOR FISCAL YEAR 2014-2015**

**WHEREAS, PURSUANT TO SECTION 7-6-2316 MCA,** the Board of County Commissioners of Missoula County, Montana, has held public hearings on the proposed budget of Missoula County for Fiscal Year 2014-2015, as required by law; and

**WHEREAS, PURSUANT TO SECTIONS 15-10-202 through 15-10-208 MCA,** the Board of County Commissioners of Missoula County has held hearings and passed resolutions as applicable under the above section; and

**WHEREAS,** Sections 7-6-2317 through 7-6-2326, MCA, provide for the fixing of various tax levies to raise funds sufficient to meet said expenditures authorized in the budget;

WHEREAS, THE DEPARTMENT OF REVENUE is required to certify to the County Commissioners the value of a mill for each taxing jurisdiction in the County under Sections 15-8-201 and 15-10-202 MCA; and

NOW, THEREFORE, BE IT RESOLVED, that the final County Budget for Fiscal Year 2014-2015 be as set out in Attachments A, B and C, and the same is hereby adopted as the final budget, subject to the conditions set forth below.

BE IT FURTHER RESOLVED that the levies as detailed below be fixed and adopted for Fiscal Year 2014-2015, based on the mill value of \$198,129 County-wide, and a value of \$89,134 outside the City limits of Missoula, and a value of \$193,528 for the Open Space Bonds which tax all non-timber and non-agricultural lands within the County.

Fund	Mills	Attachment
<b>Countywide</b>		
General	43.65	A, B, and C
Poor	5.17	A and C
Bridge	4.81	A and C
Weed	2.87	A and C
Child Daycare	0.33	A and C
Fair	1.30	A and C
District Court	3.17	A and C
Park	2.18	A and C
Library	11.77	A and C
Planning	3.32	A and C
Substance Abuse Prevention Levy	1.86	A and C
Community & Planning Services	2.88	A and C
Aging	3.34	A and C
Extension	2.22	A and C
Mental Health	0.56	A and C
Search & Rescue	0.40	A and C
Public Safety	46.81	A and C
Permissive Medical Levy	4.62	A and C
Museum	2.25	A and C
Capital Improvement	4.00	A and C
Technology	4.57	A and C
Risk Management	3.05	A and C
	155.13	
<b>Debt Service</b>		
Jail Bond	4.94	A and C
Open Space Bond	2.74	A and C
Total Debt Service	7.68	
<b>Total County-Wide</b>		
	162.81	
<b>County Only</b>		
Road	23.38	A and C
Health	9.20	A and C
Animal Control	1.61	A and C
Permissive Medical Levy (Co Only)	2.18	A and C
County Only	36.37	
	199.18	

DATED THIS 28<sup>th</sup> DAY OF AUGUST, 2014

BOARD OF COUNTY COMMISSIONERS

Resolution No. 2014-100 – BCC signed, dated August 28, 2014. Adopting Rural Special Improvement Districts Budget for Missoula County for Fiscal Year 2014-2015, as follows:

**RESOLUTION NO. 2014-100**

**ADOPTING RURAL SPECIAL IMPROVEMENT DISTRICTS BUDGET  
FOR MISSOULA COUNTY  
FOR FISCAL YEAR 2014-2015**

**WHEREAS, PURSUANT TO SECTION 7-6-4024, MCA**, the Board of County Commissioners of Missoula County, Montana, has held public hearings on the proposed budget of Missoula County for Fiscal Year 2014-2015, as required by law; and

**WHEREAS, PURSUANT TO SECTIONS 15-10-202 through 15-10-208 MCA**, the Board of County Commissioners of Missoula County has held hearings and passed resolutions as applicable under the above section; and

**WHEREAS**, Sections 7-12-2101 through 7-12-4001, MCA, provide for the fixing of various special assessments to raise funds sufficient to meet said expenditures authorized in the budget;

**NOW, THEREFORE, BE IT RESOLVED** that the final County Rural Special Improvement Districts Budget for Fiscal Year 2014-2015 be as set out in Attachment G, and the same is hereby adopted as the final budget, subject to the conditions set forth below.

**BE IT FURTHER RESOLVED** that the special assessments will be fixed based on this budget.

**DATED THIS 28<sup>th</sup> DAY OF AUGUST, 2013**

Attachment G to Resolution 2014-100 is on file in the Clerk and Recorders Office.

Request: Records Disposal/Transfer Authorization – JC signed. From Risk & Benefits Claims: 1) Medical, Dental & Vision (7/1/2006-6/27/2007); 2) Cobra (7/1/2003-6/30/2004); 3) Pharmacare (7/1/2004-6/30/2006). To be disposed of.

Request: Records Disposal/Transfer Authorization – JC signed. From Superintendent of Schools: Misc. Records (Annual Data Collection, Bus Contracts, Fall Reports, TR Forms, etc. (7/1/2003-6/30/2009). To be disposed of.

Additional discussion item(s): None.

**FRIDAY, AUGUST 29, 2014**

BCC met in regular session; quorum present. ML out of office all day.

Letter – JC signed (as original name on Grant), dated August 29, 2014 to Nikisha Love-Weaver, Bureau of Justice Assistance, US DOJ, Washington, D.C., requesting a no-cost extension for Grant #2011-MO-BX-0040 in the amount of \$74,213. New project period end date will be September 30, 2015. [See letters signed July 29, 2014].

County Payroll Transmittal Sheet – BCC signed. Pay Period: 16/CY2014 - Pay Date/August 8, 2014. Total Payroll/\$1,401,639.25. To County Auditor.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 17/CY2014 - Pay Date/August 22, 2014. Total Payroll/\$1,454,572.26. To County Auditor.

  
Kim Seeberger  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

MISSOULA COUNTY COMMISSIONERS' JOURNAL: SEPTEMBER, 2014

BCC = BOARD OF COUNTY COMMISSIONERS

JC = Commissioner Jean Curtiss, Chair

BC = Commissioner Bill Carey

ML = Commissioner Michele Landquist

The following Claims Lists were signed during the month of SEPTEMBER 2014:

Date Signed	Claims List Date	Who signed	Amount
September 2, 2014	September 2, 2014	BCC	\$4,440.63
			\$36,666.94
			\$17,501.72
			\$560.16
September 3, 2014	September 2, 2014	BC, JC	\$1,778.42
			\$17,242.63
			\$2,305.82
			\$3,148.99
			\$7,500.00
			\$8,012.63
			\$3,649.47
			\$500.00
September 3, 2014	September 3, 2014	BC, JC	\$1,135.00
September 3, 2014	August 27, 2014	BCC	\$5,940.00
September 3, 2014	August 27, 2014	BC, JC	\$372.68
September 4, 2014	September 2, 2014	BCC	\$92,612.96
September 4, 2014	September 3, 2014	BCC	\$15,958.19
			\$1,853.04
			\$683.00
			\$10,699.00
			\$93,145.97
September 5, 2014	September 2, 2014	JC, BC	\$8,267.19
September 5, 2014	September 3, 2014	JC, BC	\$518.00
September 5, 2014	September 4, 2014	JC, BC	\$6,161.85
			\$7,993.60
			\$4,770.25
			\$99.00
			\$54,836.81
September 5, 2014	September 5, 2014	JC, BC	\$1,329.27
September 8, 2014	September 8, 2014	BCC	\$14,165.55
			\$13,405.53
			\$20,170.61
			\$434.32
			\$9,331.00
September 9, 2014	September 2, 2014	ML, BC	\$23,045.21
September 9, 2014	September 8, 2014	ML, BC	\$12,472.59
			\$4,052.93
			\$484.27
			\$9,455.77
			\$2,177.00
			\$570.50
			\$993.15
			\$416.25
			\$70.00
			\$171,638.57
September 10, 2014	September 9, 2014	ML, BC	\$18,325.74
September 11, 2014	September 10, 2014	ML, BC	\$1,484.60
			\$20,620.78
			\$2,000.06
			\$18,857.62
			\$28,090.00
			\$12,852.27
			\$19,939.05
			\$38,302.89
			\$2,033.68
			\$789.00



(Sept. 11 <sup>th</sup> , cont'd)			\$8,351.00
			\$1,963.59
			\$1,639.96
			\$286,373.48
			\$4,134.43
			\$1,651.51
			\$33,902.06
			\$1,376.40
			\$3,674.81
			\$1,437.50
			\$141.11
			\$75.00
	September 4, 2014	PHC Smartfill ACH	
September 5, 2014	PHC Amerisource ACH		\$23,551.28
September 12, 2014	September 10, 2014	ML, BC	\$386.97
September 12, 2014	September 11, 2014	ML, BC	\$23,696.00
			\$8,546.79
			\$4,583.93
September 16, 2014	September 12, 2014	JC, BC	\$17,185.21
September 16, 2014	September 15, 2014	JC, BC	\$1,453,705.08
			\$3,001.84
			\$709.17
			\$10,609.92
			\$3,844.92
			\$11,445.35
			\$5,471.21
			\$2,395.48
September 16, 2014	September 16, 2014	JC, BC	\$1,553.95
			\$3,893.21
September 17, 2014	September 16, 2014	JC, BC	\$39.15
			\$11,783.39
			\$2,835.73
			\$4,083.48
			\$4,325.00
			\$580.02
			\$17,307.63
			\$90,057.37
			\$1,271.91
			\$11,409.50
			\$189.25
			\$711.06
			\$3,038.85
			\$30.00
			\$753.00
			\$102,869.25
September 17, 2014	September 15, 2014	JC, BC	\$2,932.62
September 17, 2014	September 17, 2014	JC, BC	\$11,878.33
			\$54,642.00
			\$5,690.92
			\$123.57
			\$296.00
			\$152.38
September 10, 2014	PHC Smartfill ACH		\$42,494.25
September 12, 2014	PHC Amerisource ACH		\$46,598.27
September 19, 2014	September 17, 2014	JC, BC	\$31,988.51
			\$7,961.18
September 19, 2014	September 18, 2014	JC, BC	\$1,827.28
			\$1,922.18
			\$8,000.00
			\$854.49
			\$1,453.00
			\$9,768.19
			\$2,360.48

September 22, 2014	September 22, 2014	ML, BC	\$4,479.64
			\$516.40
			\$5,000.00
			\$152.55
			\$37,146.05
			\$19,435.90
			\$93,782.67
			\$11,172.20
			\$25,034.27
September 17, 2014	PHC Smartfill ACH		\$56,637.16
September 19, 2014	PHC Amerisource ACH		\$23,104.77
September 23, 2014	September 22, 2014	ML, BC	\$7,890.21
			\$92,503.77
			\$950.00
			\$49,765.30
			\$9,407.38
			\$1,357.67
September 23, 2014	September 23, 2014	ML, BC	\$2,399.68
			\$2,748.22
			\$3,792.00
			\$1,933.75
			\$164.97
September 24, 2014	September 22, 2014	ML, BC	\$116.00
September 24, 2014	September 23, 2014	ML, BC	\$4,018.02
			\$104,226.21
September 25, 2014	September 24, 2014	BCC	\$322.58
			\$609.15
			\$614.34
			\$51,657.31
			\$1,664.50
			\$1,320.00
			\$22,280.71
			\$10,333.68
			\$34,170.76
September 26, 2014	September 24, 2014	JC, BC	\$6,346.76
September 26, 2014	September 25, 2014	JC, BC	\$2,144.75
			\$6,929.38
			\$4,324.34
			\$6,305.83
			\$20,072.69
			\$427.69
			\$97,671.35
			\$3,679.34
			\$347.95
			\$34.03
			\$298.59
			\$26,602.77
September 29, 2014	September 26, 2014	JC, BC	\$6,834.90
September 30, 2014	September 29, 2014	BCC	\$365,147.28
			\$401.28
			\$497.26
			\$18,804.18
			\$32,119.70
			\$34,943.33
			\$4,926.22
			\$23,018.71
			\$6,814.81
			\$2,846.92
			\$8,279.30
			\$500.00
September 24, 2014	PHC Smartfill ACH		\$30,163.71
September 26, 2014	PHC Amerisource ACH		\$20,813.52

All Claims Lists were returned to the Accounting Department.

**MONDAY, SEPTEMBER 1, 2014**

**COURTHOUSE AND ADMINISTRATION BUILDINGS CLOSED FOR LABOR DAY HOLIDAY**

**TUESDAY, SEPTEMBER 2, 2014**

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Growth Policy update; 4) Subdivision Regs rewrite update; 5) Director's update.

ADMINISTRATIVE MEETING

Form – BCC signed, dated September 2, 2014. County (Dept. of Human Resources - "Employer") adoption of State of MT VEBA Health Benefit Plan and Trust ("MT VEBA HRA"), by accepting completed Employer Adoption Agreement by MT State Dept. of Administration. Members of VEBA 30 group voted to renew VEBA group on August 14, 2012. Effective date of policy/August 31, 2014 – August 30, 2015. Group may vote annually. Original to C&R.

Utility Easement – BCC approved Northwestern Energy's request for ten (10) foot wide easement on portion of eastern property boundary with Community Medical Center ("CMC") in order to replace failing underground cable at Fort Missoula Park that runs under the softball fields and serves CMC. Project term/Fall of 2014. Originals to C&R and Lisa Moisey/CAPS/Parks.

Request: Records Disposal/Transfer Authorization – JC signed. From Treasurer: 1) Delinquent R.E. Tax (1/1/1981-12/31/1981). To be destroyed.

Request: Records Disposal/Transfer Authorization – JC signed. From Clerk & Recorder: A101 Receipts (Trade Stimulator Tax/Unfinished Business ranging 4/3/1911-6/9/1951). To be destroyed.

Additional discussion item(s): 1) Smurfit Stone update; 2) County Website.

**WEDNESDAY, SEPTEMBER 3, 2014**

BCC met in regular session; all three present. Afternoon, BCC attended and made presentation at County Extension's 100-Year Celebration, held at the Extension Office.

ADMINISTRATIVE MEETING

Resolution No. 2014-102 – JC signed, dated September 3, 2014. Relating to financing of a certain proposed project (Renovation of County's 199 West Pine Administration Building); establishing compliance with Reimbursement Bond Regulations under the Internal Revenue Code. Amount/\$550,000 (approx. amount remaining from \$2,000,000 loan from 1<sup>st</sup> Security Bank to fund Grants Building). Original to C&R.

Additional discussion item(s): None.

No Public Meeting held this date

**THURSDAY, SEPTEMBER 4, 2014**

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Addendum – JC signed. #1 to service contract between Seeley Lake Refuse District and Republic Services covering disposal terms for solid waste and expiring end of September 2014. Addendum outlines revisions re: removing recycling obligations, and updating direct haul disposal charges to reflect rates that go into effect October 1, 2014. Two originals to Public Works.

Contract – BCC signed, dated August 27, 2014. Between County (Health Dept/Water Quality District) and Chem-Safe Environmental for annual Household Hazardous Waste Collection, and Conditionally Exempt Small Quantity Generator Waste Collection Events to be held September 19 and 20, 2014. Compensation set forth therein. Term/September 18–October 31, 2014. Two originals to Julie Mohr/Health Department.

Additional discussion item(s): September 10, 2014 Public Meeting canceled; no agenda items.

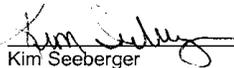
**FRIDAY, SEPTEMBER 5, 2014**

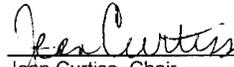
BCC met in regular session; quorum present. ML out of office all day.

Monthly Report – JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending August 2014.

Monthly Report – JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 1, Amy Blixt, Justice of the Peace, for month ending August 2014.

Request: Records Disposal/Transfer Authorization – JC signed. From Nursing: 1) Health Dept. Field (Abraham thru Zavarelli (1/1/2004-12/31/2004.

  
Kim Seeberger  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, SEPTEMBER 8, 2014**

BCC met in regular session; all three present.

Monthly Report – ML examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of the District Court, Shirley Faust, for month ending August 2014.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Rio Tinto/Kennecott exploratory work in Potomac; 4) Director's update.

**TUESDAY, SEPTEMBER 9, 2014**

BCC met in regular session; quorum present. JC out of office all day. Evening: BC attended HomeWord's 20<sup>th</sup> Anniversary Celebration, held in the Governor's Room at the Florence Hotel.

**ADMINISTRATIVE MEETING**

Encroachment Permit – BC signed. Between County (Public Works) and MT Rail Link, Inc. (MRL). Documents and permits several encroachments by trail fill slopes into MRL property (to be reassigned to MT DOT upon completion of the Missoula to Lolo Trail Project). Two originals to Greg Robertson/PW for further handling.

Amendment – BCC signed, dated September 9, 2014. Amendment to contract agreement with property owner Susan D. Miner, 136 Dallas, Lolo, for water connection repairs to her property in RSID 901, Lolo Water & Sewer District. Actual repair costs were \$1,350 (lower than original bid of \$2,850). Amendment reduces lien on her property from original bid to actual costs. Original to C&R.

Change Order – BC signed. #1 to contract between County and Specialty Excavating for the MDP Parks 9 & 11 pedestrian trails & park benches project. \$1,400 will be added to original contract to: 1) reset two park monuments; 2) plug leaky irrigation line on Trumpeter Court; and 3) Dispose of trash on Trumpeter Court. New base contract sum/\$35,300. Project end/Fall of 2014. Original to Barb Martens/Special Projects for further handling.

Change Order – BC signed. #1 to contract between County and L.S. Jensen Construction & Ready Mix for Airway Boulevard Rehabilitation Project. \$475 will be added to original contract to lower existing power line that is less than 1 foot below bottom of the sidewalk. New base contract sum/\$287,016.50. Project end/Fall of 2014. Original to Barb Martens/Special Projects for further handling.

Additional discussion item(s): None.

**WEDNESDAY, SEPTEMBER 10, 2014**

BCC met in regular session; quorum present. JC out of office through Friday, September 12<sup>th</sup> at Crown of the Continent's 5<sup>th</sup> Annual Roundtable, held at Bayshore Inn, Waterton Park, Alberta, Calgary.

**ADMINISTRATIVE MEETING**

Reports – BC signed fourteen (14) Missoula County School Budget Reports for FY 2014-2015. Originals to Erin Lipkind/Superintendent of Schools.

Agreement – BC signed. Between Missoula County (Superintendent of Schools) and Sanders Counties (Trout Creek School) to assist trustees with school supervision for FY 2014-2015. Originals to Erin Lipkind for further handling. [Signed original to C&R September 17, 2014].

CBO Grant Agreements – BCC signed, dated September 8, 2014. Between County and The Poverello Center for FY 2015 for the following:

- 1) The Hot Team, to provide trusting relationships with chronically homeless men and women on the streets and in encampments. Amount/\$25,000; and
- 2) Emergency Shelter and Food Program, to provide financial assistance to organizations that provide public services to individuals in County. Amount/\$28,800

Originals to C&R and Jean Harte/GCP.

DEQ Contracts – BCC signed. Between County and MT DEQ for FY 2015 for the following:

- 1) DEQ #515007: For provision of services relating to administration/implementation of Title V permits and air quality compliance activities in Missoula County. Amount/\$2,000; and
- 2) DEQ #515006: For purpose of assisting County to conduct its own air pollution control program pursuant to Section 75-2—301, MCA. Amount/\$98,332 (\$116,667 in local funding must be spent by County). Two originals of each to Julie Mohr/Health Dept.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated September 8, 2014. Amount/\$88,778.09. To County Auditor.

Additional discussion item(s): None.

No Public Meeting held this date.

**THURSDAY, SEPTEMBER 11, 2014**

BCC met in regular session; quorum present. JC out of office through Friday, September 12<sup>th</sup> at Crown of the Continent's 5<sup>th</sup> Annual Roundtable, held at Bayshore Inn, Waterton Park, Alberta, Calgary.

ADMINISTRATIVE MEETING

Request – BCC reviewed Variance Request from Purchasing and Contracts Policy, requiring a limited solicitation for bids to purchase services in an amount greater than \$20,000 and less than \$80,000. BCC approved request to contract with Seeley Lake School District for services in the amount of \$55,000 without soliciting for proposals from other vendors. No fiscal impact; USDOJ/OVW Rural Development grant funded. Original to GCP for further handling.

Contract – BCC signed, dated September 10, 2014. Between County and Specialty Excavating, Inc. for MDP Sandpiper Pedestrian Trail ADA Installation Project. Amount/\$3,750. Project end/Fall 2014. Originals to C&R and Barb Martens for further handling.

Change Order – BCC signed. #4 to contract between County and Jackson Contractor Group for Courthouse Phase 3A Annex 2<sup>nd</sup> Floor Office Remodel. \$14,660.85 will be added to contract for last changes, including JCG demo, door replacements, seating anchoring, setting DDC Controls. New base contract sum/\$1,629,752.57. Project end after this CO. Original to C&R.

Clinical Affiliate Agreement – BCC signed, dated September 11, 2014. Between County (Detention Facility) and UM School of Social Work to provide clinical practice experience, etc. for UMSSW students to fulfill practicum requirements for master's degree in Social Work (under supervision of Theresa Williams). Two originals to GCP for further handling.

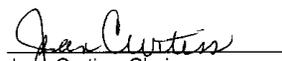
Contract – BCC signed, dated September 11, 2014. Between County and Theresa Williams to continue services for FY15 Strategic Crisis Intervention Plan initiatives for HB 130 bill (mental health funding). Amount/\$49,920. Two originals to GCP for further handling.

Additional discussion item(s): None.

**FRIDAY, SEPTEMBER 12, 2014**

BCC did not meet in regular session. JC out of office through this date at Crown of the Continent's 5<sup>th</sup> Annual Roundtable, held at Bayshore Inn, Waterton Park, Alberta, Calgary. ML out of office all day.

  
Kim Seeberger  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, SEPTEMBER 15, 2014**

BCC did not meet in regular session. JC out of office all day and ML out of office through Friday, September 19<sup>th</sup>.

**TUESDAY, SEPTEMBER 16, 2014**

BCC met in regular session; quorum present. ML out of office through Friday, September 19<sup>th</sup>.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Phasing Plan Amendment/Wye Commercial (*action*); 4) Dockter Shoreline Permit (*action*); 5) Miller Creek Cell Tower (*info*); 6) Parks & Trails Program update; 7) Swan DNRC Floodplain MOU update; 8) Subdivision Regs update; 9) Director's update.

Shoreline Permit w/Conditions – JC signed. #2015-03 for Applicants Duane/Lois Dockter to build a pile dock similar to existing dock at Big Sky Lake, small Lot U7 (454 Access Road). Original to Todd Klietz/CAPS for further handling.

Letter – BCC signed, dated December 29, 2014 to Jeff Smith, WGM Group, Missoula, *conditionally* approving phasing plan amendment/reorganization for the Wye Commercial Subdivision, subject to a Master List of Conditions of Approval (per Attachments B&C).

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 18/CY2014 - Pay Date/September 5, 2014. Total Payroll/\$1,415,218.11. To County Auditor.

Application – BCC approved/JC signed Board of Investments INTERCAP Loan Application for Seeley-Swan Search & Rescue facility operations, training, equipment storage and maintenance facility located on County-owned land in Seeley Lake. Loan amount/\$153,000. Original to CFO Andrew Czorny for further handling.

Letter – BCC signed, dated September 16, 2014. To Big Sky Economic Development Trust Fund Selection Committee, MT DOC, Helena, MT, in support for BitterRoot Economic Development District's (BREDD) application for a BSEDTF Category II planning grant on behalf of Omnivore, Inc. for a feasibility study for expanding their production of Omnibars (a nutritionally balanced savory energy bar). Original to BREDD.

Request: Records Disposal/Transfer Authorization – JC signed. From Human Resources. Many varied personnel records (1/1/1960 – approx. 1988 to current). Some records to be microfilmed.

Additional discussion item(s): Sale of Community Medical Center.

**WEDNESDAY, SEPTEMBER 17, 2014**

BCC met in regular session; quorum present. ML out of office through Friday, September 19th. Noon: JC attended meeting of Frenchtown Community Coalition, held at Frenchtown High School. Afternoon: JC attended in *Let's Move! Missoula*, held at United Way.

Replacement Warrant - JC signed. PCI Electrical, Missoula, Principal for Facilities Management Warrant #30256711, issued August 15, 2014 on County 4510 Fund. Amount/\$6,888.03 (for supplies/2<sup>nd</sup> floor annex). Not received in mail.

Replacement Warrant - JC signed. Laura Bakker, Missoula, Principal for Parks Warrant #30257052, issued August 22, 2014 on County 2210 Fund. Amount/\$172.99 (for BSSC Pet Stations). Not received in mail.

**ADMINISTRATIVE MEETING**

Agreement – BCC signed. Between County (MCCHD) and MT DPHHS (Child & Family Services Division) for Missoula Foster Child Health Program for FY2015. Amount/\$90 per child served per month. Two originals to Julie Mohr/MCCHD for further handling.

Agreement – BCC signed. Between County (MCCHD) and Lewis & Clark County ("LCC") Health Dept. for Nurse-Family Partnership home visiting program in LCC for FY2015. Amount/\$29,367.24. Two originals to Julie Mohr/MCCHD for further handling.

Agreement – BCC signed. Between County (MCCHD) and Granite County ("GC") to provide public health nursing services to GC 20 hours per week for FY2015. Amount/\$46,463.29. Two originals to Julie Mohr/MCCHD for further handling.

Task Order – JC signed. #15-07-3-01-087-0 between MCCHD and MT DPHHS (MT Asthma Control Program) Master Contract for period July 1, 2012-June 30, 2019. Task Order provides funding in amount of \$30,000 for continuation of MT Asthma Control Home Visiting Program in Missoula and Granite Counties for period July 1, 2014-June 30, 2015. Three originals to Julie Mohr/MCCHD for further handling.

Notice – JC signed Notice of Hearing for Roseburg Forest Products New or Expanding Industry Tax Benefits Application. The Hearing for modernization of Roseburg's forming line will be held Wednesday, October 22, 2014 at 1:30 p.m. in Room B14 of County Administration Building, 199 W. Pine.

Financial Agreements – BCC signed. With each of seven (7) Missoula County Community Councils for FY 2015 funding in amount of \$1,000, as follows:

- 1) West Valley Community Council, dated June 20, 2014;
- 2) Bonner Milltown Community Council, dated May 18, 2014;
- 3) Swan Valley Community Council, dated September 17, 2014;
- 4) East Missoula Community Council, dated May 19, 2014;
- 5) Seeley Lake Community Council, dated September 17, 2014;
- 6) Evaro-Finley-O'Keefe Community Council, dated September 17, 2014; and
- 7) Lolo Community Council, dated September 17, 2014.

To C&R: Bonner, East Missoula, Seeley Lake and West Valley. To Laurie Hire/CAPS for additional signatures: Evaro-Finley O'Keefe, Lolo and Swan Valley.

Resolution No. 2014-103 – BCC signed, dated September 17, 2014. Emergency Proclamation – Ending Wildland Fire Season 2014 State of Emergency due to precipitation, cooler temperatures, shorter days and high humidity. Original to C&R.

Additional discussion item(s): None.

No Public Meeting held this date.

THURSDAY, SEPTEMBER 18, 2014

BCC met in regular session; quorum present. ML out of office through Friday, September 19th. Afternoon: JC attended Urban Growth Commission meeting, held at City Council Chambers.

ADMINISTRATIVE MEETING

Consultant Selection – After a review of solicited Request for Proposals for work associated with construction of the M2L Trail (Missoula to Lolo) Project, BCC approved selection of DJ&A, P.C. for the engineering inspection/surveying component, and Tetra Tech for the materials testing quality assurance tasks. A committee of three individuals independently ranked each firm based on the scoring criterion contained in the RFP. Original to Greg Robertson/Public Works for further handling.

Agreement – JC signed, dated September 18, 2014. CTEP Consultant Services Agreement (approved by MDT) between County and Territorial-Landworks, Inc. for engineering/surveying services for completion of design for Grant Creek Trail (MDT Control #8811). Amount/not to exceed \$29,220.58. Work specified in Article 1 of Agreement to be completed by April 1, 2015. Original to C&R.

Agreement – JC signed. Between County (Technology) and SuiteOne Media, Inc. ("SOM") for a new Agenda Management System which will allow Agenda specific workflows to be hosted on SOM cloud services, as well as recording of audio/video by SOM for public consumption. Project will start with the BCC, but may expand to other boards. Amount/term set forth therein. Originals to C&R & Jason Emery/Technology Dept.

Development Agreement – BCC signed. Between County and JTL Group, Inc. d/b/a Knife River Corporation for JTL Rezoning Request (approved July 23, 2014, subject to six conditions of approval, including Attachment C of Covenants which contains Development Agreement). Property: South of Mullan Road, one mile west of Reserve Street. Term/December 12, 2013-Date of Resolution to Adopt. Original to MT NW for further handling.

Grant Agreement/Letter – JC signed agreement between County Office of Emergency Management (OEM) and State of MT State Administrative Authority (SAA) for #EMW-2014-SS-00019/Homeland Security Grant Program funds in amount of \$50,000 to purchase communications equipment for newly-formed Missoula All Hazard Incident Management Team. Letter – JC/BC signed on August 18, 2014. Appointing Adriane Beck and/or Christian Lounsbury as Missoula County's Agent(s) for all aspects of this project.

CBO Grant Program Agreements – BCC signed. Between County and the following for provision of program services for FY 2015 funding. Originals to C&R and GCP.

- 1) Lolo Senior Lunch Program. Amount/up to \$40,000 (meals once a week at Lolo Community Center.
- 2) Child Care Resources. Amount/up to \$71,751.
- 3) Missoula Food Bank. Amount/up to \$40,000.
- 4) YWCA - Pathways. Amount/up to \$31,500.
- 5) YWCA – Ada's Place. Amount/up to \$34,044.
- 6) Partnership Health Center. Amount/up to \$237,000.

Board Appointment – BCC appointed Leigh Marie Kelly to fill an unexpired term on the Greenough-Potomac Fire Service Area Board of Trustees until the Special District Election is held in May of 2015.

Amendment – BCC approved/JC signed. Amendment #2 to Task Order #14-07-3-01-010-0 between PHC and MT DPHHS for additional funding in one-time payment of \$6,000 to offset unanticipated patient navigation work, as well as increased labor for work-site wellness promotion activities. New contract base amount/\$193,610 for term/July 1, 2013–September 30, 2014. Three originals to Andrea Laine/PHC for further handling.

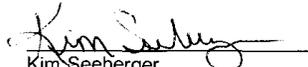
Letter – BCC signed, dated September 16, 2014 to Mary Bair/Multifamily Program Officer, MT Board of Housing/MDOC, Helena, MT, in support of two (2) Missoula projects applying for Low Income Housing Tax Credits with the MT Board of Housing: 1) River Ridge Apartments; and 2) Urban Missoula Project. Letter mailed.

Letter – BCC signed, dated September 16, 2014. To Big Sky Economic Development Trust Fund Selection Committee, MT DOC, Helena, MT, in support for BitterRoot Economic Development District's (BREDD) application for a BSEDTF Category II planning grant on behalf of Consumer Direct Grant Creek Campus with architectural design for their Home and Community Care Center and national corporate offices in Missoula, MT. This new facility will consolidate multiple Missoula offices and create a centralized service center. Original to BREDD.

Additional discussion item(s): 1) Seeley Lake Sewer District Project update; 2) BREDD MOU.

## FRIDAY, SEPTEMBER 19, 2014

BCC did not meet in regular session. JC at Mental Health/CDC Meeting most of day; ML out of office through this date.

  
Kim Seeberger  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

## MONDAY, SEPTEMBER 22, 2014

BCC met in regular session; quorum present. JC at MACo 105<sup>th</sup> Annual Conference, held in Kalispell, through Thursday, September 25th.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Planning Board update; 4) DNRC Swan Floodplain Study MOU (*action*); 5) Growth Policy Project Public Involvement update; 6) RCPP Partner Contribution Letter; 8) Director's update.

Memorandum of Understanding – BCC approved/BC signed. Between County and MT DNRC/Conservation Water Resources Division to complete a new *Detailed/Enhanced* level floodplain study of approx. 19.1 miles of Swan River. New study will include hydrologic and hydraulic analysis/mapping satisfying current State and FEMA standards. Term/September 22, 2014 – December 31, 2017.

## TUESDAY, SEPTEMBER 23, 2014

BCC met in regular session; quorum present. JC at MACo 105<sup>th</sup> Annual Conference, held in Kalispell, through Thursday, September 25th.

## ADMINISTRATIVE MEETING

Resolution No. 2014-104 – BCC signed, dated September 23, 2014. Approval of petition to abandon portion of Lewis and Clark Drive and portion of petitioned road referred to as Lolo to Lolo Hot Springs Road (between west/east boundaries of Tract 2 of COS 5520, in NW¼ of Section 35, T 12 N, R 20 W), and to relocation of portion of the public non-motorized trail easement over said Tract 2 owned by Jack Jenks. There is no need for this portion of road right-of-way; and non-motorized trail easement will better serve public in relocated position. Public Hearings held April 23 and May 14, 2014. Original to C&R.

Agreement – BCC signed, dated September 23, 2014. Between County, American Legion (Hellgate Post 27) and Missoula Mavericks for use and maintenance of County Park located at Big Sky Park (Tower and Spurgin Roads), to operate an American Legion amateur baseball complex. Term/10 years-to 2024. Originals to C&R and Lisa Moisey/Parks.

CBO Grant Agreements – BCC signed, dated September 8, 2014. Between County and the following for FY 2015:

- 1) City Life Community Center, for substance abuse prevention and positive alternate activities. Amount/\$30,000.
- 2) Big Brothers, Big Sisters, for provision of mentoring program. Amount/\$17,000.
- 3) Mountain Home Montana for services for young mothers and their children. Amount/\$27,000.
- 4) National Coalition Building Institute/Missoula for Boys and Girls Club to provide services for *Respect Clubs* in one elementary and three middle schools. Amount/\$10,000.

Originals to C&R and Peggy Seel/GCP.

Board Appointment – BCC appointed Joni Diamond to fill an unexpired term to April 30, 2017 on the Seeley-Lake Cemetery District Board.

Agreement – BCC approved/BC signed. Equitable Sharing Agreement & Certification between County (Sheriff's Dept.) and Department of the Treasury to allow Sheriff's Office to be eligible for federal forfeitures for FY July 1, 2014 through June 30, 2015. Originals to C&R & Dawn Seaton/Sheriff's Office.

Letter – BCC signed, dated September 23, 2014 to Financial Assistance Programs Division/Dept. of Agriculture, Natural Resources Conservation Service ("NRCS"), Regional Conservation Partnership Program ("RCPP"), Washington, DC, in support of the Southern Crown of the Continent Conservation Partnership application to the NRCS/RCPP, and to affirm the BCC's commitment of resources to the Partnership. Original to Kali Becher/CAPS.

Letter – BCC signed, dated September 22, 2014 to Mike O'Herron/MT DNRC, Southwestern Land Office, Missoula, with a formal request for assistance through the State-County Cooperative Fire Protection Program from Missoula County for the Lost Mine Loop fire (in the Miller Creek drainage) on September 21, 2014. Many resources were used to fight the fire, including MRFD, DNRC, Missoula City, Florence, Clinton, Frenchtown Fire, etc.

Additional discussion item(s): Employee Bus Pass Program.

**WEDNESDAY, SEPTEMBER 24, 2014**

BCC met in regular session; quorum present in afternoon. JC at MACo 105<sup>th</sup> Annual Conference, held in Kalispell, through Thursday, September 25th. Morning: BC/ML accompanied Vickie Zeier, Andrew Czorny, Anne Hughes, et al to the 2014 Property Reappraisal Roadshow, held at Ruby's on N. Reserve.

Replacement Warrant - BC signed. Robert L. Taylor, Florence, MT, Principal for Sheriff Warrant #324447, issued July 11, 2014 on County 2300 Fund. Amount/\$699.47 (for clothing allowance 2014).

Indemnity Bond - BC signed. Ryan T. Splatt, Missoula, Principal for Sheriff Warrant #31324314, issued June 27, 2014 on County Payroll Fund. Amount/\$166.22 (for wages). Warrant lost.

ADMINISTRATIVE MEETING - Canceled

**PUBLIC MEETING – September 24, 2014**

**1. CALL TO ORDER**

**Commissioners Present:** Commissioner Bill Carey, Commissioner Michele Landquist  
**Commissioners Absent:** Commissioner (Chair) Jean Curtiss

**Staff Present:** Steve Smith, Surveyor, Marianne Lemons, Clerk & Recorder, James McCubbin, Deputy County Attorney

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC ANNOUNCEMENTS**

None

**4. PUBLIC COMMENT**

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List: \$4,104,442.08

**Executive Session**

Commissioner Landquist made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$4,104,442.08. Commissioner Carey seconded the motion. The motion carried a vote of 2-0.

**6. HEARING (Certificate of Survey)**

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

**Marianne Lemons:** Filling in for Shyra Scott, Clerk and Records Office. We have received a petition to abandon a portion of a public right-of-way her in Missoula County. The petition has been checked and verified by the Clerk and Records Office. It contains signatures from ten (10) Missoula County freeholders and land owners that are affected by the proposed action; therefore it meets all of the requirements and state statute for establishment alterations and abandonment of county roads.

Description: Portion of Lundberg Road, located in Section 6, Township 19N, Range 20 and Section 31, Township 20, Range 16W. The portion of parcel A and all of parcel B, COS 1020 begins at Pine Ridge, Lundberg Road, Underwood Road and is split ending at the cul-de-sac located in Section 31, as shown in COS 1020.

**Steve Smith:** I'm here to represent the Public Works Department and most likely will be a viewer.

**Public Comment:** None.

**Executive Session**

We'll schedule a viewing and have a recommendation on October 8<sup>th</sup>. Steve Smith from Public Works and Commissioner Carey will go on the viewing.

**7. OTHER BUSINESS:** None.

**8. RECESS**

Being no further business to come before the Board the Commissioners are in recess at 1:37.

**THURSDAY, SEPTEMBER 25, 2014**

BCC met in regular session; quorum present in morning. JC at MACo 105<sup>th</sup> Annual Conference, held in Kalispell, through this date. Afternoon: BC/ML accompanied MDA Members for a tour of the Missoula International Airport.

**ADMINISTRATIVE MEETING**

CBO Grant Agreements – BCC signed. Between County and the following for FY 2015:

- 1) Boys and Girls Club, for after school programming. Amount/\$10,000.
- 2) Missoula Indian Center, for substance abuse prevention outreach activities. Amount/\$12,218.

- 3) CASA of Missoula, for program strategies and staff positions. Amount/\$10,100.
- 4) Human Resource Council, for Interim Assistance Program. Amount/\$229,000.
- 5) The Parenting Place, to help achieve goals and objectives. Amount/\$7,650.
- 6) Watson Children's Center, for provision of services. Amount/\$14,500.
- 7) Youth Homes, Inc. to help achieve goals and objectives. Amount/\$39,822.

Originals to C&R and Peggy Seel/GCP.

License Agreement – JC signed, dated September 19, 2014. Between Missoula County 9-1-1 ("MC") and Washington State King County for provision of Emergency Medical Dispatch ("EMD") in State of Montana. [Montana had been providing EMD under the Association of Public Communications Officials.] Document allows MC to maintain local control of criteria for dispatch through use of a Local medical director. Term/ three years. Amount/\$1,200. Two originals to Chris Lounsbury/OEM for further handling.

Resolution No. 2014-105 – BCC signed, dated September 25, 2014. Rezoning property owned by JTL Group (Knife River) located south of Mullan Road, one mile west of Reserve Street, from C-RR1 (Residential) to C-AI (Open and Resource), subject to six conditions of approval. Public Hearings held July 1, 2014 (Missoula Consolidated Planning Board) and July 23, 2014 by BCC. Term/December 12, 2013-September 24, 2014. Original to C&R.

Application – BCC approved/JC signed Board of Investments INTERCAP Loan Application for Central Services FY14 purchases (five motor pool vehicles and three copiers). Loan amount/\$143,095. Original to Christi Page/Finance Director for further handling.

Memorandum of Agreement – BCC signed, dated September 25, 2014. Between County and BREDD (BitterRoot Economic Development District, Inc.) in order to work cooperatively to promote economic development in Mineral and Missoula counties. Term/July 1, 2014–May 31, 2017. Amount/\$30,000 annually to BREDD, subject to annual appropriation in fiscal year budget. Originals to C&R and BREDD.

FY 2013 Continuum of Care Program Grant Agreement – JC signed. #MT0042L8T001300 between HUD and County for Ada's Place Rapid Re-housing Program to provide short-and/or medium-term rental assistance. Grant amount/ \$166,081; \$6,788 to County for grant administration. Term/November 1, 2014 (estimated)-October 31, 2015. Originals to C&R and Melissa Gordon/ Grants.

Board Appointment – BC/JC (with ML dissenting) appointed Dale Jackson to fill an unexpired term on the Tax Appeal Board to December 31, 2014.

County Transportation Ballot – Dated September 23, 2014. JC voted "FOR" approval of changes to the following routes with total miles daily: a) Route SE18A becomes SE18B (pm) – 32 miles; b) Route SE18A becomes SE18 (am) – 26.2 miles; c) Route 11 becomes 11A – 30.6 miles; d) Route 9 becomes 9A – 36 miles; e) Route 8 becomes 8A – 37 miles; f) Route 6 becomes 6A – 20 miles. Ballot to Supt. of Schools.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated September 25, 2014. Amount/\$14,118.03. To County Auditor.

Additional discussion item(s): 1) Elections Advisory Council proposal; 2) Agenda items for Mayor/BCC/ CAO Meeting on October 2<sup>nd</sup>; 3) Expired terms of MCFAC Board members.

**FRIDAY, SEPTEMBER 26, 2014**

BCC met in regular session; quorum present in morning.

Site Visit - BC accompanied Steve Smith on site visit to Lundberg Road (Condon area).

County Payroll Transmittal Sheet – BCC signed. Pay Period: 19/CY2014 - Pay Date/September 19, 2014. Total Payroll/\$1,527,760.32. To County Auditor.

Letter – BCC signed, dated September 25, 2014 to Senator Jon Tester and Congressman Steve Daines, asking them to secure funding for the Payment in Lieu of Taxes (PILT) and Secure Rural Schools and Community Self-Determination Act (SRS) programs for FY 2015. An extension and full-funding of these programs is essential to address immediate needs. A similar letter was sent to Senator John Walsh, thanking him for his important work to secure funding for PILT, as well as SRS, for FY 2015.

  
Kim Seeberger  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, SEPTEMBER 29, 2014**

BCC met in regular session; all three present. Afternoon: BCC, Pat O'Herren, et al, met with CSKT Tribal Council in Admin B14.

Request: Records Disposal/Transfer Authorization – JC signed. (4) Requests from Accounting: 1) Warrant Approval Reports (7/8/1992-6/30/1994); 2) Warrant Approval Lists & Retirement Reports (1/1/1979-6/30/1992); 3) RSID Files Bonds Pd in Full (1/1/1993-6/30-2009); 4) Many misc. files – Statements to Claims, etc. – (7/1/2004-6/30/2006). All to be destroyed.

TUESDAY, SEPTEMBER 30, 2014

BCC met in regular session; all three present. Early morning: BC attended *Frenchtown Safe Route to School Trail* Celebration, held at bus stop at trail near the golf course.

ADMINISTRATIVE MEETING

Grant Documents and Letters – BCC approved/BC signed #EW-2014-EP-00006 Emergency Management Performance Grant (EMPG) FFY2014-15 State and Local Agreement (SLA) between County and the State of Montana. Amount/ \$93,194 for period October 1, 2014-September 30, 2015. Total Project Cost/\$186,388. Grant will pay 50% of Deputy DES Coordinator's salary, and will allow County to host training per Training/Exercise Plan.

Letters – BCC signed three (3), dated September 30, 2014, to Kent Atwood, Grants Bureau Chief, MT DES, Fort Harrison, MT, as follows:

- a) Funding Commitment: accepting said grant, and acknowledging County's match of \$93,194.
- b) Applicant's Agent: Appointing Chris Lounsbury (DES Coordinator) to act on County's behalf during said grant cycle.
- c) Applicant's Agent: Also appointing Adriane Beck (Deputy DES Coordinator) to act on County's behalf during said grant cycle.

Letters and three originals of Agreement to Chris Lounsbury/DES for further handling.

Request – BCC approved request from Carl Ibsen, Sheriff, to purchase a transport van suitable and safe for up to three wheel chair bound inmates. After searching, Sheriff's Office proposes to purchase a used 2007 Chevrolet model for \$31,975, and install/adapt additional hardware for a total price of not more than \$35,000. Price includes delivery of van to Missoula from Georgia. Document to Sheriff for further handling.

Employment Agreements – BCC signed. Between County (PHC) and the following:

- a) Mark Messer, DMD, as a Staff Dentist. Term/August 4, 2014-June 30, 2015. Amount/\$58.64 hourly/\$121975 yearly for 1.0 FTE.
- b) Doug Marbarger, PA-C to provide primary care. Term/June 22, 2014-June 30, 2015. Amount/34.99 hourly/\$91,500 yearly for 1.0 FTE.
- c) Colleen Harrison, MD, for physician services. Term/June 22, 2014-June 30, 2015. Amount/ \$76.92 hourly/\$160,000 yearly for 1.0 FTE.
- d) Bernadette Roy, for Director of Clinical Operations. Term/September 28, 2014-June 30, 2015. Amount/33.65 hourly/\$70,000 yearly for 1.0 FTE.
- e) Joseph Byington, DMD, as a Staff Dentist. Term/June 23, 2014-June 30, 2015. Amount/\$60.61 hourly/63,038 yearly for .50 FTE.
- f) Mary Huddle, Advanced Practice RN Psychiatry. Term/June 22, 2014-June 30, 2015. Amount/ \$50.00 hourly for .60 FTE.
- g) Jazmin Nelson, DMD, as Dental Director. Term/April 16, 2014-June 30, 2015. Amount/\$69.71 hourly/\$145,000 yearly for 1.0 FTE.
- h) Danielle Chapin, PA-C to provide primary care. Term/June 22, 2014-June 30, 2015. Amount/\$43.99 hourly/\$91,500 yearly for 1.0 FTE.

Three originals to Andrea Laine/PHC for further handling.

Letter – BCC signed, dated September 29, 2014. To Ed Toavs/Missoula District Administrator, MT DOT, Missoula, asking that a previous request for a corridor study of MT 200 from Easy Street to Speedway Boulevard be expanded to include MT 200 from Madison Street within city limits to the Speedway Blvd/MT 200 intersection east of E. Missoula. Area would include the newly created Hellgate Urban Renewal District. Letter mailed.

Proclamation – BCC and Mayor Engen signed. Proclaiming October 2014 as Relationship Violence Awareness Month, and urging all citizens to participate in activities/programs sponsored by several groups who work toward the elimination of relationship violence.

Additional discussion item(s): 1) NACO's County Dental Plan; 2) Holiday Schedule. Swearing-In Ceremony for newly-elected officials will be on December 30<sup>th</sup>.

MISSOULA COUNTY COMMISSIONERS' JOURNAL: OCTOBER, 2014

BCC = BOARD OF COUNTY COMMISSIONERS

JC = Commissioner Jean Curtiss, Chair

BC = Commissioner Bill Carey

ML = Commissioner Michele Landquist

The following Claims Lists were signed during the month of OCTOBER 2014:

Date Signed	Claims List Date	Who signed	Amount
October 1, 2014	September 30, 2014	BCC	\$3,220.95
			\$2,191.00
			\$1,717.50
			\$5,361.38
			\$83.00
			\$973.56
			\$145,255.86
October 1, 2014	October 1, 2014	JC, BC	\$1,421.59
			\$8,700.00
			\$176.80
			\$1,661.86
			\$7,665.17
			\$7,808.38
			\$4,822.32
October 1, 2014	PHC Smartfill ACH		\$40,633.82
October 2, 2014	October 1, 2014	BCC	\$4,750.00
			\$6,980.58
			\$818.50
			\$5,500.00
October 6, 2014	September 17, 2014	JC, ML	\$5,417.00
October 6, 2014	October 2, 2014	JC, ML	\$4,411.30
			\$12,071.79
			\$74,689.73
			\$5,238.41
			\$44,038.77
			\$35,357.05
			\$1,000.00
			\$265,318.37
October 6, 2014	October 6, 2014	JC, ML	\$24,282.40
October 6, 2014	October 6, 2014	JC, ML	\$35,006.94
October 7, 2014	October 6, 2014	JC, ML	\$3,197.43
October 7, 2014	October 6, 2014	BCC	\$14,448.45
			\$121,952.14
			\$5,392.20
			\$14,875.54
			\$17,620.20
			\$213.92
			\$8,814.12
			\$4,008.90
			\$56,219.60
			\$1,650.53
			\$634.55
October 3, 2014	PHC Amerisource ACH		\$28,991.14
October 8, 2014	October 6, 2014	JC, BC	\$7,267.01
October 8, 2014	October 7, 2014	JC, BC	\$453.60
			\$332.24
			\$1,681.27
			\$10,000.00



(October 8 <sup>th</sup> , cont'd)			\$18,637.24
			\$7,377.75
			\$467.76
			\$14,065.42
			\$1,629.84
			\$974.14
			\$2,513.56
			\$18,199.75
			\$732.50
			\$520.39
			\$24,500.55
October 8, 2014	PHC Smartfill ACH		\$21,756.50
October 9, 2014	October 7, 2014	JC, BC	\$82,400.45
October 9, 2014	October 8, 2014	JC, BC	\$25,909.61
October 9, 2014	October 9, 2014	JC, BC	\$17,477.24
			\$20,779.00
			\$25,256.18
			\$11,517.23
			\$6,274.21
			\$40,779.32
			\$10,140.53
October 10, 2014	PHC Amerisource ACH		\$54,054.10
October 10, 2014	October 7, 2014	JC, BC	\$15,351.55
October 10, 2014	October 9, 2014	JC, BC	\$5,534.20
			\$260.00
			\$11,415.64
			\$8,281.58
			\$3,809.02
			\$18,502.76
October 14, 2014	October 9, 2014	BCC	\$5,208.98
			\$1,272,256.36
October 14, 2014	October 10, 2014	BCC	\$22,701.17
			\$6,385.59
			\$36,832.60
			\$4,182.89
			\$80,258.84
			\$440.03
October 15, 2014	PHC Smartfill ACH		\$48,123.25
October 16, 2014	October 15, 2014	BCC	\$6,018.37
			\$2,267.31
			\$67,216.18
			\$11,600.37
			\$7,020.90
			\$2,937.31
			\$169.50
			\$1,123.38
			\$22,367.15
			\$432.00
			\$9,060.55
October 17, 2014	PHC Amerisource ACH		\$34,896.02
October 17, 2014	October 15, 2014	JC, BC	\$442.46
			\$17,200.00
			\$603.80
			\$81.04
			\$1,129.94
			\$532.72
			\$842,810.80
			\$100.70
			\$39.85
			\$238,011.56

October 17, 2014	October 16, 2014	JC, BC	\$8,717.66
			\$818.40
			\$99,868.13
			\$1,329.78
			\$715.34
			\$24,424.08
			\$446,804.97
October 21, 2014	October 16, 2014	BCC	\$5,127.80
October 21, 2014	October 17, 2014	BCC	\$133,204.57
October 21, 2014	October 20, 2014	BCC	\$107,370.65
			\$1,215.81
			\$3,062.29
			\$65,229.59
October 22, 2014	October 20, 2014	BCC	\$1,206.04
			\$931.40
			\$1,519.91
			\$21,147.20
			\$86.49
			\$1,709.24
			\$453.10
			\$184,172.99
October 22, 2014	October 21, 2014	BCC	\$26,203.86
			\$1,386.00
			\$2,866.85
			\$619.98
			\$325.80
October 22, 2014	PHC Smartfill ACH		\$32,045.53
October 23, 2014	October 16, 2014	BC, JC	\$452.91
October 23, 2014	October 21, 2014	BC, JC	\$347.74
			\$2,110.54
			\$353.75
October 23, 2014	October 22, 2014	BC, JC	\$3,050.35
			\$1,844.54
			\$10,829.37
			\$134.50
			\$647.99
			\$59,515.46
			\$5,243.76
			\$8,022.32
			\$36,758.00
			\$500.83
October 23, 2014	October 23, 2014	BC, JC	\$982.73
			\$1,389.30
			\$8,104.15
			\$145,020.97
			\$501.40
			\$890.60
October 24, 2014	PHC Amerisource ACH		\$11,530.70
October 24, 2014	October 22, 2014	JC, BC	\$150.00
October 24, 2014	October 23, 2014	JC, BC	\$319.08
			\$200.00
			\$18.50
			\$197.00
			\$28,630.25
			\$6,145.77
			\$12,967.92
October 28, 2014	October 27, 2014	BCC	\$642.40
			\$2,122.87
			\$8,891.60
			\$2,426.04

(Oct. 28 <sup>th</sup> , cont'd)			\$23,868.06
			\$121,631.42
			\$7,349.33
			\$19,055.17
			\$114,496.91
			\$124.75
			\$498.68
			\$250.00
			\$145.28
October 28, 2014	October 27, 2014	JC, BC	\$15,331.34
October 28, 2014	October 28, 2014	JC, BC	\$1,609.04
			\$658.24
			\$1,717.50
			\$60,050.19
			\$117.75
			\$233.20
			\$1,445.00
			\$1,434.03
			\$398.67
			\$63,912.14
October 29, 2014	PHC Smartfill ACH		\$36,386.67
October 29, 2014	October 28, 2014	BCC	\$400.00
October 29, 2014	October 29, 2014	BCC	\$1,897.49
			\$60.36
			\$360.00
			\$565,500.00
October 30, 2014	October 29, 2014	BCC	\$75.75
			\$50.00
			\$32,533.02
			\$698.83
			\$8,461.92
			\$396.35
			\$143.36
October 30, 2014	October 30, 2014	BCC	\$16,782.53
			\$98.81
			\$4,376.21
			\$9,250.00
			\$16,867.20
			\$251.94
			\$690.00
October 30, 2014	October 29, 2014	BC, JC	\$192.10
October 30, 2014	October 30, 2014	BC, JC	\$15,824.03
			\$3,034.71
October 31, 2014	PHC Amerisource ACH		\$15,853.97

All Claims Lists were returned to Auditors.

**WEDNESDAY, OCTOBER 1, 2014**

BCC met in regular session; all three present. Afternoon: JC took part in Missoula Family Violence Council Annual Awards Celebration, held in the Courthouse Rotunda.

ADMINISTRATIVE MEETING – Canceled; no agenda items.

NO PUBLIC MEETING HELD THIS DATE

**THURSDAY, OCTOBER 2, 2014**

BCC met in regular session; quorum present. BC on vacation through Monday, October 6<sup>th</sup>. Evening: JC attended Missoula Public Library's "Big Read" Kickoff, held at Old Post Pub.

Monthly Report – JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Amy Blixt, Acting Justice of the Peace, for month ending September 2014.

Monthly Report – JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending September 2014.

ADMINISTRATIVE MEETING

CBO Grant Agreements – BCC signed, dated October 2, 2014. Between County and the following for FY 2015:

- 1) Missoula Aging Services for program services. Amount/\$15,000; and
- 2) WORD (Families in Transition). Amount/\$22,500.

Originals to C&R and Peggy Seel/GCP.

Contract Amendment – JC signed, dated October 2, 2014. Contract between County and Western MT Addiction and Recovery Services is extended one year so that Missoula Forum for Children & Youth can continue their program activities for FY 2015. Amount/\$30,000. Originals to C&R and Peggy Seel/ GCP.

Contract and Budget Amendment – JC signed, dated September 15, 2014. Master Consulting & Software Development Agreement and Statement of Work (#2014-MC1) between County and snapApps.com, Inc. for assistance in building new permitting system for Public Works, CAPS, and Environmental Health. Term/September 15, 2014 – September 15, 2015. Amount/approx. \$26,000. Two originals to GCP for further handling.

Resolution No. 2014-106 – BCC signed, dated October 2, 2014. Budget Amendment for Technology to transfer \$25,970 from Cash Reserves to fund snapApps.com, Inc. permits (per above description). For total disclosure, expenditures included in formal 2015 Operating Budget/ Revenue Estimates for County.

Originals to C&R and Jason Emery/Technology.

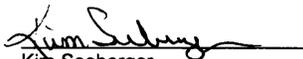
Resolution No. 2014-107 – BCC signed, dated October 2, 2014. Budget Amendment for BREDD in total amount of \$1,703,600 in order to transfer past budgeted BSTF grants into FY2015 BSTF Category I Grants. Funds pass through County from the MT DOC to either assisted businesses or Administrator. For total disclosure, expenditures included in formal 2015 Operating Budget/ Revenue Estimates for County. Original to C&R.

Contract – BCC signed. Between County and City of Missoula Police Department for MCCHD DUI Task Force activities per their Annual Plan and Budget for SFY2015. Term/July 1, 2014–May 31, 2015. Funds received from driver's license reinstatement fees. Two originals to Julie Mohr/MCCHD for further handling.

Additional discussion item(s): Consider bids for Missoula to Lolo (M2L) Trail Project.

**FRIDAY, OCTOBER 3, 2014**

BCC met in regular session; quorum present. BC on vacation through Monday, October 6<sup>th</sup>. Late afternoon: JC attended *All Abilities Playground* Ribbon-Cutting & Celebration, held at McCormick Park.

  
Kim Seeburger  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, OCTOBER 6, 2014**

BCC met in regular session; quorum present. BC on vacation through this date. Early evening: JC joined Senator Jon Tester in visit to Fort Missoula Regional Park for its *America's Great Outdoors Initiative*.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Bruner 3045 Big Flat Road Family Transfer (*info*); 4) City Bond Project update; 5) Growth Policy update; 6) Director's update.

Replacement Warrant - JC signed. Evelyn Fox, Missoula, Principal for DeSmet School Dist. #20 Warrant #14-020310, issued September 19, 2014 on County 186 Fund. Amount/\$63.15 (for payroll). Warrant not received in mail.

**TUESDAY, OCTOBER 7, 2014**

BCC met in regular session; all three present.

Indemnity Bond – JC signed. Kate Beals, Missoula, Principal for MCPS A/P Warrant #27115979, issued September 17, 2014 on County 115 Fund. Amount/\$30 (for MEA/MFT Registration). Warrant lost.

Indemnity Bond – JC signed. Dustin Delridge, Missoula, Principal for A/P-Claims Warrant #27116029, issued September 17, 2014 on County General Fund. Amount/\$36 (for referee services). Warrant destroyed.

Monthly Report – JC examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of District Court, Shirley Faust, for month ending September 2014.

ADMINISTRATIVE MEETING

Bids – Per recommendation of Greg Robertson/Public Works, BCC approved the rejection of three bids (from Western Excavating, LS Jensen Construction, and Jackson Contractor Group, Inc.) in response to the County's advertised bid solicitation for the M2L (Missoula to Lolo) Trail Project. All bids were well in excess of available construction funding. Bid bonds will be returned to bidding companies.

Request – BCC approved request from CAPS/Parks to affirm nomination of Clayton Burtfield as American Legion/Missoula Mavericks' representative on the Big Sky Stewardship Committee. Request returned to Lisa Moisey/Parks.

CBO Grant Agreements – BCC signed, dated October 8, 2014. Between County and the following for FY 2015:

- 1) Western MT Addiction Recovery Services, for support to Flagship Program, Adolescent Treatment, Carole A Graham Home, and SHARE House. Amount/\$160,000;
- 2) Salvation Army, for their Transportation Program. Amount/\$18,000;
- 3) Opportunity Resources, Inc. for continued services. Amount/\$9,766;
- 4) Western MT Addiction Recovery Services, to provide alternate activities (i.e., SPORT, True Stories, Schools' ATI clubs messaging campaign, etc.). Amount/\$50,000 (of \$368,920 from mill levy to support substance abuse prevention efforts in County); and
- 5) Western MT Addiction Recovery Services, for drug and alcohol prevention and referral services. Amount/\$113,670 (of \$368,920 from 2008 mill levy to support substance abuse prevention efforts in County).

Originals to C&R and Peggy Seel/GCP.

FY2014 Homeland Security Grants – JC signed. MT State Dept. of Military Affairs/Disaster & Emergency Services Division Grants between County (Sheriff's Dept.) and MT State Administrative Authority for the following:

- 1) Subgrant in amount of \$99,857 for EOD Robot upgrade;
- 2) Subgrant in amount of \$15,000 for EOD training.

Letters – JC also signed letters to Kent Atwood, MT DES, Fort Harrison, MT, appointing Lt. Jeremy Meeder as County Applicant's Agent in all aspects relating to both grants. Originals of all to Jeremy Meeder for further handling.

Resolution No. 2014-108 – BCC signed, dated October 8, 2014. Budget Amendment for Technology to transfer \$18,069 from Cash Reserves to fund purchase of Suite One Agenda Management Software. Term/October 15, 2014-November 1, 2014. For total disclosure, expenditures included in formal 2015 Operating Budget/ Revenue Estimates for County. Originals to C&R and Andrew Czorny/CFO.

Additional discussion item(s): Freedom Farmers Lease.

**WEDNESDAY, OCTOBER 8, 2014**

BCC met in regular session; all three present in afternoon. ML out of office all morning.

Indemnity Bond – JC signed. Mary Ellen Wood, Superior, Principal for Financial Services Warrant #31312483, issued December 17, 2010 on County Payroll Fund. Amount/\$231.39 (for wages). Warrant destroyed.

Indemnity Bond – JC signed. Mary Ellen Wood, Superior, Principal for Financial Services Warrant #31313500, issued April 22, 2011 on County Payroll Fund. Amount/\$236.40 (for wages). Warrant destroyed.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 20/CY2014 - Pay Date/October 3, 2014. Total Payroll/\$1,448,483.09. To County Auditor.

Sublease Agreement – JC signed. Between County and Hickman Sites, LLC/MT Electronics sublease space at the Blanchard Mountain radio transmission site for storage of amateur radio equipment by the County. Amount/\$20 per month w/annual increase of 3%. Term/September 1, 2014 – August 31, 2019. Originals to C&R and Chris Lounsbury/OEM.

Grant Closeout Certification – BCC authorized BC to sign closeout document for the Big Sky Economic Development Trust Funds BSTF Category I Job Creation Grant (#MT-BSTF-01-13-12) on behalf of Western MT Mental Health Center's Recovery Center Missoula. Grant funds expended/\$75,000; Matching funds expended/\$37,500. Originals to Melissa Gordon/ Jean Harte at GCP for further handling.

Grant Contracts and Budget Amendment – JC signed contracts between County and MT Dept. of Commerce, for the following Big Sky Economic Development Trust Fund Program (BSTF) Category I Job Creation Project Grants (projects end two years after award):

- 1) #MT-BSTF-1-15-02 – Grant awarded August 20, 2014 on behalf of Film Spur, LLC to purchase equipment and software, and lease reduction. Amount/\$112,500.

- 2) #MT-BSTF-1-15-01 – Grant awarded June 11, 2014 on behalf of Blue Marble Energy Corporation, dba Blue Marble Biomaterials, to purchase equipment and machinery. Amount/\$670,272.

Resolution No. 2014-109 – BCC signed, dated October 8, 2014. Budget Amendment for BREDD to transfer total of \$782,772 from BSTF Grants Fund to expenditures for new BSTF grants described above. For total disclosure, expenditures included in formal 2015 Operating Budget/ Revenue Estimates for County. Resolution to C&R; grant documents to Kelly/BREDD.

Grant Award Documents – JC signed. State of MT Board of Crime Control Subgrant #14-V01-91637: Victim Witness Project. VOCA grant for annual funding (FY2015) for Crime Victim Advocate Program. Total amount/\$123,750 (Federal amount awarded/\$99,000; local match/ \$24,750). Two originals to Shantelle/Grants.

Request – BCC reviewed/approved new 2015 Pay Plan/Pay Grade for non-Union County employees. Upgraded pay plan adds a new pay grade 25 to the current non-union plan. Document returned to HR.

Additional discussion item(s): None.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated October 9, 2014:

- Denying request from Yer Moua, Missoula, to refund motor vehicle taxes/fees paid for Title #AA0191204 he renewed within the current year. BCC has no discretion in this area.
- Approving request from Lyle Tripp, Missoula, to refund overpayment of taxes paid on taxpayer id #3423704.

#### PUBLIC MEETING – October 8, 2014

##### 1. CALL TO ORDER

**Commissioners Present:** Commissioner (Chair) Jean Curtiss, Commissioner Bill Carey, Commissioner Michele Landquist

**Staff Present:** Public Works Director, Greg Robertson, CAPS Director, Pat O'Herren, CAPS, Jennie Dixon, CAPS Karen Hughes

##### 2. PLEDGE OF ALLEGIANCE

##### 3. PUBLIC ANNOUNCEMENTS

PROCLAMATION ~ Relationship Violence Awareness Month  
Chair Curtiss read the Proclamation

##### 4. PUBLIC COMMENT

None

##### 5. ROUTINE ADMINISTRATIVE ACTIONS

Current Claims List: \$2,161,830.91

##### Executive Session

Commissioner Carey made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$2,161,830.91. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

##### ~~6. HEARING & DECISION (Continued from September 24, 2014)~~

~~Petition to Abandon a Portion of a Public Right of Way (Lundberg Road, Condon)  
(POSTPONED TO 10-22-2014)~~

##### 7. HEARING (Certificate of Survey)

Bruner (Mira) Family Transfer ~ Big Flat Road

Jennie Dixon gave staff report and asked Ms. Mira Bruner the standard family transfer questions.

**Commissioner Landquist:** Are there any irrigation ditches on this property?

**Mira Bruner:** There is..the irrigations rights you mean?

**Commissioner Landquist:** Well, irrigation rights and/or a trench that runs through an irrigation system. A ditch that runs through the...

**Mira Bruner:** It doesn't run through the property. We have irrigation rights but we have to cross the driveway to access the irrigation ditch.

**Commissioner Landquist:** So will you be splitting those up between the two (2) parcels or keeping the rights with the one? I'd like to know how that's going to go historically.

**Mira Bruner:** We'll probably leave it with three (3), we haven't discussed that in detail.

**Commissioner Landquist:** I just think it's something that needs to be considered when we're splitting up properties. There's ways that you can split them up, depending on how many inches you

have; so much can stay with the three (3) acres, so much can stay with yours if you've historically used it. I hate to see those go by the wayside, especially when they usually go from one point to another point, with points in between. People sometimes feel like they're entitled to use it when they're really not, so that's one of the things that I think you need to make sure you're clear on when you sell your house. Even for building your new house one of these days, you may need to sell that and it could end up being a sticky wick-it for the neighbors. People too often don't understand irrigation rights and the responsibilities that go along with them.

**Mira Bruner:** Good point.

**Chair Curtiss:** So that won't be anything conditioned in this, it's just something to consider.

**Public Comment**  
None

**Executive Session**

Commissioner Landquist made motion that the Board of County Commissioners approve the request by Mira Bruner to create one (1) additional parcel by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Carey second the motion. The motion carried a vote of 3-0.

**8. HEARING**

Installation of Water Main in County Right-of-Way (Between Jeff Drive & Linda Vista Blvd along Upper Miller Creek Road ~ PCI Project)

**Greg Robertson:** The purpose of the main extension is to boost pressure in the upper Linda Vista area which is suffering currently. We have advertised this for public comment, as of this morning we have not received any comment for or against the proposal.

**Public Comment**  
None

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the request by Mountain Water to install a water main in County right-of-way along Upper Miller Creek Road between Linda Vista Blvd and Jeff Drive. Public Works will be the one getting the permits. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

**9. PRESENTATION**

Launch of Public Involvement Portion of Growth Policy Update Project

**Pat O'Herren:** The goal of any strategic plan, of course, is much more than creating a document that has nice pictures and pretty maps in it, and sits on the shelf and becomes shelf art. The goal of any strategic plan, and this particular plan, the Growth Policy Update, is to help us achieve the mission of Missoula County and Community and Planning Services. That mission in a nut shell is to provide exceptional efficient and very effective public service to all of our residents. This plan will help map a path to provide that service in the future and the only way that we'll be successful in doing that is with partnerships with our communities, with our urban residents all of them, and with our rural residents as well. There's roughly a hundred and twelve thousands (112,000) people in Missoula County today, significantly more than when the first plan was adopted in the late 60s and followed up in the mid 70's. Change is difficult, it's difficult for all of us, both personally and professional, whether it's in the work place or whether it's at home. Dealing with that change obviously involves partnerships that help us realize what the core values are for our communities and for our people and what goals those individuals and communities have, in today and into the future. Those partnerships that we have range from the incredibly significant and beneficial partnership with another sovereign nation, the confederated Salish and Kootenai tribes of the Flathead Reservation, to very small local organizations, such as the Missoula Organization of Realtors. Those partnerships range from pyramid mountain lumber in Seeley Lake, which helps that community thrive and exist and has done so in the past, and will continue in the future. Yet also, involves partnerships with the new businesses coming to the Missoula area such as, Harris Manufacturing is revitalizing the Bonner area. It also involves partnerships with non-profit organizations, be it the Five Valley Land Trust or the Missoula Housing Authority or Homeward or others. These partnerships reach across the county, they've been developed over the years, they're exciting, they're innovative and they're crucial if we're going to map our future for not only for ourselves, but for our child and new residents that come in the future. Those partnerships will help us ID both values and goals that are social in nature, cultural, economic and natural resource based. Those are the key components of what makes Missoula such a wonderful county to live in and work in and visit. As I mentioned, change is difficult, this will be a difficult conversation for staff, for residents, for our partners, but change is something that we can't avoid, it's coming, it's here on a daily basis and it will occur well into the future. Just because it's hard doesn't mean we don't undertake the process, in fact, that's all the more reason for us to move forward with this. I want to thank you for your commitment to this process, to this project. You have identified it as a very high priority for the entire county. Developing a growth policy is not an insignificant effort, it requires commitment and it requires the backing of elected officials, so thank you very much for your support of this today. As I mentioned it's an exciting time, we have a staff that is more than willing to take this project on. With us today is Nancy Heil, who is the project lead, she's one of our Senior Planners in Community and Planning Services. She's helped by numerous other staff, both in her section and in our permitting section, as well. Joining us we're very happy to say is the consulting firm of Land Solutions, which is Dave DeGrandpre's Consulting Firm. Dave works across the State of Montana, whether it's in small communities or counties in the Bakken, to land use planning and implementation measure in Lake County when he was the Director of the Lake County Planning

Department at the time. We have an incredible team here, as I mentioned, this is an opportunity for us to help, not only our children but our children's children and all of those folks that are going to come here in the future. It's going to be long, it's going to be hard, but it's going to be incredibly rewarding when we get to the point where you have a document to consider for adoption and implementation. Having said that, I'd like to turn it over to Nancy and to Dave.

**Nancy Heil:** Today we also wanted to provide a little bit of background on the project and for some upcoming public involvement opportunities and to let folks know that there's a lot more information out on our website, which is [www.mcgrowthpolicy.us](http://www.mcgrowthpolicy.us). And as Pat mentioned, we have Dave here today, and he's going to give a little bit of an overview with a PPT presentation, which will include a list of some of the upcoming listening sessions.

**Dave DeGrandpre:** We're gonna start with some frequently asked type questions, just to orient you. What is a growth policy? It's a community vision for how to provide places for people to live, work and recreate. Growth policy is kind of an unusual term. Most places it's called the comprehensive plan or a master plan. In the State of Montana by statute, it's called a Growth Policy. Ultimately, it's a master land use plan for a community. The growth policy guides planning and community development efforts in the coming years. The jurisdiction we're considering here is all of Missoula County except for the City of Missoula. As I think you know, the City of Missoula is undertaking their own growth policy planning project called "Our Missoula", at this time. The reason that we're initiating this project now is because the growth policy that is in effect today was updated in 2005, as you know, there's been a lot of changes since 2005. The current growth policy also includes city and county components. There's been a split in the planning offices and each jurisdiction is, again, undertaking its own growth policy right now. Finally, State law requires that there's a review every five (5) years. Growth policy typically contains and by law actually, it must contain certain things, but it typically contains a vision statement. What we're talking about here; it's an idea or a concept of who and what we are and want to be in our future. By law and in according to good planning practices, in order to develop a growth policy or any planning project, it's important to understand where we are today, what our needs are going to be in the future and what some of the trends are that we're seeing. So that we can get our heads around; what's the population today, what do we project for a growing population in the future and of course, how do we get there? There's where we get to goals and objectives. So those are statements, I guess valued statements of where we want to be in again, specific steps. So it's specific steps we're taking in order to achieve those objectives. I think one of the most important components of a growth policy or any planning project is implementation or an action plan. What we're anticipating at this time is a couple of different levels of actions. We're thinking a relatively short term so one (1) to five (5) years on how to achieve the more short term goals of the growth policy, and then probably some longer range goals and actions for the future...probably up to twenty (20) years is what we're thinking at this time. Essentially, we have the growth policy broken into three (3) general themes; 1) landscapes, 2) livelihoods and 3) communities. We think this is gonna be how the document is organized. We think these are three (3) critical components to the long range planning process and so that's how we're moving forward at this time.

This winter we will take all of the public input and look at the 2005 growth policy, look at ways that certain issues have been addressed in the past. We'll come up with a set of draft goals and objectives and policies moving forward.

Following that, we'll hold a second round of public listening sessions where we're going to say to the public; this is what we heard from you, or at least this is what we think we heard, these are the goals, objectives and policies that we came up with. Did we get it right? Are we approaching these problems or these issues the right way? That's really one of the themes of this project, we want to continually check in with the public and make sure that we're listening to what they're saying, we're hearing correctly and I guess set our courses straight if we're a little bit off.

Next summer we expect to have a whole draft document ready to be released. We're going to take it around the county to different locals again at that time. And ask what do you think? Then finally, there's a public hearing and adoption stage which will occur next fall and winter.

Continued with PPT Presentation.

#### **Public Comment**

**Burt Caldwell:** The greatest fear of mankind is fear of the unknown, in normal civilization that translates to the fear of change. So you're right, it's going to be difficult, no matter how you do it, it's going to be difficult. I hear that you're working with the city, but to be frank, the county is limited in size, and it's going to grow in population. The city's going to grow physically, as well as in population; it's going to get larger. I wanted to question, or at least make sure that you're working with the growth policy group with the city to make sure that 20 years from now, or 10 years from now when you're doing your long term plan that you don't set yourself up that as the city grows there's going to be a conflict between the city growth policy and the county growth policy. I read the newspaper every day and I haven't seen that much in it so I think the publishing of information needs to get more.

**Commissioner Landquist:** We're looking at this as revising the growth policy; how does this effect certain regional land use plans that we have in place, like the Lolo Regional Land Use Plan, the Seeley Regional Plan? In my mind, I imagine if we run into areas when we're doing the field work for ideas on how this growth policy will go, we may end up identifying something that – oh, well that's a good idea to have that in the growth policy and that will also lead us to needing to amend that regional growth policy. I'm looking at this similar to how sometimes we do transportation things when something crops up and we have to amend the long range transportation plan in order to bring a project forward. Because you're right, as we change and grow certain needs and desires, goals and objectives or those areas change as well. So, are we prepared to be able to look at those other guiding documents?

**Pat O'Herren:** We definitely are, and I'll let Nancy expand on that. We spent a great deal of time on this issue and Dave and Nancy have been discussing it as well. It's important to those local communities to make sure their goals and values aren't specifically altered in some contrary way.

**Nancy Heil:** As Dave mentioned in the presentation, our intention is that all of the existing regional plans will remain in effect. The growth policy will continue to serve as an umbrella document and the regional plans actually give more specific guidance at a level that the county-wide growth policy simply couldn't do at a level that a specific community can look at it. So we are looking at that closely, it's an ongoing conversation we've had among staff and consultants and as we move the process forward, we'll be paying attention to that. Also, ensuring that the regional plans are consistent with the overall growth policy.

**Chair Curtiss:** I would think that for example, we have a few of our regional plans that have been there a while, like Frenchtown.

**Nancy Heil:** Frenchtown actually doesn't have one.

**Commissioner Landquist:** The Wye-Mullan area.

**Chair Curtiss:** So, there could be things that pop up that we're talking...

**Nancy Heil:** Sure, we'll be looking at that consistency issue as we're moving further down the road, through the process.

**Chair Curtiss:** That will give us a good basis to do one in Frenchtown.

**Commissioner Landquist:** One other question; I think I mentioned this in an Admin Meeting the other day. Since this is our growth policy and I'm sitting here with my cellphone right in front of me and most everybody's got one these days, we are growing and changing and communication towers need to grow with some of those changes as well. Are we going to since aesthetics and our view sheds are pretty dog gone important to us everywhere, are we going to look at shaping something in our growth policy that talks to the aesthetics of cellphone towers and how they can be designed in a way that they don't stand out like a cellphone tower? They can make them cryptic and make them look like trees these days and they can make them look like clock towers in appropriate places. That's one of the things that I personally would like see, but I know I'm not alone on that.

**Nancy Heil:** So part of what we'll be doing in these listening sessions is hearing from folks in our communities about the issues, just like that one, that are really important to people. As this arises to the surface we'll be looking for ways to have those identified and folded in where appropriate.

**Commissioner Landquist:** It's more than just view shed, there's historic trails and stuff that are important but I also know up Hwy 12, some years ago, a cellphone tower was proposed to be put in and it would have affected the view shed of the Lewis & Trail and Nez Perce stuff, but it never did come about. But yet for the safety of our patrols in that area there's blockages and stuff. So there's good reasons, good valid reasons, to have new and improved communication towers, but there's ways of doing it so that they don't effect a view shed, whether it be just for pleasure or historic nature.

**Pat O'Herren:** To go back a little bit to the regional plans as well; one of the great advantages of those regional plans is that most of them have seen some sort of implementation occur, since they were adopted. That implementation is not always regulatory in nature, I think we have nine (9) different areas where we've helped the Seeley Lake Community Council and the community itself reach and achieve the goals that in the plan. One of the critical issues that we'll be addressing in this series of public involvement meetings will be to talk about that implementation, how it can occur, that it is not always regulatory in nature, but how those community plans work in concert with the overall, as Nancy calls it, the umbrella plan, the growth policy.

10. **OTHER BUSINESS:** None

11. **RECESS**

Being no further business to come before the Board of County Commissioners, meeting recessed at 2:18 pm.

**THURSDAY, OCTOBER 9, 2014**

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING - *Canceled*

**FRIDAY, OCTOBER 10, 2014**

BCC met in regular session; all three present.

  
Kim Seeberger  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, OCTOBER 13, 2014**

**COURTHOUSE AND ADMINISTRATION BUILDING CLOSED FOR THE COLUMBUS DAY HOLIDAY**

**TUESDAY, OCTOBER 14, 2014**

BCC met in regular session; all three present.

**ADMINISTRATIVE MEETING**

Subrecipient Agreement – BCC signed. Continuum of Care Program Grant between County and YWCA of Missoula for the Ada's Place Rapid Re-Housing Program, which will provide short/medium-term rental assistance and support to approx. 27 homeless families. County awarded \$166,081 grant under HUD's FY2013 Homeless Assistance Grants competition; County to receive \$6,788 for administering grant. Estimated term/November 1, 2014– October 31, 2015. Originals to C&R and Melissa Gordon/Grants.

Request – BCC approved County Parks and Trails Advisory Board's recommendation to commit up to \$2,175 in noxious weed mitigation at Big Sky Park. Project term/Fall 2014-Summer 2015. Original to Christine Dascenzo/Parks for further handling.

CBO Grant Agreement – BCC signed, dated October 14, 2014. Between County and Western MT Mental Health Center for FY 2015 program services, in particular the Crisis Residential Program-Dakota Place for intensive mental health treatment, as well as shelter, food, linkage to housing, etc. Amount/\$195,000. Originals to C&R and Peggy Seel/GCP.

Agreement – Acting Chair BC signed. Standard Agreement, State Highway Traffic Safety Section, between County and MT DOT to provide assistance for Missoula County Highway Safety Program Project, and primarily the Selective Traffic Enforcement Program (STEP). Term/within 10 days of October 1, 2014– September 30, 2015. Originals to C&R and Dawn Seaton/Sheriff's Office.

Additional discussion item(s): MRL Presentation (Chris Lounsbury).

**WEDNESDAY, OCTOBER 15, 2014**

BCC met in regular session; all three present in afternoon. Late morning: BCC, Dale Bickell, et al, met with representatives from Cambodia for discussion re: local government.

Indemnity Bond – JC signed. Pepsi Cola Bottling Company, Missoula, Principal for A/P-Claims Warrant #27107400, issued January 23, 2014 on County Student Claims Fund. Amount/\$35.60 (for beverages). Warrant lost.

**ADMINISTRATIVE MEETING**

Indemnity Bond – JC signed. Pepsi Cola Bottling Company, Missoula, Principal for A/P-Claims Warrant #27107400, issued January 23, 2014 on County Student Claims Fund. Amount/\$35.60 (for beverages). Warrant lost.

Resolution No. 2014-110 – BC signed, dated October 15, 2014. Qualifying Resolution relating to financing of a certain proposed project (for easement acquisition and cost to cure items directly related to acquisition of public trail easements to extend Grant Creek Trail); establishing compliance with Reimbursement Bond Regulations under the Internal Revenue Code. Amount/\$90,000 of 2006 Open Space Bond funds (expended from City's portion of bond funds). Original to C&R.

Request – BCC approved request to allow the walkway easement to the Ravenwood Hills Park, located at end of Ravenwood Lane, to be used as an occasional drainage path for surface water runoff. To Lisa Moisey/County Parks for further handling.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated October 1, 2014. Amount/\$51,811.47. To County Auditor.

Additional discussion item(s): None.

**NO PUBLIC MEETING HELD THIS DATE**

**THURSDAY, OCTOBER 16, 2014**

BCC met in regular session; all three present.

**ADMINISTRATIVE MEETING**

Amendment – JC signed. #1 to agreement with HDR Engineering for RSID 8901 Lolo Water & Sewer District Lift Station No. 1 Improvements. Actual engineering services added \$6,487, for a total contract amount of \$11,548. Two originals to Public Works for further handling.

Resolution No. 2014-112 – BCC signed, dated October 16, 2014. Budget Amendment for Technology showing \$17,132 from Cash Reserves and Expenditures in amount of \$17,932 to connect Superintendent of Schools (at 410 W. Spruce) to County Network. For total disclosure, expenditures included in formal 2015 Operating Budget/Revenue Estimates for County. Original to C&R.

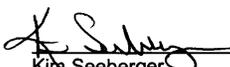
Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated October 16, 2014. Amount/\$46,438.38. To County Auditor.

Additional discussion item(s): *You're Great Awards*.

**FRIDAY, OCTOBER 17, 2014**

BCC met in regular session; all three present. Morning: BC attended closed hearing re: Frenchtown EPA Cleanup, held in the Courthouse.

Indemnity Bond – JC signed. Steven D. Young, Missoula, Principal for MCPS-Claims Warrant #28234475, issued September 19, 2014 on County General Fund. Amount/\$1,055.25 (for wages). Warrant lost.

  
Kim Seeberger  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, OCTOBER 20, 2014**

BCC met in regular session; all three present.

**TUESDAY, OCTOBER 21, 2014**

BCC met in regular session; all three present. Early evening: JC & ML attended *Women's Foundation of Montana* Celebration for new Missoula grantees, held at MonTEC.

**ADMINISTRATIVE MEETING**

Employment Agreements – BCC signed. Between County (PHC) and the following for their services:

- 1) Amber Burdeau, as Clinical Pharmacist. Term/June 22, 2014-June 30, 2015. Amount/\$48.29 per hour.
- 2) Mary Jane Nealon, as Director of Integration. Term/June 22, 2014-June 30, 2016. Amount/\$81,500 yearly.
- 3) Paul Odgaard, RPH, as Pharmacist. Term/June 22, 2014-June 30, 2015. Amount/\$47 per hour.
- 4) Liz Rolle, as Dental Hygienist (.80 FTE). Term/June 23, 2014-June 30, 2015. Amount/\$52,416 yearly.

Originals to C&R and Andrea Laine/PHC.

Agreement – BCC signed. Between County (PHC) and UofM Psychology Dept. to place student at PHC to conduct mental health intakes, problem focused therapy, or referrals. Term/July 1, 2014–May 16, 2015. Amount/\$8,232. Originals to C&R and Andrea Laine/PHC.

Contract – BCC signed, dated October 21, 2014. Between County and Partners Creative to assist County Parks & Trails Program to define/develop a communication brand for said Program. Term/November 1, 2014–March 1, 2015. Amount/\$13,600. Originals to C&R and Lisa Moisey/Parks.

Bid Award/Contract – BCC/County approved bid award and signed contract with Dustbusters, Inc. (as sole bidder) for the FY2015 liquid deicer purchase. Amount/\$65,160. Term/November 1, 2014–April 15, 2015. Originals to C&R and Erik Dickson/ Public Works.

Grant Documentation – BCC approved/JC signed Applicant Disclosure Form, Drug-Free Workplace Form, and Lobbying Disclosure Form for the YWCA Ada's Place Rapid Re-Housing ("APRRH") and SHARE House 2014 Continuum of Care grant applications. County is applying to HUD for \$166,081 for APRRH and \$130,093 for SHARE House project. Originals to Melissa Gordon/Grants for further handling.

Additional discussion item(s): New Yield sign by railroad tracks in Clinton.

**WEDNESDAY, OCTOBER 22, 2014**

BCC met in regular session; all three present.

**ADMINISTRATIVE MEETING**

County Payroll Transmittal Sheet – BCC signed. Pay Period: 21/CY2014 - Pay Date/October 17, 2014. Total Payroll/\$1,444,546.16. To County Auditor.

Contract – BCC signed. Between County (MCCHD) and UofM Office of Public Safety for activities to help reduce tobacco use and raise awareness of new tobacco policy on campus grounds. Amount/not to exceed \$2,000. Term/July 1, 2014–May 31, 2015. Two originals to Julie Mohr/MCCHD for further handling.

Agreement – BCC signed. Between County (MCCHD) and Strata, Inc. for Gasoline Station Document Review and Sampling Oxygenated Fuel Program to help MCCHD ensure compliance with City-County Air Pollution Control Program Regulations. Amount/not to exceed \$4,999. Term/November 1, 2014–March 31, 2015. Two originals to Julie Mohr/MCCHD for further handling.

Resolution No. 2014-113 – BCC signed, dated October 22, 2014. Budget Amendment for Public Works for both personnel and fringe line item adjustments in the total amount of \$25,535 to hire a new .75FTE Wastewater/Water Assistant for RSID 8901 (Lolo Water/Sewer) and RSID 8916 (El Mar Water District). For total disclosure, expenditures included in formal 2015 Operating Budget/Revenue Estimates for County. Original to C&R.

Agreements – BCC reviewed/JC signed two (2) agreements between County and Vision Technology Solutions, d/b/a Vision Internet Providers, for services relating to the County's Website Redevelopment Project (assisting County in redesigning website, implementing a content management system, content migration, and staff training):

- 1) Website Development Services: Amount/\$70,650. Begin/October 22, 2014. Project to take approx. six months.
- 2) On-Premise Subscription Services: Amount/\$475 to set up website; \$8,880 yearly + 5% annual increase. Project start/October 22, 2014. Provides unlimited technical support and upgrade services.

Originals to C&R to Anne Hughes/Communications.

Request – BCC made first adoption of the new recodified Missoula County Animal Control Ordinance, which includes the increase of fees (per schedule therein). Document returned to Jim Carlson/MCCHD. [2<sup>nd</sup> approval to be considered November, 2014; document to be finalized in December].

County Transportation Ballot – Dated October 22, 2014. JC voted "FOR" approval of changes to the following routes with total miles daily: a) Route SE17C becomes SE17A – 36 miles; b) Route SE17B becomes SE17 – 36 miles; c) Increase Route SE18C (am) – 32.2 miles; d) Increase Route SE18D (pm) – 38 miles. Ballot to Supt. of Schools.

Additional discussion item(s): Nationwide Insurance benefits.

#### **PUBLIC MEETING – October 22, 2014**

##### **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 28<sup>th</sup>, 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 Conkle:** 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 Vickie 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 a 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 taxes at 100% in year ten. You'll be done with your project on November 30<sup>th</sup>, 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 2<sup>nd</sup> 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 12<sup>th</sup> so I was going to suggest moving to a date beyond November 30<sup>th</sup> 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 1<sup>st</sup>. 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 chunk 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 12<sup>th</sup>, 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 12<sup>th</sup>.

**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 placed 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 Dowdall:** 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 appear 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 purposes 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 personally 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 than 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:** 5<sup>th</sup> 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 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 5<sup>th</sup> 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 be 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 than 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 absolute 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 state wide 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 about 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 24<sup>th</sup>, 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:

- 1) 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.
- 2) 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.
- 3) 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 Caldwell:** 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 Caldwell:** 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 5<sup>th</sup> 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 30<sup>th</sup>. 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 28<sup>th</sup> 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 22<sup>nd</sup>, with final adoption to take place at the public hearing on November 12<sup>th</sup>, 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 12<sup>th</sup>.

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.

**Dori 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 12<sup>th</sup> 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 [time not noted]**

Resolution No. 2014-123 – JC signed, dated October 22, 2014. Ordinance creating [provisionally adopting] the Bonner West Log Yard Targeted Economic Development District (TEDD) in Missoula County; establishing a) a tax increment financing program to assist in financing necessary public infrastructure; b) costs which may be paid by tax increment financing; 3) boundaries thereof; 4) January 1, 2014 as base taxable year; and providing for repeal of all parts of ordinances/resolutions in conflict herewith, and providing for effective date hereof. Original to C&R.

**THURSDAY, OCTOBER 23, 2014**

BCC met in regular session; all three present.

Replacement Warrant - JC signed. Heather L. Hemphill, Missoula, Principal for Financial Services Warrant #31321803, issued August 23, 2013 on County Payroll Fund. Amount/\$200.24 (for wages). Warrant not received in mail.

**ADMINISTRATIVE MEETING**

Project Specific Agreement – JC signed. Between County and MT Department of Transportation for the preliminary engineering of South Avenue Bridge Project (Bitterroot River, Target Range area, West of Missoula [BR 9032(65) UPN 6296]). Purpose is to generally outline agency responsibilities and commit funds to finalize design and complete the environmental process. BR funds/\$451,082; Non-federal Match/\$69,918. Two originals to Greg Robertson/PW for further handling.

Budget Transfer – BCC signed, dated October 23, 2014. Control #14-023 for Finance Dept. showing miscellaneous fund transfers to correct overages in certain categories (personnel/operations/capital outlay/transfers out) by moving budget surplus from other categories within the various funds. Original to Teresa Graham/Accounting.

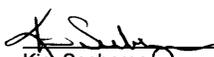
Resolution No. 2014-115 – BCC signed, dated October 23, 2014. Budget Amendment to correct budget overages in certain categories (personnel/operations/capital outlay/transfers out) with additional revenues received (or from existing cash reserves). For total disclosure, expenditures included in formal Fiscal Year 2014 Operating Budget/ Revenue Estimates for County. Original to C&R.

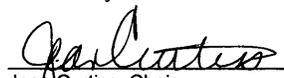
Lease Agreement – BCC signed, dated November 14, 2014. Between County and Pi Property Management, LLC for the lease of main floor at 410 W. Spruce, Missoula, for Superintendent of Schools office space. Amount/\$12 (rent) + \$2.50 (common areas/utilities) per square foot per year (with annual increase). Term/November 14, 2014 – November 14, 2019. Two originals to SOS for further handling.

Additional discussion item(s): Agreement with Cooperative Housing Resources, LLC.

**FRIDAY, OCTOBER 24, 2014**

BCC met in regular session; quorum present. ML out of office all day.

  
Kim Seeberger  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, OCTOBER 27, 2014**

BCC met in regular session; all three present. Evening: BCC and City Council held Joint Hearing at City Council Chambers regarding use of portion of Open Space Bonds for the Grant Creek Trail II.

Resolution No. 2014-111 – BC signed, dated October 27, 2014. Revoking an Agricultural Covenant approved in January 1982 for Parcel A2A, COS #2708, located in Section 15, T 11 N, R 20 W, PMM, Missoula County, which deemed parcel to be used exclusively for agricultural purposes. Public Hearing held October 22, 2014, which found that revoking the agricultural covenant was in the public interest and not an attempt to evade subdivision review.

**TUESDAY, OCTOBER 28, 2014**

BCC met in regular session; quorum present. ML out of office all day. Afternoon: JC, Marcy Allen, et al attended Local Government Sub-Committee Meeting, held at City Council Chambers.

ADMINISTRATIVE MEETING

Agreement – BCC signed. Between County and Missoula Urban Transportation District (“MUTD”) for the Missoula County Employee (EZ Pass) Program. Term/July 1, 2014–January 5, 2015. Amount/\$4,012.50. Originals to C&R and Mountain Line.

Agreement – BCC signed, dated October 23, 2015. Between County and Missoula Correctional Services to provide community service, Misdemeanor Supervision and Pretrial Supervision programs. Amount/\$418,868 for term July 1, 2013–June 30, 2014; and \$469,863 for services July 1, 2014–June 30, 2015. Originals to C&R and Sue Wilkins.

Renewal Agreement – BCC signed, dated October 28, 2014. Between County and Missoula Economic Partnership to support economic development activities in Missoula County. Term/September 1, 2014–August 13, 2015. Amount/\$50,000. Originals to C&R and Mountain Line.

Additional discussion item(s): County Fire Chief/Fire Warden.

**WEDNESDAY, OCTOBER 29, 2014**

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

CBO Grant Agreements – BCC signed, dated October 2, 2014. Between County and the following for FY 2015:

- 1) Open Aid Alliance, to provide specific assistance to 47 HIV positive individuals. Amount/\$4,000; and
- 2) Child Development Center, to provide temporary and emergency shelter for 20 children/young adults with disabilities at the Center’s respite house. Amount/\$10,000.

Originals to C&R and Peggy Seel/GCP.

Request – BCC reviewed/approved proposed new Human Resources policy (Section 309.00) that addresses the employment and compensation status of employees appointed as “Chief Deputies”. Document to Patty Baumgart/HR.

Additional discussion item(s): None.

NO PUBLIC MEETING HELD THIS DATE

**THURSDAY, OCTOBER 30, 2014**

BCC met in regular session; all three present. BCC attended Sheriff’s Office Remodel Open House, held between the hours of noon and 5pm.

ADMINISTRATIVE MEETING

Agreement – BCC signed. Between County (MCCHD) and Hill County, to provide nurse supervision/data entry for the Nurse-Family Partnership home visiting program in Hill County. Amount/not to exceed \$26,151. Term/July 1, 2014–June 30, 2015. Two originals to Julie Mohr/MCCHD for further handling.

Memorandum of Agreement – JC signed. Between County (MCCHD) and Providence St. Patrick Hospital to work together to provide the Coordinated Approach to Child Health (“CATCH”), a school health program for children from preschool through grade 8. MCCHD will provide the necessary .5 FTE for CATCH; SPH will provide up to \$32,000. Term/July 1, 2014–June 30, 2015. Two originals to Julie Mohr/MCCHD for further handling.

Task Order – JC signed. #15-07-5-21-014-0 between MCCHD and MT DPHHS (Missoula County WIC Program Master Contract 7/1/12-6/30/19). Grant funding for WIC services in amount of \$496,695 for period October 1, 2014–September 30, 2015, which includes Breastfeeding Peer Counselor Program. Three originals to Julie Mohr/MCCHD for further handling.

Employment Agreement – BCC signed. Between County (PHC) and Amanda Moffett-Frey, for Pharmacist services. Term/June 22, 2014–June 30, 2015. Amount/\$47 per hour. Originals to C&R and Andrea Laine/PHC.

Request – BCC approved request from PHC for additional sick leave donations for a PHC employee currently receiving chemotherapy treatments through mid-February. Request approved for an additional 100 hours when donations exceed current cap. Document to Kim Mansch/PHC.

CBO Grant Agreement – BCC signed, dated October 30, 2014. Between County and Missoula City-County Health Department for professional services for FY2015. Amount/\$42,435. Originals to C&R and Peggy Seel/GCP.

Letter – BCC co-signed with Professional Consultants, Inc., dated October 22, 2014. To Louis Miller, L.S. Jensen Construction, Missoula, granting his request to stop contract time on September 17, 2014 for the Airway Boulevard Rehabilitation Project, as two issues still need to be addressed. New contract deadline will be summer of 2015. Original to Barb Martens/Projects.

Resolution No. 2014-116 – JC signed, dated October 30, 2014. Relating to Limited Tax General Obligation Bonds, Series 2014; authorizing the issuance and private negotiated sale thereof for debt financing for County Grants, CVA and Administrative Buildings. Fiscal impact/\$133,708. Original to C&R.

Resolution No. 2014-114 and Documentation – JC signed, dated October 30, 2014. Authorizing participation in Board of Investments of Montana State INTERCAP Revolving Program, approving the form and terms of the Loan Agreement, and authorizing execution and delivery of documents related thereto. Amount/\$487,288 for three 2015 Freightliner Trucks, three Jeep Patriots and security equipment for Public Works. Term/May 2014-October 25, 2014. Originals to C&R and INTERCAP Bond Program.

Additional discussion item(s): Proposal to conduct a Market Assessment and Financial Feasibility Study for the MC Fairgrounds.

**FRIDAY, OCTOBER 31, 2014**

BCC met in regular session; all three present. Morning: BCC attended MEP's Annual Meeting, held at the UofM Center. Afternoon: BCC attended retirement celebration for Susan Bomstad.

  
\_\_\_\_\_  
Kim Seeberger  
Clerk & Recorder

  
\_\_\_\_\_  
Jean Curtiss, Chair  
BCC

**MISSOULA COUNTY COMMISSIONERS' JOURNAL: NOVEMBER, 2014**

- BCC = BOARD OF COUNTY COMMISSIONERS**
- JC = Commissioner Jean Curtiss, Chair**
- BC = Commissioner Bill Carey**
- ML = Commissioner Michele Landquist**

The following Claims Lists were signed during the month of NOVEMBER 2014:

Date Signed	Claims List Date	Who signed	Amount
November 3, 2014	November 3, 2014	BCC	\$400.00
November 5, 2014	PHC Smartfill ACH		\$23,621.46
November 6, 2014	November 5, 2014	BCC	\$4,453.40
			\$1,500.00
			\$1,037.29
			\$149.85
			\$5,470.55
			\$37,372.68
			\$40,772.16
			\$2,536.40
			\$77,181.79
			\$9,361.02
November 6, 2014	November 5, 2015	JC, BC	\$1,039.80
			\$4,137.68
			\$1,417.36
November 6, 2014	November 6, 2014	JC, BC	\$3,423.29
			\$682.60
			\$20,732.75
			\$3,369.57
			\$30,258.25
November 7, 2014	November 5, 2014	BC, JC	\$45,944.95
November 7, 2014	November 6, 2014	BC, JC	\$9,732.55
			\$5,155.22
			\$137.37
November 10, 2014	November 10, 2014	BCC	\$3,226.85
			\$23,394.22
			\$1,579.50
			\$29,951.13
			\$2,631.00
			\$3,277.59
			\$12,661.95
			\$22,612.43
			\$51,291.69
			\$51,291.69
November 12, 2014	November 10, 2014	JC, BC	\$27,906.44
			\$904.98
			\$612.23
			\$153.44
			\$4,158.33
			\$967.82
			\$2,312.14
			\$5,843.66
			\$13,611.98
			\$13,611.98
November 7, 2014	PHC Amerisource ACH		\$48,177.29
November 12, 2014	November 10, 2014	BC, JC	\$172,898.18
November 12, 2014	November 12, 2014	BC, JC	\$1,440.80
November 12, 2014	PHC Smartfill ACH		\$35,387.80
November 13, 2014	November 10, 2014	BC, JC	\$1,712.08



November 13, 2014	November 12, 2014	BC, JC	\$30,632.47
			\$7,970.28
			\$3,686.75
			\$669.61
			\$8,839.93
			\$90.00
			\$265.36
			\$183.00
November 14, 2014	November 13, 2014	BC, JC	\$6,939.74
			\$18,403.54
			\$21,360.00
			\$3,581.74
			\$4,877.62
November 14, 2014	PHC Amerisource ACH		\$26,679.47
November 18, 2014	November 17, 2014	BC, JC	\$31,429.70
			\$12,071.78
			\$8,931.84
			\$2,787.08
			\$172,151.13
			\$68,035.81
			\$24,742.40
			\$9,614.49
			\$1,059.00
			\$1,730.87
			\$472.64
November 18, 2014	November 18, 2014	BC, JC	\$1,166,231.93
			\$375.00
			\$9,756.74
			\$2,642.54
			\$440.42
			\$10,202.25
November 19, 2014	November 17, 2014	BC, JC	\$41,560.97
November 19, 2014	November 18, 2014	BC, JC	\$13,247.25
			\$101.48
			\$1,072.11
			\$661.00
			\$2,432.82
			\$37.50
			\$1,572.50
			\$35,785.80
November 19, 2014	November 19, 2014	BC, JC	\$11,872.58
November 19, 2014	PHC Smartfill ACH		\$39,134.29
November 20, 2014	November 18, 2014	JC, BC	\$2,933.53
			\$143,467.20
			\$2,081.24
November 20, 2014	November 19, 2014	JC, BC	\$413,978.05
			\$19,789.45
			\$3,771.29
			\$756.62
			\$2,795.35
November 21, 2014	November 19, 2014	JC, BC	\$29,768.79
			\$3,656.48
			\$6,712.16
November 21, 2014	November 20, 2014	JC, BC	\$4,621.72
			\$6,685.29
			\$1,256.76
			\$23,704.00
November 21, 2014	PHC Amerisource ACH		\$23,298.96
November 25, 2014	November 24, 2014	JC, ML	\$283.73
			\$20,393.53
			\$246.62
			\$306.62
			\$3,848.09
			\$1,393.08

(November 25, cont'd)			\$54,148.46
			\$26,836.68
			\$22,723.56
			\$7,959.40
			\$16,328.20
			\$553.10
			\$715.98
			\$11,285.10
			\$453.21
			\$6,089.46
			\$45.68
			\$478.78
		\$453.60	
November 25, 2014	November 25, 2014	JC, ML	\$526.00
November 26, 2014	PHC Smartfill ACH		\$82,497.08
November 28, 2014	PHC Amerisource ACH		\$40,438.69

All Claims Lists were returned to Auditors.

**MONDAY, NOVEMBER 3, 2014**

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Erck Shoreline Permit (*action*); 4) Clark Fork River Corridor through Missoula (summary of event); 5) Director's update.

Shoreline Permit w/Conditions – JC signed. #2015-04 for Applicants Louis Erck to replace an old dock with a new one at 4150 S. Placid Lake Road, Seeley Lake. Conditions: not to exceed 600 sf; old dock and retaining wall to be removed. Original to Todd Kliez/CAPS for further handling.

County Transportation Ballot – Dated October 31, 2014. JC voted "FOR" approval of revised route for Target Range School: Previous routes 3 & 4 were combined to create route 3T. Ballot to Supt. of Schools.

**TUESDAY, NOVEMBER 4, 2014**

**COURTHOUSE AND ADMINISTRATION BUILDING CLOSED FOR THE  
GENERAL ELECTION HOLIDAY**

**WEDNESDAY, NOVEMBER 5, 2014**

BCC met in regular session; all three present. Afternoon: JC attended Leadership Team meeting of *Let's Move! Missoula*, held at Currents Conference Room.

Monthly Report – JC examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of District Court, Shirley Faust, for month ending October 2014.

**ADMINISTRATIVE MEETING**

Budget Transfer – BCC signed. Control #15-001 for Weed/Extension Dept. reflecting total of \$34,660 of budgeted dollars from incorrect codes loaded in the system to new fund code, including the new project code numbers for FY14-15. Original to Teresa Graham/Accounting.

Letter – BCC signed, dated November 5, 2014. To Karl Uhlig, Bonner-Milltown Community Council, Milltown, in response to their request to submit comments to the Surface Transportation Board ("STB") for the Tongue River Railroad EIS regarding impacts of additional train traffic. The STB is preparing a draft EIS which will be available for public review in the spring of 2015. The BCC also provided an update on all five federal environmental studies that will evaluate the impacts of coal activities in WA, OR and MT.

Additional discussion item(s): Hayden Litigation.

**NO PUBLIC MEETING HELD THIS DATE**

**THURSDAY, NOVEMBER 6, 2014**

BCC met in regular session; all three present. Afternoon: BCC met with Sheriff Ibsen, et al re: overcrowding at the Detention Center.

Monthly Report – JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Amy Blixt, Acting Justice of the Peace, for month ending October 2014.

Monthly Report – JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending October 2014.

Replacement Warrant - JC signed. TAPCO LLC, Fort Collins, CO, Principal for County Treasurer Warrant #17041, issued September 8, 2014. Amount/\$424.54 (for refund). Warrant not received in mail.

Indemnity Bond - JC signed. Andrew Beck, Missoula, Principal for Larchmont Golf Course Warrant #5100-2005, issued August 18, 2014 on County General Fund. Amount/\$119.31 (for payroll). Warrant lost.

Indemnity Bond - JC signed. Fundamentals of Learning, Missoula, Principal for Target Range School Claims Warrant #15055599, issued August 7, 2014 on County Claims Fund. Amount/\$1,394.98 (for 2<sup>nd</sup> grade & kindergarten supplies). Warrant lost.

#### ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet - BCC signed. Pay Period: 22/CY2014 - Pay Date/October 31, 2014. Total Payroll/\$1,483,703.56. To County Auditor.

CBO Grant Agreement - BCC signed, dated October 28, 2014. Between County and The Salvation Army for FY2015 Winter Shelter Program. Amount/\$37,000. Originals to C&R and Peggy Seel/GCP.

Resolution No. 2014-117 - BCC signed, dated November 6, 2014. Adopting the Missoula Next-Generation Broadband Feasibility Study, and accepting designation of a county elected official and county staff member to serve on the task force. Task force established by City of Missoula on August 4, 2014. Original to C&R.

Letter - BCC signed, dated November 5, 2014. To US Army Corps of Engineers, Water Resources Reform and Development Act, Washington, DC, in support of the Seeley Lake Sewer District ("SLSD") and its effort to secure funding for development of a comprehensive wastewater collection/treatment facility. County is committed to helping via an Interlocal Agreement (including \$110,000 no-interest loan) between County and SLSD. Original to Amy/Public Works.

Request: Records Disposal/Transfer Authorization - JC signed. From Missoula Animal Control: Many miscellaneous records ranging from 1964-2011, including citations/deposits/adoptions/various reports/impounds, etc. To be destroyed.

County Transportation Ballot - Dated November 4, 2014. JC voted "FOR" approval of revised route for Clinton School District: Route 6A Co-teach - 80.6 miles/day (increase of 10.6 miles due to addition of another co-Teach student). Ballot to Supt. of Schools.

Additional discussion item(s): Unexpired board terms, elected training, Oaths of Office for 12/30/14.

#### **FRIDAY, NOVEMBER 7, 2014**

BCC met in regular session; quorum present. JC at MCCC (Multi-County Coordinating Committee) through Saturday, November 8<sup>th</sup>, held at Aging Services. Morning: BC/ML attended District DES Meeting, held at Missoula Emergency Services.

  
Kim Seeburger  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

#### **MONDAY, NOVEMBER 10, 2014**

BCC met in regular session; quorum present. ML out of office all day.

Community and Planning Services Update - BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Planning Board Subcommittee presentation; 4) Colt Summit/Partners Amicus Brief; 5) Meeting on Holland Lake Day Use Fee; 6) Welcome to Signs Guide Book; 7) Director's update.

Tax Abatement Request - At meeting with Clerk & Recorder, BCC approved letter dated November 14, 2014, approving request from Dr. F. Whitsell, Missoula, to refund overpayment of taxes paid on taxpayer id #600100, due to property being assessed as an 8-plex instead of a 6-plex.

#### **TUESDAY, NOVEMBER 11, 2014**

#### **COURTHOUSE AND ADMINISTRATION BUILDING CLOSED FOR THE VETERANS DAY HOLIDAY**

Late morning: JC spoke at Veterans Day Ceremony held on the Courthouse Lawn.

#### **WEDNESDAY, NOVEMBER 12, 2014**

BCC met in regular session; all three present. Morning: BCC gave opening remarks at the Training for Newly-Elected County Officials, held in the Administrative Building.

Plat and Agreement - Owners/Joseph B. and Elena F. Hylton. Sundown Acres, a residential subdivision located at Lot 112 of Orchard Home Company's Addition No. 6, in the NW¼ of Section 35, T 13 N, R 20 W, PMM, Missoula County. Total area/4.79 acres.

Subdivision Improvement Agreement – JC signed, dated September 17, 2014 between County and Joseph Hylton in the estimated amount of \$42,277.50 for following improvements required for plat approval: 1) construction of Downriver Drive; 2) abandonment of existing driveway/approach; and 3) implementation of Vegetation Management Plan. Secured by Letter of Credit from First Montana Bank. Improvements to be completed by May 20, 2016.

#### ADMINISTRATIVE MEETING

Change Order – JC signed. #3 to contract between County and LS Jensen for Momont Reconstruction and Expressway Chip Sealing project. Order is to replace existing sidewalk and truncated dome at NE corner of Butler Creek and Expressway. Additional amount/\$3,877.50; new Contract Price/\$531,040.10. Project Term/February 2013–November 2014. Original to Barb Martens/Projects for further handling.

Contract – BCC signed, dated November 20, 2014. Between County and Linda Stoll for Interim Legislative Services. Amount/\$8,000. Term/January 1, 2014–December 31, 2014. Originals to C&R and Linda Stoll.

Memorandum – To Human Resources, from BCC, dated November 12, 2014. Stating effective November 19, 2014, Kim Seeberger will return to her position as Chief Deputy Treasurer, and will maintain her pay rate at current level of \$36.34 per hr. until January 3, 2015 (at which time her rate of pay will return to \$29.10 per hr. for her position as Chief Deputy Treasurer as rate set for FY2015). Original to HR.

Request – BCC made second adoption of the new recodified Missoula County Animal Control Ordinance, which includes the increase of fees (per schedule therein). Document returned to Jim Carlson/MCCHD. [1<sup>st</sup> approval made October 22, 2014; document to be finalized in December].

Additional discussion item(s): 1) Public Works update; 2) MCFAC Bylaws/Resolution; 3) Tyler Gernant Oath of Office; 4) Personnel vacancies.

#### **PUBLIC MEETING – November 12, 2014**

##### **1. CALL TO ORDER**

**Commissioners Present:** Commissioner (Chair) Jean Curtiss, Commissioner Bill Carey  
**Commissioners Absent:** Commissioner Michele Landquist

**Staff Present:** Andrew Czorny, Chief Finance Officer, Marnie McClain, Chief Deputy Attorney, Dori Brownlow, County Attorney, Jeff Darrah, Animal Control Supervisor, Barbara Martins, Special Projects

##### **2. PLEDGE OF ALLEGIANCE**

##### **3. PUBLIC ANNOUNCEMENTS**

Holiday display at the Historical Museum

##### **4. PUBLIC COMMENT: None.**

##### **5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List: \$2,121,046.45

##### **Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$2,121,046.45. Chair Curtiss second the motion. The motion carried a vote of 2-0.

##### **6. HEARING (Continued from October 22, 2014)**

##### **New or Expanding Industry Tax Benefits Application (Roseburg Forest Products)**

**Andrew Czorny:** I spoke to the State this morning about the Roseburg continuing tax credits and they informed me they need a specific number for the Commissioner to adopt, since the capital project has been split into two phases; phase I and phase II. I spoke to Camper Roseburg and he said that his engineers have been pulled away to another Roseburg facility because they had a fire there, so he wasn't able to get as much of the information as he would like to have for this hearing. He asked if this could be continued to the first meeting in December so he could accumulate those capital expenses.

**Public Comment:** None

##### **Executive Session**

Commissioner Carey made motion that the Board of County Commissioners continue the hearing on December 10th. Chair Curtiss second the motion. The motion carried a vote of 2-0.

##### **7. HEARINGS (Second of Two Hearings)**

##### **a. Proposed County Animal Control Ordinance Update**

**Jeff Darrah:** We'd like to move forward with this request. I do have copies if anyone needs one. I'm open for any questions.

**Chair Curtiss:** We had a couple changes last time, mostly in the fee area; we changed the calendar year to 12 months. I had a note about animals in stores; I think that was about people having the right to bring their dogs into stores.

**Jeff Darrah:** Right. As long as they claim they are a service animals we don't have a lot of discretion. If they say it's a service animal, it's a service animal.

**Chair Curtiss:** I think probably where it gets mixed up is some people have a companion animal and through law can have it in an apartment.

**Jeff Darrah:** Qualified service dogs are also for post-traumatic stress syndrome that's not something that you can look at and say you can see, like a blind person.

**Public Comment**

**Marnie McClain:** What I have provided to the Commissioners is a copy of a recommended motion which the commissioners could make if they decide to adopt the ordinance.

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners adopt the Missoula County Animal Control Ordinance as proposed and amended effective 30 days from today, December 12, 2014. Chair Curtiss second the motion. The motion carried a vote of 2-0.

**Marnie McClain:** Could that motion also include that the previous ordinance described in Resolution 2006-039 be repealed and will no longer be in effect.

**Additional Motion:**

On the effective date of ordinance, the previous ordinance as described in Resolution 2006-039 will be repealed and no longer effective. Chair Curtiss second the motion. The motion carried a vote of 2-0.

**b. Proposed Creation of the Bonner Targeted Economic Development District (TEDD) – 2nd Hearing**

**Barbara Martens:** First reading of the Ordinance took place on October 22nd and this will be the second reading at the hearing today and proposed for the final adoption. The public notice for the creation of the TEDD did comply with statutory requirements. There was a notice posted after the first reading. The county hired our consultants Janet Cornish and Lynette Windemaker of Community Development Services of Montana.

**Janet Cornish, Community Development Services:** We're here for the second reading and adoption of the Resolution that would in turn adopt an ordinance that would create the Bonner Targeted Economic Development District (TEDD). In doing so, we would adopt a plan that includes a provision for the county to use tax increment financing as one of the tools to help provide resources for infrastructure development in the area, in support of manufacturing valued added businesses to the area. Previously, as you know, the county adopted a Resolution of necessity, which the state requires prior to creating such a district. That statement of necessity noted the infrastructure deficiencies in the Bonner area, which more specifically what we call the West Log Yard area.

**Public Comment: None**

**Chair Curtiss:** There was some confusion at the last meeting about whether or not we needed a Resolution of Intent. We followed all the rules and regulations, although we did get a little twisted around on what we call different things. We have complied with the Statutory Notice Compliance.

**Dori Brownlow:** You just need to approve the Resolution. I believe this one will be effective in 30 days.

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the Resolution to adopt the Ordinance creating the Bonner West Log Yard, Targeted Economic Development District (TEDD). Chair Curtiss second the motion. The motion carried a vote of 2-0. This will take effect in 30 days.

**Janet Cornish:** We file at the 30-day period, December 12th, we will assemble all the materials that the State requires. We will assist Barbara Karen, Dori in putting that packet together.

**8. OTHER BUSINESS: None.**

**9. RECESS**

Being no further business to come before the Board of County Commissioners, meeting recessed at 1:50 pm.

**THURSDAY, NOVEMBER 13, 2014**

BCC met in regular session; all three present. Morning: BCC met with Public Works, DNRC, et al re: Seeley Pit and Riverview Bridge. Afternoon: BC attended meeting re: Holland Lake Day Use Fees, held at Forest Service Office.

**ADMINISTRATIVE MEETING**

**Resolution No. 2014-118 and Agreement** – JC signed on November 13, 2014. Relating to up to \$2,000,000 Limited Tax General Obligation Bonds, Series 2014, authorizing issuance of bonds, determining form and details authorizing execution/delivery, and making appropriations for the payment thereof. For Grants Building Project, County's Woody Street Building, and 2015 Administration Building Project. One original to C&R. Three originals to Dorsey Whitney for closing November 20<sup>th</sup>.

Bond Purchase Agreement – JC signed on November 12, 2014. Between County and First Security Bank, Missoula, for up to \$2,000,000 Limited Tax General Obligation Bonds, Series 2014, per above journal entry. Closing Date/on or about November 20, 2014. Three originals to Dorsey Whitney for closing November 20<sup>th</sup>.

Change Order – BCC signed. #1 to contract between County and A&E Architects/Jackson Contractor Group for Phase 3B (County Courthouse Annex Stairs and 3<sup>rd</sup> Floor Office remodel). Order amount/\$119,916.27 for 22 misc. items (set forth therein); new Contract Sum/\$2,076,906.27. Date of Substantial Completion for this Order is February 1, 2016. Original to Barb Martens/Projects for further handling.

Resolution No. 2014-119 and Application – BCC signed, dated November 13, 2014. Resolution authorizing submission of MT DOC Community Development Block Grant Application; and JC signed Agreement to Certifications for Application on behalf of District XI Human Resource Council to continue its home rehab loan program in amount of \$212,000. Estimated project term/March 1, 2015-June 30, 2016. Original to C&R.

Grant Documents – BCC signed the following for the Big Sky Economic Development Trust Fund BSTF Category I Job Creation Grant (#MT-BSTF-1-15-02) on behalf of FilmSpur, LLC (grant awarded August 20, 2014): 1) Sub-Recipient Agreement between County and Bitterroot Economic Development District (BREDD); 2) Management Plan between County BREDD and FilmSpur; 3) Business Assistance Agreement between County and FilmSpur, for up to \$106,875 grant funds. Budget Resolution passed October 8, 2014. Originals to Clerk & Recorder.

Grant Documents – BCC signed MT DOC Management Plan Amendments between County, BREDD and the following, in order to have BREDD administer Big Sky Economic Development Trust Fund BSTF Category I Job Creation Grants at a rate of \$75 per hour plus documented expenses:

- 1) #MT-BSTF-1-14-08-MP-A for Submittable, Inc.
- 2) #MT-BSTF-1-14-04-MP-A for Nutritional Laboratories International.
- 3) #MT-BSTF-1-13-13-MP-A between County and BREDD for grant administration.
- 4) #MT-BSTF-1-13-11-MP-A between County and BREDD for grant administration.

Originals to Clerk & Recorder.

Utility Easement – BCC approved/signed, Northwestern Energy's request for an easement in Fort Missoula Park. Description/purpose: 10-foot wide easement along portion of eastern property boundary with Community Medical Center to replace failing underground cable that currently runs under the softball fields and serves CMC. Term/Fall 2014. Originals to C&R and Lisa Moisey/Parks.

Letter – BCC signed, dated November 13, 2014. To Gina McCarthy (US EPA), John McHugh (US Dept. of Army), Tom Vilsack (US Dept. of Agriculture), and Water Docket (EPA), Washington, D.C. re: Docket ID #EPA-HQ-OW-2011-0880, regarding proposed joint rule aimed at defining "Waters of the US". BCC endorses enforcement of the Clean Water Act in Missoula County, and the above agencies' efforts to revise Clean Water Act regulations to provide needed clarifications following recent Supreme Court decisions.

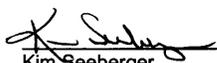
Proclamation – BCC and Mayor Engen signed. Proclaiming 2015 as *Missoula 150*, commemorating the 150<sup>th</sup> anniversary of the Missoula community with special activities throughout the year, and inviting all citizens to learn about the history of Missoula and participate in these activities.

Additional discussion item(s): None.

**FRIDAY, NOVEMBER 14, 2014**

BCC met in regular session; all three present. Morning: BCC met with CAO, Mayor Engen, et al re: Legislative Issues. Afternoon: BCC attended retirement celebration for Jeanenne Hargetti.

Plat – BCC signed. Owner/Max Hillberry. Lolo East Subdivision, Phases 1 & 2. A subdivision of Parcel 4-B, amended of Allomont Orchards, Lot 4, Block 2, located in the NE¼ of Section 34, T 12 N, R 20 W, PMM, Missoula County. Total area: 3.71 acres.

  
Kim Seeberger  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, NOVEMBER 17, 2014**

BCC met in regular session; all three present. Afternoon: BCC, Mitch Doherty, et al met to discuss Rural Land Managers MOU.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) MPO update; 4) Geneau Family Transfer/7850 Graves Creek Road; 5) Tom Green Park project funding update; 6) Blackfoot Corridor Agreement participation; 7) Director's update.

**TUESDAY, NOVEMBER 18, 2014**

BCC met in regular session; all three present. Early morning: JC met with Mayor Engen, Jason Weiner, et al re: Homelessness/Legislative Session. Morning: BCC canvassed General Election.

ADMINISTRATIVE MEETING – *Canceled*

**WEDNESDAY, NOVEMBER 19, 2014**

BCC met in regular session; all three present. Morning: Tyler Gernant sworn in as new County Clerk & Recorder.

ADMINISTRATIVE MEETING

Resolution No. 2014-121 – BCC signed, dated November 19, 2014. Authorizing submittal of an application to the MT DOC for a Big Sky Trust Fund (BSTF) Category 1 Job Creation Grant on behalf of Rivertop Renewables. Grant is to reduce lease rate and purchase equipment/software to help expand its operation. Term/May 2014-October 25, 2014. Original to C&R.

Memorandum of Understanding – JC signed. Between ChildWise Institute and County Forum for Children and Youth MCCHD for ACE (Adverse Childhood Experiences) training by Anna Semple (Trainer). MOU clarifies responsibilities of trainer and ChildWise Institute. Term/October 23, 2014–October 22, 2015 (renewable annually). Two originals to Peggy Seel/GCP for further handling.

Resolution No. 2014-120 – BCC signed, dated November 19, 2014. Amending Resolution No. 2010-148 establishing the Missoula County Fairgrounds Advisory Committee and restating its powers under the authority of Title 7, Chapter 1, Part 2, MCA. Original to C&R.

Resolution No. 2014-122 – BCC signed, dated November 19, 2014. Appointing a Clerk & Recorder/Treasurer, effective November 19, 2014, to fill the remainder of the term pursuant to MCA Section 13-1-301. Resolution approves swearing-in of Tyler Gernant on September 19, 2014 (vs. January 1, 2015). Mr. Gernant was elected in November 4, 2014 General Election. Original to C&R.

Letter – JC signed, dated November 13, 2014. To MT DOT, CTEP Supervisor, Helena, designating Erik Dickson as Environmental Certifying Official responsible for all activities associated with the Grant Creek Trail CTEP Project (#STPE 32(89)). Original to Greg Robertson/Public works for further handling.

Letters – BCC signed, dated November 18, 2014. To Big Sky Trust Fund (BSTF) Selection Committee, MT DOC, Helena, supporting BREDD's applications to the BSTF program for Category II planning grants for 1) FM, LLC's industrial infrastructure planning for land in Bonner, MT; and 2) to help conduct a Community Fiber Optic Network Master Plan as the next step in encouraging affordable, reliable next generation broadband in Missoula area. Originals to Kelly Yarns/BREDD.

Additional discussion item(s): None.

NO PUBLIC MEETING HELD THIS DATE - *canceled*

**THURSDAY, NOVEMBER 20, 2014**

BCC met in regular session; quorum present. JC out all day at CDC Board Strategic Planning, held at GLR Law Firm.

ADMINISTRATIVE MEETING

Software Agreement – BC signed, dated November 18, 2014. Between County and PowerDMS, Inc. for electronic content/relational database management for 9-1-1 internal review and tracking. Effective Date/November 18. Amount/\$8,098.90. Two originals to Nick/OEM for further handling.

Report of Personnel Action Form – JC signed, dated November 18, 2014. Required when an employee funded by Emergency Management Performance Grant has salary adjusted. Adriane Beck's position with OEM has been reclassified due to several new duties; 2015 budget reflects increase in salary as Deputy DES Coordinator from \$3,763.20 per month to \$4,214.40 per month. Term/August 17, 2014-September 30, 2015. Two originals to Nick/OEM for further handling.

Request – BCC reviewed/approved Larchmont Golf Course and Caddy Shack 2015 Budgets. To Auditor.

Request of Funds Form – BC signed. Contract #MT-CDBG-12PF-03 CDBG Program funds final Draw #5 in amount of \$67,814.63 for Tom Roy Youth Guidance Home construction project. Balance/\$0. Original to Jean Harte/GCP for further handling.

Board Appointment – BCC appointed Lee Bridges to fill an unexpired term on the East Missoula Community Council until the Special District Election is held in May of 2016.

Request: Records Disposal/Transfer Authorization – JC signed. From Elections: Misc. records from November 2, 2010 – November 5, 2013, including Voted/unvoted ballots, stubs, confirmation letters, Federal registers and poll books. To be disposed of.

Additional discussion item(s): None.

**FRIDAY, NOVEMBER 21, 2014**

BCC met in regular session; quorum present. ML out of office all day. Morning: JC/BC attended breakfast with UofM President Engstrom & Board of Regents, held at UC Ballroom.

  
Tyler Gernant  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, NOVEMBER 24, 2014**

BCC met in regular session; quorum present. BC out of office through Friday, November 28<sup>th</sup>.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) East Missoula planning/Sonoran Institute Grant; 4) Martina Creek Mine Reclamation Planning Grant/Final Report; 5) Planning Board Bylaws; 6) Milltown Dam powerhouse artifacts; 7) Director's update.

**TUESDAY, NOVEMBER 25, 2014**

BCC met in regular session; quorum present. BC out of office through Friday, November 28<sup>th</sup>.

Indemnity Bond – JC signed. Hayden Smoot, Missoula, Principal for County Detention Warrant #60040094, issued November 19, 2014 on County Inmate Commissary Fund. Amount/\$116.75 (for funds on account). Warrant lost.

Indemnity Bond – JC signed. Bonner Education Association, Bonner, MT, Principal for Bonner School Dist. #14 Warrant #10944, issued November 10, 2014 on County Payroll Fund. Amount/\$1,456.95 (for union dues). Warrant lost.

Indemnity Bond – JC signed. Lee Young Running Crane, Missoula, Principal for MCPS Warrant #28234550, issued September 26, 2014 on County Payroll Fund. Amount/\$103.05 (for wages). Warrant lost.

**ADMINISTRATIVE MEETING**

County Payroll Transmittal Sheet – BCC signed. Pay Period: 23/CY2014 - Pay Date/November 14, 2014. Total Payroll/\$1,530,100.26. To County Auditor.

Addendum and Budget Amendment – BCC signed, dated November 25, 2014. Addendum #1 to agreement with PCI for Industrial Lands Needs Assessment, increasing amount by \$4,476; new contract amount \$47,476. Presentation to groups have exceeded original number agreed upon. Original to C&R.

Resolution No. 2014-101 – BCC signed, November 25, 2014. Budget Amendment for Projects in amount of \$4,476 for added costs to PCI for Industrial Lands Needs Assessment. For total disclosure, expenditures included in formal 2015 Operating Budget/ Revenue Estimates for County. Original to C&R.

Agreement – BCC signed. Annual Extension Services Agreement between County and MT State University Extension for FY2015 (July 1, 2014-June 30, 2015). Total amount/\$663,846. Term/January 1, 2014–December 31, 2014. Three originals to Jerry Marks/Extension Office for further handling.

Ballot – Because County owns agriculture land used for cropping, forestry or grazing, JC voted and returned US Dept. of Agriculture's Official Ballot for Farm Service Agency Committee Election. Only one candidate was on ballot. Original mailed to Missoula Office of FSA.

Request – BCC approved amendments to Missoula County Tax Refunds and Waivers Policy (approved and adopted on March 27, 2013). No public hearing is required. Original to Tyler Gernant/C&R for further handling.

Amendment – BCC signed. To Agreement between County and Selkirik Training Group for provision of coaching services for newly-appointed 9-1-1 Manager and additional training for staff development services. Amount/\$3,000. Term/November 25, 2014–November 25, 2015. Originals to C&R and Chris Lounsbury/OEM.

Agreement – BCC signed. Between County (MCCHD) and Pruyn Veterinary Hospital for Missoula Animal Control Shelter services for three years (July 1, 2014-June 30, 2017). Amount/approx. \$26,000 annually. Two originals to Julie Mohr/MCCHD.

Agreement – BCC signed. Between County (MCCHD) and Probation and Parole, MT Dept. of Corrections for enforcement of activities per DUI Task Force Plan and Budget for SFY 2015 (July 1, 2014-May 31, 2015). Funded by driver's license reinstatement fees. Four originals to Julie Mohr/MCCHD for further handling.

Certificate of Compliance – JC signed, dated November 25, 2014. Final Report for the Martina Creek Mine Reclamation Planning Grant (#RITP-14-0072) with Missoula County, DNRC, and Trout Unlimited. Grant awarded in 2013 for \$37,500. Original to Kali Becher/CAPS for further handling.

Agreement – BCC signed. Between County and Watershed Consulting to remove/prune trees in Lakeside Parker in Lolo. Amount/\$4,510 (cost share between Parks Fund and Lolo Sewer & Water District Fund). Term/November 24, 2014-April 15, 2015. Two originals to Julie Mohr/MCCHD.

Request – BCC approved amendment to Spring 2014 Matching Grant project awarded to Potomac School District #11 for third phase of a recreation complex project at the school. Amendment allows time for new board members and administration to become familiarized with project, and delay construction of a pavilion until phase four.

Resolution No. 2014-125 – BCC signed, dated November 25, 2014. Designating County Director of Human Resources as authorized representative in collective bargaining and related activities under MCA 39-31-301. Original to C&R.

MDEQ-MS-4 Permit Application – JC signed. On behalf of Missoula County, MT DEQ Municipal Stormwater Discharge Permit Application, associated with Small Municipal Separate Storm Sewer System. Amount/\$4,000. County Attorney's opinion is that counties lack statutory authority to implement the elements of this permit. Until issue is resolved, permit must be submitted. Originals to Brent O'Connor/Public Works for further handling.

Amendment – BCC signed. To Agreement between County and DJ&A, PC for Missoula to Lolo Trail. Amended is for redesign of Buckhouse Bridge crossing. Agreement amount increased/\$20,252.27; adequate funds in base phase. Two originals to Greg Robertson/PW for further handling.

Employment Agreement – BCC signed. Between County (PHC) and Lynda Fisher, RN for Director of Nursing services. Term/October 26, 2014-June 30, 2015. Amount/\$57,500 annually. Originals to C&R and Andrea Laine/PHC.

Letter – BCC signed, dated November 25, 2014. To Unclaimed Property, MT DOR, Helena, re: Claim #00-000-013-617, explaining connection of Missoula County to following addresses:

- 1) PO Box 7249 – Closed over five years ago; was used for County Treasurer's Office.
- 2) 2340 Mullan Road – Address of County Detention Center.
- 3) 435 Ryman – One of the offices for County's Grants and Community Programs Department.
- 4) 6089 Training Drive – County Public Works facility.

Original to Kim Seeberger/Clerk & Recorder Office.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated November 18, 2014. Amount/\$23,836.76. To County Auditor.

Additional discussion item(s): None.

**WEDNESDAY, NOVEMBER 26, 2014**

BCC met in regular session; quorum present. BC out of office through Friday, November 28<sup>th</sup>.

ADMINISTRATIVE MEETING - *Canceled*

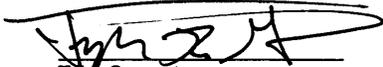
NO PUBLIC MEETING HELD THIS DATE

**THURSDAY, NOVEMBER 27, 2014**

**COURTHOUSE AND ADMINISTRATION BUILDING CLOSED FOR THE  
THANKSGIVING DAY HOLIDAY**

**FRIDAY, NOVEMBER 28, 2014**

BCC did not meet in regular session; all three out of the office all day.

  
Tyler Gernant  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MISSOULA COUNTY COMMISSIONERS' JOURNAL: DECEMBER, 2014**

**BCC = BOARD OF COUNTY COMMISSIONERS**

**JC = Commissioner Jean Curtiss, Chair**  
**BC = Commissioner Bill Carey**  
**ML = Commissioner Michele Landquist**

The following Claims Lists were signed during the month of DECEMBER 2014:

Date Signed	Claims List Date	Who signed	Amount
December 1, 2014	November 24, 2014	BCC	\$3,103.60
December 1, 2014	November 25, 2014	BCC	\$469.10
			\$165,723.82
			\$2,006.78
			\$8,960.29
			\$1,512.72
December 1, 2014	November 26, 2014	BCC	\$23,543.23
			\$965.87
			\$124.95
			\$14,061.79
			\$20.94
			\$4,492.50
			\$912.00
			\$1,147.92
			\$30.00
December 2, 2014	December 1, 2014	JC, BC	\$25,483.86
			\$35,425.34
			\$185.00
			\$37,264.23
			\$7,957.60
December 2, 2014	December 1, 2014	BCC	\$16,642.51
			\$6,149.26
			\$614.23
			\$4,368.36
December 2, 2014	December 2, 2014	BCC	\$2,190.00
December 2, 2014	December 2, 2014	BCC	\$23,742.87
December 3, 2014	December 1, 2014	BCC	\$14,151.57
December 3, 2014	December 2, 2014	BCC	\$2,490.18
			\$4,949.90
			\$109.94
			\$1,009.46
			\$286.97
			\$171.64
			\$95.00
			\$22,923.81
December 4, 2014	December 1, 2014	BCC	\$3,336.12
December 4, 2014	December 2, 2014	BCC	\$82,113.91
December 4, 2014	December 3, 2014	BCC	\$4,375.00
			\$40,895.97
			\$774.91
			\$97.93
			\$213.35
			\$319.86
			\$600.00
			\$122,291.04
December 8, 2014	December 4, 2014	BCC	\$34,992.04
			\$3,026.52
			\$4,005.89
			\$4,218.98
			\$200.00



December 8, 2014	December 5, 2014	BCC	\$28,447.39
			\$28,449.52
			\$3,007.25
			\$14,864.00
			\$9,441.98
			\$115.00
			\$2,332.43
			\$635.93
			\$500.00
			\$621.11
			\$99.99
			\$43.98
			\$129.19
			\$475,614.72
December 10, 2014	December 9, 2014	BCC	\$1,610.60
			\$6,919.75
			\$1,848.00
			\$33,490.07
			\$149.71
			\$5,166.97
			\$71.30
			\$4,713.24
			\$4,580.89
			\$3,660.05
			\$22.00
			\$2.99
December 10, 2014	December 9, 2014	ML, BC	\$10,935.82
			\$1,909.98
December 10, 2014	December 10, 2014	ML, BC	\$3,657.47
			\$43,243.27
			\$1,443.89
			\$19,938.53
			\$1,056.01
			\$8,501.78
			\$314.78
			\$1,156.05
			\$6,825.54
			\$31,675.00
December 11, 2014	December 10, 2014	JC, ML	\$38,637.61
December 11, 2014	December 11, 2014	BCC	\$52,251.41
			\$11,184.55
			\$3,746.81
December 12, 2014	December 2, 2014	BCC	\$308.89
December 12, 2014	December 11, 2014	BCC	\$1,839.58
			\$10,040.00
			\$4,765.95
			\$471.07
			\$465.44
			\$496.44
December 3, 2014	PHC Smartfill ACH		\$16,913.03
December 5, 2014	PHC Amerisource ACH		\$42,685.59
December 10, 2014	PHC Smartfill ACH		\$35,466.21
December 15, 2014	December 15, 2014	BCC	\$13,754.81
December 16, 2014	December 15, 2014	BCC	\$11,367.95
			\$5,224.69
			\$960.71
			\$5,437.46
			\$6,566.58
			\$15,360.51
			\$61,838.90
			\$14,650.90

December 16 <sup>th</sup> , (cont'd)			\$2,165.45
			\$2,289.27
			\$899.62
December 12, 2014	PHC Amerisource ACH		\$21,572.68
December 17, 2014	PHC Smartfill ACH		\$53,832.29
December 18, 2014	December 15, 2014	BCC	\$2,504.45
			\$4,860.55
			\$433.05
			\$13,344.55
December 18, 2014	December 17, 2014	BCC	\$1,081,369.18
			\$15,238.65
			\$43,378.26
			\$488.17
			\$180.00
			\$243.10
			\$6,154.07
			\$11,172.20
			\$1,397.13
			\$5,344.41
December 19, 2014	December 17, 2014	BCC	\$4,993.05
December 19, 2014	December 18, 2014	BCC	\$23,710.66
			\$6,966.61
			\$2,910.92
			\$202,287.12
			\$3,946.30
			\$1,301.73
			\$870.99
			\$6,717.56
			\$404.88
			\$22,121.50
December 19, 2014	PHC Amerisource ACH		\$105,908.31
December 23, 2014	December 22, 2014	BCC	\$10,315.00
			\$22,496.58
December 23, 2014	December 22, 2014	JC, BC	\$4,928.02
December 24, 2014	PHC Smartfill ACH		\$23,850.60
December 26, 2014	PHC Amerisource ACH		\$31,341.53
December 29, 2014	December 29, 2014	BCC	\$10,744.86
			\$6,229.12
December 30, 2014	December 29, 2014	BCC	\$7,057.39
			\$4,087.29
			\$2,499.92
			\$29,001.24
			\$22,211.43
			\$2,318.00
			\$699.61
			\$2,220.42
			\$2,385.33
			\$218.00
			\$4,287.46
			\$1,840.00
			\$15,346.01
			\$1,278.07
			\$44,171.52
			\$7,423.84
			\$4,325.50
\$2,346.41			
\$20.41			
December 30, 2014	December 30, 2014	BCC	\$112.50
			\$198.25
			\$403.55
			\$3,003.38
			\$1,360.36

December 31, 2014	PHC Smartfill ACH	\$50,338.42
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All Claims Lists were returned to Auditors.

**MONDAY, DECEMBER 1, 2014**

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) East Missoula Planning – Sonoran Institute Grant; 4) Shoreline Regulation informational update; 5) Planning Board Bylaws; 6) Director's update.

**TUESDAY, DECEMBER 2, 2014**

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

CBO Grant Agreement – (postponed from 11/26/14). BCC signed, dated December 2, 2014. Between County and Missoula Urban Transportation District for FY 2015 to provide rides to current or increased numbers of passengers for curb-to-curb Paratransit service. Amount/\$20,000. Originals to C&R and Jean Harte/GCP.

Contract – BCC signed, dated December 2, 2014. Between County and Markin Consulting for Market Demand Assessment and Financial Feasibility Study for County Fairgrounds. Term/January 1, 2015–May 31, 2015. Amount/\$49,920. Originals to C&R and Barb Berens/Auditor.

Subrecipient Agreement – BCC signed, dated November 14, 2014. Between County and National Coalition Building Institute ("NCBI") for community training that includes a prejudice reduction workshop. Amount/\$750. Term/October 1, 2014–September 30, 2015. Funds are from grant awarded to County (\$123,461) from US Dept. of Health/Human Services Substance Abuse and Mental Health Services Administration Drug Free Communities Support Program to fund a community coalition in Frenchtown in order to reduce youth substance abuse.. Originals to C&R and Peggy Seel/OPG.

Subrecipient Agreement – BCC signed, dated December 2, 2014. Between County and Frenchtown School District #40 to employ a youth development coordinator to organize/facilitate non-school hour activities, and an evaluator to support community coalition and activities program. Amount/\$22,246. Term/October 1, 2014–September 30, 2015. Funds are from grant awarded to County (\$123,461) from US Dept. of Health/Human Services Substance Abuse and Mental Health Services Administration Drug Free Communities Support Program to fund a community coalition in Frenchtown in order to reduce youth substance abuse. Originals to C&R and Peggy Seel/OPG.

Resolution No. 2014-126 – BCC signed, dated December 2, 2014. Budget Amendment for MCCHD showing misc. expenditures totaling \$7,600 with revenue in same amount from DPHHS IZ Billing Grant (Task Order #14-07-4-31-172-0). For total disclosure, expenditures included in formal 2015 Operating Budget/Revenue Estimates for County. Original to C&R.

Request and Letter – BCC approved request from CAPS to approve proposal to request technical assistance from the Sonoran Institute to conduct land use/transportation planning in East Missoula. BCC signed letter, dated December 2, 2014. To J. Sutherland/New Mobility West, Community & Economic Development Project Manager, Glenwood Springs, CO, submitting a proposal to apply for a New Mobility West Community Assistance Grant to complement an upcoming safety audit by the MDOT, as well as current work of County/City of Missoula to update growth policies. Original to Lewis YellowRobe/CAPS.

Additional discussion item(s): Election Advisory Committee

**WEDNESDAY, DECEMBER 3, 2014**

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Resolution No. 2014-128 – BCC signed, dated, December 3, 2014. Resolution for Inclusion in RSID No. 901. Requested by Dustan Armonstrong/Doug Zimmerman who plan to develop property described as Parcel 2, COS 5520 as a RV storage yard in addition to their contracting company. County waives \$3,000 water/sewer development fee in exchange for easement dedication. One original to C&R.

Board Appointments – BCC reappointed Jon Wilkins and also appointed Russ McKinnon to new 3-year terms on the Fairgrounds Advisory Committee (January 1, 2015-December 31, 2017). Other vacant terms on the MCFAC will be appointed at a later date.

Letter – BC signed, dated December 3, 2014. To Gary Botchek, Missoula, in response to his letter about Maclay Bridge safety concerns. BC sets forth reasons he supports replacing the existing bridge.

Additional discussion item(s): None.

NO PUBLIC MEETING HELD THIS DATE

THURSDAY, DECEMBER 4, 2014

BCC met in regular session; all three present. Afternoon: BCC participated in election recount for State Senate House District 49, held at Records Center.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 24/CY2014 - Pay Date/November 28, 2014. Total Payroll/\$1,477,425.36. To County Auditor.

Master Agreement – BCC signed three signature pages. Between County and the I.U.O.E Local #400, the Butte Teamsters Union Local #2, and the I.A.M. and A.W. District W24 (covering employees of the Public works department/Road Division) for the period October 1, 2014–September 30, 2016. Four original signature pages to Patty Baumgart/HR for further handling.

Request – Per recommendation of CAO, CFO, COO, County Auditor and Communications & Projects Director, BCC reviewed/approved adoption of Missoula County Mission/Vision & Values Statement. To staff for further handling.

Board Appointments – BCC appointed following:

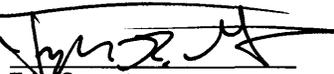
- 1) To Airport Authority: a) reappointed Larry Anderson as Regular Member to new 5-year term to 12/31/19; b) appointed Chris Lounsbury as County Employee member to fill Bar Martens' unexpired term to 12/31/16.
- 2) To Animal Control: Reappointed Lynn Gontarek-Garberson to new 2-year term to 12/31/16.
- 3) To Florence-Carlton Cemetery: Reappointed Jeff Crews to new 3-year term to 12/31/17.
- 4) To Health Board: Reappointed Garon Smith to new 3-year term to 12/31/17.
- 5) To Historical Museum Board: Appointed Mac Palmer as Regular Member to new 3-year term to 12/31/17.
- 6) To Larchmont Board: Reappointed a) Peter Tucker; b) Craig Rawlings and c) Max Good – all to new 3-year terms to 12/31/17.
- 7) To Local Emergency Planning Committee: Reappointed a) Colleen Baldwin and b) Philip Russ to new 2-year terms to 12/31/16.
- 8) To Lolo Mosquito Control Board: Reappointed John Fuchs to new 3-year term to 12/31/17.
- 9) To Open Lands Citizen Advisory Committee: a) reappointed Sharon Sweeney; b) Andy Hayes; c) Juanita Vero; d) Carolyn Demin - all to new 3-year terms as Regular Members to 12/31/17; and e) reappointed current Alternate Jock Conyngham to new 3-year term to 12/31/17.
- 10) To Planning & Zoning Commission: Reappointed Dick Ainsworth to new 2-year term to 12/31/16.
- 11) To Tax Appeal Board: Reappointed Dale Jackson to new 3-year term to 12/31/17.
- 12) To Weed Board: Reappointed Jim Olivarez to new 3-year term to 12/31/17.
- 13) To Zoning Board of Adjustment: a) Reappointed Mark Kobos and Paul Forsting to new 2-year terms to 12/31/16; and 2) Appointed Andy Mefford (current 2<sup>nd</sup> Alt) as Regular Member to new 2-year term to 12/31/16.

Agreement – BCC signed, dated December 4, 2014. Between County and Child Care Resources for MCCHD to provide health and safety-related consulting to child care sites. Amount/\$19,550. Term/July 1, 2014–June 30, 2015. Two originals to Julie Mohr/MCCHD for further handling.

Additional discussion item(s): Resolution supporting the County PM10 redesignation request and limited maintenance plan.

FRIDAY, DECEMBER 5, 2014

BCC met in regular session; all three present. BCC continued election recount for State Senate House District 49, held at Records Center.



Tyler Gernant  
Clerk & Recorder



Jean Curtiss, Chair  
BCC

MONDAY, DECEMBER 8, 2014

BCC met in regular session; all three present. Late morning: ML attended City Club Luncheon, held at DoubleTree. Afternoon: BCC continued election recount for State Senate House District 49, held at Records Center.

Monthly Report – JC examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of District Court, Shirley Faust, for month ending November 2014.

Monthly Report – JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Amy Blixt, Acting Justice of the Peace, for month ending November 2014.

Monthly Report – JC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending November 2014.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated December 3, 2014. Amount/\$16,801.65. To County Auditor.

**TUESDAY, DECEMBER 9, 2014**

BCC met in regular session; quorum present. ML out of office all day.

Indemnity Bond – JC signed. Brianna Kienitz, Missoula, Principal for MUTD Warrant #83079393, issued November 4, 2014. Amount/\$657.40 (for wages). Warrant lost.

**ADMINISTRATIVE MEETING**

Resolution and Bylaws - BCC signed, dated December 9, 2014. Resolution No. 2014-129 – Creating an Election Advisory Committee ("EAC"). Bylaws - Sets forth purpose, membership, duties, etc. of EAC. Originals to C&R. One original of Bylaws to Rebecca Connors/Elections.

Resolution No. 2014-130 – BCC signed, dated December 9, 2014. Supporting the Missoula County PM10 Re-designation Request and State Limited Maintenance Plan. City-County Air Pollution Control Board to conduct public hearing on December 18, 2014. If approved, EPA (Clean Air Act) will re-designate Missoula to Maintenance status and remove stigma of being classified Non-Attainment status, and make it easier to attract clean commerce/industry to the Missoula Valley. Original to C&R.

Resolution No. 2014-127 (amending/correcting Resolution 2014-121) – BCC signed, dated December 9, 2014. Supports County's application for a BSTF Category I Job Creation Grant for Rivertop Renewables. Res. 2014-121 contained an inaccurate description of how the grant funds will be used; Res. 2014-127 corrects this by stating "...to purchase equipment for the new semi-works facility and office equipment for new employees." Original to C&R.

Additional discussion item(s): Recent Health Board appointment.

**WEDNESDAY, DECEMBER 10, 2014**

BCC met in regular session; all three present.

**ADMINISTRATIVE MEETING**

Lease Amendment – BCC signed, dated December 4, 2014. Amendment #7 to Lease #825-5.97-0060 between County, Dept. of General Services, and Plum Creek Timberlands, LP (successor by merger with Plum Creek Timber Company LP), for purpose of maintaining/operating two radio transmission sites on portion of the NE¼ of Section 2, T 14 N, R 15 W, PMM, Missoula County. Lease is extended to December 31, 2015 (unless sooner terminated as provided in Lease). Two originals to Chris Lounsbury for further handling.

Request – Per request from Public Works, BCC reviewed solicited statements from three qualified firms to assist with final design and supporting environmental documents to construct South Avenue Bridge Project. All three firms were interviewed December 9, 2014. BCC approved HDR Engineering, Inc. as the preferred qualified consultant. Document to Greg Robertson/PW.

Memorandum of Agreement – JC signed. Between County (Grantee) and MT DOT for Air Quality Equipment (Project UPN 6019 011-CM STWD(314), CFDA#20.205), in order to address need for improving air quality by reducing PM-10 Particulate matter in County. Public Works will purchase a street sweeper with federal CMAQ funds in amount of \$204,785 to continue compliance with air quality standards. Two originals to Erik Dickson/PW for further handling.

Agreements – JC, BC, and ML each signed separate MT Fish, Wildlife & Parks Agreements for individual Voluntary Services for the FWP Big Horn Sheep Capture/Study in Petty Creek. Forms mailed to Ben Jimenez, MT FWP, Missoula.

Additional discussion item(s): Seeley Lake Refuse.

**PUBLIC MEETING - December 10, 2014**

**1. CALL TO ORDER**

**Commissioners Present:** Commissioner (Chair) Jean Curtiss, Commissioner Bill Carey, Commissioner Michele Landquist

**Staff Present:** Dori Brownlow, County Deputy Attorney, Greg Robertson, Director Public Works, Andrew Czorny, Jennie Dixon, CAPS, Shyra Scott, Chief Deputy Clerk & Records

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC ANNOUNCEMENTS**

**Commissioner Landquist:** Just a reminder that the Fort Missoula Museum has a nice Christmas display.

**4. PUBLIC COMMENT:** None.

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List ~ \$4,350,282.37

**Executive Session**

Commissioner Landquist made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$4,350,282.37. Commissioner Carey second the motion. The motion carried a vote of 3-0.

**6. PROCLAMATION**

Missoula 150 ~ Celebrating Missoula's 150<sup>th</sup> Anniversary. Commissioner Carey read the Proclamation. Visit [missoula150events.com](http://missoula150events.com) to get more information. Commissioner Carey read the Proclamation. Christina from the Historical Museum gave an update of activities. Missoula 150 kick-off will happen during First Night. Our website: [Missoula150events.com](http://Missoula150events.com) will have a list of historical activities happening throughout the year.

**7. HEARING & DECISION (Continued from 9-24-2014)**

Petition to Abandon a Portion of Public Right-of-Way (Lundberg Road, Condon) (Postponed from 10-22-2014)

**Chair Curtiss:** At the last meeting we postponed until today because the Salish & Kootenai Tribe were working on some comments. I'll open this up for more comments but the tribes would like more time so I don't think we'll make a decision today.

**Public Comment**

None

**Chair Curtiss:** The Tribe has asked for a little bit more time and for those of you who haven't been here when we had previous hearings on this one, there is a sacred site to the Tribe that is close to this road so they would like more time to make contact with the land owners and talk about how they can work together. This road accesses one house that's owned by the people requesting this so it's not going to hurt to delay. The viewing has been done and the Tribe has asked for some time, so April 15<sup>th</sup> will be a public meeting date, I just picked that date out of a hat.

**Executive Session**

Commissioner Carey made motion that the Hearing be postponed until April 15' 2015. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

**8. HEARING (Continued from 11-12-2014)**

New or Expanding Industry Tax Benefits Application (Roseburg Forest Products)

**Ken Fargo, Plant Controller at Roseburg Forest Products:** At our last Hearing, to give a recap, we have a major modernization construction program going on at our plant in Missoula. We're expecting to have it completed in 2014 but because of some fires in California that prompted our engineering staff, at our corporate headquarters, to zip on down there to get the plant up and rolling and postpone the second phase of our operation, which was supposed to be completed in November. So as it sits now we have phase I that was completed in July, that portion is up and running and producing board. Then we will complete phase II in 2015 and I'm anticipating it will be in Q1 of 2015. We have all of the equipment here, what we're going to center it around a little bit is like market slowness because it really won't take us too long. We're building inventory now, so whenever it looks like it's going to be a soft spot we're gonna jump on it and complete it.

**Chair Curtiss:** What we can do today is approve the amount that you've spent in this calendar year, looks like the amount is \$8,988,007.00?

**Ken Fargo:** Correct and actually that would be the amount that we capitalize and put into service. Just a little clarification in terminology.

**Chair Curtiss:** Andrew, are we required to...they can come back for the additional amount next year, but do we have to hold more hearings?

**Andrew Czorny:** We would have to hold another hearing next year, to anticipate \$9,100,000.00.

**Ken Fargo:** In that range, yes.

**Andrew Czorny:** So this first phase would be applicable to the 2015 tax year. If they come back next year with the phase II amount, it would be applicable to the 2016 tax year. We anticipate the savings to Roseburg to be \$325,185.00 over the next ten (10) year period, for this first phase.

**Public Comment**

None

**Chair Curtiss:** The Commission has the authority to grant a phased in paying of taxes on equipment that increases their production and their jobs and that kind of thing. They phase in the taxes over time which helps to pay for that capital investment.

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners adopt the Resolution approving the amount of New or Expanding Industry Tax Credits for Roseburg Forest Products in the amount of \$8,988,007.00. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

**9. CONSIDERATION (Certificate of Survey) (Postponed from 11-19-2014)**  
Geneau (Audra) Family Transfer ~ 7850 Graves Creek Road

Jennie Dixon gave staff report. As Commissioner Curtiss indicated, this is a consideration of an exemption affidavit submitted by Audra Geneau owner of 78 acres located at 7850 Graves Creek Road, approximately 17 miles west of Lolo along the Hwy 12 corridor. Ms. Geneau proposes to use the family transfer exemption to create two (2) additional parcels to transfer to her adult son, Tyler and her parents. Ms. Geneau proposes to divide two (2) 20 acre tracts from the southern portion of the original tract for family transfer, leaving a 38 acre remaining tract to the north. The northern tract is the site of the existing home and shed and the application states that the two (2) new tracts are intended for residential development. All parcels are accessible from Graves Creek Road and the claimant has not previously used exemptions to divide property in Missoula County. Therefore, as it does not appear that this request is an attempt to evade subdivision review, staff is recommending approval of this family transfer request.

Jennie Dixon asked Audra Geneau the standard family transfer questions.

**Public Comment**  
None

**Executive Session**

Commissioner Landquist made motion that the Board of County Commissioners approve the request by Audra Geneau to create two (2) additional parcels by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Carey second the motion. The motion carried a vote of 3-0.

**10. HEARING**

Installation of Water/Sewer Main in County Right-of-Way (Upper Miller Creek Road) ~ Gilbert Larson Engineering

**Chair Curtiss:** Commissioners some years ago passed a Resolution saying that if it's going to serve six (6) or more properties there needed to be a hearing.

**Greg Robertson:** This is a request to install a water main as well as a sewer force main, an extension in two (2) areas; one on Lorraine Drive and the other on Lower Miller Creek Road area, on the gravel portion, as I recall. The mains are being installed to improve capacity and pressure in the South Hills, Linda Vista area. The sewer main being installed for future development, I believe. Gilbert is here representing Twite Family Partnership can expand on that. As you are aware, you adopted a Resolution several years ago that due to public concerns about water and sewer main expansion and that general follow of annexation it was determined that both water and sewer are at your discretion on whether it occupies public rights-of-way and the Resolution you adopted included a requirement of a public hearing anytime one is being proposed to be extended.

**Gilbert Larson:** I don't really have anything else to add. I can answer any questions.

**Chair Curtiss:** So this is city sewer mains and Mountain Water lines?

**Gilbert Larson:** Correct.

**Chair Curtiss:** Is it to serve an existing subdivision or future?

**Gilbert Larson:** The one on Lorraine Drive is to improve existing service to Lorraine Drive and through the whole area. It's going to allow water to pass more freely from Hillview to Miller Creek and back and forth, depending on need. The waterline across lower Miller Creek Road will be to...we just got new water rights in the Maloney Ranch; this will be to connect those wells to the Mountain Water system and being able to provide 2,000 gallons a minute to their system, which again, can be pumped and used wherever it's needed.

The sewer, it's a lift station, it'll have a gravity line going into it and a force main coming back out. That's part of the city master plan and that lift station is designed to serve all of the lower Miller Creek area. Their master plan that was done by HDR was pretty generous with the service area and the lift station was designed to handle all of it.

**Public Comment**  
None

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners grant the excavation permit request by Twite Family Partnership. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

**11. HEARING**

Petition to Abandon or Alter a Public Road (Right-of-Way between Lot 1, Block 2 and Lot 3, Block 4 of Rio Vista Addition)

**Chair Curtiss:** The process for this is that we have the Hearing, we take comment today and then one Commissioner and someone from Public Works, Surveyors Department will have to do a site visit, so the decision will not be made today.

**Shyra Scott:** On October 30<sup>th</sup> the petition was received by the Clerk & Records Office asking that a Right-of-Way be abandoned for the Rio Vista Addition in Missoula County. It contains the signatures of ten (10) Missoula County free holders but as the right-of-way is adjacent to the Bitterroot River and the State of Montana has not signed the petition. The Clerk & Records Office has determined that it does not contain the signatures of all land owners affected by the abandonment, thereby failing to meet the requirements for establishment alterations and abandonment of a county road.

**Chair Curtiss:** So we can take information today but they...

**Peter Dayton, representing Tyler Callsen:** I'll address that legal issue in my presentation today; I think she's incorrect on that. James McCubbin has taken the position that we need the signature of the State of Montana; I think he is absolutely incorrect.

**Chair Curtiss:** Okay, then we'll take public comment and make legal determination some other way.

**Peter Dayton:** The petition requests the abandonment of an unused and undeveloped county road easement in Rio Vista Subdivision. Showed PPT Presentation.

I have no idea why the surveyor chose to locate that Right-of-Way where he did, it doesn't make any sense with the topography. So an issue arose and the county went out and did a survey, an encroachment survey which shows that Tyler's house encroaches seven (7) feet on one side and 11.1 feet on the other side into the Right-of-Way. Needless to say, Tyler was unhappy when he discovered that his house encroached into this Right-of-Way so he came to me. I went out and looked at it and I said; gee this can't be right, this makes absolutely no sense with the topography. Either the County survey is wrong or there's some kind of error in the original subdivision plat, so we hired Ken Jenkins of Montana Northwest to retrace the boundaries in the area. He did a survey that agreed 100% with the county surveyors so for some reason this Right-of-Way was located in a rather bizarre place, which doesn't make any sense with the topography and then it runs towards a very high and steep river bank.

The biggest question is how did this happen? How did Tyler's house end up encroaching the Right-of-Way? My guess as to what happen is that the prior owner of the property went in and found the pins along Rio Vista Drive and then he's looking around at a very steep and over grown river bank and he found a pin and thought it was the another pin. That makes absolute sense with the topography so I can understand how he did it. This is a perfect example of why you should always hire a surveyor before you build anything.

The way we decided to handle this was to file a county road abandonment petition. Both Tyler Callsen and Rowland Pruyn, who lives on the other side of this Right-of-Way, got together and agreed if they can get it abandoned, if they can persuade you to abandon it, they will divide it as shown on the Exhibit, they've entered into an agreement. The petition asks the Commission to state in its abandonment Resolution that the Right-of-Way will revert to Callsen and Pruyn in the manner shown in Exhibit A. If the Commission prefers to have the Right-of-Way revert to its centerline, Callsen and Pruyn can record a boundary relocation survey after the abandonment.

In the course of digging into these survey issues we discovered something else, which is that Tyler's property is separated from the river by a strip of land, which is really a remainder. The people that filed the plat of the Rio Vista Subdivision owned not only the SW quarter and the NW quarter, but another property to the south. When they filed the subdivision plat it created a remainder and the way that remainder is portrayed in the subdivision plat is highlight on the Exhibit. The subdivision plat however, does not correctly show the location of the river. The plat shows the pins are located out in the river, they are definitely not, they are about 1/3 of the way down the bank. The way the subdivision plat shows the river is not correct. The SW boundary of the subdivision plat is a fixed boundary; it doesn't pertain to any calls to the river. One year after the plat of Rio Vista Addition was recorded; Deed Exhibit 990 showed that the distance from the end of the easement to the river was 10 feet more than the width of the easement. The surveys were prepared by the same surveyor. A remainder strip of land up to 58 feet wide is located between the end of the easement and the river.

**Chair Curtiss:** Since they both have calls to the river, has the river moved closer than that 58 feet now?

**Peter Dayton:** I don't think it has here. Over at the other end it looks like there has been some erosion, doesn't seem to be any erosion here. You can stand at the pin.

The surveyor of Rio Vista Addition could have run the southwest boundary of Block 3 and the end of the easement along the river, as he did in Deed Exhibit 990. He didn't. He placed pins marking a fixed boundary about a third of the way down the river bank, a considerable distance vertically and up to 58 feet horizontally from the river, as shown one (1) year later by Deed Exhibit 990. The original pins are still in place and have been located by the County and by Montana Northwest Company.

This is definitely not a good place for public access; you have a very steep bank, you have no place to stand at the bottom, you have deep, fast water. In terms of recreational purposes for public access this doesn't pack it.

**Chair Curtiss:** Does someone currently own the one that was 990?

**Peter Dayton:** 990 is owned by Rowland Pruyn. Because a remainder strip of land lies between the east end of the easement and the river, the easement doesn't provide legal access to the river.

**Chair Curtiss:** Someone owns that piece too?

**Peter Dayton:** Tyler owns it now. What happen is we researched how this remainder was created, the remainder actually consisted of three (3) parcels of land; one on the west side of the river, the biggest one down further and then this strip here.

Montana code annotated 7-14-2615(3) does not require the government entity with jurisdiction over the public land or water to agree to the abandonment. Therefore, I think Mr. McCubbin and the Clerk & Records Office is incorrect in claiming that this county road can't be abandoned unless the State agrees to the abandonment.

The easement doesn't provide legal access to the Bitterroot River. Even if it did, there is a better river access only 264 feet away; the west end of Briggs Street, a paved road which runs right to the bank of the river. It's still a deep river bank and there's still deep, fast moving water along the base of the river bank. This is a way better source of public access then the easement that we're requesting you abandon because there is a paved road developed in it. There is parking right there. You could reduce the angle of the river bank, you could put in stairs. If you wanted to develop this as an access, you could do it and it would be enormously better than the easement that we're asking that you abandon. Even more so, there's a source way better directly across the river. This is the gravel bars along the river, which I've done a lot of fishing there myself. People park on the north side of highway 93.

**Chair Curtiss:** Where it says "no parking"?

**Peter Dayton:** Yes. Everyone parks there. This is way better because of the gravel bars. So the statute does not prevent you from abandoning the easement that we're asking you to abandon. The other statutory restriction is 7-14-2615(4) which say that "The Board (of County Commissioners) may not abandon a county road or Right-of-Way used to access private land if the access benefits two or more landowners unless all of the landowners agree to the abandonment". This deals with access to private land and only requires the permission of the private landowners. This doesn't require the permission of public landowners because access of public land is dealt with in the other statute.

The reasons why Callsen, Pruyn and other landowners in Rio Vista Addition have filed the county road abandonment petition:

- To fix the encroachment of Tyler Callsen's house into the easement.
- To prevent recreational use of the easement from disrupting the neighborhood and adversely affecting property values.
- To prevent camping by transients from disrupting the neighborhood, creating safety and security problems, and adversely affecting property values.

**Commissioner Landquist:** How did you come aware of this encroachment and wanting to abandon this?

**Tyler Callsen:** This is my first house; I bought it in December 2012. It's important to me to own a house and provide my family with a safe house. One day I looked out and there's the county surveyors walking through my lawn and literally putting stakes in the middle of my lawn and I freaked out a little bit. I met up with Peter. Where it stands right now, my kids sleep on public land, people could camp out on my lawn technically and it freaks me out. The realtor said here's the house, here's the land and showed me where the corners were and I took their word for it. Apparently that's a good enough defense to say they didn't know they were selling me public land. I paid \$350,000 for it and it represents well over half of my worth and my family's worth. As it stands now, I couldn't sell my house if I wanted to because it's not worth anything right now, because it's not entirely on my own land. As Peter has explained I didn't even know I didn't own river front. My house was listed as river front property and I had to buy a strip of land from Eric to get that back. I think this whole process is pretty ridiculous. I just don't know what the average person would be able to do, I was able to ask my family for help but I was in this for over \$50,000 at this point and anybody else would have had to default on their mortgage so that their mortgage company could sue the escrow people. I can't sue the escrow people because I'm not covered for family disputes. It's a very emotional situation; the first day I owned my house I walked around and even like little light switches, I was like that's my light switch. This just really threw me a loop when it happened and it's been going on for over a half a year and I'm worn out on it at this point, I don't have as much energy to fight it at this point. I still really appreciate your consideration. It doesn't provide any access to the river because I bought the strip of land between it and the river. If you are really interested in creating some official river access there, I inadvertently bought the land on the other side of the river where all those people hang out on that gravel bar and I would certainly entertain talking to anybody who's appropriate to selling or donating that land to the public to create a river access there that's official, but not through my front yard. Thank you for listening.

**Commissioner Landquist:** Greg, was this in preparation for the trail or anything that the surveyors were there wondering around his place or do you know?

**Greg Robertson:** I do recall some time ago, probably before this property owned it that there was an issue with a proposed abandonment of the Right-of-Way. So there was some survey work done at that time to determine encroachment, in the like, done at that time to determine encroachments for evaluation purposes.

**Tyler Callsen:** The surveying happen long before I got involved. I could of one day sold this property to someone and never known of this situation. I parked my travel trailer there and I think my neighbor Rowland Pruyn, whose family has been in this community for a long time, I think he probably talked to some people and asked how can we get rid of that trailer? Is it on public land? They came and surveyed the situation and found that my trailer was on public land. That's probably where the first survey came from was from that.

**Chair Curtiss:** Is this the same output for storm water, the one that comes from Moose Can Gully or whatever?

**Greg Robertson:** No. This one was put in and it looks like it's fairly old. But it looks like it was put in to get rid of a drainage problem. Back in the 60's when these were platted storm water wasn't much of a consideration in the subdivision review process. Lands got platted, roads got built to whatever degree and they create an issue. Some people get defended when they get storm water in their basement or their kitchen or whatever. So this looked like a retro fit type of thing that was done.

**Chair Curtiss:** Is there someone that's responsible for that? Is that a county drainage thing?

**Greg Robertson:** It was put in with county forces back in the day to deal with a localize drainage issue and it runs generally, from what I can see, down an old ditch line.

**Chair Curtiss:** And then dumps in the river.

**Greg Robertson:** And just opens up, that's not uncommon.

**Chair Curtiss:** Do you have money to replace that with a sump that Eric was talking about?

**Greg Robertson:** We budget annually. This year is going to be awful tight because of SRS and not coming forward so I would say no, not at this point.

**Chair Curtiss:** Would we want to retain an easement?

**Greg Robertson:** That's been my preference, is to not abandon the Right-of-Way simply because of the natural draw.

**Chair Curtiss:** Is this considered a road then?

**Greg Robertson:** Yes. It's a public Right-of-Way but never built. It was dedicated and never built, again, not uncommon in the older subdivisions.

**Chair Curtiss:** The reason I ask that is we can't, I don't think, we have the ability to abandon...well, yes we can. You can abandon the Right-of-Way and then they could grant us a different type of easement, a utility easement.

**Greg Robertson:** You could do that. You could make it conditional. I think in fairness to the situation and the property owners; this is a very convoluted issue and has some history to it. The players that know the history are James McCubbin and Steve Niday both are not present here and really they need to weigh in on this discussion. I think it's a little bit more than the simple question of an abandonment. I do believe there are some disagreements between legal interpretation with the county and Mr. Dayton that needs to get resolved one way or another before any sort of decision is made.

**Chair Curtiss:** That's why we have to do a site visit.

**Tyler Callsen:** Right now the water collects in the street and then goes through the little grate into the pipe, and then the water that comes from that pipe is all on Rowland Pruyn's property. So by topography, if you're trying to retain ownership in order to create drainage, the topography for that is all on Rowlands property. The topography that the State owns is all on an angle which you wouldn't be able to put a ditch through. And it doesn't drain into a drainage it drains into a big puddle there at the top of that horse pasture.

**Chair Curtiss:** Okay, that's why we have to do a site visit.

**Tyler Callsen:** I hear you; I just don't want incorrect things being said.

**Peter Dayton:** We'd be glad to be present at the site visit to help you guys locate this.

**Chair Curtiss:** Yes, we always set that up and give you the opportunity to join.

**Tyler Callsen:** You said something about the Moose Can Gully drainage, is that just further up Miller Creek?

**Peter Dayton:** Actually, I think that Moose Can outlet...remember the big parcel of land that you acquired from Basher? I think that there's some kind of a public drainage.

**Tyler Callsen:** On the bigger parcel and I own that parcel. That drainage is constant, year round and goes directly to the river, pouring trash into it with much higher flow. I own that property now that I had to buy it and I go through there and pick the trash out. If the State wanted to do something for drainage, to improve the water quality, by all means go in there where there's already an easement, there's already a permitted easement for the State to go in and put some kind a better drainage and the amount of flow going through it is over 10 times the amount of flow going through this other one. The good for the community would be much higher than that other one and there's plenty of space to put as big... you could put ponds...I don't know how it's done but there's plenty of space there.

**Public Comment**

**Meaghan Bailey:** Tyler Callsen is my spouse. I just want for clarity sake, because I'm really confused by it, the gully which would make the most sense is not the road in question. So the road that's actually in question goes through our bedroom, our lower level basement, our master bathroom and our back deck and hot tub and I would take issue with the county coming in and trying to put some sort of drainage system that literally comes through a good chunk of our house.

**Commissioner Landquist:** So you wouldn't have a problem necessarily with it being relocated to where it makes sense? If it comes down to us being told we shouldn't abandon it but we can relocate it off to the side, so it's not running through your house and your yard.

**Peter Dayton:** I think the thing to do is to make sure you have the right to run drainage down there would be to say; we'll abandon the Right-of-Way conditionally on you granting an easement acceptable to us for drainage down there. That would end up mostly or entirely on property that Rowland Pruyn owns but I'm sure that Rowland and Tyler would agree to that.

**Commissioner Landquist:** Okay. I just thought I'd check for the record.

**Peter Dayton:** You don't need a road easement there; all you need is a drainage easement. That would be the appropriate way to do it I think.

**Chair Curtiss:** So since this has gone on for about six (6) months, I'm thinking about weather, people's schedules and Christmas. We meet for this type of meeting every other week but we don't really want to meet on Christmas Eve. Are you okay with moving this clear to January for the decision?

**Tyler Callsen:** I guess I'm okay and yes it has been going on a long time but it also means every time I go to bed...my kids are sleeping on public land every night. I really would like to get this resolved; I've been dealing with it for a really long time. Of course, I don't want somebody who's grumpy at work making a decision because they're out there on Christmas Eve, but at the same time I really want to get this resolved so that it's over.

**Chair Curtiss:** Robin, did we have a tentative date of a meeting on December 17<sup>th</sup>?

**Robin Moore:** We said there's a possibility if we have items.

**Chair Curtiss:** Whose turn is it to do the site visit?

**Robin Moore:** Bill did the last one.

**Chair Curtiss:** Greg, do you want Steve Niday to be able to go with us?

**Greg Robertson:** Yes, I think that would be wise. Just because of the location of the....

**Chair Curtiss:** Because he's probably the one that staked it?

**Greg Robertson:** Yes, he did the original survey and he knows where the pins are.

**Chair Curtiss:** And did you want to come too?

**Greg Robertson:** Yes, I should.

**Chair Curtiss:** Are you open Friday afternoon?

**Greg Robertson:** I think he needs to weigh in before you make a decision.

**Chair Curtiss:** We don't usually take an attorney with us.

**Steve Smith:** Mr. Niday is out of the office, he's not feeling well. He ordinarily works Monday – Thursday exclusively, just so you know.

**Chair Curtiss:** Michele is your schedule open Monday?

**Commissioner Landquist:** Yes.

**Chair Curtiss:** We do have a letter from Fish, Wildlife & Parks.

**Executive Session**

Chair Curtiss recessed the meeting until December 17. Viewing will be Monday, December 15<sup>th</sup> at 1:30 with Commissioner Landquist and Steve Niday.

**Dana Borsch, DNRC:** I was wondering, if anything, we'd like to know what your determination is on that questionable strip of land and whether this public Right-of-Way doesn't meet...

**Chair Curtiss:** That viewers report will reflect that so we'll be sure to send you a copy of the report before we meet on Wednesday.

**Dana Borsch:** My other question would be about the high water mark ~ this public access that begins at the high water mark, how did the data get in the survey.

**Peter Dayton:** On the east side of the highway the bank is very steep, as you will see, and of course there is a high water mark...you're standing on the side of your feet, you can walk down there to look at it.

**Commissioner Landquist:** Anybody who's floated that river and I have, knows that that portion there is pretty steep and is riddled with old cars.

**Greg Robertson:** For clarification; we're going to meet on site at 1:30 on Monday?

**Chair Curtiss:** 1:30 on site.

## 12. OTHER BUSINESS

None

## 13. RECESS

Being no further business to come before the Board of County Commissioners, meeting recessed at 2:45 pm.

Following Public Meeting — BCC signed Resolution No. 2014-131, dated December 10, 2014. Approving application of Roseburg Forest Products for New or Expanding Industry classification (Tax Credits Program). \$8,988,007 has been capitalized in 2014 calendar year and will be eligible the 2015 tax year; approx. \$9,100,000 will be capitalized with completion of project in 2015 calendar year and will be eligible the 2016 tax year. Public Hearing held December 10, 2014. Original to C&R.

Tax Abatement Request — At meeting with Clerk & Recorder, BCC approved letter dated December 11, 2014, denying request from William Ward, Missoula, to waive penalty and interest for taxpayer id #1523409 and taxpayer id #5820104. As the BCC is governed by Montana law, the BCC is not authorized to do so.

### THURSDAY, DECEMBER 11, 2014

BCC met in regular session; all three present.

#### ADMINISTRATIVE MEETING

Request — BCC reviewed/approved new Policy No. 2014: Missoula County Credit Card Policy, which establishes guidelines for use of county credit cards issued to County employees or to county fleet vehicles. Policy migrates all county credit cards to a single card issuer, First Interstate Bank.

Board Appointment — BCC appointed Marty Blair as the new member of MUTD (Missoula Urban Transportation District) for a 4-year term (January 1, 2015-December 31, 2018). Previous member did not wish to be reappointed.

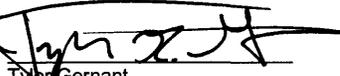
Board Appointments — BCC made following appointment to the Fairgrounds Advisory Committee:

- 1) Reappointed Jason DeCunzo as regular member to new 3-year term to September 30, 2017;
- 2) Appointed Susan Estep as Alternate for 3-year term to September 30, 2017;
- 3) Appointed Ryan (Bip) Bagnell as regular member to fill unexpired term to September 30, 2016;
- 4) Appointed Matt Loomis as Alternate for 3-year term to September 30, 2017;
- 5) Appointed Jim Sadler as regular member to new 3-year term to September 30, 2017.

Additional discussion item(s): Schedule BCC administrative meetings through end of 2014.

### FRIDAY, DECEMBER 12, 2014

BCC met in regular session; all three present. Afternoon: BCC attended grand opening of new Poverello Center.



Tyler Gernant  
Clerk & Recorder



Jean Curtiss, Chair  
BCC

### MONDAY, DECEMBER 15, 2014

BCC met in regular session; all three present. Morning: BC attended Blackfoot Corridor Meeting, held at FWP Offices.

Site Visit — ML accompanied Steve Niday and Greg Robertson on site visit to Rio Vista Addition.

Replacement Warrant - JC signed. Jeffrey Langan, Missoula, Principal for Elections Warrant #30260660, issued November 17, 2014 on County 1000 Fund. Amount/\$116 (for election judge). Warrant not received in mail.

Replacement Warrant - JC signed. Jeffrey Langan, Missoula, Principal for Elections Warrant #30260241, issued November 13, 2014 on County 1000 Fund. Amount/\$40 (for General Election testing). Warrant not received in mail.

**TUESDAY, DECEMBER 16, 2014**

BCC met in regular session; all three present.

**ADMINISTRATIVE MEETING**

Contract – BCC signed, dated December 16, 2014. Between County and Rocky Mountain Capitol Consulting, LLC (Marnie Russ) to extend contract for her County advocacy work in Washington D.C. (particularly to help develop/execute a federal government relations plan related to capital/operational needs of four designated projects: 1) RSID 8901 Lolo Wastewater Treatment Plan Expansion/Upgrade; 2) East Missoula Complete Streetscape; 3) Lolo to Missoula Trail; and 4) Seeley Lake Sewer District. Term/January 1, 2015–June 30, 2015. Amount/up to \$7,500. Two originals to Greg Robertson/PW for further handling.

Request – By request of County Auditor, BCC reviewed/approved adoption of Revised Purchasing and Contracts Policy #2013-05. Revisions include EPA procurement requirements. Original to Barb Berens/Auditor for further handling.

Change Order – BCC signed. #2 to contract between County and MMW/Sirius Construction for County CVA Offices Remodel. \$19,138 will be added to contract for last changes, including JCG demo, door replacements, seating anchoring, setting DDC Controls. New base contract sum/\$360,809.24. Project date of completion/December 2014. Originals to C&R and Larry Farnes/Facilities.

Agreement – JC signed. State Highway Traffic Safety Section Agreement between MCCHD and MT DOT (CTS #107898) for the Buckle Up Montana contract to conduct activities to increase use of seat belts/child safety seats. Term/October 1, 2014–September 30, 2015. Amount/\$35,000 (from grant funding). Two originals to Julie Mohr/MCCHD for further handling.

Fee Request – Per request from CFO, BCC approved/signed submission of Architectural and Engineering Fees between County and A&E Architects for Phase 4 of the Courthouse/Annex Building Renovation (specifically, Courtrooms). Amount/338,491. Term/March 1, 2015-January 30, 2016. Originals to C&R and A&E.

Ordinance – BCC signed. New recodified Missoula County Animal Control Ordinance, which includes the increase of fees (per schedule therein). Two original RCAs returned to Jim Carlson/MCCHD for further handling and method of adoption to be determined by attorneys. [1<sup>st</sup> & 2<sup>nd</sup> approvals made October 22 and November 12, 2014].

Additional discussion item(s): 1) Emergency Notification to businesses; 2) Consider additional appointments to Tax Appeal Board. Staff instructed to notify TAB and secretary that BCC is considering further appointments to ensure they have three members for appeals hearings.

**WEDNESDAY, DECEMBER 17, 2014**

BCC met in regular session; all three present. After Public Meeting, BCC met with Mayor Engen, Missoula Legislative Delegation, et al, in the Reidy Conference Room.

**ADMINISTRATIVE MEETING**

Engagement Letter - JC signed acknowledgement of letter received from Dorsey & Whitney, LLP, dated June 28, 2014, outlining services they will provide as bond counsel to County for issuance of approx. \$42,000,000 in General Obligation Bonds (Series 2014) for the purpose of building/improving County parks and trails. Originals to C&R and Dorsey/Whitney.

Confidentiality and Non-Disclosure Agreement – BCC signed. Between County and Rivertop Renewables to protect information needed for County's application to MDOC for BSTF Job Creation grant funds on their behalf. Agreement gives notification to company if request is made, and allows 10 days for company to take any action necessary to protect documents or information from disclosure. Records held no longer than December 2019, if grant awarded. Original to C&R.

Employment Agreements – BCC signed. Between County (PHC) and the following for their services:

- 1) Amy Matheny, MD, as Physician. Term/January 20, 2015-June 30, 2016. Amount/\$160,000 per year for 1.0 FTE.
- 2) Andrea Wirshing, as Behavioral Health Services Director. Term/January 14, 2014-June 30, 2015. Amount/\$33.65 per hour for 1.0 FTE.
- 3) Elizabeth Paddock, MD, as Physician. Term/July 1, 2014-June 30, 2015. Amount/\$76.92 per hour for .75 FTE.

- 4) Moses Lemeza, as Pharmacist. Term/December 4, 2014-June 30, 2015. Amount/\$46 per hour.  
Originals to C&R and Andrea Laine/PHC.

Resolution No. 2014-134 – BCC signed, dated December 17, 2014. Adopting 2012 Editions of the International Residential Code, International Building Code, International Energy Conservation Code, International Mechanical Code, International Fuel Gas Code, International Existing Building Code, Uniform Plumbing Code and the 2014 National Electrical Code. Effective date: February 1, 2015. Original to C&R.

Resolution No. 2014-133 – BCC signed October 27, 2014 (contingent upon receipt of the signed City Approval Resolution). Expending up to \$90,000 from City's portion of the 2006 Open Space Bond Proceeds for trail acquisition and "cost to cure" expenses directly associated with acquisition of trail easements for Grant Creek Trail II Project. Original to C&R.

Transmittal Letter – BCC approved letter signed by Dori Brownlow and Vickie Zeier, dated December 12, 2014, for transmittal of documents to MT Department of Revenue creating the Bonner West Log Yard Targeted Economic Development District (TEDD). Two originals to Lynette Windemaker/Planning Consultant, Bozeman.

County Transportation Ballot – Dated December 16, 2014. JC voted "FOR" approval of Route 16S-CEF – 25.8 miles per day. Additional route to transport students from Lewis and Clark Elementary to Chief Charlo School. Ballot to Supt. of Schools.

Additional discussion item(s): None.

#### **SPECIAL PUBLIC MEETING – December 17, 2014**

**1. CALL TO ORDER**

**Commissioners Present:** Commissioner (Chair) Jean Curtiss, Commissioner Bill Carey, Commissioner Michele Landquist

**Staff Present:** James McCubbin, Deputy County Attorney, Steve Niday, Public Works, Shyra Scott, Clerk & Recorder

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC ANNOUNCEMENTS**

You can still enjoy the Holiday display at the Historical Museum at Fort Missoula

**4. PUBLIC COMMENT**

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List ~ \$552,683.12

**Executive Session**

Commissioner Carey made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$552,683.12. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

**6. HEARING & DECISION**

Petition to Abandon or Alter a Public Road (Right-of-Way between Lot 1, Block 2 and Lot 3, Block 4 of Rio Vista Addition)

Steve Niday read the road viewers report.

Commissioner Landquist and Steve Niday did the road viewing December 15<sup>th</sup>. Also present at the viewing were representatives from the Department of Natural Resources, Montana Fish, Wildlife & Parks, Missoula Public Works, Missoula Independent and the primary petitioner and his legal counsel. It is the recommendation of the viewers that the northernly 20 feet of the subject Right-of-Way be abandoned. This 20 foot wide strip of Right-of-Way is on top of a steep slope and is not necessary for public use. This partial abandonment preserves a public drainage way and is necessary for storm water from Rio Vista Drive and the surrounding area. The parcel abandonment also any public Right-of-Way access to the river. It protects the primary petitioner, Tyler Callsen, from unwanted public use of this 20 feet wide strip, which has been developed and occupied by him and eliminates the public Right-of-Way from the area occupied by his house and other improvements.

**Commissioner Landquist:** I concur with what is written here and what was settled on after seeing the site, it stills leave plenty of room for the drainage and public access in that draw. I think if this is accepted then we should have a conversation regarding the owner's course of action that he could take, possibly keeping the improved pad that he has for parking his camper. Which he could probably get an encroachment permit from Public Works for, you don't need to have that written here, it's something you could do separately. As well as discuss how to handle future notifications for road abandonments because some information that was brought to my attention from the Fish, Wildlife & Parks folks regarding how they're always the last to know ~ somebody called them and notified them about this, otherwise they wouldn't have known. We might want to do some things different in our notification processes on these things, as far as who to notify. Other than that, this viewer's report I stand behind 100%.

**Public Comment**

**Peter Dayton:** Counsel for Tyler Callsen. Well first we requested that the entire Right-of-Way be abandoned, we would definitely and I hope that you will, if you follow the viewers' recommendation and only abandon the north 20 feet, that's better than nothing, as it eliminates the encroachment to his house. The one thing that I would request; in the petition we asked that you record a copy of the Resolutions so that will be on the real estate records and the Resolution should specify that that 20 feet would revert to Tyler Callsen. We would like to see that recorded.

**Executive Session**

**Chair Curtiss:** So the viewer's report would be the Resolution so should we add any language about reverting to Mr. Callsen?

**James McCubbin:** I agree with Peter as an operation of law attaches to the northern parcel here, that doesn't mean it's not a good idea to address it in your Resolution. I agree that that's a good idea to add that to your Resolution that this area reverts as ownership with full rights to...I'd identify it as description to property by Mr. Callsen.

Just briefly I'd note the decision today really doesn't address whether there's an intervening strip of land between this easement and the subdivision lots and the river. After reviewing the lots with the surveyors --- I don't think there is any property there but that's an issue for another day. Even if there were a separate strip of land between this easement and the river, the county still at this point would have a descriptive right of drainage across that property. So this easement is still necessary, if for no other reason than drainage and then this preserves any right of access. So if this easement does go all the way to the river then it cannot be legally abandoned as an access passage, unless you find another equivalent access. Those issues don't need to be addressed today. The viewers report is a very good compromise solution that reserves public interest, while accommodating the house encroachment that's there and is not Mr. Callsen's fault.

**Commissioner Landquist:** I know Dorie was asked to do some of the research, did she ever find anything?

**James McCubbin:** I discussed that with her a little but really the tax records don't answer that question, as to whether there's a separate strip there or not. There was an error in the description, tax records, but it has no bearing on this issue. It was described as a remainder so the question is interrupting what that remainder is. It just doesn't give us an answer.

**Chair Curtiss:** So if they would like that clarified, it would have to be done through a court?

**James McCubbin:** It would have to be done through a court action, yes.

**Chair Curtiss:** So if we so choose we could adopt the viewers report and then just add some language saying because then the Resolution is created after this, right?

**James McCubbin:** Correct.

**Chair Curtiss:** It's filed and then we could put the language which we know the law says it reverts to the property owner but this would just make it easier to trace with a title or something so someone else doesn't end up in the same position.

**Dana Boursch:** I'm wondering if that 20 feet that they'll get - will they own that in fee simple title? And my second question is whether that includes the steps? And if it does include the steps will the county retain an easement to utilize those?

**James McCubbin:** So in terms of ownership I think arguably they already own it, but the Resolution will help clarify that yes they will. The reason why I say they might already own it is because the county really just holds an easement there, even though it's shown as a separate strip on the plat. As a matter of law they probably own to the center of that easement, not really an issue we need to address. So anything in that 20 feet the public has no right to it. In the part of the easement that's preserved, not abandoned, the county has whatever easement rights we have there. I think that includes access rights, I think we have a dispute over that but I don't think there's much of a factual issue there.

**Chair Curtiss:** The question was about the steps.

**James McCubbin:** Do they go past the 20 feet?

**Peter Dayton:** If you look at the copy of Ken Jenkins survey that's in there, it's on page 9 of my materials. You can see the stairs there and the west end or SW end of that easement is 47 feet wide and the stairs are pretty clearly to the south of the 20 foot strip. So those stairs would clearly remain in the 20 foot public Right-of-Way.

**James McCubbin:** The way that that can be addressed is the same way of the parking pad area. If we could do an encroaching permit and that will document that he has a right to have that there. To the extent that someday there might be a public use there that would be consistent with the steps or the parking area then at that point they could be required to be removed, but I don't think anybody anticipates that. Basically as long as it doesn't turn into a problem for anything there's no reason why the steps can't remain there.

**Chair Curtiss:** So the access to the river issue to public lands and waters, Briggs Street has a way better access and a place to park and isn't very far away. So in reality there is access to the river. We're not talking about that today but I'm just saying that there is. There's plenty of ways for the public to get to the river without being here anyway.

**Steve Niday:** I would suggest a site visit by yourself, just to evaluate it.

**Commissioner Landquist:** It would certainly need a whole lot more improvement for the elevation to get down there.

**Ladd Knotek, Fish Wildlife & Parks:** So there's currently two (2) other access points that are viable there; one is Briggs Street which is extremely steep. The access point that's being used is off the highway bridge, just downstream and that's really our big concern is that somehow that may not be available in the future. So that's our interest here is making sure we have all the options open for the public to get to the river.

**Chair Curtiss:** The one on the opposite side of the river?

**Lad Notek:** Yes.

**Commissioner Landquist:** The one where people park underneath the no parking signs?

**James McCubbin:** That likely will be physically blocked in the near future with the construction of the trail there.

**Lad Notek:** That's the issue is that we're losing opportunities for the public. We're just trying to keep the options open.

**Chair Curtiss:** Just so you know, Mr. Callsen said last week that's he's interested in talking to somebody about that side of the river.

#### **Motion**

Commissioner Landquist made motion that the Board of County Commissioners approve the Viewers Report for abandoning 20 feet of the Right-of-Way in the Rio Vista Addition. Commissioner Carey second the motion. The motion carried a vote of 3-0.

#### **7. OTHER BUSINESS**

**Commissioner Landquist:** I know that the Commission has done some work in the past on our permits for abandoning roads or encroachment's, etc. for making sure changing what we considered relevant for signatures to be on the petitions and people to be notified so that people aren't surprised in those neighborhoods. It was brought up to my attention during this viewing out there on site that other land managing agencies had been kept rather clueless when things like this come up that may be in their realm of wanting to have some feedback. So it was discussed a little bit on site how we could make those changes and I did discuss that with Steve Niday and James McCubbin during the discussion of what we were gonna say in our viewers report. We thought perhaps some fixes could be made as simple as the county notifying different agencies when road abandonments or encroachments like this come up and we're asked to be entertained similar what people do for subdivision, there's a whole list of different agencies and/or people that you may need to notify regarding a subdivision that may have impact on them. I think this will save some angst on the part of land managers, Fish, Wildlife & Parks, Forest Service, DNRC, BLM, any of them that might be affected on that. I won't be here to carry that forward but I thought it was worth a brief mention.

**Peter Dayton:** I teach a lot of seminars on public road law and do a fair number of road abandonment petitions and the statutes say that one of the things the petition has to do is list the effected land owners. That's always an interesting question because...

**Commissioner Landquist:** The petitioner?

**Peter Dayton:** When you file a petition it has to identify the effected land owners. I think that list is then used to send out notices for them. And it's always a question for them, how big or small is that group? My practice has been to prepare a draft of that petition and show what I think is reasonably the effected land owners and then send it to the County Attorney's Office and ask for comment. In this case, I had a bunch of lot owners in the surrounding in the area and subdivision but not the state because we believe this doesn't provide access to the river. When I sent it to James he said; we'd just like to have the people that are actually immediately adjacent. So the statue is not clear and the question of who's affected is pretty much open to interpretation. Perhaps one thing you could do is in your processing is encourage petitioners to submit the proposed petition to the County Attorney's Office for comment on a variety of things. For example; there's a number of things they could be counseled on; one is that many petitions provide no explanation of the history of the situation and that means the burden goes on the County Attorney's Office to do it. So if someone just sat down around a restaurant table and prepare it on a napkin and it has no explanation of what's going on, the County Attorney's Office could say look you need to have an attorney do some research and give us and explanation of what's going on here. You could also then provide them with feedback about what they chose to call the effective land owners, which is always open to interpretation.

**Commissioner Landquist:** Since I've been on this Commission we've been working hard to make sure we're not making this over onerous and costly for the land owners and operate as transparently as possible. I just wanted to bring it up knowing that I'm planting this seed for something that has been identified as something that needs to be done and trust now that it's been identified that it will be looked at.

**James McCubbin:** I think what Peter is talking about and what Michele is talking about are slightly two (2) different things. I think giving public agencies that might have an interest in it, whether or not they're an effected property owner because I think we're talking about a broader range of agencies. For example, I don't think FWP would ever be considered a property owner that's affected but obviously there's an interest in this type of access there. What I think an effective and cost effective way of doing that is just putting together an e-mail distribution list. Ask that the Clerk & Recorders Office when they get these petitions just email it out to that distribution list. And if we have agencies that say; we really don't want to receive these, take us off the list, or they can change it. That would probably include DNRC, FWP, Tribes and utilities. These are the ones I can think of off the top of my head. We can just do that as an informal, internal policy that we do that to give people notice. There's no legal requirement for that type of notice, it's really broad; hey you might have some interest in this so we're giving you a heads up. Although, arguably the Tribes are legally entitled to notices if they have some type of effected interest, whether or they're a land owner or just treaty rights.

In terms of having people consult with the County Attorney's Office, I hesitate to go that far. I'm certainly open to talking to Peter, particularly attorneys that contact us. We want to hash this out before it gets in a public process.

What we do have in our instructions and I think even on the form is encouraging the petitioners to contact the Surveyors and work with them there. And then if the Surveyors have legal questions they can contact me or somebody in the County Attorney's Office. I think that system works pretty well.

We need to be careful about what we put in the forms and even in our instructions because we're limited by statute what we can require. There's a lot of information we might like that goes beyond that but we're doing a balance of providing people with forms that make the petition clearer without adding requirements, so that's a sort of tight balance there. People can just write up a petition on a paper napkin and bring it in and if they met the legal requirements, we have to process that. It's not really doing the petitioners any good, it's not doing us any good, and it's a lot more difficult. But if we make our own forms too onerous, they're not going to follow our forms.

**Shyra Scott:** I would be more than happy to put together a list of effected government parties that aren't necessarily land owners to contact and maybe the County Attorneys will I help me compile that and send it out. We'd be happy to do that.

**Chair Curtiss:** The Planning Office probably already has a pretty good list we could use.

**Commissioner Landquist:** I'd like to make sure that Mr. Callsen understands what we're suggesting he do regarding the encroachment permit for the camper pad and/or stairs if you need to. Do you understand what we're suggesting you do, going to Public Works and getting a permit? He's nodding his head yes, he knows.

One more thing; this will be my last meeting serving as a Commissioner for Missoula County and if I can get through this without crying, I'd like to say it's been an honor and a privilege serving the county in this capacity. I've appreciated working with everybody here and representing my constituents to the best of my abilities. Thank you very much.

**8. RECESS**

Being no further business to come before the Board of County Commissioners, meeting recessed at 1:58 pm.

**THURSDAY, DECEMBER 18, 2014**

BCC met in regular session; all three present. Evening: BCC attended Open Lands Citizen Advisory Committee Meeting and Holiday Pot Luck Event, held at CAPS Building.

**ADMINISTRATIVE MEETING**

**Agreement** – BCC signed, dated December 18, 2014. Between County (MCCHD) and Yellowstone City-County Health Department dba RiverStone Health ("RSH") to provide Nurse-Family Partnership of Montana Home Visiting Services in Missoula County. Amount/\$154,139 for SFY2014. Four originals to Julie Mohr/MCCHD for further handling.

**Resolution No. 2014-132** – BCC signed December 18, 2014. Appointing a Special Deputy County Attorney to assist with the prosecution in the case of *State v. Vayeeleng Moua*. MCA authorizes the Montana Attorney General to provide assistance to county attorneys. Original to C&R.

**Subrecipient Agreement** – BCC signed. Between County and Western MT Addiction Services ("WMAS") to provide Frenchtown High School with a Project Success Counselor. Amount/\$22,200 from grant awarded to County (\$123,461) for substance abuse prevention. Term/October 1, 2014-September 30, 2015. Originals to C&R and Peggy Seel/GCP.

**Contract** – BCC signed, dated December 18, 2014. Between County and Western MT Addiction Services ("WMAS") in order for Missoula Forum for Children/Youth to perform media advocacy and coalition building activities (through Environmental Substance Abuse Prevention services). Amount/\$28,000 from grant awarded to County (\$123,461) for substance abuse prevention. Term/March 1, 2014-February 28, 2015. Originals to C&R and Cindy Wulfekuhle/GCP.

Contract – BCC signed, dated December 18, 2014. Between County and Mitzi Rossillon, Consulting Archaeologist, LLC, to assess/evaluate former Milltown Dam Powerhouse artifacts. Amount/not to exceed \$4,000 from Milltown Historic Mitigation Trust funds. Term/January 2-30, 2015. Originals to Christine Dascenzo/CAPS for further handling.

Request: Records Disposal/Transfer Authorization – JC signed. 1) From Justice Court 1: Civil, Criminal and Small Claims from January 1, 2000–December 31, 2004; 2) From Justice Courts 1 & 2: End of Month Reports from January 1, 2006 – December 31, 2006; 3) From Justice Court 2: Civil, Criminal and Tickets from January 1, 2003–December 31, 2004; To be disposed of.

Additional discussion item(s): Joint Resolution regarding Medicaid expansion. CAO will contact City of Missoula to prepare resolution.

**FRIDAY, DECEMBER 19, 2014**

BCC met in regular session; all three present. Late morning: BCC held reception to thank Kim Seeberger (Interim Clerk & Recorder) and Amy Blixt (Interim JP Court 1 Judge).

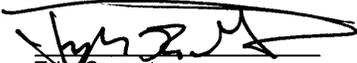
County Payroll Transmittal Sheet – BCC signed. Pay Period: 25/CY2014 - Pay Date/December 12, 2014. Total Payroll/\$1,492,158.34. To County Auditor.

Request: Records Disposal/Transfer Authorization – JC signed. From Clerk & Recorder: 1) Balance reports (8/1/2011-12/31/2012).

Request: Records Disposal/Transfer Authorization – JC signed. From Clerk & Recorder: 1) Birth requests & application (1/1/2011-12/31/2011); 2) Death requests & application (3/1/2011-12/31/2011); 3) Discharge requests & application (3/1/2011-12/31/2011).

Request: Records Disposal/Transfer Authorization – JC signed. From Clerk & Recorder: 1) Correspondence/records search requests (1/1/2009-12/31/2011); 2) Correspondence/undelivered recorded documents (1/1/2001-12/31/2011).

County Transportation Ballot – Dated December 19, 2014. JC voted "FOR" approval of Route SE18A – consolidation of Routes SE18C(am) and SE18D(pm) – 70.2 miles per day. Frenchtown School District. Ballot to Supt. of Schools.

  
Tylee Gernant  
Clerk & Recorder

  
Jean Curtiss, Chair  
BCC

**MONDAY, DECEMBER 22, 2014**

BCC met in regular session; quorum present. ML out of office all day.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Wye Commercial Phasing Plan (*action*); 4) Growth Policy/Next Steps; 5) Planning Board Bylaws (*action*); 6) Director's update.

Bylaws – BCC conditionally approved amendments to the Bylaws of the Missoula Consolidated Planning Board, subject to re-inserting term limits. Document to City, then to Planning Board for approval before return to BCC for signature.

**TUESDAY, DECEMBER 23, 2014**

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Replacement Warrant - JC signed. Anderson's Masonry Hearth & Home, Missoula, Principal for Grants Warrant #30256025, issued August 5, 2014 on County 2253 Fund. Amount/\$1,500 (for woodstove and installation). Warrant not received in mail.

Replacement Warrant - JC signed. Seth Swanson, Missoula, Principal for Extension Warrant #30260160, issued November 13, 2014 on County 2253 Fund. Amount/\$99.35 (for seed starter pots). Warrant not received in mail.

Contract – BCC signed. Between County and Linda Stoll for legislative lobbying services during the 2015 legislative session. Amount/\$20,000. Term/January 1, 2015–April 30, 2015. Originals to C&R and Anne Hughes/Communications.

Termination Agreement – JC signed. For the Martina Creek Mine Reclamation Planning Grant (#RITP-14-0072 in amount of \$37,500) between County, DNRC and Trout Unlimited. All tasks have been completed and grant expired September 30, 2014; parties agree all obligations have been met. Two originals to Kali Becher/CAPS for further handling.

Additional discussion item(s): None.

**WEDNESDAY, DECEMBER 24, 2014**

BCC did not meet in regular session. BCC out of office all day.

ADMINISTRATIVE MEETING - *Canceled*

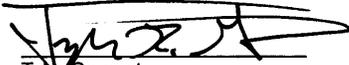
NO PUBLIC MEETING HELD THIS DATE

**THURSDAY, DECEMBER 25, 2014**

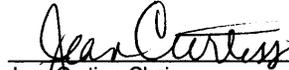
**COURTHOUSE & ADMINISTRATION BUILDING CLOSED FOR CHRISTMAS DAY HOLIDAY**

**FRIDAY, DECEMBER 26, 2014**

BCC did not meet in regular session. BCC out of office all day.



Tyler Gernant  
Clerk & Recorder



Jean Curtiss, Chair  
BCC

**MONDAY, DECEMBER 29, 2014**

BCC met in regular session; all three present. Afternoon: BCC attended retirement celebration for County Attorney Fred Van Valkenburg, held in Courtroom #3 of the Courthouse.

CAPS - *Canceled*.

County Payroll Transmittal Sheet - BCC signed. Pay Period: 26/CY2014 - Pay Date/December 26, 2014. Total Payroll/\$1,451,656.17. To County Auditor.

Request: Records Disposal/Transfer Authorization - JC signed. From Judge Harkin: Court Notes (1/6/2004-12/29/2004).

**TUESDAY, DECEMBER 30, 2014**

BCC met in regular session; all three present. Afternoon: BCC held swearing-in ceremony for newly elected officials for Missoula County.

ADMINISTRATIVE MEETING

Successor Agreement - BCC signed signature page. Between County and Local Unit #43 of the Montana Nurses Association (covering employees of the Health Department and Partnership Health Center) for the period July 1, 2014-June 30, 2016. Original signature pages to Patty Baumgart/HR for further handling.

Task Order - JC signed. #15-07-4-31-130-0 between MCCHD and MT DPHHS (Missoula County Immunization Program Master Contract 7/1/12-6/30/19). Grant funding for Immunization Program services in amount of \$45,033 for period January 1, 2015-December 31, 2015 to provide immunization services to children, teens, and (occasionally) adults. Two originals to Julie Mohr/MCCHD for further handling.

Swearing-In Ceremony - BCC swore in Barbara Berens as Missoula County Auditor for new term beginning January 1, 2015. [Ms. Berens was unable to attend this afternoon's ceremony at 1:30 pm].

Additional discussion item(s): None.

**WEDNESDAY, DECEMBER 31, 2014**

BCC did not meet in regular session. BCC out of office all day.

ADMINISTRATIVE MEETING - *Canceled*

Request: Records Disposal/Transfer Authorization - JC signed. From Human Resources: 1) Recruitment files (1/1/2011-12/31/2011); 2) Terminated personnel (1/1/2004-12/31/2004). To be disposed of.

NO PUBLIC MEETING HELD THIS DATE

MISSOULA COUNTY COMMISSIONERS' JOURNAL: JANUARY, 2015

BCC = BOARD OF COUNTY COMMISSIONERS  
 BC = Commissioner Bill Carey, Chair  
 CR = Commissioner Nicole ("Cola") Rowley  
 JC = Commissioner Jean Curtiss

The following Claims Lists were signed during the month of JANUARY 2015:

Date Signed	Claims List Date	Who signed	Amount
January 1, 2015	PHC Amerisource ACH		\$15,760.52
January 5, 2015	December 30, 2014	BCC	\$230,115.18
			\$22,414.75
			\$321.90
			\$810.10
			\$15,051.80
January 5, 2015	December 31, 2014	BCC	\$12,558.44
			\$18,299.61
			\$2,367.46
			\$265.47
			\$405.00
January 5, 2015	January 5, 2015	BCC	\$2,400.00
			\$47,415.53
			\$3,872.18
			\$4,570.13
			\$677.26
January 7, 2015	PHC Smartfill ACH		\$299,308.98
January 7, 2015	PHC Smartfill ACH		\$24,295.99
January 7, 2015	January 5, 2015	BC, NR	\$2,109.60
			\$9,349.73
			\$293.98
January 8, 2015	January 6, 2015	BC, NR	\$13,318.87
			\$5,924.17
			\$2,496.95
			\$45.68
			\$8,304.88
			\$773.49
			\$2,173.74
			\$719.59
			\$44,866.27
January 8, 2015	January 7, 2015	BC, NR	\$400.00
			\$1,600.10
			\$178.38
			\$7,976.50
			\$2,394.40
January 8, 2015	BC, NR		\$1,683.94
January 8, 2015	BC, NR		\$496.19
January 8, 2015	January 7, 2015	BC, NR	\$6,499.27
			\$8,447.79
			\$572.86
			\$221.39
			\$121.00
			\$14,966.93
January 9, 2015	January 8, 2015	BC, NR	\$12,299.04
			\$12,606.03
January 12, 2015	January 8, 2015	BCC	\$1,509.75
			\$4,202.95
January 12, 2015	January 9, 2015	BCC	\$49,780.16
			\$364.98
			\$57,848.58
			\$1,764.00



<i>(cont'd from January 12<sup>th</sup>)</i>			\$441.24
			\$370.02
			\$116.83
			\$119.00
January 13, 2015	January 12, 2015	BCC	\$2,558.72
			\$1,589.95
			\$12,856.60
			\$44,267.23
			\$427.93
			\$241.23
			\$934,963.54
January 14, 2015	December 29, 2014	BCC	\$11,862.39
January 14, 2015	January 12, 2015	BCC	\$5,721.90
January 14, 2015	January 13, 2015	BCC	\$6,567.12
			\$26,274.02
			\$5,932.97
			\$215.93
			\$2,902.86
			\$5,444.64
			\$548.00
			\$985.71
			\$567,261.88
			January 14, 2015
			\$3,713.70
			\$166.69
			\$255.00
			\$1,115.00
			\$467.46
			\$99.44
			\$25.86
			\$122,442.67
January 15, 2015	PHC Smartfill ACH		\$77,413.69
January 15, 2015	PHC Amerisource ACH		\$12,941.95
January 16, 2015	PHC Amerisource ACH		\$104,914.60
January 16, 2015	January 14, 2015	BCC	\$30,810.76
			\$7,672.54
			\$3,453.67
January 16, 2015	January 15, 2015	BCC	\$636.27
			\$2,218.06
			\$202.50
			\$1,791.40
			\$8,389.50
			\$1,805.00
			\$528.67
			\$528.50
			\$43,021.38
			\$80.00
			\$16.69
			\$9.25
			January 20, 2015
			\$4,219.92
			\$23,551.10
			\$6,247.89
			\$569.74
			\$520.00
			\$425.00
			\$41,997.03

January 21, 2015	PHC Smartfill ACH		\$26,238.50
January 21, 2015	January 20, 2015	BC, NR	\$9,266.16
			\$54,218.02
			\$1,157.28
			\$1,000,436.15
			\$4,978.25
			\$155.95
			\$600.00
			\$4,633.95
January 21, 2015	January 20, 2015	BCC	\$62,117.99
January 21, 2015	January 21, 2015	BCC	\$195.24
			\$659.02
			\$6,993.14
			\$162.50
			\$2,342.40
			\$515.00
			\$1,147.92
January 22, 2015	January 21, 2015	BCC	\$7,219.78
January 22, 2015	January 22, 2015	BCC	\$4,111.52
			\$6,924.07
			\$2,900.24
			\$846.70
			\$8,498.51
January 23, 2015	January 23, 2015	JC, NR	\$66,440.81
			\$570.64
			\$45.76
			\$250.00
			\$60.00
			\$585.57
			\$30,145.98
January 26, 2015	January 22, 2015	BCC	\$100.00
January 27, 2015	January 26, 2015	BCC	\$8,406.55
			\$27,637.97
			\$1,204.38
			\$4,268.65
			\$11,285.26
			\$1,389.49
			\$5,627.24
			\$51,147.60
			\$40,514.00
			\$2,860.36
January 30, 2015	January 27, 2015	BCC	\$1,307.00
January 30, 2015	January 27, 2015	BCC	\$2,350.15
			\$5,920.89
			\$623.71
			\$255.00
			\$2,041.00
January 29, 2015	January 30, 2015	BC, NR	\$10,890.99
			\$2,255.52
			\$138,812.04
			\$1,543.02
			\$5,798.81
			\$232.50
			\$576.05
			\$255.63
January 23, 2015	PHC Amerisource ACH		\$498.63
January 28, 2015	PHC Smartfill ACH		\$29,563.42
January 30, 2015	PHC Amerisource ACH		\$46,817.99
			\$29,308.98

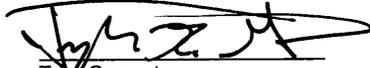
All Claims Lists were returned to Auditors.

THURSDAY, JANUARY 1, 2015

**COURTHOUSE & ADMIN BUILDING CLOSED FOR THE NEW YEAR'S DAY HOLIDAY**

FRIDAY, JANUARY 2, 2015

BCC did not meet in regular session; commissioners out of office all day.



Tyler Gernant  
Clerk & Recorder



Bill Carey, Chair  
BCC

MONDAY, JANUARY 5, 2015

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Silver Summit Playground organizers recognition plaque; 4) Director's update.

Request: Records Disposal/Transfer Authorization – JC signed. From Treasurer: 1) Abatements (1/1/2004-12/31/2004); 2) Assignments (7/24/1946-10/9/1984); 3) Bankruptcy (1/1/2004-12/31/2004). To be destroyed.

Request: Records Disposal/Transfer Authorization – JC signed. From Treasurer: 1) A101-25093 thru 26924 (6/13/2006-12/20/2006); 2) Balance Sheets (6/1/2012 thru 12/31/2012); 3) Correspondence (1/1/2012-12/31/2012). To be destroyed.

TUESDAY, JANUARY 6, 2015

BCC met in regular session; quorum present. JC ill; out of office.

**ADMINISTRATIVE MEETING**

Acting Chair Appointment – BC was appointed Acting Chair of the BCC for this day (January 6<sup>th</sup>) due to the absence of Chair Jean Curtiss.

Employment Contract – BCC signed, dated January 6, 2015. Between County and Pat O'Herren to serve as Director of Community & Planning Services. Term/January 1, 2015–December 31, 2017. Amount/\$109,325 annually (2080 hours). Originals to C&R and Pat O'Herren.

Employment Contract – BCC signed, dated January 6, 2015. Between County and Chris Lounsbury to serve as County's Chief Operating Officer. Term/January 4, 2015–December 31, 2017. Amount/\$109,324.80 annually (2080 hours). Originals to C&R and Chris Lounsbury.

Resolution No. 2015-002 – BCC signed, dated January 6, 2015. Budget Amendment for Weed/Extension showing transfers to Extension/Weed District Capital Reserve Fund in amounts of \$45,580 (Extension) and \$48,280 (Weed); these are balances from .5 mil and cash reserve not included in current budget. For total disclosure, expenditures included in formal 2015 Operating Budget/Revenue Estimates for County. Original to C&R.

Resolution No. 2015-001 – BCC signed, dated January 6, 2015. Budget Amendment for Weed/Extension showing revenue/expenditure transfer in amount of \$30,000 to cover Weed District's expenses for the MT Invasive Species Advisory Council (per Executive Order #13-2014 from Governor Bullock). For total disclosure, expenditures included in formal 2015 Operating Budget/Revenue Estimates for County. Original to C&R.

Credit Cards – BCC approved; BC and CR each signed a First Interstate Bank Mastercard Credit Card Program new credit card request for the FIB p-card Program. [JC signed January 12, 2015]. Originals to Barb Berens/Auditor.

Additional discussion item(s): Commission Representation on various outside boards/commissions.

WEDNESDAY, JANUARY 7, 2015

BCC met in regular session; quorum present. JC ill; out of office.

Monthly Report – BC examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of District Court, Shirley Faust, for month ending December 2014.

Monthly Report – BC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending December 2014.

Monthly Report – BC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Amy Blixt, Acting Justice of the Peace, for month ending December 2014.

ADMINISTRATIVE MEETING

Chair Appointment – BC was appointed Chair of the Board of County Commissioners for Calendar Year 2015. BC was also appointed Acting Chair of the BCC for this day (January 7<sup>th</sup>) due to the absence of Chair Jean Curtiss.

Lease Amendment – BC signed, dated December 31, 2014. Between County and Liquid Planet, Montana, Inc. to lease a portion (210.4 sq. ft.) of Missoula County Courthouse to operate a food service (deli) establishment. Rent amount/\$100 per month, plus \$32 for telephone at location (plus any long distance charges). Lease term/September 18, 2014–September 17, 2017. Originals to C&R and Liquid Planet.

FWP Agreement – NR signed a MT Fish, Wildlife & Parks Agreement for Individual Voluntary Services for ten (10) hours of work during the period December 8, 2014–January 31, 2015 to assist with Bighorn sheep captures as part of the Statewide Bighorn Sheep Project. PDF to CAPS; original mailed.

Request: Records Disposal/Transfer Authorization – BC signed. From Financial Services: Month End Reports (7/1/2006-12/31/2006).

Additional discussion item(s): 1) 2015 Legislative Session; 2) Medicaid Program Resolution; 3) County Fairgrounds Advisory Committee orientation.

NO PUBLIC MEETING HELD THIS DATE

**THURSDAY, JANUARY 8, 2015**

BCC met in regular session; quorum present in morning. JC ill; out of office. Early morning: BC/CR attended *Friends of Canada* Breakfast, held at the Holiday Inn. Afternoon: CR out of office with ill child.

Replacement Warrant - BC signed. Lisa Dubrak, Missoula, Principal for Elections Warrant #30261709, issued December 11, 2014 on County 1000 Fund. Amount/\$117.60 (for elections). Warrant not received in mail.

Replacement Warrant - BC signed. Sherry Persicke, Missoula, Principal for Elections Warrant #30260811 issued November 20, 2014 on County 1000 Fund. Amount/\$121.60 (for election judge). Warrant not received in mail.

Monthly Report – BC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Amy Blixt, Acting Justice of the Peace, for month ending December 2014.

ADMINISTRATIVE MEETING

Memorandum of Understanding – BCC signed. Between MT Chapter of the American Red Cross and County Office of Emergency Management to help support citizens during times of emergency and disasters. Term/January 1, 2015–January 1, 2020. Originals to C&R and Nick/OEM.

Signature Certification Form – BCC signed. For all calendar year 2015 Big Sky Economic Development Trust Fund (BSTF) grant activities/transactions involving Missoula County. Original to Kelly Yarns/BREDD for further handling.

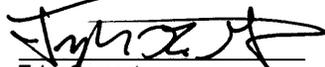
Board Appointments – BCC appointed 1) Pat Sweeney and 2) Dean Pearson as regular members to fill vacant terms to December 31, 2017 on the Weed Board.

Letter - BCC signed, dated January 8, 2014. To Nancy Faroni/Section Manager, Big Sky Economic Development Trust Fund, MT DOC, Helena, MT requesting a one-year extension to the BSTF grant for ALCOM, LLC (#MT-BSTF-1-13-11). ALCOM is in the process of doubling their production space, as well as adding employees. Original to Kelly Yarns/BREDD for further handling.

Additional discussion item(s): 1) Legal Advisor Development Manager position; 2) Rural projects; 3) Election Advisory Committee.

**FRIDAY, JANUARY 9, 2015**

BCC met in regular session; all three present.

  
Tyler Gernant  
Clerk & Recorder

  
Bill Carey, Chair  
BCC

**MONDAY, JANUARY 12, 2015**

BCC met in regular session; all three present. Afternoon: CR attended Community Food & Agriculture Coalition meeting, held at 117 W. Broadway.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Buildings for Lease or Rent: a) 23178 Huson Road/2 Duplexes; and b) 23100 Huson Road/2 Duplexes; 4) East Missoula, New Mobility West Planning; 5) Senator Daines request; 6) Planning Board Bylaws; 7) Director's update.

Board Appointment – BCC appointed current Alternate Member Jock Conyngham as a “Regular Member” of the Open Lands Citizen Advisory Committee. Mr. Conyngham’s term remains unchanged; his term ends December 31, 2017.

**TUESDAY, JANUARY 13, 2015**

BCC met in regular session; all three present. Afternoon: CR attended Kickoff for *Imagination Library*.

ADMINISTRATIVE MEETING

Resolution No. 2015-003 – BCC signed, dated January 13, 2015. Appointing Heidi Fritchen as Plan Administrator of Missoula County Employee Benefits Plan effective February 1, 2015. Original to C&R.

Contract – BC signed. Over the Counter Authorization Work Order with Montana Interactive, LLC to handle credit card transaction processing for Animal Control. Action will eliminate fees as they will be covered by customers. Effective January 13, 2015. Two originals to Christi Page/Accounting for further handling.

Contract – BCC signed, dated January 7, 2015. Between County (MCCHD) and Schumann Veterinary to provide surgical sterilization for Animal Control Shelter animals, as well as animals owned by private citizens who bring them to low income spay/neuter program. Fees listed in Exhibit A to contract. Term/July 1, 2014 – June 30, 2016. Two originals to Julie Mohr/MCCHD for further handling.

Resolution No. 2015-004 – BCC signed, dated January 13, 2015. Budget Amendment for Health Dept. showing \$163,639 increased spending (from Capital Building/Construction to CIP Cash) in Junk Vehicle budget for construction of 45’x70’ garage at Junk Vehicle location (8280 Deschamps Lane). For total disclosure, expenditures included in formal 2015 Operating Budget/Revenue Estimates for County. Original to C&R.

Sub-Recipient Agreement – BCC signed, dated October 10, 2014. Between County and Seeley Lake School District #34 for the Rural Domestic Violence grant (under USDOJ OVV, dated October 1, 2012-September 30, 2015; amount/\$500,000 over three years). Current contract funds staff positions in GCP and CVA office as well as supports program activities/partnerships in Missoula and Mineral Counties. Amount/\$54,380 for period September 1, 2014-June 30, 2016. Originals to C&R and Shantelle Gaynor/Grants.

Letter and Signature Page – BCC signed, dated January 13, 2015. To Tina Chamberlain, VOCA Program, MT BOCC, Helena, submitting signature pages and documentation for the VOCA grant application for continued implementation of the Missoula Crime Victim Advocate (CVA) Program. Application is in amount of approx. \$200,000, plus local match dollars of 20%, for a total of \$240,000. Project term/July 1, 2015-June 30, 2015. Originals to Shantelle Gaynor/Grants for further handling.

Additional discussion item(s): 1) Medicaid Program Resolution; 2) County Fairgrounds Advisory Committee orientation; 3) Commission representation on various outside boards/commissions; 4) business cards; no change for now.

**WEDNESDAY, JANUARY 14, 2015**

BCC met in regular session; all three present. Late afternoon: JC attended *Let’s Move!* Steering Committee Meeting, held at United Way offices.

ADMINISTRATIVE MEETING

Reimbursement Agreement – BCC signed, dated January 14, 2015. #15-029-CJH between County and Dept. of Corrections and Dept. of Justice, Helena, setting Daily Per Diem Rate for inmates at County Detention Center at \$88.73. Term/upon signature of all parties – January 31, 2016 (renewable for a period not to exceed seven (7) years). Two originals to Sheriff’s Office for further handling.

Independent Contractor Agreement – BCC signed, dated December 30, 2014. Between County and Karla Triepke for janitorial work at PHC’s Seeley Lake Clinic site. Term/January 1, 2015–December 31, 2015. Amount/\$850 per month. Originals to C&R and Andrea Laine/PHC.

Amendment – BC signed. #2 to Contract #14-07-4-51-104-0 between County (PHC) and MT DPHHS (June 14, 2013) to deliver Ryan White Part B Medical Case Management services. Amendment reimburses \$167,000 for period July 1, 2013-March 31, 2015; total reimbursement available throughout contract period is \$207,000. No more than \$16,700 of total contract is allowed for administrative expenses. Three originals to PHC for further handling.

Agreement – BCC signed. Between County (PHC) and MT College of Biomedical and Pharmaceutical Sciences for Dr. John Miller to serve as Medical Director and physician at PHC. Term/July 1, 2014–June 30, 2015. Amount/\$70,891 for .30 FTE. Three originals to PHC for further handling.

Request – By request of County Auditor, BCC reviewed/approved adoption of Revised County Employee Business Meals, Food, and Other Miscellaneous Costs Policy. Revisions primarily address when to use County dollars to host receptions which include refreshments, and minor revisions to clarify certain ambiguities in the earlier version. Original to Barb Berens/Auditor for further handling.

Addendum – BCC reviewed/approved Addendum B, dated January 14, 2015 to the Deferred Compensation Plan, as follows:

- 1) Appointed a Deferred Compensation Committee to advise the Plan Administrator, composed of:  
a) CFO (Andrew Czorny), b) COO (Steve Johnson), c) a County Department Head nominated by the committee (Jason Emery, Director of Technology), and d) Director of Human Resources (Patricia Baumgart), effective January 14, 2015.
- 2) Appointed CFO Andrew Czorny as Deferred Compensation Plan Administrator, effective January 14, 2015.

Original to C&R.

Request – By request of County Attorney, Kirsten Pabst, BCC approved salary increase for Jason Marks, newly appointed Chief Deputy County Attorney for both civil and criminal matters. Salary is increased to \$110,000, effective retroactive from January 1, 2015. Original to Kirsten Pabst/CA.

Ordinance – JC signed. Final version of Fee Schedule for new recodified Missoula County Animal Control Ordinance. Adopted by BCC on November 12, 2014, effective December 12, 2014. [1<sup>st</sup> & 2<sup>nd</sup> approvals made October 22 and November 12, 2014]. Original to C&R.

Letter – BCC signed, dated January 14, 2014. To U.S. Senator Steve Daines, Washington, D.C., providing input on possible federal policy reforms related to national forest land management. Viability of the three national forests within Missoula County is extremely important to our economy, health and livelihood, and urge Senator Daines to work with U.S.F.S. to find goals that are achievable.

Additional discussion item(s): None.

#### **PUBLIC MEETING – January 14, 2015**

1. **CALL TO ORDER**  
**Commissioners Present:** Commissioner (Chair) Bill Carey, Commissioner Jean Curtiss, Commissioner Nicole Rowley  
  
**Staff Present:** Jamie Erbacher, CAPS
2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC ANNOUNCEMENTS**  
None
4. **PUBLIC COMMENT**  
None
5. **ROUTINE ADMINISTRATIVE ACTIONS**  
Current Claims List ~ \$4,571,603.59

#### **Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$4,571,603.59. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

6. **HEARING (*Canceled*)**  
Tim Donovan Floodplain Variance
7. **CONSIDERATIONS (Buildings for Lease or Rent)**
  - a. **23178 Huson Road (Two Duplexes)**

Jamie Erbacher gave staff report and update showing PPT Presentation. There are six (6) review criteria that the Commissioners have to base their approval off of. Those review criteria include:  
~The compliance with buildings for lease or rent regulation and other regulations applicable with the property.  
~Impacts to the physical environment and human population in the area.  
~Water, waste water and solid waste facility.  
~Access to the site.  
~Available emergency, medical, fire protection and law enforcement services.  
~Compliance with the floodplain regulations.

The proposal is for two (2) duplexes on each property. Access is going to be off Huson Road. It's going to be one shared approach; eventually George will be paving these approaches and driveways. There is one parking spot within each of the units, additional parking on site in the driveway behind it.

To ensure compliance with the physical environment and human population in the area, the floodplain administrator had made a comment that he's recommending elevation of the structure.

When the report was published, the condition that was recommended was to elevate that and then also provide pre and post elevation certificate. After talking with George, it sounds like he's okay with that condition, however, he would like alternate language added to that just in case he's able to provide topography to show that he's above the base flood elevation. So I provided you additional comment

from Todd Kliez, Floodplain Administrator; essentially what we are looking to do is to amend the recommended condition to include the following language. We would keep the condition as is, plus the additional language that states; "if the location for the proposed development was documented by a license surveyor or engineer to be naturally above the base flood elevation of 3,008 feet NAVD88, pre or post documents may be waived, provided a licensed surveyor or engineer documents on the proposed building plans that the lowest floor and all mechanical equipment, including duct work is two (2) feet above the base flood elevation. The crawl space is no lower than the 100 year elevation." This is for the protection of the residents.

We did notify the neighbors surrounding the property within 300 feet. We did not receive any comments from any of those neighbors.

As far as water and waste water and soil facilities, the applicant has approval for a well on each lot. They are working to get a septic permit right now. Republic Services provides trash collection for this area.

As I noted before, the access is off Huson Road, which intersects the I-90 interchange. The applicant is proposing approximately a 100 foot driveway. With that, County Public Works has stated that they are going to require an approach permit. So that is a recommended condition as well. The other comments that Public Works made on this proposal is that they will be required to pull building, electrical and mechanical, plumbing, septic permits and a land use permit. So those recommended conditions of approval as well.

The Frenchtown Fire Department as well as the County Sheriff's Office provides services to this area. The property is located outside of the 100 year floodplain, however, again we did have the comments from the Floodplain Administrator but that was more to protect the Public Health & Safety since it is located outside the floodplain. We are, as I mentioned, recommending approval of both of these buildings for lease or rent. Two (2) separate motions along with conditions of approval would need to be made, I've summarized both of these together but we will need to separate motion, along with conditions of approval.

**Public Comment**

None

**Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners approve with amendment to condition #4. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

Commissioner Curtiss made motion that the Board of County Commissioners approve 23178 Huson Road based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Rowley seconded the motion. The motion carried a vote of 3-0.

**b. 23100 Huson Road (Two Duplexes)**

**Executive Session**

Commissioner Rowley made motion that the Board of County Commissioners approve with amendment to condition #4. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

Commissioner Rowley made motion that the Board of County Commissioners approve 2300 Huson Road based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Curtiss seconded the motion. The motion carried a vote of 3-0.

**8. OTHER BUSINESS**

None

**9. RECESS**

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

**THURSDAY, JANUARY 15, 2015**

BCC met in regular session; all three present. Afternoon: CR attended Grant Creek Trail Association Meeting, held at Health Dept.

**ADMINISTRATIVE MEETING**

Signature Page – BC reviewed Special Assurances and Conditions document, and signed Section 6. Signature Page for STOP VAWA (Violence Against Women Act) grant funding from MT Board of Crime Control. Funding to pay for .5 FTE to assist Sheriff's Office in responding to domestic/sexual victims, as well as funds for strangulation conference. Originals to Jenny/GCP for further handling.

Contract – BCC signed, dated January 15, 2015. #15-11-1-04-004-0 between County (PHC) and MT DPHHS for the Montana Medicaid Patient Centered Medical Home Project. Term/December 1, 2014 – December 31, 2015. Compensation for services is set forth therein. Three originals to Andrea Laine/PHC for further handling.

Employment Contract – BCC signed, dated January 12, 2015. Between County and Matt Lautenzheiser to serve as Executive Director at Historical Museum at Fort Missoula. Term/January 12, 2015–June 30, 2016. Amount/\$65,000 annually. Original to C&R.

Joint County Resolution #2015-005 (adopted/signed January 15, 2015) and City Resolution #7930. To accept federal funds to expand Montana's Medicaid program to provide access to health care for all low-income Montanans. To City Council for adoption [adopted/signed January 26, 2015. Returned to County February 2, 2015; original to C&R.]

Bylaws – BCC conditionally approved Amendments to the Consolidated Planning Board Bylaws.

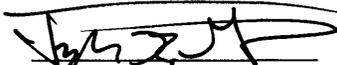
Final Closeout Certification – BC signed, dated January 15, 2015. Certification of Grantee for CDBG funds for Tom Roy Youth Guidance Homes construction project. Term/July 1, 2012-June 30, 2014. Amount/\$450,000. Original to Jean Harte/GCP for further handling.

Additional discussion item(s): 1) Missoula Nonprofit Network Membership renewal; County will not renew. 2) Election Advisory Committee interviews; postponed until BCC meet with Rebecca Connors. 3) Legislative update.

**FRIDAY, JANUARY 16, 2015**

BCC met in regular session; all three present.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 01/CY2014 - Pay Date/January 9, 2015. Total Payroll/\$1,546,189.03. To County Auditor.

  
Tyler Gernant  
Clerk & Recorder

  
Bill Carey, Chair  
BCC

**MONDAY, JANUARY 19, 2015**

**COURTHOUSE & ADMIN BUILDING CLOSED FOR MARTIN LUTHER KING, JR. HOLIDAY**

**TUESDAY, JANUARY 20, 2015**

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Development Activity 2014 (preview of Planning Board presentation); 4) Director's update.

**ADMINISTRATIVE MEETING**

Resolution No. 2015-006 – BCC signed, dated January 20, 2015. Supporting application to the MDOC for a Big Sky Trust Fund Category I Job Creation Grant for LGT Sustainable Energy Systems, Inc. BREDD has prepared application and will manage grant if awarded. Original to C&R.

Letter – BC signed, dated January 20, 2014. To Karen Warner, SAMHSA (Substance Abuse/Mental Health Administration) Grants Management Specialist, Rockville, MD requesting approval for a change in key personnel for the Missoula County Drug-Free Communities (DFC) grant (#1H79SP019831-01). Melissa Gordon is proposed replacement for outgoing Project Director, Peggy Seel, who retired December 31, 2014. BC also signed Disclosure of Lobbying Activities, a required component of said grant application (in amount of \$123,461). Grant term/September 30, 2015-September 29, 2016. Originals to Melissa Gordon/Grants for further handling.

Cooperative Agreement – BC signed. Between City-County Board of Health ("BOH") and MDPHHS to establish payment schedule for maximizing disbursement of funds to BOH to support inspections of licensed establishments and determine which optional programs BOH will conduct. Term/January 1 – December 31, 2015. Fiscal impact/approx. \$110,000 annually. Three originals to Julie Mohr/MCCHD for further handling.

Additional discussion item(s): None.

**WEDNESDAY, JANUARY 21, 2015**

BCC met in regular session; all three present. Morning: CR spoke at Citizen's United Rally.

**ADMINISTRATIVE MEETING**

Resolution No. 2015-007 – BCC signed, dated January 21, 2015. Authorizing submittal of an application to the MDOC for a Big Sky Trust Fund Category I Job Creation Grant for Harris Manufacturing. BREDD has prepared application and will manage grant if awarded. Original to C&R.

Confidentiality and Non-Disclosure Agreement – BCC signed. Between County and Harris Manufacturing to protect information needed for County's application to MDOC for BSTF Job Creation grant funds on their behalf. Agreement gives notification to company if request is made, and allows 10 days for company to take any action necessary to protect documents or information from disclosure. Original to C&R.

Additional discussion item(s): 1) Broadband funding Next Steps; 2) Legislative update.

NO PUBLIC MEETING HELD THIS DATE

**THURSDAY, JANUARY 22, 2015**

BCC met in regular session; all three present. Early morning: BC attended Trails subcommittee meeting, held at CAPS Building. Early evening: JC attended NorthWestern Energy Reception, held at the Florence Hotel.

ADMINISTRATIVE MEETING

Agreement – BCC signed, dated January 22, 2014. Between County (MCCHD) and University of MT Office of Public Safety for activities to reduce tobacco use and provide education about the campus-wide tobacco-free policy. Amount/\$2,000. Term/July 1, 2014–May 31, 2015. Two originals to Julie Mohr/MCCHD for further handling.

Additional discussion item(s): Legislative update.

**FRIDAY, JANUARY 23, 2015**

BCC met in regular session; all three present. Evening: BC attended *Bike Walk Alliance for Missoula* Annual Meeting, held at Runners Edge.

  
Tyler Gernant  
Clerk & Recorder

  
Bill Carey, Chair  
BCC

**MONDAY, JANUARY 26, 2015**

BCC met in regular session; all three present. Late morning: BCC met with Markin Consulting at County Fairgrounds (re: Fairgrounds Master Plan).

Indemnity Bond – BC signed. Becky Sorenson, Missoula, Principal for MCPS Warrant #28236216, issued January 20, 2015 on County payroll account. Amount/\$5,049.14 (for wages). Warrant lost.

Indemnity Bond – BC signed. Tamra Hatch, Missoula, Principal for Target Range Warrant #15055308, issued March 27 (*undecipherable; could be January 27*) 2014 on County claims fund. Amount/\$67.69 (for science fair supplies). Warrant lost.

Indemnity Bond – BC signed. Jessica Lee Lauwers, Missoula, Principal for Target Range Warrant #16014139, issued December 10, 2014 on County payroll fund. Amount/\$525.77 (for substitute wages). Warrant lost.

**TUESDAY, JANUARY 27, 2015**

BCC met in regular session; all three present. Afternoon: JC participated in Forum for Children/Youth funding phone interviews.

ADMINISTRATIVE MEETING

Change Order – BCC signed. #2 to contract between County and A&E/Jackson Contractor Group for Courthouse remodel – Phase 3B (Annex stairs and 3<sup>rd</sup> floor office). \$48,446.25 will be added to contract for misc. adjustments, repairs, etc. (set forth in change order). New base contract sum/\$2,125,352.52. Project date of completion remains unchanged/February 1, 2015. Originals to C&R

Budget Transfer – BCC signed. Control #15-005 for IS Dept. reflecting \$6,000 transfer from Dynatrace project budget (which will not happen in 2015 due to significant cost changes in the product to the website) to cover additional hardware/software purchases necessary to complete project. Original to Teresa Graham/Accounting.

Contract – BCC approved/BC signed, dated January 22, 2014. Standard Audit Contract between County and Dept. of Administration Local Government Services Bureau for period June 30, 2015–June 30, 2017 for external audit services by Nicole Noonan, CPA PC. Amount/\$88,600 for initial audit covering July 1, 2014–June 30, 2015; amounts to be negotiated for subsequent two audits. Original to Auditor for further handling.

County Transportation Ballot – Dated January 27, 2015. JC voted "FOR" approval of Frenchtown School District: 1) Route 12 (52 miles/day) - originally eliminated at beginning of year and is now needed; and 2) Route 8A becomes Route 8 (26.8 miles/day) – reduction of miles in existing route. Ballot to Supt. of Schools.

Additional discussion item(s): 1) Meeting w/Dylan Klapmeier, Senator Daines' Missoula staffer; 2) Legislative update.

**WEDNESDAY, JANUARY 28, 2015**

BCC met in regular session; quorum present. JC out of office in morning. Afternoon: BCC swore in substitute judges for JP Court #2.

**ADMINISTRATIVE MEETING**

**Request** – BCC reviewed/approved request from Clerk of Court to set the compensation of Chief Deputy Clerk of Court Mollie Zook at \$27.13 per hour, which is 80.08% of the full Clerk of Court rate of \$33.88, beginning January 30, 2015. Original to Shirley Faust/Clerk of Court for further handling.

**Resolution No. 2015-009** – BCC signed, dated, January 28, 2014. Appointing an attorney assigned to the Prosecution Services Bureau of the DOJ as the special deputy county attorney (per MCA 44-4-103) in the Case of *State v. Timothy A. Yoder*. Attorney receives no hourly fee; other normal costs associated with trial will be paid by the County. One original to C&R.

Additional discussion item(s): Legislative update.

**PUBLIC MEETING – January 28, 2015**

**1. CALL TO ORDER**

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

**Staff Present:** Jamie Erbacher, CAPS

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC ANNOUNCEMENTS**

None

**4. PUBLIC COMMENT**

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List ~ \$1,983,005.21

**Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$1,983,005.21. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

**6. HEARING**

No Parking District in Houle Meadows Subdivision

Jamie Erbacher gave staff report with PPT Presentation. (Recording was not working)

**Commissioner Curtiss:** Will they be painting the curbs also?

**Jamie Erbacher:** There are no curbs, so they will not be painting.

**Public Comment**

None

**Executive Session**

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

**7. OTHER BUSINESS**

None

**8. RECESS**

Being no further business to come before the Board the Commissioners are in recess at 1:47.

Following Public Meeting, BCC signed: Resolution No. 2015-008 – Dated January 28, 2015. Regulating parking within Houle Meadows Subdivision on Megan Drive (Section 30, T 15 N, R 21 W), as shown on Exhibit 1. Public Hearing held January 28, 2015. Original to C&R.

**THURSDAY, JANUARY 29, 2015**

BCC met in regular session; all three present. JC left for Helena mid-afternoon.

**Plat** – BCC signed. Owner/Dale M. Wisby. B-D Flats, a one lot residential minor subdivision being Parcel 4B1 of COS 3497, located in and being a portion of the SW¼ of Section 25, T 12 N, R 20 W, PMM, Missoula County. Total area: 3.46 acres.

**ADMINISTRATIVE MEETING**

**Employment Contract** – BCC signed, dated December 2, 2014. Between County and Adriane Beck to serve as new County Office of Emergency Management Director. Term/February 1, 2015–January 31, 2017. Amount/\$87,360 annually; effective February 2, 2015. Originals to C&R and Adriane Beck.

Request – BCC signed, dated January 29, 2015. Second MT DOC Big Sky Economic Development Trust Fund (BSTF) Reimbursement Request for ALCOM BSTF Job Creation Grant Contract #MT-BSTF-1-13-11. Amount requested/\$15,000; grant balance/\$525,000. Grant awarded January 17, 2013; project end/January 17, 2016. Original to Kelly Yarns/BREDD for further handling.

Request – BCC signed. Second MT DOC Big Sky Economic Development Trust Fund (BSTF) Claim Approval Authorization for Nutritional Laboratories International BSTF Job Creation Grant Contract #MT-BSTF-1-14-04. Amount requested/\$52,500 for seven new jobs; grant balance/\$192,000. Grant awarded August 21, 2013; project end/August 21, 2015. Original to Kelly Yarns/BREDD for further handling.

Grant Documents – BCC signed following relating to MT DOC BSTF Job Creation Grant Contracts between County, BREDD and Advanced Technology Group ("ATG"):

- 1) #MT-BSTF-1-14-10-MP: Management Plan between County, BREDD & ATG;
- 2) #MT-BSTF-1-14-10-SR: Sub-Recipient Agreement between County and BREDD;
- 3) #MT-BSTF-1-14-10-AB: Business Assistance Agreement between County and ATG; and
- 4) #MT-BSTF-1-14-10-SR: Sub-Recipient Agreement between County and BREDD to use up to \$163,875 in BSTF grant funds to assist with purchase of furniture/technology equipment and creation of jobs. Term/May 21, 2014-May 21, 2016. Grant awarded to County May 21, 2014 for ATG.

Original to C&R.

Additional discussion item(s): 1) Legislative update; 2) Commissioner advisory boards voting members; BCC = "non-voting member"; 3) Permit routing; leave the way it is; 4) Participation in Coordinated Compliance meetings; 5) MS4 Permits; Water Quality District needs to take over.

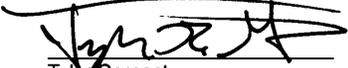
**FRIDAY, JANUARY 30, 2015**

BCC met in regular session; quorum present. JC at Legislature in Helena all day. Morning: BC/CR attended *Project Homeless Connect* event.

Replacement Warrant - BC signed. Katlyn Karels, Missoula, Principal for MCPS Warrant #235968, issued January 2, 2015 on County payroll fund. Amount/\$486.58 (for wages). Warrant not received in mail.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 02/CY2014 - Pay Date/January 23, 2015. Total Payroll/\$1,483,065.19. To County Auditor.

Request: Records Disposal/Transfer Authorization – BC signed. From Nursing: 1) Access links (1/1/1991-12/31/1993); 2) Health Dept. Field (1/1/2005-12/31/2005).

  
Tyler Gernant  
Clerk & Recorder

  
Bill Carey, Chair  
BCC

MISSOULA COUNTY COMMISSIONERS' JOURNAL: FEBRUARY, 2015

- BCC = BOARD OF COUNTY COMMISSIONERS
- BC = Commissioner Bill Carey, Chair
- CR = Commissioner Nicole ("Cola") Rowley
- JC = Commissioner Jean Curtiss

The following Claims Lists were signed during the month of FEBRUARY 2015:

Date Signed	Claims List Date	Who signed	Amount
February 2, 2015	January 29, 2015	BCC	\$596.31
			\$54,445.72
February 2, 2015	January 30, 2015	BCC	\$110.10
			\$2,290.77
			\$399.17
			\$8,764.99
			\$30,379.46
			\$653.84
February 3, 2015	February 2, 2015	BCC	\$49,310.02
			\$2,660.28
			\$2,820.01
			\$103.18
			\$22,684.00
			\$1,616.50
			\$300.00
February 4, 2015	PHC Smartfill ACH		\$3,021.01
February 4, 2015	January 30, 2015	BCC	\$23,576.99
February 4 2015	February 3, 2015	BCC	\$58.97
			\$3,089.97
			\$642.60
			\$3,745.21
			\$4,132.34
			\$92.00
			\$120,631.98
February 5, 2015	February 3, 2015	BCC	\$355.61
			\$3,375.00
February 5, 2015	February 4, 2015	BCC	\$138,538.43
			\$8,275.57
			\$3,746.00
February 6, 2015	February 5, 2015	BCC	\$9,696.25
			\$9,626.51
			\$101,742.43
			\$6,128.63
			\$498.45
			\$1,822.15
			\$84,103.78
			\$570.00
February 6, 2015	PHC Amerisource ACH		\$35,962.31
February 11, 2015	February 6, 2015	BCC	\$1,856.76
			\$234.01
			\$1,287.14
			\$4,628.45
			\$1,000.00
			\$93,658.24
			\$875.94
			\$1,651.26
			\$100.00
			\$26.68
			\$2,497.91



February 11, 2015	February 9, 2015	BCC	\$2,340.00
			\$3,246.13
			\$40,945.39
			\$17,190.48
			\$3,351.36
			\$639.50
			\$255,860.61
			\$30.00
			\$15,132.96
February 11, 2015	PHC Smartfill ACH		\$51,050.80
February 12, 2015	February 9, 2015	BCC	\$8,088.12
			\$760.30
February 12, 2015	February 10, 2015	BCC	\$1,629.20
			\$925.92
			\$36,646.47
			\$289.00
February 12, 2015	February 11, 2015	BCC	\$747.13
			\$5,536.37
			\$500.00
			\$20.00
			\$8,229.84
			\$1,660.73
			\$6,284.26
			\$118.28
			\$22,799.32
			\$4,602.06
\$545.75			
\$1,068,800.83			
February 13, 2015	February 11, 2015	BCC	\$1,812.34
February 13, 2015	February 12, 2015	BCC	\$35,596.35
			\$117,759.44
			\$9,919.66
			\$5,913.92
			\$5,372.56
			\$620.61
			\$5,094.44
\$480.00			
February 17, 2015	February 17, 2015	BCC	\$99,305.08
			\$276.90
			\$50,361.44
			\$9,733.19
February 18, 2015	February 17, 2015	BCC	\$784.47
			\$27.67
			\$127,624.24
			\$838.25
			\$184.70
			\$25,840.40
			\$2,168.02
			\$3,078.71
			\$65,819.49
			\$193,133.91
			\$12,230.00
			\$1,312.10
February 19, 2015	February 18, 2015	BCC	\$1,998.33
			\$1,324.78
			\$708.37
			\$1,342.90
			\$1,027.34
			\$3,941.78
\$27,796.89			

February 19 <sup>th</sup> (contd)			\$708.37
			\$1,342.90
			\$1,027.34
February 20, 2015	February 18, 2015	BCC	\$3,941.78
February 20, 2015	February 19, 2015	JC, CR	\$27,796.89
			\$3,544.00
February 23, 2015	February 29, 2015	JC, CR	\$21,977.27
February 23, 2015	February 20, 2015	JC, CR	\$7,145.29
			\$235.98
February 13, 2015	PHC Amerisource ACH		\$71,224.41
February 18, 2015	PHC Smartfill ACH		\$40,726.27
February 20, 2015	PHC Amerisource ACH		\$44,384.02
February 24, 2015	February 23, 2015	JC, CR	\$5,284.36
			\$1,623.10
February 24, 2015	February 23, 2015	BCC	\$343.00
			\$30,707.07
			\$1,607.68
			\$8,509.20
			\$135.00
			\$3,789.66
			\$488.06
			\$395.11
			\$860.36
			\$790.00
			\$5,124.20
			\$165.33
			\$80,585.91
February 24, 2015	February 24, 2015	BCC	\$7,332.79
			\$5,114.07
			\$229.00
			\$79.44
			\$75.00
			\$88.30
			\$1,010.87
February 26, 2015	February 24, 2015	BCC	\$27,693.11
February 26, 2015	February 25, 2015	BCC	\$99,523.58
			\$2,735.92
			\$13,232.64
			\$246.67
			\$1,433.14
			\$52.00
			\$6.00
February 27, 2015	February 26, 2015	BC,JC	\$14,062.00
			\$10,360.41
			\$6,194.73
			\$832.00
			\$1,759.79
			\$12,506.40
			\$684.29
			\$219.00
			\$86.48
			\$95,603.48
			\$5,563.90
			\$3,495.67
February 25, 2015	PHC Smartfill ACH		\$23,873.87
February 27, 2015	PHC Amerisource ACH		\$37,738.20
February 29, 2015	February 19, 2015	BCC	\$9,471.18
			\$1,075.00
			\$15,262.56
			\$940.95

All Claims Lists were returned to the Accounting Department.

**MONDAY, FEBRUARY 2, 2015**

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Annexation Policy; 4) REWRITE update; 5) Director's update.

**TUESDAY, FEBRUARY 3, 2015**

BCC met in regular session; all three present.

**ADMINISTRATIVE MEETING**

Request – BCC approved Salvation Army's request for additional \$5,000 to fund the Winter Shelter Program through March, 2015, due to more households seeking assistance that do not receive voucher assistance for their rents. [Agreement signed 3/26/15]. Total contract amount is now \$42,000. Request to Nancy Harte/GCP.

Amendment – BCC approved/BC signed amendment to agreement between County and WORD, requesting an additional \$6,000 to provide approx. 20 additional households with rental assistance in FY2015 through the Families in Transition program. Total contract amount is now \$27,500. Two originals to Cindy Wulfekuhle/GCP for further handling.

Amendment – BCC approved/signed Amendment #10 to Contract #DIR-01-001-0-MCDF between County and MT Dept. of Corrections, setting the standard rate of per diem for general population offenders at \$69.77 per day, retroactive to July 1, 2010. Originals to C&R and Sheriff.

Interagency Agreement – On behalf of Missoula County, BCC signed agreement with Providence St. Patrick Hospital First Step Just Response Resource Center, which is necessary for their accreditation as a children's advocacy center ("CAC"). Other parties include UofM Curry Health Center, City of Missoula (multiple departments), as well as several other County departments. Originals to Shantelle/GCP for further handling.

Letter – BCC signed, dated February 3, 2015. To Dwane Kailey, MT DOT, Helena, requesting MT DOT assume responsibility for managing design and development of the South Avenue Bridge Project, due to a recent change in the County's Road Fund revenue forecast. County asks that current project specific agreement be terminated and new one developed (similar to Russell Street Project). Original mailed.

Request: Records Disposal/Transfer Authorization – BC signed. From Elections: 1) Correspondence (1/1/2011-12/31/2011); 2) Certificate of Election and/or Certificate of Nomination (1/1/1966-12/31/1999).

Additional discussion item(s): 1) Legislative update; 2) Upcoming board meetings/review of attended meetings; 3) Larchmont Golf Course gas main easement; 4) Employment contracts.

**WEDNESDAY, FEBRUARY 4, 2015**

BCC met in regular session; quorum present. BC out of office all day.

**ADMINISTRATIVE MEETING**

Resolution No. 2015-010 – BCC signed, dated February 4, 2015. Budget Amendment for Public Works – Road and Bridge Funds, showing both line item and revenue revisions in amounts totaling \$317,463 and \$388,963 for misc. including, range expenses, radio maintenance, building maintenance, gravel, INTERCAP financing, future operational costs, etc. (due to reduction of federal revenue of approx. \$388,000). For total disclosure, expenditures included in formal 2015 Operating Budget/Revenue Estimates for County. Original to C&R.

Request – CR signed, dated February 4, 2015. MT DOC Big Sky Economic Development Trust Fund (BSTF) Reimbursement Request for FilmSpur BSTF Job Creation Grant Contract #MT-BSTF-1-15-02. Amount requested/\$15,000; grant balance/\$97,500. Grant awarded August 20, 2014; project end/ August 20, 2016. Original to Kelly Yarns/BREDD for further handling.

Agreement – BCC signed. Between County (PHC) and Angelina Scott-Kelley to receive \$15 per round trip for courier services to/from Seeley Lake and Missoula (transportation of lab specimens/work products for PHC). Term/February 1, 2015–December 31, 2015. Originals to C&R and PHC

Annual Services Agreement – BC signed. Between County (PHC) and University of MT (Family Medicine Residency) for primary care physician services from the University. Amount/\$475,980. Term/June 30, 2014–June 29, 2015. Originals to C&R and PHC

Additional discussion item(s): Legislative update.

**NO PUBLIC MEETING HELD THIS DATE**

**THURSDAY, FEBRUARY 5, 2015**

BCC met in regular session; all three present. Afternoon: JC attended Grand Opening of John Lynn Apartments.

**ADMINISTRATIVE MEETING**

Letter and Report – BCC reviewed, BC signed, dated February 5, 2015. To Karen Warner, SAMHSA Grants Specialist, Rockville, MD, requesting approval for carryover of \$45,136 in unobligated funds from Year 1 of the Missoula County/Frenchtown Community Coalition Drug-Free Communities grant (#1H79SP019831-01) (the "Grant") to Year 2 of the grant. A detailed budget for use of these carryover funds attached to memo; all proposed activities to be completed by September 29, 2015.

Federal Financial Report – BC signed. Submitted to SAMSHA for Year 1 of grant referenced above, including intent for Coalition to carryover \$45,136.86. [Report initially submitted on December 30, 2014].

Originals to Melissa Gordon/GCP for further handling.

Closeout Certification – BC signed, dated February 15, 2015. Certification of County (Grantee) for the YWCA Ada's Place Transitional Housing Program. Term/July 1, 2013-June 30, 2014. Grant amount/\$100,201, with balance remaining of \$1,449. Original to Melissa Gordon/GCP for further handling.

Employment Contract – BCC signed. Between County and Dorothy Brownlow as Legal Advisor-Development Manager. Term/January 18, 2015–January 18, 2016. Amount/\$105,664 annually (based on 2080 hours). Originals to C&R and Dori Brownlow.

[At continuation of Admin Meeting at noon]: Board Appointments – BCC appointed the following as members of the Election Advisory Committee: a) Mary Ellen Stubb and Jack Rowan (3-year terms); b) Geoff Badenoch (4-year term); and c) Larry Dunham (Alternate member for 4-year term). Ex-officio member: Bill Carey. Democratic Central Committee Members: Jeffrey Langan, and Mary Gray (alternate); Republican Central Committee Members: Vondene Hopkins Kopetski, and (alternate) tbd – all for 2-year terms. To Elections and BCC staff.

Additional discussion item(s): 1) Legislative update; 2) Communications Dept. presentation; 3) February 11, 2015 Public Meeting canceled.

**FRIDAY, FEBRUARY 6, 2015**

BCC met in regular session; all three present.

Replacement Warrant - BC signed. Kathleen Walle, Missoula, Principal for MCPS Warrant #28236417, issued January 30, 2015 on County payroll fund. Amount/\$155 (for wages). Warrant not received in mail.

Indemnity Bond – BC signed. Rachel Gearheart, Missoula, Principal for MCPS Warrant #28235972, issued January 2, 2015 on County payroll fund. Amount/\$232.30 (for wages). Warrant lost.

Monthly Report – BC examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of District Court, Shirley Faust, for month ending January 2015.

Monthly Report – BC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Karen A. Orzech, Justice of the Peace, for month ending January 2015.

Monthly Report – BC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Court 2, Marie Andersen, Justice of the Peace, for month ending January 2015.



Tyler Gernant  
Clerk & Recorder



Bill Carey, Chair  
BCC

**MONDAY, FEBRUARY 9, 2015**

BCC did not meet in regular session. CR and JC traveled to Helena for the MACo Midwinter Conference. BC attended and spoke at the City Club's *State of the Community* luncheon.

Indemnity Bond – BC signed. Paul Wenczewicz, Shelby, Principal for Sheriff/Detention Warrant #60040862, issued January 16, 2015 on County Inmate Commissary fund. Amount/\$50 (for account balance upon release).

**TUESDAY, FEBRUARY 10, 2015**

BCC did not meet in regular session. CR and JC in Helena at MACo Midwinter Conference.

**WEDNESDAY, FEBRUARY 11, 2015**

BCC met in regular session; all three present. Afternoon: BCC met with Sheriff McDermott, et al to discuss overcrowding at Detention Center.

Indemnity Bond – BC signed. Melissa Barnes, Missoula, Principal for Clerk of Court Warrant #40040773, issued January 28, 2015 on County 7160 fund. Amount/\$943 (for child support). Warrant lost.

ADMINISTRATIVE MEETING

Amendment – BC signed. #1 to Task Order #15-07-3-01-083-0 between County (MCCHD) and MT DPHHS (County and MT Cardiovascular Disease & Diabetes Prevention Program). Amendment increases funding by \$6,000 (from \$25,000 to \$31,000) for FY2015. New enrollment goal is 46 participants (vs. 40) and meet completion goal of 34 participants (vs. 30) completing core curriculum. One original to Julie Mohr/MCCHD for further handling.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated February 11, 2015. Amount/\$130,820.75. To County Auditor.

Additional discussion item(s): 1) Legislative update; 2) Birket Mediation.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated June 13, 2014:

- Approving request from Jim Helmer and Patricia Skergan, Missoula, to adjust 2014 taxes paid under protest for taxpayer id #1974900.
- Approving request from Mike Childs and Diann Ericson, Condon, MT, to refund taxes paid for taxpayer id #5846962. Per MT law, the BCC can only refund five years' worth of taxes paid as the result of an error.
- Notifying Mountain Power Construction Co., Post Falls, ID that their request to refund 2013 taxes paid for taxpayer id #0481334003 has been tabled pending acquisition of further information. MT DOR will be in touch with them.

NO PUBLIC MEETING HELD THIS DATE

**THURSDAY, FEBRUARY 12, 2015**

BCC met in regular session; all three present. Afternoon: BCC participated in annual inspection of Missoula County Detention Center.

ADMINISTRATIVE MEETING

Bylaws – BCC approved/signed final revisions to the Missoula Area Agency on Aging Bylaws Bylaws, dated February 12, 2015. Originals to C&R and Aging Services.

Easement Agreement – BCC approved/signed, dated February 12, 2015. Between County and NorthWestern Energy, granting an irrevocable restricted easement for City Lift Station Project at Larchmont Golf Course for installation, maintenance, operation, removal and repair of an 8-inch natural gas main and buried electric line. County to be paid \$500 by NEW (or City of Missoula). One original to Greg Robertson/Public Works.

Cooperation Agreement Documents – BC signed, dated February 12, 2015. Between USA (Dept. of the Army, Seattle District, US Army Corps of Engineers) and County for rehabilitation of a non-federal flood control work job (#CFK-01-14) – Orchard Homes Levee. Amount/\$22,000 to be paid by County (20% of total project cost of \$107,000. Originals to Greg Robertson/PW for further handling.

Agreement – BCC signed, dated February 9, 2015. Between County and Gavin-Hanks, PLLC. To design garage for Junk Vehicle Program. Term/February - December 2015. Amount/\$9,890. Originals to C&R and Jim Carlson/Health Dept.

Letter – BCC signed, dated February 12, 2015. To Valerie Short/TSEP Program Specialist, MT DOC, Helena, terminating County Contract #MT-TSEP-CG-15-745 (Riverview Bridge) due to significant right-of-way issues that will take considerable time to sort out. County most likely will apply for funding once issues are resolved. Original mailed.

Proclamation – BCC and Mayor John Engen signed. Proclaiming the month of March 2015 as March for Meals Month in Missoula, MT, inviting citizens to thank the volunteer drivers, recognize value of this service, and encourage citizens to volunteer so elders may remain in their homes.

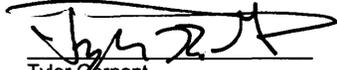
Additional discussion item(s): 1) March for Meals Campaign; 2) Bid Award-Missoula to Lolo (M2L) Trail Project; 3) North Avenue through Markette property; 4) Legislative update.

**FRIDAY, FEBRUARY 13, 2015**

BCC met in regular session; all three present. Morning: BCC met with the Missoula Chamber of Commerce Leadership Team. Afternoon: CR and Dori Brownlow toured the Missoula Development Park.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 03/CY2014 - Pay Date/February 6, 2015. Total Payroll/\$1,478,137.35. To County Auditor.

Request: Records Disposal/Transfer Authorization – BC signed. From Cerese Parker: Court notes (11/19/2003-6/2/2004). To be destroyed.

  
Tyler Gernant  
Clerk & Recorder

  
Bill Carey, Chair  
BCC

**MONDAY, FEBRUARY 16, 2015**

**COURTHOUSE AND ADMINISTRATION BUILDING CLOSED FOR THE PRESIDENTS' DAY HOLIDAY**

**TUESDAY, FEBRUARY 17, 2015**

BCC met in regular session; all three present. Late morning: CR and JC attended Missoula Chamber of Commerce *State of Montana* event, held at the DoubleTree. BC attended the Regional Juvenile Detention meeting, held at the Detention Center.

ADMINISTRATIVE MEETING – No action items.

Resolution No. 2015-011 – BC/JC signed, (CR did not vote). Dated February 17, 2015. Abandoning a portion of right-of-way in Rio Vista Addition, located in the NE¼ of Section 1, T 12 N, R 20 W, PMM, Missoula County. Public Hearing held December 10, 2014. Original to C&R.

Discussion item(s): 1) Introduce Barbara Kuzmic, new Director of Western MT Addiction Services; 2) Health Plan; 3) Legislative update.

**WEDNESDAY, FEBRUARY 18, 2015**

BCC met in regular session; all three present. Late afternoon: BCC attended Open House at Relationship Violence Services, held at 315 Woody Street.

ADMINISTRATIVE MEETING

Agreement – BCC signed, dated February 18, 2015. Between County and Cooperative Housing Resources, LLC for assessment of community interest in senior cooperative housing. Term/February 15 - , May 15, 2015. Amount/\$2,500. Originals to Dennis Johnson/CHR for further handling. [Original returned 3/2/2015; to C&R].

Bylaws – BCC signed final version of Consolidated Planning Board Bylaws. [BCC conditionally approved Amendments on January 15, 2015.] Three originals to Karen Hughes/CAPS for further handling.

Additional discussion item(s): 1) Review of recently held and upcoming meetings; 2) Legislative update.

NO PUBLIC MEETING HELD THIS DATE

**THURSDAY, FEBRUARY 19, 2015**

BCC met in regular session; quorum present. BC out of office through Monday, February 23<sup>rd</sup>.

Replacement Warrant - BC signed. Lolo Harvest Foods, Lolo, Principal for Lolo School Dist. #7 Warrant #14850, issued November 5, 2014 on County Claims fund. Amount/\$108.81 (for food). Warrant not received in mail.

Replacement Warrant - BC signed. Staci L. Burns, Missoula, Principal for MCPS Warrant #235588, issued December 5, 2014 on County Payroll fund. Amount/\$97.73 (for wages). Warrant not received in mail.

Letter – BCC signed, dated February 11, 2015. To N. Faroni/Big Sky Economic Development Trust Fund/ MT DOC, Helena, requesting a one-year extension to the BSTF Category I Job Creation Grant (#MT-BSTF-1-13-13) for MT Mapping & GPS dba Hunting GPS Maps or Onxmaps. Grant awarded April 11, 2013. Originals to Kelly Yarns/BREDD for further handling.

Resolution and By-Laws - Resolution No. 2015-012 – BCC signed, dated February 19, 2015. Amending and updating Resolution No. 2014-120 Establishing the Missoula County Fairgrounds Advisory Committee ("MCFAC") and Restating Its Powers Under the Authority of Title 7, Chapter 1, Part 2, MCA. Amended MCFAC By-Laws – Both Resolution and By-Laws reflect a member of the BCC will serve on MCFAC as a non-voting member, with exception of votes resulting in a tie and votes with a monetary component. Originals to C&R.

Agreement – BC signed. Between County and AVI Systems to move/install/integrate County video conferencing system and provide audio system in District Courtroom #1 (as part of Courthouse remodel project). Amount/\$4,338.50. Originals to C&R and Jason Emery/Technology.

Contract – BCC signed. Between County and Sirius Construction/A&E Architects for remodel of 2<sup>nd</sup> floor of County Administration Building at 199 W. Pine. Amount/\$108,340. Project to begin upon Notice to Proceed, and project ends 90 days after notice. Originals to C&R & Larry Farnes/Facilities Management.

Request: Records Disposal/Transfer Authorization – BC signed. From PHC: 1) Adult dental charts (1/1/2004-12/31/2004); 2) Adult medical records (1/1/2004-12/31/2004); 3) Deceased (1/1/2004-12/31/2004). To be destroyed.

Request: Records Disposal/Transfer Authorization – BC signed. From Clerk & Recorder:

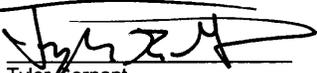
- 1) Birth Certificates requests letters (1/1/2010-12/31/2010);
- 2) Balance reports (1/1/2011-7/31/2011); and Time Cards (1/1/2009-12/31/2009);
- 3) Balance reports (7/1/2009-7/31/2011); and Birth Certs request letters (1/1/2009-12/31/2009);
- 4) Election & Recording Affidavit of Publication (1/1/2001-12/31/2011);
- 5) Correspondence (1/1/2010-12/31/2010); and
- 6) Recording reference files (1/1/1997-12/31/2011).

All to be destroyed.

Additional discussion item(s): 1) Cancel 2/25/15 Public Meeting (no agenda items); 2) Fairgrounds lease; 3) Dust Abatement Program changes; 4) Legislative update.

**FRIDAY, FEBRUARY 20, 2015**

BCC did not meet in regular session. JC in Kalispell for Mental Health/CDC Board meeting. BC out of office through Monday, February 23<sup>rd</sup>.



Tyler Bernant  
Clerk & Recorder



Bill Carey, Chair  
BCC

**MONDAY, FEBRUARY 23, 2015**

BCC met in regular session; quorum present. BC out of office through this date. Afternoon: CR attended meeting re: *Pay for Success*, held at BCC offices. Evening: CR attended meeting of East Missoula Community Council.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Bedroom definitions; 4) Confirmation of MCPB member appointment (*action item*); 5) Director's update.

Request – BCC approved/confirmed appointment of Ron Erickson as the new Missoula Consolidated Planning Board board-appointed member, per recommendation of the MCPB members. Term/January 1, 2015 – December 31, 2016. [Confirmed by City Council February 9, 2015.]

**TUESDAY, FEBRUARY 24, 2015**

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 04/CY2015 - Pay Date/February 20, 2015. Total Payroll/\$1,428,776.77. To County Auditor.

Subordination Agreement – BC signed, dated February 24, 2015. Between County (Lienholder) and Nationstar Mortgage, LLC (Lender) for Rosalee J. Murphy to replace current subordination, which will allow for refinancing of home assisted by MT HOME funds. Project began July 15, 1994; project end upon sale of property. Two originals to Nancy Harte/GCP for further handling.

Collective Bargaining Agreement – BCC approved/signed. Between Missoula County and Local Unit No. 43 of the MT Nurses Association from July 1, 2014 through June 30, 2016. Originals to HR for further handling.

Resolution No. 2015-013 – BCC signed, dated February 24, 2015. Budget Amendment for Health Dept. showing \$13,849 in additional funds and expenditures thereof for PSA between MCCHD and Yellowstone City-County Health Dept. dba RiverStone Health for Nurse-Family Partnership Home Visiting Program. For total disclosure, expenditures included in formal 2015 Operating Budget/Revenue Estimates for County. Original to C&R.

Budget Transfer – BCC signed, dated February 24, 2015. Control #15-002 for Health Dept. reflecting \$4,000 and \$900 transfers to show expenditure line items needed for Foster Child Health Program.; source of funds no longer federal. Original to Finance.

Software Maintenance Agreement – BC signed. Between MCCHD and CHC Software, Inc. for annual maintenance fee of Health Dept. Information System (HDIS) Community/Public Health Services software program. Term/February 1, 2015–January 31, 2016. Amount/\$1,596.37 (\$1,731.37 with \$135 credit). Two originals to Julie Mohr/MCCHD for further handling.

Additional discussion item(s): 1) Deferred Compensation Plan; 2) Legislative update; 3) Upcoming board meetings/review of recently held meetings.

**WEDNESDAY, FEBRUARY 25, 2015**

BCC met in regular session; all three present. Early morning: BC and JC, et al attended MEP Investor Breakfast, held at Neptune Aviation.

**ADMINISTRATIVE MEETING**

Plat and Agreement – BCC signed. Owner/Canyon River Properties, LLC. Canyon River Phases 4 and 5, a subdivision of Tract 5 of Canyon River/Phase 2, Golf Course Lots 1, 2, & 3, located in the S½ of Section 18, T 13 N, R 18 W, PMM, City of Missoula, Missoula County. Total area: Phase 4 = 9.04 acres; Phase 5 = 8.23 acres.

Subdivision Improvements Agreement – BCC signed, dated November 19, 2014 between County and Canyon River Development, LLC in the estimated amount of \$88,383.31 for many miscellaneous improvements relating to sewer, water, drainage, concrete, lighting, etc. (per Exhibit A). Secured by Letter of Credit from Treasure State Bank. Improvements to be completed by October 1, 2015.

Additional discussion item(s): 1) Advisory Board for Bonner West Log Yard TEDD; 2) Coordinated Compliance draft charge document; 3) Legislative update.

**NO PUBLIC MEETING HELD THIS DATE**

**THURSDAY, FEBRUARY 26, 2015**

BCC met in regular session; all three present. Afternoon: JC attended Crisis Intervention Team Academy Briefing, held at Detention Center. CR attended meeting re: *Pay for Success*, held at BCC offices.

Replacement Warrant - BC signed. Ashley Bestwina, Missoula, Principal for Sheriff/Detention Warrant #60040300, issued January 26, 2015 on County Inmate Commissary fund. Amount/\$24.35 (for balance of account). Warrant not received in mail.

**ADMINISTRATIVE MEETING**

Employment Contract – BCC signed. Between County and Andrew Czorney, to serve as Chief Financial Officer for the County. Term/January 1, 2015–December 31, 2017. Amount/\$112,174.40 annually (based on 2080 hours). Originals to C&R and Andrew Czorney.

OVAW Documents – BCC signed. Letter of Non-Supplantation, Letter Certification for contracted legal services, and Memorandum of Understanding for County's Rural Domestic Violence Program application submitted to the Office of Violence Against Women at the Office of Justice Programs (Rural Domestic Violence, Dating Violence, Sexual Assault and Stalking Assistance Program – to strengthen victim-centered response to relationship and sexual violence) in Missoula/Mineral Counties. Term/October 1, 2015–September 30, 2018. Originals to Shantelle Gaynor/RVS for further handling.

Request – BCC approved proposal from CFO/Public Works to provide gap funding amount not to exceed \$400,000 for Missoula to Lolo Trail along Highway 93. Payments will vary over 10, 15 or 20 years; budget enhancement for FY2015-2016 required. To Greg Robertson/PW for further handling.

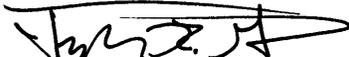
Bid Award – BCC approved bid award to the lowest bidder, Western Excavating, for the Missoula to Lolo Trail Project (contingent on FHWA concurrence and MT Trans. Commission approval of modified funding package). Amount/\$5,032,763.77. To Greg Robertson/PW for further handling.

Additional discussion item(s): 1) Birket Mediation briefing; 2) HIPAA Policy; 3) Legislative update.

**FRIDAY, FEBRUARY 27, 2015**

BCC met in regular session; quorum present. CR out of office through Monday, February 23<sup>rd</sup>.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated February 26, 2015. Amount/\$13,589.50. To County Auditor.

  
Tyler Gernant  
Clerk & Recorder

  
Bill Carey, Chair  
BCC

MISSOULA COUNTY COMMISSIONERS' JOURNAL: MARCH, 2015

- BCC = BOARD OF COUNTY COMMISSIONERS
- BC = Commissioner Bill Carey, Chair
- CR = Commissioner Nicole ("Cola") Rowley
- JC = Commissioner Jean Curtiss

The following Claims Lists were signed during the month of MARCH 2015:

Date Signed	Claims List Date	Who signed	Amount			
March 2, 2015	February 27, 2015	BC, JC	\$266.28			
March 2, 2015	March 2, 2015	BC, JC	\$4,564.24			
			\$1,534.15			
			\$749.06			
March 3, 2015	February 26, 2015	BCC	\$749.06			
March 3, 2015	March 2, 2015	BCC	\$885.00			
			\$646.51			
			\$138.16			
			\$391.77			
			\$886.43			
			\$57.94			
			\$1,617.50			
			\$110.10			
			\$55,495.06			
			\$29,424.31			
			\$1,355.66			
			March 3, 2015	March 3, 2015	BCC	\$3,389.25
						\$2,078.09
\$5,210.11						
\$160.77						
\$3,746.00						
\$362.71						
\$990.00						
\$58,513.83						
March 5, 2015	March 4, 2015	BC, JC	\$3,609.52			
			\$65.00			
			\$1,286.75			
			\$22,000.00			
			\$374.12			
March 9, 2015	March 2, 2015	BCC	\$100.00			
			\$852.12			
			\$411.90			
			\$2,299.22			
March 9, 2015	March 4, 2015	BCC	\$75.39			
			\$137.46			
			\$4,510.00			
			\$22,000.00			
			\$6,386.52			
March 10, 2015	March 9, 2015	BC, NC	\$13,879.73			
			\$10,820.20			
			\$5,000.00			
			\$246.00			
March 4, 2015	PHC Smartfill ACH		\$28,044.66			
March 6, 2015	PHC Amerisource ACH		\$29,269.12			
March 11, 2015	PHC Smartfill ACH		\$45,849.83			
March 13, 2015	PHC Amerisource ACH		\$56,464.74			
March 13, 2015	March 9, 2015	BCC	\$117,026.58			
March 13, 2015	March 11, 2015	BCC	\$13,432.63			
March 13, 2015	March 13, 2015	BC, JC	\$2,567.11			
March 16, 2015	March 9, 2015	BCC	\$9,808.96			
March 16, 2015	March 13, 2015	BCC	\$28,802.95			
March 17, 2015	March 11, 2015	BC, JC	\$19,990.24			



March 17, 2015	March 16, 2015	BCC	\$14,779.16
			\$6,734.69
			\$44,123.13
			\$6,410.97
			\$1,529.26
March 17, 2015	March 17, 2015	BC, JC	\$14,768.10
			\$22,664.20
			\$4,659.46
March 19, 2015	March 17, 2015	BC, CR	\$40,739.06
			\$1,195,997.03
March 19, 2015	March 18, 2015	BC, CR	\$434.00
			\$4,569.86
			\$44,306.69
			\$1,366.42
			\$68,139.50
			\$460.96
March 20, 2015	March 18, 2015	BC, CR	\$3,995.98
			\$9,000.59
			\$7,624.18
			\$390.22
			\$17,580.78
March 20, 2015	March 19, 2015	BC, CR	\$672.85
			\$25,907.77
			\$550.00
			\$7,121.72
			\$6,259.97
			\$455.87
			\$122,185.41
\$2,837.50			
March 23, 2015	March 17, 2015	BC, JC	\$3,542.86
March 23, 2015	March 18, 2015	BC, JC	\$2,743.73
March 23, 2015	March 19, 2015	BC, JC	\$9,579.18
March 23, 2015	March 23, 2015	BC, JC	\$14,402.84
			\$1,615.85
			\$6,453.46
			\$227.39
			\$1,859.40
			\$1,601.05
			\$11,440.26
			\$961.15
			\$104,662.56
March 24, 2015	March 23, 2015	BC, JC	\$17,306.45
			\$25,141.60
			\$17,149.30
			\$2,690.69
			\$4,172.99
March 24, 2015	March 24, 2015	BC, JC	\$30.00
March 25, 2015	PHC Smartfill ACH		\$36,673.36
March 26, 2015	March 23, 2015	BCC	\$368.23
March 26, 2015	March 24, 2015	BCC	\$1,207.56
			\$7,296.44
			\$2,805.43
			\$3,837.46
			\$597.64
			\$16,541.57
March 26, 2015	March 25, 2015	BCC	\$395.00
			\$5,759.20
			\$63,628.25
			\$22,487.67
March 27, 2015	PHC Amerisource ACH		\$22,487.67
March 27, 2015	March 25, 2015	BC, CR	\$615.77
			\$3,651.04

March 27, 2015	March 26, 2015	BC, CR	\$611.86
			\$2,030.00
			\$18,400.00
			\$387.99
			\$33,596.49
			\$8,030.29
			\$131.00
			\$4,375.00
March 27, 2015	March 27, 2015	BC, CR	\$275.16
March 30, 2015	March 26, 2015	BC, CR	\$4,248.11
			\$69.32
March 30, 2015	March 27, 2015	BC, CR	\$188,123.78
			\$5,060.30
			\$70.00
			\$1,227.34
			\$4,654.93
March 30, 2015	March 30, 2015	BC, CR	\$451.83
			\$32,522.41
			\$47.50
			\$17.00

All Claims Lists were returned to Auditors.

**MONDAY, MARCH 2, 2015**

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Blue Heron Addition Phasing Plan Amendment; 4) Vosburgh Salmon Lake Dock Replacement (*action*); 5) Shoreline Regulation & Floodplain Regulation information update; 6) Director's update.

Shoreline Permit – BC signed. #2015-06 for Applicant Mark Vosburgh to replace an existing dock (to be constructed by August Lockwood) at Tract 2, COS 5911, Salmon Lake [conditioned upon post-construction photos submitted upon project completion]. Original to Jamie Erbacher, CFM/CAPS.

**TUESDAY, MARCH 3, 2015**

BCC met in regular session; all three present.

Monthly Report –BC examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of District Court, Shirley Faust, for month ending February 2015.

**ADMINISTRATIVE MEETING**

Election Acclamations – DO

Resolutions – BCC signed, dated March 3, 2015, canceling certain Special District Elections for May 5, 2015 Election, and electing by acclamation parties who filed nominating petitions for open positions for the following:

- 1) #2015-014/Bonner Community Council – Olivia Riutta elected by acclamation for new 3-year term.
- 2) #2015-015/Clinton Irrigation District – Sean Swartz elected by acclamation for new 3-year term.
- 3) #2015-016/Clinton RFD– Donald N. Davies and Todd Hughes elected by acclamation for new 3-year terms.
- 4) #2015-017/East Missoula Community Council – Ken Jenkins and Keri McWilliams elected by acclamation for new 3-year terms.
- 5) #2015-018/East Missoula RFD – Richard Neff and Gregory Seitz elected by acclamation for new 3-year terms.
- 6) #2015-019/Frenchtown Irrigation District – J.W. Boyer, Jr. elected by acclamation for new 3-year term.
- 7) #2015-020/Frenchtown RFD – Jon F. Mathews and Nate Evans, Jr. elected by acclamation for new 3-year terms.
- 8) #2015-021/Greenough-Potomac Fire Service Area – James Wrobel and Ray Woodside elected by acclamation for new 3-year terms.
- 9) 2015-022/Lolo Community Council – Gary Buehler and Devin Jackson elected by acclamation for new 3-year terms.
- 10) #2015-023/Missoula RFD– Kenneth Peers and Steven Cunningham elected by acclamation for new 3-year terms.

- 11) #2015-024/Seeley Lake Community Council – Jan Guelff and Chris Stout elected by acclamation for new 3-year terms.
- 12) #2015-025/Seeley Lake RFD – Bruce A. Bourne and Gary A. Lewis elected by acclamation for new 3-year terms.
- 13) #2015-026/Seeley Lake/Swan Valley Hospital District – Twyla Johnson and Rachelle M. Harman elected by acclamation to new 3-year terms.
- 14) #2015-027/Swan Valley Community Council – Kenneth Donovan and Kathy Koors elected by acclamation for new 3-year terms.
- 15) #2015-028/Swan Valley Fire Service Area – William C. Shoup elected by acclamation for new 3-year term.
- 16) #2015-029/Big Flat Irrigation District – No petitions received for one new 3-year term; to be appointed.
- 17) #2015-030/Bonner Community Council – No petitions received for one new 3-year term; to be appointed.
- 18) #2015-031/Evaro-Finley-O’Keefe Community Council – No petitions received for two new 3-year terms; to be appointed.
- 19) #2015-032/Missoula Irrigation District: No petition received for one 3-year term; to be appointed.
- 20) #2015-033/West Valley Community Council – No petitions received for one remaining 3-year term; to be appointed.

Board Appointments – BCC made the following board appointments:

- 1) Appointed Mae Hassman and David Jackson to fulfill three-year terms (March 3, 2015-December 31, 2017) as regular members of the Tax Appeal Board;
- 2) Appointed Babak Rastgoufard to fulfill a two-year term (March 3, 2015-December 31, 2016) as “1<sup>st</sup> Alternate” on the Zoning Board of Adjustments.

BCC postponed appointment of new MDA member until Industrial Land Survey is completed.

Letter – BCC signed, dated March 3, 2015. To Captain Jason Kowalski, Commander Barbara Rodrick, and Sergeant Gary Evans, Missoula County Detention Center, Missoula, re: BCC’s recent inspection of Detention Center. The inspection found that all aspects of the facility are more than satisfactory.

Additional discussion item(s): 1) Atkins v. Missoula County Mediation in Helena on March 10<sup>th</sup>; JC will attend; 2) Agenda items for BCC/Mayor/CAO Meeting March 5<sup>th</sup>; to include jail overcrowding; 3) Legislative update; 4) Upcoming board meetings and review of recently held meetings.

**WEDNESDAY, MARCH 4, 2015**

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Resolution No. 2015-034 – BCC signed, dated March 4, 2015. Budget Amendment for Health Dept. showing \$7,913 revenue from DPHHS contract 15-07-4-31-130-0 (Immunization Contract) and expenditures thereof for program expenses. For total disclosure, expenditures included in formal 2015 Operating Budget/Revenue Estimates for County. Original to C&R.

Additional discussion item(s): 1) Tax Appeal Board budget requests; 2) Legislative update.

NO PUBLIC MEETING HELD THIS DATE

**THURSDAY, MARCH 5, 2015**

BCC met in regular session; all three present. Afternoon: Missoula County Employee Service Awards were hosted by BCC.

ADMINISTRATIVE MEETING

Agreement – BC signed, effective February 20, 2015. Between County and University of Montana to enable qualified students to participate in the College Work-Study Program at the Missoula County Fairgrounds Events Center. Agreements for both Federal and Montana work study programs were signed. Compensation varies with number of hours worked, as set forth therein. Both originals to UofM for further handling

Contracts – BCC signed. Between County and Sankey Pro Rodeo for the following services for the 2015 Western Fair Amount for term/August 11-16, 2015:

- 1) Provision of personnel, stock and production for Bitterroot Motors PBR Bullorama and Ram Rodeo PRCA (Missoula Stampede performances). Amount/\$70,040.
- 2) Provision of services for Ranch Rodeo. Amount/\$6,180 + added prize money not to exceed \$1,000. Originals to C&R.

Successor Agreement – BCC signed, dated February 26, 2015. Between County and The Federation of Missoula County Employees, MEA-MFT, AFT, AFL-CIO, representing certain County employees for period July 1, 2014 through June 30, 2016. Two original signature pages to Patty Baumgart/HR for further handling.

Letter – JC and CR signed, dated March 3, 2015. To Patricia Guth, Missoula, regarding two neighborhood issues that concerned her: 1) the Teen Recovery Center (which is across the road from her home) is rented from the owner. This facility meets all staffing/supervision standards for youth facilities; 2) the lot that served as the lagoon for the Golden West subdivision has not been sold. However, the lot is currently in the County's inventory of property and will be auctioned off when market picks up. Property will be used to improve parks in the area.

Letter – BCC signed, dated March 3, 2015. To Nancy Faroni, Big Sky Economic Development Trust Fund, MT DOC, Helena, re: BSTF Category 1 Job Creation Grant for Submittable (Contract #MT-BSTF-1-14-08). An error was made on the baseline Job Creation Report and Certification; one was incorrectly reported as a full-time employee, when the job became full-time during week of May 31, 2014. Consequently, certification form lists five full time jobs, when there were only four. Original to Kelly Yarns/BREDD for further handling.

Additional discussion item(s): 1) Briefing on Atkins v. Missoula County Mediation; 2) Broadband update; 3) Legislative update.

**FRIDAY, MARCH 6, 2015**

BCC met in regular session; all three present.

Indemnity Bond – BC signed. Schoodles PFMA, Stillwater, MN, for MCPS Warrant #27115958, issued September 9, 2014 on County Claims fund. Amount/\$126 (for CD/binder combination). Warrant lost.

Request: Records Disposal/Transfer Authorization – BC signed. From Motor Vehicle: Correspondence (1/1/2012-12/31/2012). To be destroyed.

Request: Records Disposal/Transfer Authorization – BC signed. From Treasurer: Correspondence (undeliverable bills) (1/1/2011-12/31/2012). To be destroyed.

  
Tyler Gemant  
Clerk & Recorder

  
Bill Carey, Chair  
BCC

**MONDAY, MARCH 9, 2015**

BCC met in regular session; quorum present. JC out of office all day due to family member health issues. Early morning: CR participated in Pay for Success RFP discussion, held in Admin 206. Morning: BC swore in JP Court 1 Substitute Judge. Evening: CR attended meeting of Seeley Lake Community Council.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Blue Heron Addition Phasing Plan Amendment (*action item*); 4) Nutrient & Sedimentation Reduction: Partnership Opportunities; 5) Shoreline Regs & Floodplain Regs information update; 6) Vosburgh Salmon Lake dock replacement (*see March 2<sup>nd</sup> Journal entry*); 7) Director's update.

Letter – BCC signed, dated March 11, 2015 to Bernie and Gloria Weisgerber, Waikoloa, HI, approving the Blue Heron Addition Subdivision Phasing Plan Amendment. Final plat submittal deadline for Phase 2 is extended from April 1, 2015 to April 1, 2019.

Request: Records Disposal/Transfer Authorization – BC signed. From Risk & Benefits: Trust Account records (7/1/2011-6/30/2012).

**TUESDAY, MARCH 10, 2015**

BCC met in regular session; quorum present. JC in Helena for Atkins v. Missoula County Mediation.

**ADMINISTRATIVE MEETING**

Interagency Agreement – BCC signed agreement with Federal Highway Administration for the Petty Creek Road project. Purpose is to de-obligate federal funds to assist Missoula County in replacing a survey monument obliterated during construction of Petty Creek Road. County did not pursue funding because cost was minimal and excessive length of time to "blue book" it. Two originals to Greg Robertson for further handling.

Letter – BCC signed, dated March 10, 2015. To Policy Innovation Lab/Sorenson Global Impact Investing Center, David Eccles School of Business/University of Utah ("UofU"), Salt Lake City, Utah. In strong support of County's application for a UofU's Pay for Success grant to explore approaches to resolving jail overcrowding. Requested budget/\$101,512 for a one-year study. Original to Cola Rowley.

Additional discussion item(s): 1) Buena Vista Subdivision CDBG Grant Public Hearing; 2) Legislative update; 3) Review of recently held Board/Commission meetings.

**WEDNESDAY, MARCH 11, 2015**

BCC met in regular session; all three present. Afternoon: JC met with *Let's Move! Missoula Steering Committee*, held at United Way offices.

**ADMINISTRATIVE MEETING**

Agreement – BCC signed, dated March 11, 2015. Between County and Western MT Mental Health Center to provide Mental Health Professional for 18 hours/week for higher level of crisis response to County Detention Center (continuing HB130 Strategic Crisis Mental Health Intervention Plan). Amount/ \$33,700 (grant funded). Term/ July 1, 2014–June 30, 2015. Originals to Erin/GCP for further handling.

Agreement – BCC signed, dated March 11, 2015. Between County and Western MT Mental Health Center to fund 1 FTE LCSW for Urgent Mental Health Clinic at St. Patrick Hospital (continuing HB130 Strategic Crisis Mental Health Intervention Plan). Amount/ \$54,080 (grant funded). Term/ July 1, 2014–June 30, 2015. Originals to Erin/GCP for further handling.

Agreement Amendment – BCC signed. To #14-331-74071-0 between County and MT DPHHS for HB130 Strategic Crisis Intervention Plan funding to support various professional staff in identified positions, to provide training, and support an online resource guide. Amendment extends term for an additional 12 months [July 1, 2014 through June 30, 2015] for funding in amount of \$169,754.00; total contract reimbursement provided to County/\$339,508. Original to Erin/GCP for further handling.

Agreement Addendum – BCC signed. Between County and PHC for HB130 Strategic Crisis Intervention Plan funding to include funding for PHC's Access Therapy program and match money for Dept. of Corrections grants for .8 FTE to provide mental health therapy for inmates who are transitioning back to community. Term/July 1, 2014 through June 30, 2015 for funding in amount of \$19,074. Originals to Erin/GCP for further handling.

Additional discussion item(s): 1) MacArthur Foundation application; 2) Legislative update.

**PUBLIC MEETING – March 11, 2015**

**1. CALL TO ORDER**

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

**Staff Present:** Tim Worley, CAPS, Todd Kletz, CAPS

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC ANNOUNCEMENTS**

**PROCLAMATION:** March for Meals on Wheels  
Commissioner Curtiss read the Proclamation.

**4. PUBLIC COMMENT**

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List ~ \$4,608,251.41

**Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$4,608,251.41. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

**6. HEARING**

Shoreline Regulations Update

**Tim Worley:** We would recommend postponing the hearing until March 25<sup>th</sup>, Todd has been out sick and doesn't have a voice today. However, we can take public comment today and we can make any documentation available to the public.

**Public Comment - None**

**Chair Carey:** Hearing recessed until March 25<sup>th</sup>.

**7. OTHER BUSINESS**

None

**8. RECESS**

Being no further business to come before the Board the Commissioners are in recess at 1:37.

Tax Abatement Requests – At meeting with Clerk & Recorder, BCC approved following letters dated March 13, 2015:

- Approving request from Al Zepeda, Missoula, to waive 2007 penalties/interest for taxpayer id #1252101. However, County believes some erroneous statements were made justifying relief he requested, and has asked him to remit payment for the 2007 taxes.

- Denying request from Tyler Ramaker, Alberton, to refund registration fees paid for VIN 3GKGK26R9VG513359. Error in this instance was not committed by County staff; title transfers were processed and recorded, per his request, and cannot be undone.
- Denying request from Brian Weaver, Missoula, to refund penalties/interest paid for taxpayer id #90181300. The justification for his request falls outside normal parameters that would permit a refund.

**THURSDAY, MARCH 12, 2015**

BCC met in regular session; all three present. Afternoon: JC attended *Crown of the Continent* Leadership Meeting, held at Clark Fork Coalition. Evening: JC attended meeting of West Valley Community Council.

**ADMINISTRATIVE MEETING**

Agreement Amendment – BC signed. #MT-BSTF-1-13-11A between County (BREDD) and MT DOC for the BSTF Category 1 Grant with ALCOM. Amendment is for one-year extension to January 17, 2016 [grant awarded January 17, 2013]. Total amount of contract is \$900,000 (\$855,000 to assist with lease rate reduction/purchase of equipment; \$45,000 for administrative expenses). Original to Kelly Yarns/BREDD for further handling.

Interlocal Agreement – BC signed, dated February 27, 2015. Between County and City of Missoula related to County parks and trails bonds approved by voters November 2014. Term/2015-2018. Originals to C&R, City Clerk, Lisa Moisey/ Parks.

Letter/Application Documents – BC signed, dated March 16, 2015. To Justin Harris, DPHHS, Office of Procurements/Contracts, Helena, submitting Response to RFP-1507JH (MT CTF) for funding on behalf of Healthy Start Missoula, Missoula's Best Beginnings Community Coalition, coordinated by Missoula Forum for Children & Youth (program of Missoula City/County Dept. of Grants and Community Programs). Amount requested/\$25,000 for term July 1, 2015-June 30, 2016. Original to Melissa Gordon/GCP for further handling.

Request: Records Disposal/Transfer Authorization – BC signed. From Elections: Many misc. files relating to election process for year 2011.

Request: Records Disposal/Transfer Authorization – BC signed. From Clerk & Recorder: 1) Birth Requests & Apps (6/1/2010-2/28/2011); 2) Death Requests & Apps (6/1/2010-2/28/2011); 3) Discharge Requests & Apps (6/1/2010-2/28/2011). To be destroyed.

Request: Records Disposal/Transfer Authorization – BC signed. From Clerk & Recorder: Correspondence (1/1/2003-12/31/2008). To be destroyed.

Additional discussion item(s): 1) County Day of Recognition for National Service; 2) Legislative update.

**FRIDAY, MARCH 13, 2015**

BCC met in regular session; all three present.

Indemnity Bond – BC signed. Missoula Municipal Court, Principal for Sheriff (Detention) Warrant #103821, issued March 2, 2015 on County Bond 7062 fund. Amount/\$585 (bond for Derrick Secor). Warrant lost.

Indemnity Bond – BC signed. Madison Blass, Frenchtown, Principal for Frenchtown Administration Warrant #79207, issued January 10, 2015 on Frenchtown School District #40 fund. Amount/\$109.89 (for wages). Warrant lost/not delivered in interoffice mail between city and county.



Tyler Gernant  
Clerk & Recorder



Bill Carey, Chair  
BCC

**MONDAY, MARCH 16, 2015**

BCC met in regular session; all three present. Morning: BCC participated in 1) Housing First Task Force meeting, held in Reidy Conference Room; and 2) *Community Champions "March for Meals on Wheels"* event. Afternoon: BC swore in JP Court 1 Substitute Judge.

Community and Planning Services Update – BCC/CAPS Staff - (*canceled*)

Monthly Report – BC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Courts 1 & 2 (Karen A. Orzech and Marie A. Andersen) for month ending February 2015.

**TUESDAY, MARCH 17, 2015**

BCC met in regular session; all three present.

**ADMINISTRATIVE MEETING**

County Payroll Transmittal Sheet – BCC signed. Pay Period: 05/CY2015 - Pay Date/March 6, 2015. Total Payroll/\$1,463,790.01. To County Auditor.

Letter – BCC signed, dated March 19, 2015. To Gene Mostad, Missoula, conditionally approving request to amend Conditions #16 & #17, and Declaration of Covenants/Restrictions for River Pines Estates Subdivision, Article V, Section 1 (allowing for a basement on Lot 5 of the subdivision).

Benefits Plan Amendment – BCC approved/signed Exhibit 8.24: County Employee Benefits Plan Amendment, effective July 1, 2015. Increases amount paid for vision expenses by 5% for vision coverage. Original to C&R.

Contract – BCC signed. Between County and Outback Construction to remodel east end of building 12 into new fair offices and reception areas at the Missoula County Fairgrounds. Amount/\$32,500. Term/ March 17-May 20, 2015. Originals to C&R & Larry Farnes/Facilities Management.

Additional discussion item(s): 1) Review of recently held BCC-attended ad hoc boards/commissions meetings; 2) Legislative update.

**WEDNESDAY, MARCH 18, 2015**

BCC met in regular session; all three present. Morning: BC met with Glen Welch, et al re: Regional Juvenile Detention Alternative Screening, held in Admin 206. CR attended *Adverse Childhood Experience Study*, held at the public Library.

**ADMINISTRATIVE MEETING**

Easement Agreements – BCC approved/signed five (5) Temporary Construction Easements, dated March 18, 2015 between the County and the following for the Grant Creek Trail Project. Term/June 2008-December 2015.

- 1) Vicki Lincoln, owner of Lot 124, Grantland Rankin;
- 2) Ronald and Karen Hoff, owners of Lot 125, Grantland Rankin;
- 3) Louis and Lila Bahin, owners of Lot 134, Grantland Rankin;
- 4) Grant Creek Ranch LLC, owner of Tract 7, COS 6351;
- 5) Grant Creek Ranch LLC, owner of Tract 12, COS 6351.

Originals to C&R.

Additional discussion item(s): 1) Meet with Deborah Frandsen from Senator Tester's Office; 2) Consider Resolution in Support of Public Ownership of Mountain Water; 3) Legislative update.

**NO PUBLIC MEETING HELD THIS DATE**

**THURSDAY, MARCH 19, 2015**

BCC met in regular session; quorum present. JC out all morning due to family member health issues.

**ADMINISTRATIVE MEETING**

Request – BCC approved request from Sheriff TJ McDermott for exception to HR Policy 208.00 (Merit Bonus) to allow payment of a lump sum to a County employee (Public Information Officer Brenda Bassett) who has been with County less than one full year in order to offset cost of COBRA payments during transition. Amount to be less than \$3,000 and within FY15 budget. Original to Sheriff McDermott for further handling.

Agreement Amendment – BC signed. #1 to Task Order #15-07-5-21-014-0 between County (MCCHD.) and MT DPHHS for Missoula County WIC Program. Amendment increases amount by \$57,000; contract total/\$553,695. Funds to be used for infrastructure improvements (IT, office improvements, and clinic supplies). Term/October 1, 2014-September 30, 2015. Two originals to Julie Mohr/MCCHD for further handling.

Resolution No. 2015-036 – BCC signed, dated March 19, 2015. Budget Amendment for Health Dept. showing increase of \$3,000 from MT Cardiovascular Disease/Diabetes Prevention Program and expenditures thereof for Perm Salaries and Fringe Benefits. New spending authority for DPP program/ \$31,000. Term/July 1, 2014-June 30, 2015. For total disclosure, expenditures included in formal 2015 Operating Budget/Revenue Estimates for County. Original to C&R.

INTERCAP Loan Documents – BC signed all documents relating to Loan Agreement between County and State of Montana Board of Investments for loan of \$143,095 to cover FY14 five motor vehicle and three copier purchases by Central Services. Documents included:

Resolution No. 2015-035 – dated March 19, 2015. Authorizing participation in the INTERCAP Program.

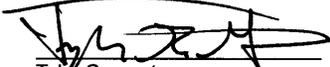
Term/July 1, 2013-June 30, 2014. Closing date/March 27, 2015. Originals to C&R and Christi Page/Finance Director.

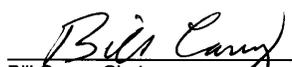
Letter – BCC signed, dated March 19, 2015. To Craig and Beth Diettert, Missoula, stating the BCC has no legal authority to waive personal property taxes for taxpayer IDs #80516801, 80513415 & 80787787 after they have been delinquent for five years. The County intends to write-off of select taxes for years 2009, 2010, 2012, and 2013, as set forth therein.

Additional discussion item(s): Legislative update.

**FRIDAY, MARCH 20, 2015**

BCC met in regular session; quorum present. JC out all day at Mental Health/CDC Meeting.

  
Tyler Gernant  
Clerk & Recorder

  
Bill Carey, Chair  
BCC

**MONDAY, MARCH 23, 2015**

BCC met in regular session; all three present. Noon: CR participated in *Pay for Success* telephone interview. Evening: BC attended meeting of East Missoula Community Council.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Starvation Creek Acres Phasing Plan Amendment (*action item*); 4) Canyon Creek Village Rezoning (*info item*); 5) Vosburgh Salmon Lake Dock Replacement (*approved/signed March 25<sup>th</sup>*); 6) Shoreline Regulation Information update; 7) Director's update.

Letter – BCC signed, dated April 15, 2015 to Karen Wilson, WGM, Missoula, approving the Starvation Creek Acres Subdivision Phasing Plan Amendment. Plat approval expiration date for Phase 2 is February 28, 2020, and Condition #21 is added (pertaining to Weed Management Plan).

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated March 17, 2015. Amount/\$51,236.92. To County Auditor.

**TUESDAY, MARCH 24, 2015**

BCC met in regular session; all three present. Noon: BCC attended Missoula Cultural Council Awards Luncheon, held at DoubleTree Hotel.

ADMINISTRATIVE MEETING – No Agenda items.

Additional discussion item(s): 1) Review of recently held BCC-attended ad hoc boards/commissions meetings; 2) Legislative update.

**WEDNESDAY, MARCH 25, 2015**

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

INTERCAP Loan Application – BC signed INTERCAP Loan Application, dated March 25, 2015 between County and State of Montana Board of Investments for loan of \$400,000 to replace the 9-1-1 phone system. Originals to C&R and Christi Page/Finance Director.

DOJ Application – BC signed application, dated March 25, 2015 between County (Human Resources) and Montana Dept. of Justice, Criminal Records & Identification Services, Helena, requesting HR to access FBI fingerprint background checks as part of the Hartford Grant requirements funding the IMPACT Behavioral Health Program for Partnership Health Center. Original to Angela/HR.

Request – BCC approved request from Human Resources to update Policy 215.00 (On-Call Time) to provide increase in "on-call" stipend paid to non-union employees required/assigned to be in an on-call status on their regular day off. Rate in collective bargaining agreements over last several years has increased to \$50 (\$55 in Health unit). Original to Patty Baumgart/HR for further handling.

Agreement – BCC signed. Between County and Western MT Mental Health Center for HB130 and FY15 Strategic Crisis Intervention Plan Initiatives funding. Amount/\$62,400 (grant funded). Term/April 1-June 30, 2015. Original to C&R.

Shoreline Permit w/Conditions – BC signed. #2015-06 for Applicant Mark Vosburgh to replace existing boat dock at Tract 2, COS 5911, Salmon Lake. Post-construction photos must be submitted upon project completion. Original to Todd Kletz/CFM for further handling.

Letter – BCC signed, dated March 25, 2015. To Senator Steve Daines, Washington D.C., in support of Senator Bernard Sanders' letter to the Subcommittee on Labor, Health & Human Services, Education and Related Agencies of the Senate Committee on Appropriations, urging them to increase funding by at least 12 percent above FY 2015 levels for programs authorized under the Older Americans Act.

Additional discussion item(s): Legislative update.

**PUBLIC MEETING – March 25, 2015**

**1. CALL TO ORDER**

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

**Staff Present:** Jamie Erbacher, CAPS, Todd Klietz, CAPS, Tim Worley, CAPS

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC ANNOUNCEMENTS**

**PROCLAMATION:** County Day of Recognition for National Service  
Chair Carey read the Proclamation

**4. PUBLIC COMMENT**

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List ~ \$2,290,841.11

**Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$2,290,841.11. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

**6. HEARINGS**

**a. Canyon Creek Village Major Text Amendment Rezone**

Jamie Erbacher gave staff report with PPT presentation

Missoula County Community & Planning Services has received a request for a major text amendment for the Canyon Creek Village Subdivision PUD zoning standards. Canyon Creek village was approved in March of 2001 and contains over 200 residential lots. The subdivision is located on the eastern edge of the development park, with Direct TV. South of Interstate 90, North of Expressway and about 1.5 miles west of Reserve. Windsor Park is the East as is Canyon East Subdivision. Canyon Creek Village is comprised of 16 phases, in five (5) zoning sub-districts. Currently phases 1-12 have been filed and phases 13-15, which are in sub-district #4, have not been filed, neither has sub-district #16. When the zoning was approved sub-district #4 was permitted to allow for live-work units. In 2008 there was an amendment that came to the Commissioners that allowed just multi-family housing in sub-district #4, without commercial component. The focus of the text amendment today is predominantly on sub-district #4; however there are some other clarifications that I'll go over throughout the presentation.

**Commissioner Curtiss:** Can I ask for one clarification?

**Jamie Erbacher:** Yes.

**Commissioner Curtiss:** Even though we said that it could have multi-family housing it could still be a live/work?

**Jamie Erbacher:** That is correct. So the major purpose of this zoning amendment is to clarify previous approvals and incorporate all existing language into one document.

**Perry Ashby, Project Representative:** Your discussion about carport vs. garage on the east side, the owners association made a valid point in that the enclosed garage is very utilized. That people would do what they're currently doing out there, they store their clothes, their toys, whatever, and then park on the street. The reason that we have not included restricting it to carports is that it...although you don't see it in the streetscape, these are townhouses. They look more like a design that would be well suited for Canyon Creek Village for multi-family. These are actually individual townhouses, there's a little alley in the back and they have tuck-under garages. So you drive in your garage and the door comes down and then you're in your individual townhouse. So I didn't want to place a restriction on the design in the event that we would put in townhouses like this.

**Commissioner Curtiss:** If you went with that model then, where they actually have a garage tucked under, then the zero setback in the back wouldn't apply? Or would you end up having parking space then instead?

**Perry Ashby:** That would be the back of the garage. So you would have a parking space and then a garage door and a garage.

**Commissioner Curtiss:** So the building would go back to the property line?

**Perry Ashby:** No. The only thing that's allowed is carports and parking. Garages themselves would not be allowed.

**Commissioner Curtiss:** So a garage isn't considered an accessory?

**Perry Ashby:** I'm not real sure.

**Jamie Erbacher:** If you did a detached garage, then that's an accessory building.

**Commissioner Curtiss:** That's the other question I have about...I know when we built our garage, detached from our house; it was a requirement of how far they had to be apart for fire code. Does this allow room for a carport and space between it and the building?

**Perry Ashby:** Yes, it does. That's actually driven by building code, for fire separation. I think it's five (5) feet.

**Commissioner Curtiss:** I did drive out there and one of my concerns is whether cars...if you have that zero line, do they have room to swing and get in there?

**Perry Ashby:** The answer to that is yes.

**Jamie Erbacher:** The carports are 16 feet?

**Perry Ashby:** The carports are likely to be 20 feet.

**Jamie Erbacher:** So your parking space is 18½ feet long but there's overhang allowed, with a wider sidewalk, as they are proposing.

**Commissioner Curtiss:** The other concern is about those planter boxes out front of the current building, they are attractive but if you look at them, I didn't get out with a tape measure but it looks like about seven (7) feet, you could put a little fence and have it be considered your yard. There really wouldn't be an accessible sidewalk so between the planter boxes and where you park your car, there's not room for a stroller or pulling a kid in a wagon.

**Perry Ashby:** What we're planning to do is what you see here in the City. That is the grates that are at street level. The elevated planter boxes work well with that commercial environment for people to sit there or to confine the planter box. Where we're proposing trees and plants as you see here, those will be in wells, so they will be perfectly flush with the surrounding.

**Commissioner Curtiss:** How wide are the sidewalks, before you can hit a porch?

**Perry Ashby:** I can't tell from that. That's human scale right there where you see that tree (looking at PPT slide).

**Jamie Erbacher:** So the edge of the well, there's going to be plenty of room between that and the porch area so a wheelchair or something else can easily access.

**Commissioner Curtiss:** So you'll probably move the tree well towards the street?

**Jamie Erbacher:** Paul's thinking the boulevard area is twelve (12) feet.

**Commissioner Curtiss:** One of the other things I got from reading the home owners comments is; it doesn't seem to me like they're very excited about something above a 2-story building. What I picked out of it was they understood the parking, seemed to be okay with that, although when I look at that ~ am I going to park way down there and pack my groceries down to the 3<sup>rd</sup> building? Is the need to go four (4) stories high more of an economic choice?

**Perry Ashby:** Initially we designed it partially for economic, but mainly because of the design perspective. In the very original documents we had commercial on first and second floors and then any building that was three stories or greater was allowed to have residential at levels three and four. And then we found around 2008 that after extensive marketing efforts that there was very little interest in live/work and that's what I think we expressed at the Planning Status Meeting. As far as the home owners association goes, we worked with them pretty extensively, they weren't even aware that multi-family was allowed on this, so that opened up dialog on facebook and then that's what precipitated the meeting at Territorial. I felt like we have really viable comments and I feel I accommodated 100% of their comments. It was an education session also; it gave us all an opportunity. I may be there frequently, but their boots are on the ground, they live there, they walk around in the evenings, so they were able to provide that inside input. They were very willing to work with us on what we ended up with on this final document.

**Commissioner Curtiss:** The one wall on that building is cinderblock, I'm sure it was built that way so you could put another on it. What's your plan to blend that in?

**Perry Ashby:** That's a fire rated wall, that's why we put it there, so you could go zero, just like anywhere downtown here. More than likely it would be that the wall of the adjacent building would be right up to it. If there were walk thru passages/areas, they would be softened architecturally. The building would actually touch it and then if we needed to have access from Kendrick to the alley, there would be corridors between the architectural buildings. It wouldn't be as harsh as what you see there now.

**Commissioner Rowley:** What kind of parking is required for businesses or is there parking requirements if it's a business? And how would that impact the overall parking that's available for residents?

**Perry Ashby:** Depending on the type of business it is. I just learned this today, it's one (1) parking space per 100 square feet of floor space for a business. But that changes depending on high

intensity retail vs just low intensity office. Residential uses are not there when retail or commercial are there, so that's a concept that was used in this document.

**Jamie Erbacher:** We don't see much for mixed use buildings within the county but the county itself does have a reduction for mixed use buildings such as this. How it reads and how we were intending it to stay is that all live/work units share a minimum of 50% of the required off-street parking spaces, based on the counties only Resolution for each use. Essentially they're getting that credit for having different hours of operation, if you will.

**Perry Ashby:** What we found so far is with the current live/work that we have there it's worked quite well. Overflow parking does take place on the street, not a lot of it. I will tell you I'm sensitive to parking, I can't sit here and present you with data and say it's going to work perfectly but, I will say, that the 42 spaces on Kendrick is going to make a huge difference.

**Commissioner Rowley:** I guess I'm just concerned that there's nothing written into the document that if a high traffic business comes in, or something like that, that you don't have to take that into consideration really in any future multi-family residence that you put in because it's not in here. That's it's not accounted for, not that I think you would do that but do you see my concern?

**Perry Ashby:** I do. But what's interesting is the way the zoning is currently setup, I haven't done the calculation, I think Paul has but we can put less parking in with live/work. The city allows one (1) per unit under 850 square feet.

**Commissioner Rowley:** When something is built residential there's...you have to have the rear setback, getting rid of that rear setback is based on live/work zones?

**Jamie Erbacher:** That's just for the carport structures. Typically it is a three (3) foot setback to the rear or the side property boundary, instead of zero.

**Commissioner Curtiss:** Because of the large park that's close, that will be a place for kids to play, because they aren't going to have a yard.

**Jamie Erbacher:** Right, they're not going to have a yard. There are parks close by. These spaces at the subdivision...the parks requirement was taken care of already.

**Commissioner Rowley:** Can you address a concern I have? It seems like we're trying to build things to work/live standards and are just going to build residential units. It's a way of perhaps getting around needing the general residential multi-family standards.

**Perry Ashby:** What I'm trying to do here is essentially...we went back in 2008 and we were able to prove to the Commissioners that multi-family might be a more viable option based on, as I mentioned before, Reserve Street and the services there and the higher need for residential. I'm not here to try to circumvent anything, what I'm trying to do is essentially develop a better and clear design guideline standard for something that we already have and we have approval to do. With a lot of input from different agencies and frankly the highest level of input was from the neighbors. Did I touch on your concerns?

**Commissioner Rowley:** Yes. It sounds like moving forward this is perhaps just going to be 100% residential, potentially. It is nice to have the option to do live/work but will it be a particular unit is live/work? and it will be built with those standards? But if we have just 100% residential units then it doesn't have to have the usual residential standards because you have this either/or hybrid. Maybe we're all okay with that, this was approved in '08 and I'm not sure what the vision was then, I'm just having troubles wrapping my mind around. This could all end up being all residential but to be built to less aesthetically pleasing standards because you have the option to do live/work, but you didn't.

**Perry Ashby:** I understand. And when you say residential standards, primarily my interpretation is more parking, is that what you're thinking?

**Commissioner Rowley:** I think more of the aesthetic things, the landscaping, the setbacks, the parking and the neighborhood nature that is built into the regulations that go along with residential.

**Perry Ashby:** A lot of this ties back to the whole philosophy of the traditional development design where affordability is heightened by density. Then you provide a street scene that frankly we've achieved today, 15 years ago we put in 1½ caliber trees, now some are really big, it started to get the feeling that a flavor of some of your original watercolors done by Jeannie Hauffman to create a street scene to give the Commissioner an opportunity to see what my vision was, as the founder of the project. I feel like we're...even if does go multi-family or residential 100%, which I don't know right now. I'm here just requesting the flexibility knowing that; A) it can already be multi-family but it's gonna be something a little more harsh that we can't get the approvals for or get the changes on the parking. B) That sort of street scene that you saw, if you've been out there, to see the live/work that we created. No it doesn't have a yard out front but what it does have is a very good flavor, a very good feel in this one district, sub-district 4. The park is within 80 feet of the NE corner of the most northerly lot, so as far as outdoor recreation, outdoor living, it's used a lot, the home owners association extremely active and giving parties and kids playing there and so on.

**Jamie Erbacher:** One thing we heard from the homeowners is that having that seven (7) feet of green space in the front may even be for maintenance wise, why maintain something that's really not much prettier than a porch. You get muddy areas, you're able to do townhouses, condos or

multi-family, so who's in charge of that maintenance? That was an issue for them and I think that was why they were more acceptable to having the porches and patios come up to the property line.

**Commissioner Rowley:** I do think it looks fine and I'm not trying to accuse you of trying to hurt any rules or anything.

**Perry Ashby:** Defining it with little steel railings, whether they are outdoor living or....this is for the ground floor. They're gonna have BBQs and they're gonna have patios, little outdoor living areas.

#### **Public Comment**

**Paul Forsting, Territorial Landworks:** I'm another representative. Perry's been working on this project since 2001 and he works with the HOA, we've had several meetings. Some of the dialog we've heard today is coming from that. I could add more to the conversation that we've been having here but I'm not sure if you're still uncomfortable about some of these topics like the front yard, setbacks and encroachments. Or cola, you're concerned that we're doing something abnormal regarding residential here, we kind of are because Perry's been through the process of playing with the development. That's where you go through a pretty elaborate review process but you come up with exhibits like he presented here and those really define what you can do and it's very unique.

**Commissioner Curtiss:** So the sidewalk portion of that front space is considered in the right-of-way, right?

**Paul Forsting:** Correct, yes.

**Commissioner Curtiss:** So anything we do there is gonna have to be day-to-day.

**Paul Forsting:** Yes, absolutely.

#### **Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners amend #4, Section b, page 9, off-street parking, to strike the last sentence: all multi-family buildings shall provide one (1) parking space for each multi-family dwelling unit. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

Commissioner Curtiss made motion that the Board of County Commissioners adopt the memo dated March 20, 2015, that was presented for Conditions of Approval regarding floodplain, to strike the conditions regarding 2 feet above the flood elevation. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

Commissioner Curtiss made motion that the Board of County Commissioners approve the request for the major text Amendment of Canyon Creek Village Subdivision Standards subject to conditions as amended today based on the findings and facts in the staff report and public testimony. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

#### **b. Shoreline Regulations Update (continued from March 11, 2015)**

Todd Klietz, Floodplain Administrator gave staff report with PPT presentation

Our Shoreline Regulations have been in effect since 1997. They were amended slightly in 1998. A lot of Administrative changes have happened at the county with the Planning Office and the Office of Planning and Grants. It's time to update our Shoreline Regulations so what we've done is we started in earnest, last summer, and from there went out for public comment, received comments from agencies and property owners. Went before the County Planning Board, they had some suggestions that we worked with and are in the draft in front of you.

To summarize what we've done, basically there are three (3) different groups of changes that we made to the Shoreline Regulations;

1. Administrative Cleanup – replacing the Office of Planning and Grants with Community and Planning Services.
2. Fee Amounts that were set in 1997 ~ the following year is when they became out-of-date so we ruled the fee amounts from those regulations.
3. Discrepancy between what we could issue permits for with boat houses and boat shelters, we've cleaned that up.

We've incorporated site visits, when weather permits.

There are only two (2) actual regulatory amendments:

1. To allow recreational campfires. The current Shoreline Regulations do not really address campfires.
2. 500 square foot amount of dredging that can happen with any shoreline permit application.

We added purpose statements to the regulations to define why we're actually doing the shoreline regulations, to include restoration and to do what we can to protect wildlife and fisheries. And also provide education to the shoreline property owners.

**Commissioner Curtiss:** We don't have the fees in the regulations but are they listed in the appendix?

**Todd Klietz:** When the fees are updated by the County Commission, the Community Planning Services has a list of what all those fees are and they're also identified on our website. Currently the shoreline permit fee is \$200.00.

**Public Comment**

**Allen Castonguay:** Do you have a definition of a campfire ring?

**Todd Klietz:** No, we do not.

**Allen Castonguay:** Why not? For instance, within my area of ½ mile along the shoreline you can find anywhere from a pile of rocks, to a cement circle, to an iron circle, to an area of grass up to the fire pit with an area 20 feet around the fire pit. You can find them above the beach and you can find them on the beach. I think you should have a definition of a campfire ring and the location.

**Todd Klietz:** What we do have is that a campfire cannot exceed two (2) feet in diameter. But as far as what they utilize to form their two foot diameter, whether it's rocks or iron, we didn't specify that.

**Allen Castonguay:** I had a little discussion with my neighbor; he has a little pile of bricks on the gravel and the grass. He was concerned if this was a qualified fire pit. He called the local fire department and they came out to look at it, they said yes, it looks great. They said it's a qualified fire ring. I don't think it was, it's just two rows of bricks so that's 8 inches high.

**Commissioner Curtiss:** We don't require a ring, it just has to be a small fire and according to our fire regulations it shouldn't be unattended.

**Allen Castonguay:** Well, I don't agree with that? I think it should be in a ring. You people are saying that you want natural vegetation in this 20 foot area. If you go out there where the grass is brown and growing and you throw a pile of wood in the center of that and light it off, it's a campfire.

**Commissioner Curtiss:** It's hard to legislate common sense.

**Allen Castonguay:** So I think some type of a definition of a fire rig should be there.

**Commissioner Rowley:** Some sort of fire protection.

**Allen Castonguay:** Yes.

**Commissioner Rowley:** You kind of alluded to another point, as well, of the area around the fire ring and how big that is and if it's in the riparian area, do we no longer have a riparian area?

**Allen Castonguay:** That's right; we're back to square one. Next question, what do you do for enforcement?

**Todd Klietz:** Enforcement is largely complaint based. So if we get a complaint we go out and evaluate.

**Allen Castonguay:** Okay. Who does the enforcing?

**Todd Klietz:** Missoula County.

**Allen Castonguay:** If someone doesn't get the proper permit, who goes out then? The Sheriff?

**Todd Klietz:** Typically we don't go through the Sheriff unless we really have to. Typically we work with the County Attorneys' Office. We don't initially go through the County Attorney's Office; we try to work in-house with people and to educate them as to why they need a permit. Ultimately if they refuse, then the Planning Office seeks assistance with the County Attorney's Office.

**Allen Castonguay:** I have a question probably out of your area of what's going on here but during this winter three (3) snowmobilers went across the lake and the snowmobiles went into the water. To my knowledge they are still there. I see we have someone with a badge here, maybe he can answer that.

**Lad Knotek:** I have that same question. They do plan to pull those out; we're concerned about all the fuel. I share the same concern and I'm not going to forget about it either.

**Lad Knotek, Montana Fish Wildlife & Parks:** We generally support your vision of the Regulations and think they're really an important component of the overall picture up there. We're starting to see water quality issues. We're glad that you're revising the regulations as part of that bigger picture. The one thing that I would comment on specifically on the regulation that you also alluded to is that the campfire areas within that riparian resource area, I don't think they're very compatible because we're not just talking about campfires. We're talking about a center of activity. You have a 20 foot buffer riparian area, they have a campfire in an area where people are occupying, hanging out in areas, and it's not a good idea. Most of these lots are plenty big to have an area above that riparian resource strip for a fire pit. To me that makes more sense and is more compatible with the spirit of the regulations and makes more sense on the ground. There may be some exceptions on a lot here or there. I've looked at most of these lots, from working up there on all these lakes, and there's probably a couple of exceptions where there's a restraint there where they don't have a spot for a fire pit. But I would weight that very seriously, if you would.

**Allen Castonguay:** I would say that if you have a qualified fire ring in the area, the people are going to use that area anyways. If they have a qualified ring, they aren't going to throw a pile of wood on the ground and burn it.

**Commissioner Curtiss:** Todd what is our distance that we have in these regulation that we have jurisdiction?

**Todd Klietz:** 20 feet from the high water mark. There are some lakes that are zoned further, independently zoned, but its 20 feet.

**Commissioner Rowley:** Do you have a rebuttal to the point made about the rings in the riparian area or do you think that's legitimate?

**Todd Klietz:** Again, from my perspective the Office of Planning and Grants used to recommend they be removed when they were from shoreline protection zone. But again, the fire safety issue was, at that time that was compelling to the County Commissioners to stay and remain. The purpose of having that here in the regulations was actually to address them and specifically address that they are allowed, and then limit them to what size and make sure they are compliant with what our Health Department requires are for recreational campfires. As far as them being in the shoreline and protection zone, from the shoreline protection zone again we had long recommended that they be removed.

**Commissioner Rowley:** And from the fire protection perspective, perhaps, rather than be close to the water. Do you agree with putting in a designation as for a ring, or is that up to people in the fire regulation?

**Todd Klietz:** Once it's outside the shoreline protection zone, shoreline regulations have no jurisdiction, so anything outside 20 feet.

**Commissioner Rowley:** So it's kind of either/or, you could, if we wanted to put a regulation on a ring? Or, a regulation that it had to be moved out of the zone but not both.

**Todd Klietz:** We could simply prohibit them within the shoreline protection zone.

**Commissioner Curtiss:** I don't see that we need to let them use the shoreline protection zone, however, to clean up their property and barrel their stuff. If they live in a forested area and they need to clean up all the down fall and that stuff, maybe they should be hauling it away. I'm kind of mixed as to whether...I know it's nice to sit by the lake and have a fire but we're only talking about that 20 feet, so we don't have any control about whether or not they have a fire ring on the rest of the property.

**Commissioner Rowley:** Right and they can have a fire at 20 feet from it and still maintain the riparian area in good condition.

**Commissioner Curtiss:** As long as they have 20 feet that we have regulations on and they could go to 24 feet and still be in the riparian area and have trouble.

**Todd Klietz:** Within 20 feet if we have this regulation, they're limited to two (2) feet in diameter based on enforcement, based on compliance. Outside of 20 feet there is no limitation from the shoreline regulations.

**Commissioner Rowley:** When they were not allowed in the riparian zone before was there significant problem with fire, as opposed to allowing them down closer to the water?

**Todd Klietz:** Not with fire, it's more of the socialized aspects of what we're talking about, with people wanting to do what they want to do down by the water.

**Commissioner Curtiss:** I don't think this easement is that clear either because it says a recreational campfire defines it. Is there another reference in here as to when you could have one? It says that the primary purpose of a fire is supposed to be to clear the material; it is not considered a recreational fire. But it doesn't say you can't have one.

**Todd Klietz:** So what we say as to what is not allowed within the lake or shoreline protection zone. What's new is excluding recreational campfires.

**Commissioner Curtiss:** that could be one place where we could put excluding recreational campfires in areas not in the riparian area. We could add that so at least they're not burning in the brush. We might want to strike recreational fires.

**Commissioner Rowley:** Right because really by allowing them that goes against that you can't really protect native vegetation because people are going to trample it or burn it. Could you apply for a variance to place it close to the water?

**Todd Klietz:** Any person can apply for a variance from any course of the regulations at any time. It's a process that they would go through and we've added to the shoreline regulations is that they would also go before the planning board and you would have the recommendation from the planning board as well as staff.

**Commissioner Curtiss:** The Planning Board hasn't been involved before have they?

**Todd Klietz:** No, Planning Board has not. Planning Board is in State law, as far as them having the ability to comment on permit applications and also on new regulations so when our current shoreline regulations were initially adopted in 1997, of course, it went before the Planning Board and basically the words from planning board aren't even in our current shoreline regulations. So the Planning Board recommended adoption of regulations that did not include them but in reviewing both our regulations, multiple regulations across the State. I forgot to mention Jamie and Mitch assisted greatly in these regulations, but particularly with State law we went back and added Planning board to our shoreline regulations, in regards to variances and also updates to the regulations. These regulations are 1998 regulations did not require that they be taken before the Planning Board but that was something that CAPS wanted to do, in accordance with State law. Depending on how the Commission wants to go with the campfire I think this Item J could be instead of just saying; excluding recreational campfires. I, being one of the people that deals with these regulations, I would like you to address recreational campfires in some way. So if the Commission is weighing whether or not they want to allow recreational campfires or not, if it's to not allow them, I would ask that instead of this word saying *excluding* recreational campfires, that it says *including* recreational campfires, which would then give us the direction to go do what we need to do. We could remove the definition if we're including recreational campfires. I would recommend that we remove the definition of a recreational campfire so that someone doesn't say well, we have a campfire here that's three (3) foot in diameter and you're specifically excluding ones that are only two (2) feet in diameter. So I would reprimand that this definition be removed and that we change the verbiage from excluding to including, if the commission is so inclined.

**Commissioner Curtiss:** So I've been trying to figure out how if someone wanted to have a fire pit, as this gentleman has described his, that it could be approved through an administrative review, not have to go to Planning Board, not as a variance but rather meeting certain criteria. In other words, if you don't have room on your lot to have it out of the protection zone then your office could somehow evaluate if you wanted to dump it to us, you could. But this makes the best sense so I was thinking that maybe a recreational campfire could, if you added to say as approved the Planning Office, or something. I was looking at the variance criteria and some of that would apply but I would hate to see somebody have to go through that whole process just to put a fire pit in a place that makes sense. So our goal would be to not have them in the 20 foot space but on some lots it's going to make more sense than on the hill. I guess we could take some time to think about that, there's no reason that we have to adopt these today, to try and figure a way to administratively have some criteria that says; here's our goal but here's how we can mitigate that, or something. Do you think that is something that's workable? You guys have been working on this a long time.

**Todd Klietz:** We can attempt to do that.

**Lad Knotek:** If you want to go up and spend a day on several of the lakes and see the different situations, I think it would be very helpful so you know exactly what the regulations should be. I would really recommend that you do that. I would like to offer to take you by one of our boats, just let me know.

**Chair Carey:** So when do we have to get this done?

**Todd Klietz:** We've told the general public that we would have these done prior to the primary permitting season, which is Memorial Day through Labor Day. We do have on our workload, we also have the Floodplain Regulations that will be coming to you in the very near future, that do have a very definite timeframe that have to be adopted, long before July 6<sup>th</sup>, when the new floodplain maps go into effect. From the office perspective we were hoping to get this done so that we could complete this project before we go into the next.

**Tim Worley:** I think it would work to continue the hearing and we could tinker a little bit. We have some comparable things we're trying to do with the subdivision regulations, we're trying to route certain processes away from variances through certain criteria. I think we could attempt to do this with campfires where we don't necessarily go through that rigorous, more rigorous variance process that takes you through planning board. We'd actually come up with a criteria for dealing with campfires. When would you like to see this come back?

**Commissioner Curtiss:** We have April 22<sup>nd</sup>, would that be a good goal? And we could visit at planning status to see. My goal would be to see if we could find a way to establish some criteria. Again, it's going to end up being complaint driven.

#### **Executive Session**

Commissioner Curtiss made motion to recess the hearing until April 22<sup>nd</sup>. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

#### **7. OTHER BUSINESS**

None

#### **8. RECESS**

Being no further business to come before the Board, the Commissioners are in recess at 3:20.

Following Public Meeting, BCC signed Resolution No. 2015-037, dated March 25, 2015. Resolution of Intent to amend zoning district standards for property described as Canyon Creek Village Subdivision Phases 1-12 and COS 5176, Parcel B, as set forth on map attached to resolution. Original to C&R.

**THURSDAY, MARCH 26, 2015**

BCC met in regular session; all three present. Morning: BC/CR attended Missoula Housing Report Press Conference, held at Holiday Inn.

**ADMINISTRATIVE MEETING**

Cooperative Law Enforcement Annual Operating/Financing Plan – BC signed, dated March 26, 2015. Between County Sheriff's Dept. and the USDA, Forest Service, Lolo National Forest. #12-LE-11015600-031 executed January 9, 2012. For patrol activities, special enforcement situations, etc. Term/upon execution through December 31, 2015. Total amount/\$18,480 provided to Sheriff's Dept. by U.S. Forest Service. Originals to Sheriff McDermott for further handling.

Agreement Amendment – BCC signed. Between County and The Salvation Army to fund Winter Shelter Program. Amendment increases contract by \$5,000 to carry program through March 2015. Originals to C&R and Cindy Wulfekuhle/GCP.

Agreement – BCC signed. Between County and The Land Group, Inc. for provision of design services (landscape architecture, engineering, and architecture) to complete design work/develop construction documents for Fort Missoula Regional Park. Amount/Phases 1 & 2/\$3,147,136.43 (funded by Bond approved by voters November 2014). Project term/2015-1018. Originals to C&R and Larry Farnes/Facilities Management for further handling.

County Policy – BCC adopted proposed new Policy #2015-02, dated March 26, 2015, *Missoula County Communications Policy* to provide thorough, accurate, timely information with media outlets and through social and other media channels. Original to Anne Hughes/Communications & Projects.

Request – BC/CR signed; JC abstained, dated March 26, 2015. First MT DOC Big Sky Economic Development Trust Fund (BSTF) Reimbursement Request for Submittable BSTF Job Creation Grant Contract #MT-BSTF-1-14-08. Amount requested/\$45,000; grant balance/\$67,500. Grant awarded December 19, 2013; project end/December 19, 2015. Original to Kelly Yarns/BREDD for further handling.

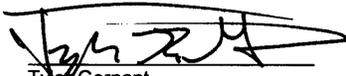
Amendment – BCC signed. MT DOC Big Sky Economic Development Trust Fund (BSTF) Category I: Economic Development Projects for Contract #MT-BSTF-1-13-11-AB-A, Assisted Business Agreement Amendment between County and ALCOM, LLC. Amendment extends contract for one year, ending January 17, 2016. Original to Kelly Yarns/BREDD for further handling.

Letter – BCC signed, dated March 26, 2015. To John D. and Catherine T. MacArthur Foundation, Office of Grants Management, Chicago, IL, in strong support of Missoula County's application for the MacArthur Foundation grant. Funds will allow exploration of reasonable approaches to resolving the many issues over-incarceration presents in our community.

Additional discussion item(s): 1) Buena Vista CDBG Application hearing update; 2) Coal Transport presentation by Jeff Smith at April 8, 2015 Public Meeting; BCC determined presentation would be appropriate during "Public Comment" portion of meeting; 3) Space rental costs (MAYHA); 4) Cola Rowley will serve on Community Based Organizations; 5) Legislative update.

**FRIDAY, MARCH 27, 2015**

BCC met in regular session; quorum present. JC out of office all day.

  
Tyne Gernant  
Clerk & Recorder

  
Bill Carey, Chair  
BCC

**MONDAY, MARCH 30, 2015**

BCC met in regular session; quorum present. JC out of office all day.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Blackfoot Clearwater Stewardship Project update; 4) East Missoula Planning efforts update; 5) Growth Policy Project status update; 6) Subdivision Regulations update; 7) Director's update.

**TUESDAY, MARCH 31, 2015**

BCC met in regular session; all three present. Noon: CR/BC attended *Montana Women in Conservation Award Luncheon*, held at Flathead Lake Brewing Company.

Plat and Agreement – BCC signed. Owner/Lloyd Twite Family Partnership. Linda Vista Fourteenth Supplement, an urban residential subdivision NW¼ of Section 13, T 12 N, R 20 W, PMM, Missoula County. Total area: 13.30 acres.

Subdivision Improvements Agreement and Guarantee – BCC signed, dated March 31, 2015 between County and Lloyd Twite Family Partnership in the amount of \$146,490 to complete asphalt and sidewalks. Secured by Letter of Credit from First Interstate Bank. Improvements to be completed by December 31, 2016.

015 0152

ADMINISTRATIVE MEETING

Budget Transfer – BCC signed, dated March 24, 2015. Control #15-007 for Elections in total amount of \$5,000 (two line items with surplus) to replenish deficits in Office Supplies and Phones. Original to Teresa Graham/ Accounting.

Contract– BC signed. #15-07-4-51-018-0 between County (PHC) and MT DPHHS for HIV prevention services. Amount/\$25,872. Term/February 15-December 31, 2015. Three originals to Andrea Laine/PHC for further handling.

Contract– BC signed. #15-07-4-51-104-0 between County (PHC.) and MT DPHHS for HIV treatment and medical case management services. Amount/up to \$140,000. Term/April 1, 2015-March 31, 2016. Three originals to Andrea Laine/PHC for further handling.

Contract – BCC signed. Between County (PHC) and Paul Grace for on-request maintenance services of PHC's Seeley-Swan Medical Clinic building. Amount/\$25 per hour. Term/October 1, 2014-December 31, 2015. Originals to C&R & Andrea Laine/PHC.

Document – BCC approved/signed, dated March 31, 2015. Organizational Authorizing Document (two-page statement), a formal/consistent document to include when funders ask for verification of Missoula County's legal status. Originals to C&R and GCP.

Letter – BC signed, dated March 31, 2015 to Julie Flynn, MT Board of Investments, INTERCAP Loan Program, Helena, asking for modification to INTERCAP Loan in amount of \$153,000, dated November 12, 2014 for the Seeley Lake Swan Search and Rescue Operations and Maintenance Building ("SSSR") (matched by \$105,512.64 cash reserves held by SSSR). County requests the existing INTERCAP loan be increased to \$200,000, which will be covered from \$28,750 receives each year from approved levy. Term/November 12, 2014-Summer 2015.

Letter – BCC signed, dated March 31, 2015 to Heath Carey, Missoula, stating lease at Freedom Gardens at Fairgrounds will expire August 31, 2015. BCC welcomes a proposal from Freedom Gardens for its continued use of the property; other community groups will be offered the same opportunity. The County is willing to allow Freedom Gardens through October 31, 2015 to complete their activities, should it choose not to present a proposal for the property's use.

Additional discussion item(s): 1) Consider holding public hearings on wrecking facility license application for Snow's Cycles; 2) Review of recently held BCC-attended ad hoc boards/commissions meetings; 3) Legislative update.

MISSOULA COUNTY COMMISSIONERS' JOURNAL: APRIL, 2015

BCC = BOARD OF COUNTY COMMISSIONERS

BC = Commissioner Bill Carey, Chair

CR = Commissioner Nicole ("Cola") Rowley

JC = Commissioner Jean Curtiss

The following Claims Lists were signed during the month of APRIL 2015:

Date Signed	Claims List Date	Who signed	Amount
April 1, 2015	March 31, 2015	BCC	\$3,910.56
			\$1,617.00
			\$5,938.59
			\$9,731.70
			\$162,297.37
			\$246.00
			\$4,515.09
			\$543.39
			\$868.30
			\$21.00
			\$1,432.00
			\$95.00
April 1, 2015	April 1, 2015	BCC	\$45,063.10
			\$6,285.50
			\$1,624.92
			\$346.00
April 1, 2015	PHC Smartfill ACH		\$60,257.46
April 3, 2015	April 2, 2015	BCC	\$47,426.65
			\$3,778.91
			\$12,104.70
			\$94,703.49
April 3, 2015	PHC Amerisource ACH		\$25,399.37
April 7, 2015	April 6, 2015	BCC	\$161,830.63
			\$13,865.01
			\$12,991.38
			\$258,629.08
April 7, 2015	April 7, 2015	BCC	\$103,471.15
			\$19,599.51
			\$17,361.54
April 7, 2015	PHC Smartfill ACH		\$14,176.34
April 8, 2015	PHC Smartfill ACH		\$30,322.40
April 9, 2015	April 8, 2015	BCC	\$8,258.81
			\$5,273.17
			\$2,130.21
			\$2,578.30
April 9, 2015	April 9, 2015	BCC	\$8,190.00
			\$181.38
April 9, 2015	PHC Smartfill ACH		\$5,108.46
April 10, 2015	April 8, 2015	BCC	\$27,583.28
April 10, 2015	April 9, 2015	BCC	\$6,307.79
April 10, 2015	April 10, 2015	BCC	\$2,480.68
April 10, 2015	PHC Amerisource ACH		\$73,610.04
April 13, 2015	April 13, 2015	BCC	\$406.45
			\$40,179.46
			\$551.09
April 14, 2015	April 9, 2015	BC, JC	\$391.01
April 14, 2015	April 10, 2015	BC, JC	\$1,184,489.33
April 14, 2015	April 13, 2015	BC, JC	\$478.11
			\$2,732.97



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(April 14 <sup>th</sup> , cont'd)			\$28,647.94
			\$20,268.77
			\$10,710.45
			\$1,374.50
			\$174,977.37
			\$17,175.10
April 15, 2015	March 31, 2015	BC, JC	\$9,867.54
April 15, 2015	April 13, 2015	BC, JC	\$19,746.98
			\$1,829.81
			\$1,416.20
			\$5,205.44
April 15, 2015	April 14, 2015	BC, JC	\$17,836.77
			\$2,507.59
			\$156.00
			\$5,367.05
			\$1,985.27
			\$5,819.20
			\$39,481.27
			\$1,132.66
April 16, 2015	April 15, 2015	BCC	\$25,936.20
			\$3,624.33
			\$14,081.75
			\$1,842.00
			\$1,029.00
			\$69.47
			\$307.39
			\$76.00
			\$1,146.59
			\$54.92
			\$286.05
			\$248.77
			\$45.00
			\$13.67
\$110,651.26			
April 17, 2015	April 15, 2015	BC, CR	\$7,601.37
April 17, 2015	April 16, 2015	BC, CR	\$9,981.12
			\$1,507.94
			\$24,878.80
			\$1,039.24
			\$36,016.04
April 20, 2015	April 20, 2015	BC, JC	\$1,218.72
			\$21,642.39
			\$4,977.48
April 21, 2015	April 20, 2015	BCC	\$26,600.16
			\$3,936.50
			\$4,228.09
			\$3,111.15
			\$250.00
			\$5,000.00
			\$2,417.70
\$109,943.33			
April 21, 2015	April 20, 2015	JC, CR	\$542.55
April 21, 2015	April 21, 2015	JC, CR	\$1,811.51
			\$37,910.25
			\$11,285.40
			\$336.51
			\$113.75
			\$9,821.50
			\$180.00
			\$361,794.74
\$3,485.42			

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April 22, 2015	April 21, 2015	BCC	\$10,975.68
			\$8,737.63
			\$5,339.44
April 15, 2015	PHC Smartfill ACH		\$32,251.76
April 17, 2015	PHC Amerisource ACH		\$39,690.97
April 22, 2015	PHC Smartfill ACH		\$63,558.39
April 24, 2015	PHC Amerisource ACH		\$44,217.87
April 27, 2015	April 20, 2015	BCC	\$1,127.72
			\$1,311.72
April 27, 2015	April 22, 2015	BCC	\$5,938.88
			\$1,202.04
			\$10,508.65
			\$28.00
			\$9,475.89
April 27, 2015	April 24, 2015	BCC	\$2,326.53
			\$26,093.70
			\$6,810.81
			\$1,348.25
April 27, 2015	April 27, 2015	BCC	\$779.19
			\$503.00
			\$3,128.53
			\$1,617.58
April 29, 2015	April 24, 2015	BC, CR	\$16,554.92
April 29, 2015	April 27, 2015	BC, CR	\$22,198.33
			\$10,483.41
			\$124,771.64
			\$98,055.25
			\$42,869.33
April 29, 2015	April 28, 2015	BC, CR	\$4,664.50
			\$788,126.95
			\$120.00
			\$1,939.00
			\$5,000.00
April 29, 2015	PHC Smartfill ACH		\$35,493.67
April 30, 2015	April 28, 2015	BCC	\$12,561.45
			\$2,905.28
			\$9,337.92
			\$106.50
			\$335.46
			\$13,267.95
			\$514.83
			\$1,750.00
			\$45.83
			\$165.45
			\$399.65

All Claims Lists were returned to the Accounting Department.

**WEDNESDAY, APRIL 1, 2015**

BCC met in regular session; all three present. Afternoon: FY2016 Budget Kick-off with CAO, CFO, et al. Late afternoon: BCC toured Buena Vista housing cooperative site. Evening: BCC held Public Hearing re: CDBG's Application for Buena Vista Subdivision to connect to City Sewer.

**ADMINISTRATIVE MEETING**

BSTF Documents – BC signed.

Agreement and Budget Amendment – BC electronically-signed. #MT-BSTF-1-15-03 between County (BREDD) and MT DOC for the BSTF Category 1 Grant with Rivertop Renewals, which is expected to create 36 new jobs at the project site. Grant awarded December 10, 2014. Total amount/\$270,000. To State of MT for further signatures/handling and return.

Budget Amendment - Resolution No. 2015-039 – BCC signed, dated April 1, 2015. For BREDD showing \$270,000 revenue from BSTF Rivertop Renewals grant, and expenditures thereof for contracted services in amount of \$256,500 and Trustees fees paid to BREDD in amount of \$13,500. For purposes of budgeting and auditing these revenues and expenditures included in formal 2015 Operating Budget/Revenue Estimates for County. Original to C&R.

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Agreement Amendment – BC electronically-signed. #MT-BSTF-1-14-08A between County (BREDD) and MT DOC for the BSTF Category 1 Grant with Submittable. Amendment corrects an error made in reporting Submittable's baseline level of employment [see Letter, dated March 3, 2015 from BCC to BSEDTF, Helena]. To State of MT for further signatures/handling and return.

Agreements – BCC signed: 1) Management Plan (between County, BREDD and Blue Marble); 2) Sub-Recipient Agreement between County and BREDD (for administration); and 3) Business Assistance Agreement between County and Blue Marble for MT DOC #MT-BSTF-1-15-01-MP Category 1 Grant with Blue Marble Energy Corporation d/b/a Blue Marble Biomaterials. Grant awarded June 11, 2014; ends June 11, 2016. To State of MT for further signatures/handling and return.

Resolution 2015-038 – BCC signed, dated April 1, 2015, granting a license to Robert J. Snow for motor vehicle wrecking facility at 1070 Division in Missoula County, Montana, subject to conditions and providing facility is in accordance with local government zoning and ordinances. Original to C&R.

Additional discussion item(s): Legislative update.

NO PUBLIC MEETING HELD THIS DATE

**THURSDAY, APRIL 2, 2015**

BCC met in regular session; all three present. Early afternoon: CR toured Historical Museum at Fort Missoula.

ADMINISTRATIVE MEETING

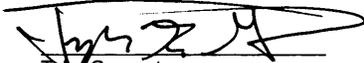
Resolution No. 2015-040 and Certification of Application – BCC signed, dated April 2, 2015. Authorizing submission of MT DOC CDBG application for funding assistance to construct a connection of the internal sewer system of Buena Vista Community, Inc. to City sewer, and abandon the community's sewer lagoons

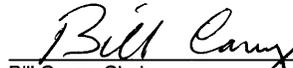
CDBG Certification for Application – Acceptance of CDBG Program requirements for above-referenced connection to City sewer. County also commits to providing amount of matching funds as proposed in the CDBG Application. Amount/272,850. Term/April 1, 2015-September 30, 2016. Original to C&R.

Additional discussion item(s): None.

**FRIDAY, APRIL 3, 2015**

BCC met in regular session; all three present.

  
Tyler Gernant  
Clerk & Recorder

  
Bill Carey, Chair  
BCC

**MONDAY, APRIL 6, 2015**

BCC met in regular session; quorum present. JC in Helena until mid-afternoon to meet with Governor Bullock re: Wastewater Treatment in Rural Montana.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Proposed fee increases/CAPS; 4) Shoreline & Floodplain Regs update; 5) 15267 Mullan Road – Building for Lease or Rent (*info item*); 6) Director's update.

Monthly Report –BC examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of District Court, Shirley Faust, for month ending March 2015.

**TUESDAY, APRIL 7, 2015**

BCC met in regular session; all three present. Early evening: JC attended County RAC meeting, held in Admin B14.

ADMINISTRATIVE MEETING

Agreement – BC signed. Between County and DJ&A, P.C. for construction engineering and staking/surveying for the Missoula to Lolo (M2L) Trail Project. Project already budgeted. Term as set forth therein. Two originals to Greg Robertson/Public Works for further handling.

Agreement – BC signed, dated March 15, 2015. Blackfoot River Recreation Corridor Agreement for use and maintenance along portions of the Blackfoot River (from Johnsrud Park upstream to Clearwater Bridge near Highway 83). Parties include Missoula County, US BLM, MT DNRC, MT Forest/Conservation Experiment Station, UofM Foundation, The Nature Conservancy (landowners), MT FWP, et al. County amount/can be up to \$5,000 per year. Agreement end/January 1, 2020. Two originals to Pat O'Herren/CAPS for further handling.

Request – BC/CR signed, dated April 7, 2015. MT DOC Big Sky Economic Development Trust Fund (BSTF) second Reimbursement Request for Hunting GPS Maps BSTF Job Creation Grant Contract #MT-BSTF-1-13-13. Amount requested/\$38,780; grant balance/\$222,440. Grant awarded April 11, 2013; project end/April 11, 2015. Original to Kelly Yarns/BREDD for further handling.

Letter – BCC signed. To Dave Stack, National Museum of Forest Service History (“NMFSH”), Missoula, with strong support for the NMFSH *National Conservation Legacy and Education Center* on 36 acres near the Missoula International Airport. Museum would share with the public a rich conservation story filled with heroism, ingenuity and an appreciation for the outdoors. Letter mailed.

Additional discussion item(s): 1) Nat'l Museum of Forest Service History update; 2) Review of recently-held Ad Hoc boards/commissions meetings which BCC attend; 3) Legislative update.

<b>WEDNESDAY, APRIL 8, 2015</b>
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BCC met in regular session; all three present. Late afternoon, CR met with Sheriff McDermott, et al re: Jail Overcrowding.

#### ADMINISTRATIVE MEETING

Contract – BCC signed. Between County and Outback Construction (as lowest bidder) for the Seeley Swan Search & Rescue Building Construction Project. Amount/\$278,513. Term/March 30-August 17, 2015. Originals to C&R & Larry Farnes/Facilities Management.

Resolution No. 2015-043 – BCC signed, dated April 8, 2015. Budget Amendment for Recording showing \$20,000 revenue from Cash Reserves, and expenditures thereof for permanent salaries. For total disclosure, expenditures included in formal 2015 Operating Budget/Revenue Estimates for County. Original to C&R.

Resolution No. 2015-042 – BCC signed, dated April 8, 2015. Budget Amendment for Treasurers/Motor Vehicles showing \$32,000 revenue from Treasurer Fees/Cash Reserves/Cash Carryover, and expenditures thereof for postage and microfilm service. For total disclosure, expenditures included in formal 2015 Operating Budget/Revenue Estimates for County. Original to C&R.

Resolution No. 2015-041 – BCC signed, dated April 8, 2015. Appointing an attorney assigned to the Prosecution Services Bureau of the Dept. of Justice as Special Deputy County Attorney for the county in the matter of *State v. Brian Richard Parini*. Original to C&R.

Easement Agreement – BCC approved/signed a Temporary Construction Easement, dated April 8, 2015 between the County and Dave/Judy Spores, owners of Lot 135, Grantland Rankin, for the Grant Creek Trail Project. Term/June 2008-December 2015. Original to C&R.

Proclamation – BCC signed, dated April 12, 2015. Proclaiming April 12-18, 2015 as *National Public Safety Telecommunications Week*, and thanking 9-1-1 for their efforts, long hours, and hard work under very difficult circumstances. To be read at April 8<sup>th</sup> Public Meeting.

Additional discussion item(s): Legislative update.

#### PUBLIC MEETING – April 8, 2015

##### 1. CALL TO ORDER

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

**Staff Present:** Jamie Erbacher, CAPS

##### 2. PLEDGE OF ALLEGIANCE

##### 3. PUBLIC ANNOUNCEMENTS

**Proclamation:** National Public Safety Telecommunications Week, April 12-18, 2015  
Commissioner Rowley read the Proclamation.

##### 4. ROUTINE ADMINISTRATIVE ACTIONS

Current Claims List ~ \$993,001.66

##### Executive Session:

Commissioner Curtiss made motion that the Board of County Commissioners approve the Current Claims List in the amount of \$993,001.66. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

##### 5. CONSIDERATION

Buildings for Lease or Rent (15267 Mullan Road)  
**Jamie Erbacher** gave staff report.

This is a proposal from Frenchtown Valley View Trailer Court, represented by George Sherwood, to add four (4) new mini warehouse buildings. They will include three (3) 5x5 units, thirty four (34) 10x10 units, twenty three (23) 10x15 units, forty three (43) 10x20 units for a total of 103 storage units. It's located at 15267 Mullan Road, south of the Frenchtown exit off of Mullan Road. They are currently served by Frenchtown Rural Fire, as well as the Sheriff's Department. The river is to the west and it's outside of the floodplain. The property is unzoned and the reason for the buildings for lease or rent

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review being triggered is that there are at least four (4) buildings with more than thirty (30) units in the buildings, that's what's triggering this review for buildings for lease or rent. Access will maintain off of Mullan Road and an approach permit has been applied for through the county for an address. This is not going to affect the access that's currently into the mobile home park. We did not receive any other substantial comments from neighboring property owners or any other agencies. They are not proposing an office with this development so additional septic's are not proposed or required. We are recommending approval of the development, based on the three (3) conditions provided above. Essentially to apply for a land use permit that will maintain substantial compliance with the plans that the applicant submitted, and that they apply for the building permits and for the structures themselves, as well as any fences over eight (8) feet tall and that they obtain the approach permit with the Department of Transportation.

#### Public Comment

None

#### Executive Session

**Commissioner Curtiss:** Jamie, attached talks about the fencing but that's all part of the proposal and then the conditions we don't have to refer...

**Jamie Erbacher:** Right. I had talked to Tim about that, Tim Worley, my Supervisor; I said do we make this a condition? He said rather than having it as a condition, since it's something that the developer was proposing, we'll make it a check off item that we'll just check for prior to issuance of the permits.

#### Motion:

Commissioner Curtiss made motion that the Board of County Commissioners approve the Buildings for Lease or Rent Project at 15267 Mullan Road based on the Findings and Fact in the Staff Report, subject to the Conditions of Approval as listed. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

#### 6. PUBLIC COMMENT

Tongue River Railroad – Coal Trains

**Jeff Smith, co-chair of 350 Missoula:** We are a local affiliate of 350.org which is an international organization founded by Bill McKibben. Our neighbor refers to what scientist call the safest limit of carbon (CO2) in our atmosphere. Beyond 350 PPM, in other words, there's permanent damage to the life support systems of this planet. For the past 800,000 years, in fact, CO2 has remained between 260-280 PPM. Two (2) years ago when a group of us meet for the first time as 350 Missoula, we're just ordinary citizens who got together with an interest in bringing awareness about the changes in our climate. When we got together March 2013 for the first time, the readings from the top of the Mauna Loa observatory in Hawaii widened, something that the earth system research laboratory has done continuously since 1956. When we met for the first time the readings hit 400 PPM ~ 50 PPM above the limit beyond which permanent damage to the support system to the planet kicked in. We're now averaging 390 PPM. Our mission is to encourage the substitution of carbon pollution and to replace polluting industries with a 100% renewal global energy system based on wind, water and solar power. We believe that we have the technology and the money and the people to be able to make this great transition. It's only a grass roots movement of ordinary citizens and their local representatives that are gonna drive this great transition. And the stakes couldn't be higher. Montana has a choice, we can either remain "The Last Best Place" or we can stay silent and complicit in allowing us to become The Last Great Sacrifice. Later this month the Federal Surface Transportation Board will come out with a draft Environmental Impact Statement on the Tongue River Railroad, which is a brand new spur line from Utter Creek to Miles City. It runs about 60 miles along the Tongue River. This agency must consider the accumulative effects of the railroad, which will link the proposed Otter Creek Coalmine, the largest coalmine ever proposed from Montana. And as Tom Power, the retired Congress from the University of Montana has shown, there is no domestic market for this coal. All of it will be exported to Asia. Missoula is the final point for increased rail traffic going to the west coast, from eastern Montana and Wyoming. In Missoula County citizens have the right to know the consequences, the environmental impacts, the accumulative effects of the coal industries massive plan expansion. Moreover, the State of Washington has already committed to doing the right thing, a thorough state wide analysis of the environmental safety and health effects of this graphic expansion of the colossal fuel mining consideration. In only makes sense to us, in Missoula County, to join this effort. We are urging the Board of Missoula County Commissioners to acknowledge the health and safety in climate change impacts on our community and all the communities in Missoula County near the railroad. We are asking YOU in light of the massive expansion of railroad coal shipment, through our beloved Missoula, which will result from this new railroad, to request the Federal Surface Transportation Board hold a public hearing in Missoula County as part of its Environmental Impact process. Respectively, we have a letter and a draft Resolution for you to consider. Already the Missoula City Council and the Missoula delegation to the Montana Legislature have sent such a letter and the Surface Transportation Board is already noticed what it caused "the intense interest of Montana Communities in this issue." It only makes sense for the Missoula County Commissioners to lead the way. My colleague, Nick Engelfried, is here to talk about the health effects of expanded coal development in export through Missoula County. Kate Campbell will talk about the safety issues. After Cate speaks I would like to briefly reinforce what the latest intergovernmental panel and climate change says about coal.

**Nick Engelfried showed PPT Presentation.** Missoula is kind of unique among most of the communities that are along this proposed rail route. If the Tongue River rail route goes through, that Jeff was talking about, it's going to result in more coal trains accessing the existing rail line that Montana Rail Link maintains, and passing through many, many communities, including Missoula. One of the unique things about Missoula is that we have an industrial yard here in town, not only is it in town, it's right in the middle of residential and commercial areas, so there's a lot of people living next to

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that facility and small businesses. It has a direct effect on people's health. As you can see in the picture near the rail yard here in town, from Scott Street Bridge, you can see there's some cleaning going on in the rail yard and a cloud of black dust rising up. Hard to tell if it's coal dust or a mix of diesel particulate, probably it's a combination of both, but this is the kind of thing that goes on at this rail road. Dust is wafting right over to our residential areas near that part of town. The time line for this, as Jeff mentioned, the Surface Transportation Board, which is a Federal body that's going to decide if the Tongue River Railroad moves forward or not, they're expected to announced the public comment period on the draft environmental impact statement for this project right towards the end of this month. There's always the possibility that something will come up and delay it, but at this point, it looks like that's most likely going to happen. Then, when they make that announcement for the public comment period they will also announce where they will hold public hearings as part of that. So if we want to get a public hearing in Missoula, we've got to get that request in before that announcement comes out. Because once it comes out it's sort of too late, they will have decided where the hearings will be already. We're hoping that the commission could pass a Resolution or send a letter, whatever you think is the best way to do it, similar to what the City of Missoula has done and what several of the Missoula Legislatures have done, requesting that the Surface Transportation Board hold a public hearing here in town. To be most effective that would need to happen in the next 2-3 weeks before this announcement comes out.

**Cate Campbell:** The four (4) safety considerations I want to talk about are the increased number of trains per day, the delayed emergency response, at grade train vehicle crossing accidents and potential explosions of volatile Bakkan oil tank cars in populated areas.

-According to a report called heavy traffic ahead, in three (3) years we could see up to 36 trains per day, this could be divided between a high line and a low line, there're not telling the point or origin and when it's going to hit Sandpoint. But we're going to see a major increase in train traffic. In the case of Bakkan oil, car loads are up 4,000% in the last six (6) years. The DOT has predicted there will be an average of 10 derailments per year nationally.

-Coal trains are currently 125 cars or a mile and ¼ long, but when port facilities are updated these trains are projected to grow to a 150 cars long.

-The more at grade crossing you have, the more likely you'll have accidents of trains.

-The DOT has the authority to impose rules on oil trains design and speed, which would reduce the risk of them leaking and exploding when they derail or crash. New regulations have been introduced but these rules will be implemented later this year and would still take years to phase in. DOT currently requires flammable gases, such as propane, to be shipped in pressurized rail tankers. Oil, on the other hand, is transported in unpressurized cars, but North Dakota's oil can fall into both categories. A stricter speed limit is one crucial reform that has not been addressed.

**Jeff Smith:** We hope that you can help us encourage this great transition by passing a Resolution in favor of the public hearing in Missoula County and sending a letter to the Surface Transportation Board on our behalf.

**Jim Lewis, Chief Information Officer for Montana Rail Link:** I would like to take the opportunity to share some facts about Montana Rail Link and what we do. Over the past couple year's rail traffic safety and public health have been a highlight and it's a concern by the Sierra Club, Northern Plains Resource Council and numerous Community Councils across our system which we serve. We take these concerns very seriously and we've adopted a pro-active approach in responding to these concerns. At the heart of this debate are global issues regarding climate change and third world development. I can't speak to climate change, I can't speak to what China does, I can't speak to what happens in these other counties. But what I can share with you is what Montana Rail Link does. It seems railroads have been targeted as a means to localize the issues with citizens and communities regarding the shipment of coal or crude traffic or whatever it may be.

First and foremost, Montana Rail Link is committed to the safety of our employees, the general public and our customers. We work closely with state and local leaders and emergency responders across our network to ensure that communities understand how we operate and are prepared in the event of an incident. An example, MRL provides community based first responder training free of charge and has emergency response equipment staged across our rail link. We pride ourselves on being a safe company and will continue to strive to be accident free.

MRL also prides itself in being an incident free leader conducting our operations in the most environmental sound matter possible. The public may not be aware that a freight train moves a ton of freight an average of 457 miles on a single gallon of fuel. One single train will take 400 trucks off of the highway. We've installed auxiliary power units and we've actually partnered with the City of Missoula and Missoula County to do that on locomotives across our system. All of this has resulted in lower emissions and improved fuel efficiency and we continue to invest in new technology, new locomotives and be the most fuel efficient, hopefully, railroad in the country.

Coal dust is often sighted as a concern with the shipments of coal. There's been numerous health concerns expressed regarding coal dust and diesel fuels, MRL continues to apply the best available technology when applying all air quality regulations. In 2012, members of the Missoula City Council asked the Health Department to assess the air quality impact of locomotive emissions of coal dust in the Missoula air shed. Samples were taken and sent to an independent lab for testing and the Director of Environmental Health at the Missoula County Health Department determined that, "in the case of Montana Rail Link and coal dust. There's no indication that they are violating any standard ambient or emission, nor is there any indication that coal dust is a source of any significant contribution that ambient PM10 or PM2.5 in the Missoula air shed." This is a quote from June 29, 2012.

Another point that was discussed is more traffic; especially the study that was conducted called "Heavy Traffic Ahead". When that study first came out, it was projected that there was substantial for

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an additional 60 coal trains a day. The author of that study, the study was completed for the Northern Plains Resource Council, didn't contact the Montana Rail Link or BMSL to talk about our capacity and what we could handle. After the first study came out, then came out a revised study called "Heavy Traffic Still Ahead" that called for 36 trains per day. This, in our estimation, is still way too high. Right now Montana Rail Link uses 17.8 trains on a daily bases through Missoula, and of that, three (3) are loaded coal and three (3) are empty. We don't have the capacity to handle that volume.

As far as crossing delays, we work very closely with emergency responders, both the Police Department, Fire Department in Missoula and across the communities that we service, to let them know when crossings are blocked. We have never, in our history, had a report of loss of life or loss of property due to a railroad crossing. Obviously, that's our goal.

We pride ourselves in being a good neighbor in Missoula and in Missoula County. Montana Rail Link employs 1200 employees across the State, 300 of those employees are in the Missoula area. We feel like we operate a safe railroad.

**Chair Carey:** How does MRL get its product, does it bid on it? How does that work?

**Jim Lewis:** We don't bid on it; it's a common carrier obligation. We're only required by the Federal Government to haul any product that a shipper wants to give to us. Whatever it is, we'll take it.

**Chair Carey:** So when you talk about capacity, I heard you say that you'll reach capacity before we get to 60 trains a day?

**Nick Englefried:** Oh yes. Our best estimation is that, this is with investing hundreds of millions of dollars, that we feel like we could get in the 25-30 range, and as I mentioned we're at 17.8 right now. But that would be max, unless we were able to push another tunnel through the Continental Divide or something like that. We're expecting that we'll see growth in intermodal, growth in general merchandise and we'll see growth in grain, before we see growth in coal.

**Commissioner Curtiss:** What is your organizations scientific base to say there's all kinds of coal dust that are bothering our health here?

**Nick Englefried:** We don't have scientific bases to prove that, at this point. All we have are these anecdotal concerns that have been raised.

**Commissioner Curtiss:** To be clear; I sat on the Board of Health in 2012 and there doesn't seem to be any methodology out there to study.

**Commissioner Rowley:** How is 350 PPM determined as a safe level?

**Nick Englefried:** My understanding is that 350 Parts Per Million (PPM) carbon dioxide and one of the first folks to really publicize this.

**Commissioner Rowley:** I appreciate Mr. Lewis' comments and I was wondering if you are opposed to a public hearing?

**Jim Lewis:** Montana Rail Link's not the only game in town, we're only 900 miles of a rather large national network. As far as the coal dust, I can tell you that we're not only standing behind the study that was conducted in Missoula in 2012, but across our entire railroad, East of Billings to Sandpoint, Idaho. We have never had any health issues reported by our employees that are out every day working on those tracks, in our history. We've never found any evidence of coal dust in our paths.

As far as the question if we oppose a public hearing, no, by all means let's discuss it and determine what's best for the communities. Let's keep the talk on course, let's keep the discussion about global climate change, which I think is really what these groups are after.

## 7. OTHER BUSINESS

None

## 8. RECESS

Being no further business to come before the Board, The Commissioners are in recess at 3:03.

Tax Abatement Request – At meeting with Clerk & Recorder, BCC approved following letters dated March 13, 2015:

- Re: Approval by BCC on April 8, 2015 to refund taxes paid for Taxpayer ID #5846962, Ecosystem Research Group ("ERG"), Missoula. Letter states MT law prevents BCC from refunding more than 5 years' worth of taxes; MT DOR will prepare abated bills and ERG will be reimbursed for the allowable years.

**THURSDAY, APRIL 9, 2015**

BCC did not meet in regular session. BCC participated in Hayden Mediation, held at Law Offices of Boone, Karlberg.

ADMINISTRATIVE MEETING (*canceled*)

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Replacement Warrant - JC signed. QPR Institute, Spokane, WA, Principal for Health Dept. Warrant #30245360, issued November 29, 2013. Amount/\$495 (for Self-study for K. Scheel)). Warrant not received in mail.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 07/CY2014 - Pay Date/April 3, 2015. Total Payroll/\$1,450,555.64. To County Auditor.

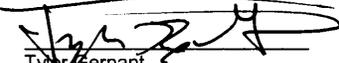
Letter – BCC signed, dated April 9, 2015. To Board of Sanitarians, Helena, MT, opposing the proposed rule change, MAR notice 24-216-22 (increasing sanitarian fee) for following reasons: Adequate public notice not given; MCA's 37-1-101 – (6) and (7)(c) were not satisfied; fees paid by sanitarians are disproportionate to service they receive; and higher fees hinder BCC's ability to maintain/develop competent workforce.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated April 7, 2015. Amount/\$79,825.01. To County Auditor.

**FRIDAY, APRIL 10, 2015**

BCC met in regular session; all three present. Morning: CR participated in *Pay for Success* conference call. Afternoon: BCC attended Missoula to Lolo (M2L) Trail Groundbreaking Ceremony, held near Farmers State Bank in Lolo.

Monthly Report – BC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Courts 1 & 2 (Karen A. Orzech and Marie A. Andersen) for month ending March 2015.

  
Tyler Bernant  
Clerk & Recorder

  
Bill Carey, Chair  
BCC

**MONDAY, APRIL 13, 2015**

BCC met in regular session; quorum present. CR out of office through Wednesday, April 15<sup>th</sup>, attending *Resilient Communities* Workshop, held in Phoenix, AZ.

Indemnity Bond – BC signed. Cal Alsbury, Missoula, Principal for Missoula RFD Warrant #80072062, issued March 10, 2015 on County Claims 1400-949-473) fund. Amount/\$196.89 (for EMS refresher reimbursement). Warrant lost.

**TUESDAY, APRIL 14, 2015**

BCC met in regular session; quorum present. BC/JC met with Vickie Zeier, Mayor Engen, Dr. Alex Apostle, et al re: upcoming school bond. CR out of office through Wednesday, April 15<sup>th</sup>, attending *Resilient Communities* Workshop, held in Phoenix, AZ.

ADMINISTRATIVE MEETING

Grant Agreement – BC signed. Reclamation and Development Grant Agreement between County and Montana DNRC in amount of \$10,000 from DNRC for support of the MT Invasive Species Advisory Council. Council advises Governor on a science-based, comprehensive program to identify, prevent, eliminate, reduce and mitigate impacts of invasive species. Term/December 4, 2014-December 31, 2016. Two originals to Bryce Christiaens/Weed Dept. for further handling.

Agreement – BCC signed, dated April 14, 2015. Between County and Tetra Tech, Inc. for Missoula to Lolo (M2L) Trail quality assurance testing to determine compliance with contract plans/specifications. Amount/not to exceed \$39,320. Term/April 20, 2015-July 1, 2016. Two originals to Greg Robertson/Public Works for further handling.

TIGER Grant Agreement Amendment – BC signed. Amendment #2 to Agreement (DTFH6114G00001) between County and Federal Highway Administration for Missoula to Lolo (M2L) Trail. Amendment updates funding matrix, revises milestone dates, and incorporates by reference the prime contractor and his/her subcontractors. Period of performance/November 15, 2013-September 1, 2017. Three originals to Greg Robertson/Public Works for further handling.

Agreement – BC signed. Between County and Territorial Landworks, Inc. to prepare specifications for both Seeley Lake and West Riverside Trail projects. Amount/\$4,000 (already budgeted). Original to C&R.

Bid Award – BCC approved/awarded bid for the FY2016 Dust Abatement Contract to WE Dust Control (as lowest bidder). Amount/\$179,622. Original to Erik Dickson/Public works for further handling.

Board Appointments – BCC made the following board appointments:

- 1) Appointed James Boyd to fill an unexpired term on the Swan Valley Fire Service Area Board of Trustees. Mr. Boyd's term begins immediately and ends when the May 2017 Special District is held (at which time he will need to file with Elections to run for a new 3-year term);
- 2) Reappointed Wally Sept AND Laura Bakker to new three-year terms (April 1, 2015-March 31, 2018) as regular members on the Big Sky Park Stewardship Committee;
- 3) Reappointed Lisa Clark to a new three-year term (May 1, 2015-April 30, 2018) as a regular member on the Seeley Lake Cemetery District.

Additional discussion item(s): 1) Review of recently-held Ad Hoc boards/commissions meetings which BCC attend; 2) Legislative update.

**WEDNESDAY, APRIL 15, 2015**

BCC met in regular session; quorum present. Evening: JC participated in *It's POWERFUL* Community Forum, sponsored by Frenchtown Community Coalition CR out of office through this date, attending *Resilient Communities* Workshop, held in Phoenix, AZ.

Indemnity Bond – BC signed. Jaron Flanagan, Missoula, Principal for Missoula County Fairgrounds Warrant #257128, issued August 22, 2014 on County Western MT Fair Fund 2160 fund. Amount/\$142 (for Floriculture Assistant). Warrant lost.

Replacement Warrant – BC signed. Republic Services #889, Phoenix, AZ, Principal for Potomac School District 11 Warrant #07008634, issued December 9, 2013 on County Claims (7711) fund. Amount/\$250.19 (for disposal services). Warrant not received in mail.

ADMINISTRATIVE MEETING – No agenda items.

Additional discussion item(s): Legislative update.

Contract – BC signed. Between County LMG Security of Missoula to perform a cyber-security vulnerability assessment of County's external web presence, and server network. Amount/\$19,040. Term/June 2015. Originals to C&R & Jason Emery/IT.

NO PUBLIC MEETING HELD THIS DATE

**THURSDAY, APRIL 16, 2015**

BCC met in regular session; all three present. Early morning: JC attended Kiwanis Breakfast & Awards Ceremony.

ADMINISTRATIVE MEETING

Contract Amendment – BCC signed, dated April 14, 2015. Between County and Partners Creative for communications strategy for County staff to meet the residents' expectations and to better utilize the limited parks/trails/open space funds. Amendment extends period of contract from March 1, 2014 to September 1, 2015; also increases contract \$13,600 to \$16,575. Originals to C&R and Lisa Moisey/Parks.

Memorandum of Agreement – BCC signed. Between County and Buena Vista Community, Inc. ("BV") to assist with project development/funding applications/project management for BV's sewer system improvement project. Term/April 2015-November 2016. Original to C&R.

Resolution No. 2015-044 – BCC signed, dated April 16, 2015. Supporting incorporation of revisions to Missoula City-County Air Pollution Control Program (effective in 2010 and 2014) into the Montana State Implementation Plan. Original to C&R.

Letter – BCC signed, dated April 16, 2015. To Grant Kier, Five Valleys Land Trust ("FVLT"), Missoula, requesting FVLT to consider accepting assignment of four County-held conservation easements (granted between 1978 and 1992). Amount if accepted/\$16,000 (to cover assignment process and perpetual monitoring). Original mailed.

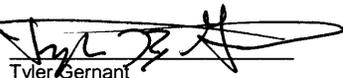
Construction Agreement – BCC signed. Between County and Western Excavating, Inc. for construction of Missoula to Lolo Trail (MSL). Amount/\$5,094,423.77 (already budgeted). Originals to C&R & Greg Robertson/ Public Works.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated April 16, 2015. Amount/\$31,111.37. To County Auditor.

Additional discussion item(s): Legislative update.

**FRIDAY, APRIL 17, 2015**

BCC met in regular session; all three present. Morning: CR attended Citizen Grant Reviewer Training, held at United Way.

  
Tyler Gernant  
Clerk & Recorder

  
Bill Carey, Chair  
BCC

**MONDAY, APRIL 20, 2015**

BCC met in regular session; all three present in afternoon. CR ill and out of office all morning.

Replacement Warrant – BC signed. Oliver Nordlund, Billings, Principal for MCPS Warrant #237121, issued March 27, 2014 on County Payroll fund. Amount/\$237.60 (for wages). Warrant not received in mail [due to change of address].

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Easter Shoreline Permit (*action item*); 4) East Missoula Planning (*info item*); 5) Flathead National Forest Draft Forest Plan (*info item*); 6) Director's update.

**TUESDAY, APRIL 21, 2015**

BCC met in regular session; all three present. Morning: BC met with Kelly Yarns for BSTF Briefing. Evening: JC attended meeting of Swan Valley Community Council.

ADMINISTRATIVE MEETING

Rental Agreement – BC signed. Between County and Missoula Federal Credit Union Corporate Training Center to hold two public meetings to discuss option of Senior Cooperative Housing May 19-20, 2015. An additional meeting is scheduled to discuss same with Developers. Rental fee/none. Original to Vickie Zeier for further handling.

Board Appointment – BCC considered "Ex Officio" appointment to Missoula Development Authority. Motion passed to refer back to MDA Board for discussion.

Resolution No. 2015-045 – BCC signed, dated April 21, 2015. Authorizing submittal of application to MT DOC for a Big Sky Economic Development Trust Fund (BSTF) Grant on behalf of Agile Legal Technology, Inc. d/b/a Agile Data Solutions ("ADS"). ADS will use funds to purchase equipment, software and reduce lease expenses to help start its business, as well as create eligible net new jobs. Original to C&R.

Benefits Plan Amendment – BCC approved/signed Exhibit 8.25: County Employee Benefits Plan Amendment, effective July 1, 2015. Per the Affordable Care Act, amends deductible and out of pocket maximums, as set forth therein. Original to C&R.

Base Bid Contract – BCC signed. Between County and Jackson Contractors for Phase 4 of Courthouse remodel. Amount/\$3,535,624.43. Term/April 21, 2015-May 5, 2016. Originals to C&R & Larry Farnes/Facilities Management.

Contract – BCC signed. Between County and Jackson Contractors for Phase 4 of Courthouse remodel Construction Manager At Risk Fee. Amount/\$160,190.50. Term/April 21, 2015-May 5, 2016. Originals to C&R & Larry Farnes/ Facilities Management.

Contract – BCC signed. Between County and Jackson Contractors for asbestos removal that has been identified in Phase 4 of Courthouse remodel. Amount/\$24,164.53. Term/April 21, 2015-May 5, 2016. Originals to C&R & Larry Farnes/ Facilities Management.

Letter – BCC signed, dated April 21, 2015. To CTEP Supervisor, MT DOT, Helena, designating Erik Dickson as Environmental Certifying Official responsible for all activities associated with project #s STPE 32(91) & 32(95), Airport Road Trail/Seeley Lake, and Old Highway 200 Trail/Milltown. Uniform Project #s: 8808 & 8809. Original mailed.

Additional discussion item(s): 1) Consider Justice Courts budgets; 2) American Viticultural Area designation; 3) Review of recently-held Ad Hoc boards/commissions meetings which BCC attend; 4) Legislative update.

**WEDNESDAY, APRIL 22, 2015**

BCC met in regular session; all three present. Morning: BC met with Kelly Yarns re: BSTF Monitoring Visit. Late afternoon: BCC met with Lewis Yellowrobe, et al for: East Missoula Land Use Planning Study Interview with Sonoran Institute.

ADMINISTRATIVE MEETING

Grant Agreement – BC signed. #RITA-15-8808 MT DNRC Reclamation and Development Grant for Missoula County Weed District AIS Monitoring (aquatic invasive plant species). Most work is in the Seeley/Swan chain of lakes area and coordinated by Swan Ecosystem Center/Clearwater Resource Council. Amount /\$3,450. Term/December 4, 2014-December 31, 2016. To originals to Bryce Christiaens/Weed Dept. for further handling.

Agreements – BC signed. Between County and MT Dept. of Agriculture for Noxious Weed Trust Fund Projects, for term April 15-December 31, 2015, as follows:

- 1) #MDA 2015-013: Leave No Weeds; Missoula County. Amount/up to \$3,500;
  - 2) #MDA 2015-015G: Clearwater River Yellowflag Iris Eradication. Amount/up to \$7,500; and
  - 3) #MDA 2015-014: Statewide Biological Weed Control Workshops. Amount/up to \$10,750;
- Originals to C&R and Bryce Christiaens/Weed Dept.

Agreements – BC signed. Between County and MT Dept. of Agriculture for Noxious Weed Trust Fund Projects, for term April 15-December 31, 2015, as follows:

- 1) #MDA 2015-042: Sentinel/South Hills Weed Management Area. Amount/up to \$30,000;
- 2) #MDA 2015-704: Ninemile Remount Cooperative Weed Management Area. Amount/up to \$27,000;
- 3) #MDA 2015-040: Petty Creek Weed Management Area. Amount/up to \$6,100; and

- 4) #MDA 2015-014: Evaro Weed Management Area. Amount/up to \$11,100.

Originals to C&R and Bryce Christiaens/Weed Dept.

Contract – BCC signed. Between County and Mountain Valley Plant Management to treat noxious weeds along road right-of-ways and on public land in County. Amount/\$7,500. Term/April 27-June 22, 2015. Originals to C&R and Bryce Christiaens/Weed Dept.

Memorandum of Understanding – BCC approved/signed. Authorizing County Sheriff's Office to apply/renew West Central MT Drug Task Force Grant between County Sheriff's Office, County Attorney's Office, Ravalli County Sheriff's Office, Mineral County Sheriff's Office, Lake County Sheriff's Office, and the Confederated Salish and Kootenai Tribal Law and Order. Grant helps to pay for one Missoula County Sheriff's narcotic detective (\$73,000) and provides \$5,000 to other parties for personnel costs. Term/July 1, 2015-June 30, 2016. Originals to C&R.

Cooperative Law Enforcement/Support Agreement – BC signed. Between County and State of MT, DNRC, Southwestern Land Office, identifying process for DNRC to order County resources for use during wildfire emergencies and provides instructions for financial reimbursement of County by DNRC. Term/5 years. Originals to C&R and Adriane Beck/OEM.

Resolution No. 2015-047 – BCC signed, dated April 22, 2015. Appointing Dept. of Emergency Services (DES) Coordinator as County Rural Fire Chief and Firewarden, effective January 1, 2015. If unavailable, duties shall be assumed in order of succession by Sheriff, then Under-Sheriff. Original to C&R.

Additional discussion item(s): 1) Meet with Gary Brown, Loss Control Supervisor, Berkley Risk; 2) Meet with Landee Holloway, et al, Partners for Reintegration; 3) Tongue River Railroad Draft EIS; 4) Legislative update.

#### **PUBLIC MEETING – April 22, 2015**

##### **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, Pubic 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 than 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 Brittan:** 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.

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**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, not 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

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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.

Following Public Meeting BCC signed:

Resolution No. 2015-046 – Dated April 22, 2015. Affirming Missoula County's commitment to the South Avenue Bridge Project. County has entered into a Project Specific Agreement to develop/manage replacement of Maclay Bridge with new structure at South Avenue.

Resolution No. 2015-049 – Dated April 22, 2015. Amending effective Shoreline Regulations following Public Hearing held by the BCC, for lakes within Missoula County in accordance with Section 75-7-201 in part, MCA.

<b>THURSDAY, APRIL 23, 2015</b>
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BCC met in regular session; all three present. Early evening: CR & JC attended Inaugural Bioscience Innovators Networking Reception, held at MonTEC.

#### ADMINISTRATIVE MEETING

Road Inventory Forms – BCC signed four road acceptance forms for subdivisions that were approved at various times since 2004. Approval by BCC satisfy "Roads and Access" portions of the conditions of approval for the subdivisions, as follows.

- 1) Acceptance #2014-01: Meadowlark Terrace/Meadowlark Terrace Subdivision;
- 2) Acceptance #2015-02: Mallory Lane/Lolo East Subdivision;
- 3) Acceptance #2010-03: Duckshack Lane/River Estates Subdivision; and
- 4) Acceptance #2015-01: Pertile Lane/Allomont, Phase 1 and Lolo East Subdivision, Phases 1 & 2 improvements.

Originals to Erik Dickson/Public Works for further handling.

Agreement – BCC signed, dated April 23, 2015. Between County and HDR Engineering, Inc. for design and engineering services for the preliminary phase of South Avenue Bridge Project. All costs to be reimbursed by MT DOT. Amount/\$1,287,652.41. Term ends April 17, 2017. Originals to C&R and Greg Robertson/Public Works.

Budget Transfer – BCC signed, dated April 23, 2015. Control #15-010 for Parks/CAPS to provide unique project codes for Spring 2015 County Parks and Trails Matching Grant recipients. Amount transferred: \$3,000 (for Nine Mile Community Center) and \$300 for Evaro Community Center. Original to Finance. [Contracts signed May 4, 2015; see same date Journal entry].

Homeland Security Grants – BCC approval submittal of Homeland Security Grant Applications for following County entities:

- 1) Sheriff's Office (managed by MT DES) for purchase of mobile radios and mobile data equipment for term October 1, 2015-September 30, 2016. Amount/\$129,000. To Rob Taylor/Sheriff's Office.
- 2) Sheriff's Office (managed by MT DES) for replacement of equipment and advanced training for bomb techs and supplies for ongoing monthly training and disruption tools for term October 1, 2015-September 30, 2016. Amount/approx. \$90,000. To Jeremy Meeder/Sheriff's Office.

- 3) Office of Emergency Management for collaboration with County Information Systems for Courthouse Wi-Fi Project. Amount/\$65,000. To Adriane Beck/OEM.
- 4) Office of Emergency Management for All Hazard Incident Management Team (IMT) Development. Amount/\$50,000. To Adriane Beck/OEM

Memorandum of Understanding and Letter – BCC signed. Between County and University of Utah and its Policy Innovation Lab Government Fellow Program, re: feasibility of implementing pay for success ("PFS") project in Missoula County (for jail overcrowding issues), as well as provision of technical/support assistance. Formal grant award documents in amount of \$80,109 to come. Term/April 1, 2015-March 31, 2016.

Letter – BCC signed, dated April 21, 2015. To Policy Innovation Lab, University of Utah, Salt Lake City, UT, transmitting MOU outlined above, with instructions for signature/return, and stating County's pleasure in its selection to participate in the program.

Two originals to University of Utah for further signatures and return.

Agreement and Budget Amendment – BCC signed Agreement. Between County and Applied Communications, LLC for facilitation/technical services to draft an update to the Swan Valley Regional Plan (Task 1 of the scope of work). Amount/\$5,200. Term/April 17-approx. July 15, 2015. Originals to C&R and Karen Hughes/CAPS.

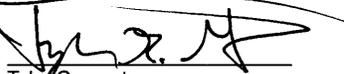
Resolution No. 2015-048 – BCC signed, dated April 23, 2015. Budget Amendment for CAPS showing \$5,200 revenue from Cash, and expenditures thereof for contracted services set forth above for Swan Valley Plan draft document. For total disclosure, expenditures included in formal 2015 Operating Budget/Revenue Estimates for County. Original to C&R.

Letter – BCC signed, dated April 23, 2015. To Tom Livers/DEQ Director, Helena and Daniel Elliott, Chair, Surface Transportation Board ("STB"), Washington, D.C., noting Missoula is bisected by southern main rail line used by Montana Rail Link and Burlington Northern Santa Fe railroad companies. The proposed Tongue River Railroad would be main conduit for transporting coal from Otter Creek to existing MRL/BNSF line, which concerns local residents. BCC requests that STB and MT DEQ hold public hearings in Missoula during comment period on draft EIS for Tongue River and Otter Creek Mine, respectively.

Additional discussion item(s): 1) Tax Appeal Board secretary status; 2) Legislative update.

**FRIDAY, APRIL 24, 2015**

BCC met in regular session; all three present. Afternoon: BC met with staff re: Senior Co-op Housing update.



Tyler Gernant  
Clerk & Recorder



Bill Carey, Chair  
BCC

**MONDAY, APRIL 27, 2015**

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Ag rewrite (*action item*); 4) Flathead National Forest Plan Revision (*info item*); 5) Director's update.

**TUESDAY, APRIL 28, 2015**

BCC did not meet in regular session. All morning: BC/CR attended Sun Shat Solar Policy Workshop, held at GLR Building. Afternoon: JC attended *Neighborhood Relationships* Panel at Fire Management Leadership Training, held at Ruby's Inn on N. Reserve.

Replacement Warrant - BC signed. Willard Ngo Reed, Missoula, Principal for Justice Court/Dept. 2, Warrant #6338, issued August 29, 2014 on County 7166-Trust fund. Amount/\$585 (for Bond exoneration). Warrant not received in mail.

ADMINISTRATIVE MEETING - *Canceled*

**WEDNESDAY, APRIL 29, 2015**

BCC met in regular session; quorum present late morning. JC out all day at Public Health System Improvements Task Force Meeting, held in Great Falls. Morning: CR attended United Way Funding Request Citizen Review, held at Missoula Interfaith Collaborative.

ADMINISTRATIVE MEETING

Budget Transfer – BCC signed, dated March 24, 2015. Control #15-003 for Health Dept. transferring additional funds received from Amendment #1 to Task Order 15-07-5-21-014-0 in amount of \$57,000 into Capital Remodel line item (for WIC clinic renovations). Original to Finance.

Agreement – BCC signed, dated April 13, 2015. Between County (MCCHD) and Broadwater County WIC Program for remote Registered Dietitian Services per the MT State WIC plan regulations. Amount/\$4,620. Term/January 1, 2015-September 30, 2016. Two originals to Julie Mohr/MCCHD for further handling.

Resolution No. 2015-050 – BCC signed, dated April 29, 2015. Budget Amendment for MC Library showing \$10,000 revenue from Cash Reserves, and expenditures thereof for PR materials (Big Read expenses). For total disclosure, expenditures included in formal 2015 Operating Budget/Revenue Estimates for County. Original to C&R.

Grant Contract and Budget Amendment – BC docusigned. MT DOC Big Sky Economic Development Trust Fund (BSTF) Category 1 Job Creation Grant for LGT Sustainable Energy Systems ("LGT"). Amount requested/\$45,000; grant balance/\$67,500. Grant awarded January 25, 2015. To C&R for recording.

Budget Amendment - Resolution No. 2015-051 – BCC signed, dated April 29, 2015. Budget Amendment for BREDD showing \$547,500 revenue from Big Sky Trust Fund Grants for LGT, and expenditures thereof for contracted services (paid to LGT) and trustee fees (paid to administrator). For total disclosure, expenditures included in formal 2015 Operating Budget/Revenue Estimates for County. Original to C&R.

Settlement Agreement and Mutual Release – BC signed. Between Nationstar Mortgage, LLC, Angela Velkov (Personal Representative for Estate of Colleen J. Jones), the Estate of Colleen J. Jones, and Missoula County. Resolves any claims pending between the parties arising out of the matter of Cause No. DV-14-788 MT 4<sup>th</sup> Judicial District Court, Missoula (involving a debtor/estate quit claiming interest in a 27 acre parcel that is exempt from subdivision requirements). Original to John Hart, Atty.

Agreement – BC signed. Between County (Technology) and Structured Communication Systems, Inc. for purchase and implementation of Palo Alto Networks next generation firewall (replacing an aging Cisco ASA unit). Amount/\$11,100 (for installation/configuration only; total project amount/\$28,850.52. Term/May 25-June 5, 2015. Originals to C&R and Jason Emery/Technology.

Contract Amendment – BCC signed, dated April 29, 2015. To contract between County and Markin Consulting for demand assessment and financial feasibility study for County Fairgrounds. Amendment extends period of contract from May 31, 2015 to June 19, 2015. Originals to C&R and Todd Garrett/Fair.

Agreement – BC signed. Between County and MT Dept. of Justice authorizing criminal history background checks to be conducted through DOJ as part of screening process of PHC employees who are funded by Social Innovation Fund dollars and who may have unsupervised access to vulnerable populations. Two originals to Angela Priest/HR for further handling.

Motion – BCC approved Motion directing legal counsel (Dori Brownlow) to provide comments on Notice to Deplat in the matter of *Double Arrow Ranch Landowners Association, Inc. vs. John A. Richards, et al.* Original to Dori Brownlow for further handling.

Additional discussion item(s): Legislative update.

NO PUBLIC MEETING HELD THIS DATE

<b>THURSDAY, APRIL 30, 2015</b>
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BCC met in regular session; all three present. Morning: CR and MCFAC (Fairgrounds Advisory Committee) met with Markin Consultants. Afternoon: BCC met with Markin Consultants in Admin B14.

ADMINISTRATIVE MEETING

Contract – BC signed. Between County (MCCHD) and SteriCycle for biohazard waste pick up and disposal. This 3-year contract (April 1, 2015-March 31, 2018) replaces current 5-year contract signed in 2014. Amount/\$18,749.52 (or \$520.82 per month for 3 years). Originals to Julie Mohr/MCCHD for further handling.

Memorandum of Understanding – BCC approved/signed. Mutual Aid Agreement and MOU between County Sheriff's Office and USDA Forest Service, Northern Region, Law Enforcement and Investigations. Term/May 1, 2015-May 1, 2020. Original to Sheriff McDermott for further handling.

FY2015 End-of-Year Budget Transfer and Budget Amendments – BCC signed, dated April 30, 2015, on behalf of Grants and Community Programs, as follows:

- 1) Budget Transfer – Control #15-008 (to assign project codes for all activities within GCP Dept.;
- 2) Budget Amendment - Resolution No. 2015-053; and
- 3) Budget Amendment - Resolution No. 2015-054.

Included in Amendments is \$105,000 from Fund 2120 to support Relationship Violence Services staff/operations; and \$55,507 from Fund 2120 for Grants Accountant. For total disclosure, expenditures included in formal 2015 Operating Budget/Revenue Estimates for County. Original Resolutions to C&R May 4, 2015; Budget Transfer to Teresa in Accounting.

Request: Records Disposal/Transfer Authorization – BC signed. From Accounting: RSID Files Bonds paid in full (1/1/1993-6/30/2009). To be disposed of.

Request: Records Disposal/Transfer Authorization – BC signed. From Accounting: Journal Vouchers (7/1/2004-6/30/2005). To be disposed of.

Additional discussion item(s): 1) Consider response to Public Works brush trimming issue; 2) Status update on Industrial Land Survey; 3) Fort Missoula Regional Park Petition to Annex.

**MISSOULA COUNTY COMMISSIONERS' JOURNAL: MAY, 2015**

**BCC = BOARD OF COUNTY COMMISSIONERS**

**BC = Commissioner Bill Carey, Chair**

**CR = Commissioner Nicole ("Cola") Rowley**

**JC = Commissioner Jean Curtiss**

The following Claims Lists were signed during the month of MAY 2015:

Date Signed	Claims List Date	Who signed	Amount
May 1, 2015	April 28, 2015	BC, CR	\$200,481.57
May 1, 2015	April 29, 2015	BC, CR	\$1,904.74
			\$28,013.30
			\$599.56
			\$104.50
May 1, 2015	April 30, 2015	BC, CR	\$647.32
			\$44,906.30
May 1, 2015	PHC Amerisource ACH		\$31,281.87
May 4, 2015	May 4, 2015	BCC	\$1,245.37
May 6, 2015	April 30, 2015	JC, CR	\$14,418.62
May 6, 2015	May 4, 2015	JC, CR	\$348.00
			\$6,969.41
			\$113,426.13
			\$15,077.68
			\$128,014.21
			\$24,076.37
May 6, 2015	May 5, 2015	JC, CR	\$6,171.11
			\$638.74
			\$21,950.18
			\$13,864.46
			\$24,741.80
May 6, 2015	May 6, 2015	JC, CR	\$6,459.54
			\$5,378.39
			\$5,454.61
			\$2,500.00
			\$243,839.81
May 6, 2015	PHC Smartfill ACH		\$25,322.41
May 8, 2015	PHC Amerisource ACH		\$36,168.38
May 11, 2015	May 5, 2015	BC, CR	\$8,621.00
May 11, 2015	May 6, 2015	BC, CR	\$53,469.55
			\$7,607.96
			\$546.00
			\$73.48
			\$4,591.11
			\$80,828.56
May 11, 2015	May 7, 2015	BC, CR	\$878.54
			\$300.00
			\$5,714.92
			\$551.13
			\$2,273.73
			\$4,116.73
			\$240.00
			\$9,422.98
			\$152.28
May 14, 2015	May 8, 2015	BCC	\$36,841.00
May 14, 2015	May 11, 2015	BCC	\$11,103.51
			\$1,431.85
			\$10,229.06
			\$5,279.95
			\$65,034.25
			\$17,697.47

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 Tyler R. Gernant, Missoula County Clerk & Recorder



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(May 14 <sup>th</sup> cont'd)			\$8,855.24	
			\$4,561.07	
			\$6,743.97	
			\$24,882.22	
			\$3,576.84	
			\$39,941.27	
			\$1,483.63	
			\$696.94	
			\$16,892.97	
			\$147.55	
			\$158,757.35	
	May 14, 2015	May 12, 2015	BCC	\$84,744.44
				\$1,249.41
			\$992.04	
			\$1,528.98	
May 14, 2015	May 13, 2015	BCC	\$7,045.06	
			\$2,966.83	
			\$7,759.68	
			\$10,236.79	
May 13, 2015	PHC Smartfill ACH		\$57,023.42	
May 15, 2015	PHC Amerisource ACH		\$48,102.05	
May 18, 2015	May 13, 2015	BCC	\$3,504.81	
			\$942.90	
			\$582.97	
			\$2,873.43	
May 18, 2015	May 14, 2015	BCC	\$12,001.36	
			\$1,145,278.97	
			\$15,481.66	
May 19, 2015	May 14, 2015	BCC	\$2,410.31	
			\$17,897.06	
May 19, 2015	May 18, 2015	BCC	\$2,337.77	
			\$10,758.30	
			\$15,645.97	
			\$18,640.95	
			\$330.00	
			\$1,370.33	
			\$13,140.02	
			\$283.38	
			\$40,835.27	
			\$133,960.72	
May 20, 2015	PHC Smartfill ACH		\$44,311.32	
May 20, 2015	May 13, 2015	CR, JC	\$3,423.63	
			\$9,230.56	
			\$52,627.48	
			\$6,654.69	
			\$807.29	
			\$2,868.28	
			\$111,255.63	
			\$184.17	
May 21, 2015	May 19, 2015	BCC	\$820.23	
May 21, 2015	May 19, 2015	BC, CR	\$12,169.20	
			\$51,794.47	
			\$9,833.98	
			\$37.00	
			\$1,968.03	
May 21, 2015	May 20, 2015	BC, CR	\$14,844.36	
			\$4,409.33	
			\$11,080.97	
			\$3,929.15	
			\$255.00	

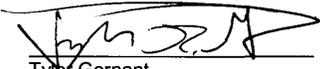
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			\$1,641.26
			\$147.50
			\$110.25
			\$57,103.10
			\$35,724.80
May 21, 2015	May 21, 2015	BC, CR	\$51,605.27
			\$1,650.00
May 22, 2015	PHC Amerisource ACH		\$40,413.74
May 22, 2015	May 21, 2015	BC, JC	\$14,439.33
			\$1,976.04
			\$2,680.00
			\$747.13
			\$3,866.94
			\$383.42
			\$30.50
			\$11.00
			\$6.99
			\$9.00
			\$111.84
May 27, 2015	May 27, 2015	BC, CR	\$685.70
May 27, 2015	May 21, 2015	BCC	\$550.00
May 27, 2015	May 22, 2015	BCC	\$359.82
May 27, 2015	May 26, 2015	BCC	\$9,110.70
			\$6,095.77
			\$1,406.33
			\$11,567.85
			\$2,000.00
			\$429.41
			\$622.74
			\$1,000.00
			\$614.86
			\$107.62
			\$353,383.04
			\$167.10
			\$440.00
			\$1,371.67
			\$1,361.53
May 28, 2015	PHC Smartfill ACH		\$34,982.54
May 29, 2015	PHC Amerisource ACH		\$54,078.69
May 29, 2015	May 27, 2015	JC, CR	\$7,165.75
			\$12,158.18
			\$599.95
			\$53,040.88

All Claims Lists were returned to the Auditors Office.

**FRIDAY, MAY 1, 2015**

BCC did not meet in regular session. JC out of office all morning at *Reaching Home: Missoula's 10-Year Plan to End Homelessness* Presentation, held at 1<sup>st</sup> Interstate Training Center; JC was also out of office all afternoon for MEP Board Retreat. CR out of office all afternoon at United Way Funding Request Citizen Review meeting, held at Poverello Center.

  
Tyler Gernant  
Clerk & Recorder

  
Bill Carey, Chair  
BCC

**MONDAY, MAY 4, 2015**

BCC met in regular session; all three present.

Monthly Report -BC examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of District Court, Shirley Faust, for month ending April 2015.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Highway 83 speed/safety study; 4) Marvin Gardens Plat Adjustment (*action item*); 5) Gallatin Estates Phasing Plan Amendment (*action item*); 6) Barmeyer-Pattee Canyon City Open Space Bond Project (*info item*); 7) Director's update.

Letter – BCC signed, dated May 14, 2015 to Chris and Natalie Anderson, Missoula, approving the plat adjustment for Lot 3 of Marvin Gardens Subdivision, based on findings of facts listed therein. Plat adjustment would eliminate 30-foot No Build Zone on Lot 3 that divides property into two potential building sites.

Letter – BCC signed, dated May 14, 2015 to Dean and Jean Crofts, Florence, approving the Gallatin Estates Phasing Plan extension. Extended are final plat approval or extension deadlines for: Phase 1 to June 30, 2017; Phase 2 to June 30, 2019; and Phase 3 to June 30, 2022;

Request: Records Disposal/Transfer Authorization – BC signed. From Justice Court 1: 1) Criminal 10 years (MIP) (1/1/1996-12/31/1999) and (1/1/2000-12/31/2000). To be destroyed.

Request: Records Disposal/Transfer Authorization – BC signed. From Justice Court 1: Small Claims (1/1/1999-12/31/1999). To be destroyed.

Agreements – BC signed four (4) Agreements between County Parks and Trails Advisory Board and following for monetary awards from Spring 2015 Matching Grants Awards for park improvements:

- 1) Nine Mile Community Center for up to \$3,000 to build fence, plant trees/shrubs, electrical work and outside lighting;
- 2) Evaro Community Center for up to \$300 to improve parking lot and drainage;
- 3) Swan Valley Museum and Heritage Site (Upper Swan Valley Historical Society) for interpretation, renovation and/or stabilization of exhibits on museum grounds; and
- 4) East Missoula Lions Club Park for up to \$8,000 for park maintenance (mowing, utilities, porta potties for two years).

Grants expire Spring 2017. Two originals to John Stegmaier/CAPS for further handling.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated May 1, 2015. Amount/\$49,560.31. To County Auditor.

#### TUESDAY, MAY 5, 2015

BCC met in regular session; quorum present. BC out of office through Friday, May 8<sup>th</sup>.

#### ADMINISTRATIVE MEETING

Reimbursement Resolution No. 2015-055 – BCC signed, dated May 5, 2015. Qualifying financing of a certain proposed project (Barmeyer-Pattee Canyon Open Space Bond Project – City Portion), and establishing compliance with Reimbursement Bond Regulations under the Internal Revenue Code. Amount/\$270,000 for purchase of two conservation easements on 130 acres. Original to C&R.

Notice of Public Comment Period – BC signed, dated May 5, 2015. To open public comment and set date for resolution to adopt/authorize expenditure of requests for Title III Fuel Mitigation Funds. Required 45-day comment period will run from May 8-June 22, 2015; resolution to be adopted/signed on June 24, 2015. Original to Adriane Beck/OEM.

Resolution No. 2015-057 – BCC signed, dated May 5, 2015. Appointing Special Deputy County Attorney in the Case of *State v. Philip Wallace (DC-04-584)*. Original to C&R.

Additional discussion item(s): 1) Review of recently held ad hoc boards/commission meetings which BCC attend; 2) Website update.

#### WEDNESDAY, MAY 6, 2015

BCC met in regular session; quorum present. BC out of office through Friday, May 8<sup>th</sup>.

#### ADMINISTRATIVE MEETING

Change Order – JC signed. #3 to contract between County (MCCHD) and D. Lower Construction & CTA Architects Engineers for the remodel at 301 W. Alder. Original contract did not include Nutrition/WIC staff office section of southwest corner of main floor. Change Order 1) expands total project cost by \$57,654 (\$57,000 funded by state WIC); and 2) extends project completion date to July 2, 2015. New contract sum/\$653,924.73. Original to C&R.

County Deferred Compensation Plan – BCC signed Addendum C, dated May 6, 2015. Deferred Compensation Committee reviewed/updated elections for County regarding plan, including addition of post-tax ROTH 457 option. This resolution updates and continues Deferred Compensation benefit initially adopted by the Board in 1989. Original to C&R.

Bid Award – BCC approved bid award to the lowest bidder, Knife River, for its annual asphalt purchase used for maintenance of existing paved roads. Amount/\$277,800 (\$46.40/ton). Term/July 1, 2015-June 30, 2016. Original to Erik Dickson/PW for further handling.

Lease Agreement – BCC approved/JC signed, dated May 6, 2015. State of MT DNRC Aggregate and Rock Mining Permit (#G-999-82/Renewal) with County (Public Works) for the Seeley Lake gravel pit (approx. 10 acres). Amount/waived. Term/January 1, 2015-December 31, 2016. Two originals to Erik Dickson/PW for further handling.

Contract Modification– BCC signed. #20123LEGL0004 between County (Attorney) and MT DPHHS for Title IV-E Legal Services for child abuse/neglect cases on behalf of DPHHS. Modification extends contract through June 30, 2016. Original to Sue/County Attorney's Office for further handling.

Contract Modification– BCC signed. #20133LEGL0001 between County (Attorney) and MT DPHHS for paralegal services for dependent neglect cases on behalf of DPHHS. Modification extends contract through June 30, 2016, and parties agree that total reimbursement amount from July 1, 2015-December 31, 2016 shall not exceed \$42,125.96. Original to Sue/County Attorney's Office for further handling.

Additional discussion item(s): None.

**PUBLIC MEETING – May 6, 2015**

**1. CALL TO ORDER**

**Commissioners Present:** Commissioner (Co-Chair) Nicole "Cola" Rowley, Commissioner Jean Curtiss

**Commissioners Absent:** Commissioner (Chair) Bill Carey

**Staff Present:** Lisa Moisey, CAPS, Dorie Brownlow, Development Director

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC ANNOUNCEMENTS**

May 16, 2015 is Kids Parks Day

Proclamation read by Commissioner Curtiss. For more information visit Kidstoparks.org

**4. PUBLIC COMMENT**

**Charles Drinville:** I live at 4024 Montana Avenue, E Clinton. That road has been there ever since the first bridge was put in to Schwartz Creek. Now, since its Montana Avenue the County won't maintain it. I'm not asking to maintain it; I'm asking to get somebody for dust control. Last year I put about \$200 into buying dust control and putting it down myself, it was authorized dust control. I'm just asking for some help on it.

**Commissioner Curtiss:** We'll have Public Works call you; you might still be able to add on to the dust abatement contract that we have, so you can get a good price.

**Charles Drinville:** I just want to be a good neighbor. I plow and everything else in the wintertime too.

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List ~ \$2,055,101.75

**Executive Session**

Commissioner Curtiss approved the current claims list in the amount of \$2,055,101.75. Commissioner Rowley second the motion. The motion carried a vote of 2-0.

**6. CONSIDERATION**

**Resolution to request City annexation of County portion of Fort Missoula Regional Park**

**Lisa Moisey gave update with PPT Presentation.**

I'm here representing the projects team for the Fort Missoula Regional Park. On behalf of the projects team we're requesting that the Commissioners consider our recommendation to petition the city of Missoula to annex the county own portion of the Fort Missoula Regional Park and the associated portion of the South Avenue Road. Lisa went over park boundaries. When the park is complete, it will be a completely redeveloped, remodeled county portion and the redeveloped city portion of the park. Currently and for the past 20 some years Missoula County has had a contract with the City of Missoula to manage and maintain the developed portion of the park.

I want to talk about what this recommendation isn't ~ this request for annexation does not include a request to change ownership. The County will continue to own the 63 acre parcel; the City will continue to own their parcel. This is truly a partnership project. The ownerships would stay as they are. The request is just to annex into the City. It's also important to recognize that there are other county parcels that are out in this area that have been annexed into the City and are still owned by the County. For example, Missoula County owns Larchmont Golf Course, that's County owned land that has been annexed into the City. The County also owns the land on which the Missoula County Historical Museum is situated; also County owned land which is in the City limits. Other examples would be the County Courthouse and Missoula County Fairgrounds, both owned by the County in the City limits.

A little bit about the Projects Team for those of you who aren't familiar with this project. Last November the voters approve a general obligation bond for 42 million dollars, a portion of which will fund improvements in the development and implementation of the Fort Missoula Regional Park. After that bond was passed, the City and County entered into an interlocal agreement that provides the structure for this important partnership and it provides the outline and the protocol for how we work together as City and County and the decision making protocol. Because it's a County bond, the Board of County Commissioners has the ultimate oversight over contracts and expenditure funds but we work closely with the City on developing the project. The interlocal agreement set up two (2) teams, one is projects

team and the other is an oversight team. The projects team is designated employees of the County and the City who are charge of the day-to-day activities pertaining to the development and construction of the Fort Missoula Regional Park. It's the responsibility of that project team to keep the project moving but also to identify project needs and make recommendations on solutions to the project oversight team to best support the success of the Fort Missoula Regional Park. So that project team is truly working on behalf of the best outcomes for the park. The oversight team is essentially our bosses and our City and County Leadership who are charged of overseeing project management functions regarding the development and construction of the Fort. Additionally the oversight team is responsible for coordinating matters regarding the Fort Missoula Regional Park that need to be or are appropriate for being brought before the respective governing bodies.

The request is essentially relating to how can we have a consistent set of rules and policies that are enforced across the entire FMRP (Fort Missoula Regional Park), regardless of the underlying ownership. By annexing the county portion into the city, it allows us to setup the City Police to enforce city park rules. The question has come up, why do we need to do this now? Part of it is we're moving from our 30% design for this park, to 65% design, soon to 95% design and then we'll need to start permitting. It makes sense to the projects team that we move forward with the annexation now so that all permitting can be under the same jurisdiction and it would be done under the city jurisdiction, which is the same jurisdiction who will be managing the park and maintaining the park. One of the benefits of doing that is City Parks has park standards that we can integrate into the design of the park; the county does not have park standards. Another advantage is the City Parks & Rec have a close working relationship with the City Police on integrating what we call CPTED principals which is Crime Prevention through Environmental Design. So are we're designing now we're looking ahead at how can we make design decisions that not only are good decisions for park users and their enjoyment but also for the future health and safety of visitors of the park.

So our request is for the benefit of the park and what's best for the park, we look forward to the annexation before we start with the permitting.

#### Public Comment

**Gary Botchek:** Can anybody answer a question as far as the effect of city annexation and the surrounding applications for future annexation of private property? What I see on this map is a lot of public ownership, not only the High School, but all other locations. I guess what my concern is that if it is possible that the city can annex a piece of other public property, in this case the county, can that be used down the road to wholly surround another piece of property and annex that? It's critical in the Target Range area, as well as any other county issue. Does anybody have an answer to that question?

**Commissioner Curtiss:** I'll take a shot at it but I was wondering if anybody from the city could answer? This doesn't create wholly surround as apposed...I just don't see how it fits all the way around.

**Gary Botchek:** If you go down further to the west it's all university property, if you go a little bit further there's a massive subdivision that adjoins Knife River on the west, and then McCauley River on the east.

**Commissioner Curtiss:** That's been approved, right?

**Gary Botchek:** It's been approved but it hasn't been undertaken or hooked to city sewer. The University has provided an easement and I believe has agreed to hook up to the sewer, if and when it goes in. And all of a sudden you're extending annex property all the way from Butte. The other question I have is how does a conservation easement on McCauley Butte enter in? In other words, managed under city authorization, will that also then become an annexed portion. When you start looking at that and looking at the potential for Target Range School, the potential of other largely impacted areas like the present fairly massive trailer court that probably has some interesting problems relative to sewer. Consequently while this looks fairly innocent I have a concern about wholly surrounding. The second thing is ~ is it possible to put into a Resolution that while the annexation will assist the City and County and whatever Administrative requirements, can it also have a portion in the Resolution that says it cannot be used, in this case, for annexation by the city on wholly surrounding issues for private property?

**Dori Brownlow:** There's not an area here where I see that annexing this portion could wholly surround. As far as the county annexation, I don't see how that could come up, even if it did, I don't believe you could legally bind it if you're getting annexed into the city, you can't really put conditions on that.

**Commissioner Curtiss:** A piece that makes me comfortable in not creating a wholly surround situation; one, annexation is kind of linear, the southern portion has the Bitterroot River, so you can't surround there. McCauley Butte Subdivision I'm sure has probably developed a well annexed and again it's more linear so we don't have any intention to ask the city to annex Big Sky Park, for example, which would help create a circle. But I don't think that we can build up future decisions in a Resolution. We hear what you're saying but I don't think we're creating that.

**Dori Brownlow:** And to clarify the process maybe, so what the Commissioners would be doing today is; if it passes, the Resolution is asking the city to annex and then the city will schedule a hearing and provide time for public comment, through the city process. They will be the ones doing the annexation, so I think that could be a question brought up to the city when it becomes Hearing time, if that's the way this goes and there's a Hearing in front of the city.

**Ann Rupkalvis:** I'm just not clear about the University part of this parcel. Is that part included in this annexation?

**Lisa Moisey:** The recommendation from the projects team is that any land owner in the Fort Missoula Regional Park should annex into the city. That recommendation has been forwarded to the University, but they need to make a request to do that. This question here, for which the Commissioners are considering, is just the portion that the County owns.

**Ann Rupkalvis:** So is their city owned portion of the park county land?

**Lisa Moisey:** Its city owned, outside the city limits. It hasn't been annexed.

**Ann Rupkalvis:** What does annexation do?

**Commissioner Curtiss:** I think one of the biggest things that I see that it does and things Lisa talked about ~ one is, you live out that way, you know that on the fourth of July it's a free for all and we pay to have somebody clean that up. Well, we probably have some extra deputies on duty that day so this would extend that ordinance, for example. An Ordinance power is always stronger than a Resolutions power. Also, because we don't have very many developed parks, we don't have the level of park standards that the city has already adopted. The one that we talked about today called Crime Prevention through Environmental Design; it's so there aren't bushes to create places to hide and those kinds of things. They already do that, so it mostly just lets us develop this park probably in a more urban, kind of suburban way.

**Ann Rupkalvis:** So all the city park standards then would be transferred to the entire package?

**Commissioner Curtiss:** That's what we want the design team to design to.

**Ann Rupkalvis:** Leash dogs?

**Commissioner Curtiss:** Leash dogs. Yes. So it also doesn't create confusion; I'm in the county portion of the park because I walked past the softball fields, so I don't have to have my dog on a leash, now I'm on the city park portion and I need to have my dog back on a leash. We just need uniformity so people aren't confused.

#### **Executive Session**

**Commissioner Curtiss:** Sometimes we say petition because that's what people usually do to annex, but the law actually says that we just request. So this Resolution is just a request, it will then go to the city. Have they scheduled that yet? So sometime in June we're thinking? And at the same time they will probably also be considering, hopefully, the city's portion and if the University decides to come forward. Which also enforces that piece that's the cow pasture right now, the school district could ask that it be annexed at the same time.

#### **Motion**

Commissioner Curtiss made motion that the Board of County Commissioners adopt the Resolution that's before us. Commissioner Rowley second the motion. The motion carries a vote of 2-0.

#### **Comments**

**Ann Rupkalvis:** When you mentioned South Avenue ~ does that make the City Road Department responsible for any improvements to South Avenue, with regard to the park development, instead of the County?

**Commissioner Curtiss:** Maybe Lisa wants to address this. There are some portions of that that are anticipated at the intersection and the park project, but the street itself wouldn't be, as far as the park annexation goes, it would be in the jurisdiction of the City.

**Ann Rupkalvis:** So beyond that border it's still county?

**Commissioner Curtiss:** Yes.

#### **7. OTHER BUSINESS**

**Fred Stewart:** I didn't get here in time for the public comment spot on the agenda. The Target Range Home Owners Association is working on implementing zoning changes connected to the Target Range Neighborhood Plan that the Commission has signed in 2011. We're working with CAPS to provide the public meeting at the Target Range School, multi-purpose room, a week from today, 7:00 p.m. And I've been working with Lewis Yellow Robe at CAPS and he informed me today that you, the board, won't be getting together again prior to next Wednesday, so I wanted to take this opportunity today to let you know that meeting is going to take place. A mailing has been sent out by CAPS, to all the property owners that would be affected by the zoning change. We hope to have a good turnout. The home owners are sponsoring the meeting, we'll have assistance with folks from CAPS to help answer the technical questions and if either of you or Bill are available to sit in on the meeting, you're more than welcome. Hopefully as a result of this we'll be getting all the information that's necessary so we can move forward.

**Commissioner Curtiss:** We're in Bozeman Monday, Tuesday and Wednesday so we're unable to attend.

#### **8. RECESS**

Being no further business to come before the Board, the Commissioners are in recess at 2:04.

Following the Public Meeting, BCC signed: Resolution No. 2015-052, dated May 6, 2015. Requesting City of Missoula annex property owned by Missoula County as the Fort Missoula Regional Park. Original to C&R.

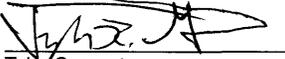
**THURSDAY, MAY 7, 2015**

BCC did not meet in regular session. For most of day, CR participated in visit for *Pay for Success*. BC out of office through Friday, May 8<sup>th</sup>.

ADMINISTRATIVE MEETING – *Canceled due to scheduling conflict*

**FRIDAY, MAY 8, 2015**

BCC met in regular session; quorum present. BC out of office through this date.

  
Tyler Gernant  
Clerk & Recorder

  
Bill Carey, Chair  
BCC

**MONDAY, MAY 11, 2015**

BCC did not meet in regular session. BC and CR traveled to Bozeman for Sonoran's *Community Mobility Institute* through Wednesday, May 13<sup>th</sup>. JC out of office through Wednesday, May 13<sup>th</sup>.

Monthly Report – BC examined/approved/ordered filed the Monthly Reconciliation Report for Justice Courts 1 & 2 (Karen A. Orzech and Marie A. Andersen) for month ending April 2015.

Resolution – BC signed, dated May 11, 2015, concurring with Transportation Policy Coordinating Committee's support to incorporate 2010 revisions to the Missoula City-County Air Pollution Control Program into the MT State Implementation Plan. Original to Sarah Coefield/Air Quality/MCCHD.

Letter – BCC signed, dated May 6, 2015. To Director, Regulations/Rulings Division, Alcohol & Tobacco Tax and Trade Bureau, Washington, D.C., in strong support of the proposed designation of Missoula Valley as an American Viticultural Area. This designation would bring jobs, as vineyards/wineries are labor-intensive enterprises.

**TUESDAY, MAY 12, 2015**

BCC did not meet in regular session. BC and CR traveled to Bozeman for Sonoran's *Community Mobility Institute* through Wednesday, May 13<sup>th</sup>. JC out of office through Wednesday, May 13<sup>th</sup>.

ADMINISTRATIVE MEETING – *Canceled*

**WEDNESDAY, MAY 13, 2015**

BCC did not meet in regular session. BC and CR traveled to Bozeman for Sonoran's *Community Mobility Institute* through this date. JC out of office through this date.

ADMINISTRATIVE MEETING – *Canceled*

NO PUBLIC MEETING HELD THIS DATE

**THURSDAY, MAY 14, 2015**

BCC met in regular session; all three present. Morning: BCC canvassed May 6<sup>th</sup> Special District Election.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 06/CY2015 - Pay Date/March 20, 2015. Total Payroll/\$1,456,367.92. To County Auditor.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 08/CY2015 - Pay Date/April 17, 2015. Total Payroll/\$1,454,790.88. To County Auditor.

County Payroll Transmittal Sheet – BCC signed. Pay Period: 09/CY2015 - Pay Date/May 1, 2015. Total Payroll/\$1,489,594.24. To County Auditor.

Grant Closeout Certification – BC signed. For MT DOC Big Sky Economic Development Trust Fund (BSTF) Grant with County (BREDD) on behalf of Montana Mapping & GPS d/b/a/Hunting GPS Maps (#MT-BSTF-01-13-13). Grant term/April 11, 2013-April 11, 2015. BSTF Grant funds expended/\$77,560; BSTF eligible net new jobs created/14; matching funds expended/\$38,780. Original filed; pdf to Kelly Yarns/BREDD.

Agreement – BCC signed. Between County and WE Dust Control & De-icing for application of dust palliative to approx. 44.2 miles of gravel road maintained by County and approx. 5.2 miles of private roads. Amount/\$152,877 (from dust abatement budget). Term/June 8 – 26, 2015. Original to C&R.

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Renewal Contract – BCC signed. Between County and Barb's Best Cleaning for services at Detention Center. Amount/\$1,000 per month. Term/July 1, 2015–June 30, 2016. Original to C&R.

Work Order – BC signed. Over the Counter Authorization Work Order between County and Montana Interactive, LLC for Sheriff's Office processing of public credit card payments. Term/June 2015 to indefinitely. Original to Danelle Gjetmundsen/Sheriff's Office for further handling.

Sub Grant Application – BC signed MT BOC Application Form for County Sheriff's Office renewal of Western Region Juvenile Detention Grant (#15-L05-91731) for period July 1, 2015-June 30, 2016. Amount/\$87,399 for Missoula County. Two originals to Gary Elliott/Sheriff's Office for further handling.

Agreement – BC signed. Between County and MT DOT for FFY15 Highway Traffic Safety Contract (STEP Grant). Amount/\$13,000, to fund purchase of watchguard body worn cameras for County Sheriff's deputies. Term/upon execution of contract to September 30, 2015. Two originals to Sheriff's office for further handling.

Memorandum of Agreement – BCC signed. Between County and City of Missoula for advocacy services through the Crime Victim Advocate Program (VOCA) through continued grant funding from MT Board of Crime Control. City will purchase services from County Attorney's Office for \$9,665 for term July 1, 2014-June 30, 2015. [Grant total is \$123,750; \$99,000 from MBCC and \$24,750 in local match]. Originals to C&R and City Clerk.

Contract – BCC signed. Between County (PHC) and Jo Persons for dental hygienist services. Amount/\$33 per hour for .80 FTE. Term/May 4, 2015-June 30, 2016. Originals to C&R & Andrea Laine/PHC.

Request for Funds and Final Closeout – BC signed, dated May 14, 2015. For MT DOC Community Development Block Grant with County (on behalf of Poverello Center Emergency Shelter (#MT-CDBG-13-HR-02. Total grant amount/\$450,000; grant balance requested/\$22,203. Grant term/Fall 2013-Spring 2015. Original to Jean Harte/GCP.

Contract – BCC signed. Between County and Mountain Valley Plant Management ICA for noxious weed treatment along Blackfoot and Clark Fork Rivers. Amount/\$13,000. Term/July 1, 2015-September 30, 2015. Originals to C&R & Weed Dept.

Board Appointments – BCC made the following board reappointments for members who failed to file for the May 2015 Special District Election:

- 1) Reappointed Larry Popp to a new three-year term as a regular member on the West Valley Community Council. His current term continues and ends when the May 2018 Special District is held (at which time he will need to file to run for a new 3-year term); and
- 2) Reappointed Ada Reep to a new three-year term as a regular member on the Evaro-Finley-O'Keefe Community Council. Her current term continues and ends when the May 2018 Special District is held (at which time she will need to file to run for a new 3-year term).

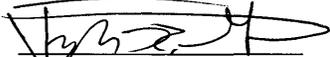
Letter – BCC signed, dated May 14, 2015. To Sheila Hogan, Director, Dept. of Administration, Helena, asking her to strongly consider having representatives from Public Safety Answering Points (PSAPS) on the State of Montana 9-1-1 Advisory Board, as we face many challenges in the public safety arena. The addition of PSAPS members will aid in questions arising from passage of HJ7 (which calls for study of Next Generation 9-1-1).

Resolution No. 2015-056 – BCC signed, dated May 14, 2015. Amending zoning district standards for the property known as Canyon Creek Village Subdivision Phases 1-12 and COS 5176, Parcel B, remainder in NE¼ less Canyon Creek Village Phase 1-12 (to be platted as Canyon Creek Village Phases 13-15) So1, T 13 N, R 20 W. Public Hearing held March 25, 2015. Original to C&R.

Additional discussion item(s): None.

**FRIDAY, MAY 15, 2015**

BCC met in regular session; quorum present. JC out most of day at Mental Health/CDC Meeting.

  
Tyler Gernant  
Clerk & Recorder

  
Bill Carey, Chair  
BCC

**MONDAY, MAY 18, 2015**

BCC met in regular session; all three present. Afternoon: BCC participated in meeting re: Rural Land Managers MOU, held at DES Offices.

Indemnity Bond – BC signed. Kirsten McGlynn, Missoula, Principal for A/P Claims Warrant #27124264, issued March 26, 2015 on County Claims fund. Amount/\$480 (for music solo & ensemble). Warrant lost.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Alternative Wastewater Treatment Systems (*info item*); 4) Fort Missoula Regional Park (*info item*); 5) Contract for MC conservation easement monitoring (*info item*); 6) Director's update.

Request: Records Disposal/Transfer Authorization – BC signed. From Elections: Voted/unvoted provisional (3/12/14 and 5/6/14). To be destroyed.

TUESDAY, MAY 19, 2015

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BCC met in regular session; all three present. Afternoon: JC spoke at local Mental Health Committee meeting. Late afternoon: BC participated in Senior Cooperative Housing meeting for seniors, held at Missoula Federal Credit Union.

#### ADMINISTRATIVE MEETING

Form – BC signed, dated May 19, 2015. Office on Violence Against Women (“OVW”) Project Eligibility Requirements for Third Party Organizations form, indicating that County Dept. of Grants and Community Programs (“GCP”) is a recipient of OVW funding (required to implement Lethality Assessment Program (“LAP”) in all Missoula law enforcement agencies. Current OVW grant award # is 2014-WE-AX-0010. Original to Jenny/GCP.

Letter – BCC signed, dated May 26, 2015 to Dale McCormick, Professional Consultants Inc., Missoula, approving the Miller Creek View Addition Subdivision Phasing Plan Amendment. Boundary lines for Phases 7, 8, 9 and 10 were modified (per Attachment F); and plat approval expiration date for Phase 10 is June 3, 2021; for Phase 11 is June 3, 2022. Final plat approval or an extension must be requested/approved by that date.

Cooperative Fire Management Annual Operating Plan – BCC approved/BC signed. Defines framework of cooperation for procedures/responsibilities for wildland fire management between all agencies represented through Missoula County’s Fire Protection Assoc. (MT-DNRC, all Missoula County fire service fee areas, fire departments, rural fire districts, Confederated & Salish Kootenai Tribes, BLM, BIA, and USFS). Plan is effective for five years. Original to Adriane Beck/OES for further handling.

Missoula County Fire Management Plan – BCC signed. Revised 1997 Plan prepared by MT DNRC and Conservation SW Land Office: 1) Provides for interagency cooperation in wildland fire management for all ground in Missoula County; 2) Serves as formal agreement between all federal, state and local government agencies with wildland fire protection responsibilities. Original to Adriane Beck/OES for further handling.

Board Appointment – BCC appointed Eileen McGurty to a new 3-year term on the Evaro-Finley-O’Keefe Community Council. Ms. McGurty’s term begins June 1, 2015 and ends when the May 2018 Special District is held (at which time she will need to file with Elections to run for a new 3-year term).

Resolution No. 2015-058 – BCC signed, dated May 19, 2015. Abandoning County right-of-way easement identified as Lundberg Road, located in Section 6 in T 19 N, R 16 W, and Section 31 in T 20 N, R 16 W, PMM, Missoula County. Hearing held April 22, 2015. Ownership of land over which this parcel had existed shall be returned/maintained to the configuration depicted on maps/surveys prior to this resolution.

Additional discussion item(s): Review of recently held ad hoc boards/commission meetings which BCC attend.

#### WEDNESDAY, MAY 20, 2015

BCC met in regular session; quorum present. Morning and afternoon: BC participated in Senior Cooperative Housing meetings for seniors, as well as developers, held at Missoula Federal Credit Union.

ADMINISTRATIVE MEETING (canceled)

NO PUBLIC MEETING HELD THIS DATE

#### THURSDAY, MAY 21, 2015

BCC met in regular session; all three present.

#### ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet – BCC signed. Pay Period: 10/CY2015 - Pay Date/May 15, 2015. Total Payroll/\$1,477,126.88. To County Auditor.

Agreement – BCC signed. Between County and Five Valleys Land Trust (“FVLT”) for the monitoring of the four County-held conservation easements by FVLT. Amount/\$1,825 (under Contracted Services in FY15 CAPS budget). Term/June 1–December 15, 2015. Original to C&R.

Mutual Aid Agreement/Memorandum of Understanding – BCC signed. Between County Sheriff’s Office and MT Bureau of Land Management – State/Local Law Enforcement Authority. Defines operational procedures/protocols for coordination of certain federal, state and local law enforcement operations within Missoula County. Term/May 1, 2015-May 1, 2020. Original to Sheriff’s Dept.

County Policy – BCC reviewed/adopted Missoula County Technology Acquisition Policy, dated May 21, 2015 (Policy # 2015-03). Departments may develop their own policies for acquisition of tech support as long as standards established in this policy are met. To Barb Berens/Auditor for further handling.

Letter – BCC signed, dated May 26, 2015 to Paul Forsting, AICP, Territorial-Landworks, Inc., Missoula, approving the Canyon Creek Village Subdivision Phasing Plan Amendment. Extended are Final Plat Deadlines for: Phase 13 to December 31, 2019; Phase 14 to December 31, 2022; Phase 15 to December 31, 2024; and Phase 16 to December 31, 2026.

Change Order and Budget Amendment – BC signed #2 to contract #6420-0-36 between County and LS Jensen & Ready Mix for the MDP Airway Boulevard Rehabilitation Project. Modifications include and Change Order removes/replaces 1) curb along east side of Airway Blvd; and 2) concrete apron at intersection of West Harrier/Airway. Amount/\$58,223; new contract sum/\$345,239.50. Original to C&R.

Resolution No. 2015-059 – BCC signed, dated May 21, 2015. Budget Amendment for MDP showing revenue of \$20,240 from Cash Reserves and expenditure in same amount for LS Jensen/Ready Mix Change Order set forth above. For total disclosure, expenditures included in formal 2015 Operating Budget/Revenue Estimates for County. Original to C&R.

Letter – BCC signed, dated May 21, 2015. To Rob Howard/Gen'l Manager, SouthWest Systems ("SWS") Corp., Niwot, CO. Letter terminates contractual relationship between Jason Emery, County Director of Technology and SWS, entered into June 5, 2014 to provide e-security for County (video system at Detention Facility). Upon receipt of \$6,000 payment from SWS, there will be no further obligation between either party. Letter mailed.

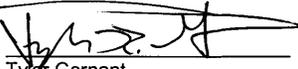
Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated May 19, 2015. Amount/\$67,389.64. To County Auditor.

Additional discussion item(s): None.

**FRIDAY, MAY 22, 2015**

BCC met in regular session; all three present.

Letter – BC signed, dated May 21, 2015. To Jack Lawson, CEO/President, Missoula Federal Credit Union, Missoula, thanking him for offering MFCU's training center facilities as a venue for the County's Senior Housing Co-op Informational Presentations.



Tyler Gernant  
Clerk & Recorder



Bill Carey, Chair  
BCC

**MONDAY, MAY 25, 2015**

**COURTHOUSE & ADMINISTRATION BUILDING CLOSED FOR THE MEMORIAL DAY HOLIDAY**

**TUESDAY, MAY 26, 2015**

BCC met in regular session; all three present in morning. Afternoon: JC out of office at BREDD Board meeting, held at MonTEC.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Condominium/Town Home Regs; 4) Gentry Family Transfer; 5) Thorpe Family Transfer; 6) Community Council Handbook Update (signed May 27<sup>th</sup>); 7) Trout Unlimited's future fisheries grant application; 8) Director's update.

**ADMINISTRATIVE MEETING**

Form – BCC signed MT DPHHS Service Provider Designation Form designating the following as State-Approved Chemical Dependency Service Providers to receive earmarked alcohol tax monies (approx.. \$160,000) and/or State-Approval for provision of chemical dependency treatment/prevention services in Missoula County: 1) Missoula Urban Indian Health Center; 2) Western MT Addiction Services/Turning Point; and 3) Missoula Recover Center. Term/July 1, 2015-June 30, 2016. Original to Melissa Gordon/GCP for further handling.

Letter – BCC signed, dated May 26, 2015. To MT FWP, Fisheries Division, Helena, in support of the proposed improvements to side channel inlet/creek access point in Tom Green Park, as a part of the Hughes-Fredline Diversion Fish Screen Project for the Future Fisheries Improvement Program.

Request: Records Disposal/Transfer Authorization – BC signed. From Superintendent of Schools: School budgets, trustee reports, budget worksheets (1982-2002). To be destroyed.

Additional discussion item(s): 1) Talarico Settlement Agreement; 2) Review of recently held ad hoc boards/commission meetings which BCC attend.

**WEDNESDAY, MAY 27, 2015**

BCC met in regular session; all three present. Early evening: JC attended Industrial Lands Assessment Report Presentation, held at City Council Chambers.

**ADMINISTRATIVE MEETING**

Resolution No. 2015-060 – BCC signed, dated May 27, 2015. Budget Amendment for Health Dept. showing \$1,320 revenue from Broadwater County (new revenue account for remote Registered Dietician services for WIC program) and expenditures thereof for program expenses. For total disclosure, expenditures included in formal 2015 Operating Budget/Revenue Estimates for County. Original to C&R.

Service Agreement Modification #2 – BC signed, dated May 27, 2015. Between County and Sapphire Resource Connection for County employee assistance program (EAP) counseling services. Term is extended for period July 1, 2015-June 30, 2017 for the current rate. All other terms/conditions remain unchanged. Original to Patty Baumgart/HR for further handling.

Contract Modification– BC signed. Project Specific Agreement Modification for contract between County and MT DOT for preliminary engineering services of Bitterroot River West (South Avenue Bridge Project). Modification 1) increased to reflect amounts shown in Consultants Services Agreement with HDR Engineering, Inc., plus an additional 10% to allow force account work by County; and 2) removes 25% retention requirement from the original agreement and adjusts reimbursable amount, as set forth therein. Total funds available/\$1,416,417.65. Two originals to Greg Robertson/PW for further handling.

Missoula County Community Council (MCCC) Handbook – BCC approved/signed 2015 updates to the MCCC Handbook (originally written November 2009). Updates are mostly administrative, changing name of Rural Initiatives (RI) to Community and Planning Services (CAPS), including e-mail addresses and website changes. Original to Laurie Hire/CAPS.

Additional discussion item(s): None.

**PUBLIC MEETING – May 27, 2015**

**1. CALL TO ORDER**

**Commissioners Present:** Commissioner (Chair) Bill Carey, Commissioner Nicole “Cola” Rowley, Commissioner Jean Curtiss

**Staff Present:** Jennie Dixon, CAPS, Lewis Yellow Robe, CAPS, Shyra Scott, Clerk & Recorder, John Hart, County Attorney

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC ANNOUNCEMENTS**

Proclamation: UM Retirees' Day  
Commissioner Curtiss read the Proclamation

**4. PUBLIC COMMENT**

None

**5. ROUTINE ADMINISTRATIVE ACTIONS**

Current Claims List ~ \$3,551,981.70

**6. HEARINGS (Certificates of Survey)**

**a. Thorpe Family Transfer**

**Jennie Dixon gave staff report.** This is a consideration of an exemption affidavit submitted by Tom and Jacqueline Thorpe, owners of approx. 5 ½ acres, located at 4400 S. 7th Street W. They propose to use the family transfer exemption to create two (2) additional parcels to their adult children, son, Randall Thorpe and daughter Stacey Black. A similar family transfer was approved for the Thorpe's in 2008, however, that survey was never filed and the lot layout has changed since that approval. If this family transfer is approved, it's recommended that the amended survey show an easement to access the NE tract which does not have frontal on S 7th Street W. This property has not been the subject of an exemption request besides the original 2008, which was never filed. The claimants have not previously used any exemption in Missoula County, again, other than the 2008 exemption that was never filed. As this does not appear to be an attempt to evade subdivision review, we are recommending approval of this family transfer request.

Jennie asked Tom and Jacqueline Thorpe the basic family transfer questions.

**Public Comment**

**Nathan Lucke, Territorial Landworks:** Representing the Thorpe's. We may choose to file these kinds of family transfers in sequence. So the COS that transfers Stacey's property first and then come back later to get the family transfer for Randall. We're evaluating that simply because this is one of the more complex family transfers I've had to operate I think because of the zoning, buildings and barns and the setback requirements. That zoning was a little challenging. Stacey and Matt want to very much get building as soon as they can, so we want to get that done as soon as we can. Randy's is a little less pressing; he wants to build in a year or so. So that may be the approach that we take.

**Commissioner Curtiss:** Jennie, since in 2008 we approved a family transfer that looked a little different, will the approval letter that you draft for us to sign refer to the one being withdrawn to allow the other so there aren't two letters floating around?

**Jennie Dixon:** Yes. And your motion, the motion that I recommended on the front page of your Request for Commissioner Action (RCA), the last sentence of that motion does indicate that this request vacates that 2008 family transfer approval. And we'll make sure that's in the approval letter as well. Very good question, thank you.

**Executive Session**

Commissioner Rowley made motion that the Board of County Commissioners approve the request by Tom and Jacqueline Thorpe to create two (2) additional parcels on property described as A-1, COS #3601, by use of the family transfer exemption, based on the fact that there does not appear to be an attempt to evade subdivision review. Approval of this request vacates the 2008 family transfer on this

parcel by the same applicants' to the same transferees. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.

**b. Gentry Family Transfer & Boundary Line Relocation**

**Lewis Yellow Robe gave staff report.** There are two (2) subdivision exemption requests; one is a boundary line relocation and the second request is a family transfer.

First step is the boundary line relocation of Tract 1 and Tract 2.

Step two of this subdivision exemption is the proposed Gentry family transfer, which would create four (4) tracts. As a result of this proposed family transfer, it is subject to some evasion criteria in the Missoula County Subdivision Regulations. There are 10 criteria shown in the staff report. Of the 10 criteria in the subdivision regulations, the family transfer exemption request appears to meet four (4) of the evasion criteria. As noted, those criteria evasions are #1, #2, #3 and #6. The Transferees, Jay & Anne Gentry, do not intend to use the parcels as home sites; however, the parcels are intended for a debt repayment from Kirt Gentry to the transferees. Lewis asked Kirk Gentry the basic family transfer questions.

**Public Comment**

**Dale McCormick, Professional Consultants:** I'm representing the Gentry's. I'd like to thank Lewis for assisting us through the process. It's been unusual and a bit awkward. In the five (5) years I've worked with the county as a planner and then also in the last 10 years as a consultant in a private sector, I find myself trying to get...when you get to this point you get a recommendation of approval, not denial. Needless to say, I was disappointed at the recommendation and it was unfortunate that we, despite the attempt to get staff's recommendation, we couldn't get that recommendation until this staff report was basically being issued. As a result of that, there's not much that we can do to prevent the decision from happening or modify the application. What I prepared today...at the CAPS update meeting there was some confusion about what we're doing, so the first page is the existing COS, it shows tracts 1 & 3. The second page shows the boundary line relocation, which creates a 20 acre plus parcel on the north and a 38.3 acre parcel on the south. This is normally administratively reviewed and doesn't require a review by the County Commissioners, so we did it as one (1) plat. The third page shows the proposed two family transfer lots Tracts 2 & 3 and then the remaining tract 1. Tract 3 would go to Kirk's father, tract 2 goes to Kirk's mother and tract 1 would be retained in ownership by Kirk. Then the last one shows the plat with the aerial photo so you can see how the existing two tract parcel would provide access that conforms to the two parcels. The part that was disappointing to me was the basis of what the recommendation was. Since we went through this process, six (6) of the ten (10) criteria we meet favorably and there were concerns expressed before those criteria. So in my mind, we were meeting the majority of the criteria and Lewis couldn't really be specific about the criteria related to the access until that last meeting, which is why we put together this proposal indicating a 30 foot easement, rather than a 60 foot easement. The reason we have the 60 foot easement was because the road ganders and it just makes sense to let it ganger to a wider easement. So this does the same thing, a narrower easement. My hope is that perhaps this modifies the plat and will give to the County Commissioners an opportunity to perhaps support this proposal. I appreciate Lewis' help through this process; I know it's been difficult for him as well. I've had very different experiences in other counties where these types of proposals are looked at differently and so as I stated I was disappointed with the recommendation and disappointed here today with the recommendation of denial. If there's any way to answer any questions or to help get to that place where we find something we can agree on, I would ask for your support. Thank you.

**Commissioner Rowley:** I just wanted to explain, I don't like that they're called evasion criteria. It's not a majority type thing, where if you meet a majority of the criteria you go on. This is criteria that we use to see if potentially somebody could be evading subdivision review. So really if somebody hit one (1) out of ten (10) it could be such a blatant and obvious thing that they were trying to evade, that's all it would take to trigger a denial. Even though you feel that you met six (6) that said you weren't trying to evade it, it's not really a majority thing, it's kind of a preponderance of evidence but it's described poorly in the way we use it.

**Dale McCormick:** I asked that question to Lewis, as I said, we've met six (6) of the four (4) and four somehow becomes over powering. One of those four (4) criteria is the most significant criteria. And so in your example of one (1)...we could never find an answer to that question. It was just more that those four (4) in some way was enough to reach a conclusion that it was evading...potentially.

**Commissioner Curtiss:** I just want to add that the criteria just trying to help us work through this and the criteria of course is part of the Subdivision Regulations so it was adopted by the Commissioners and then we just ask staff to review things and bring us a decision based on that. However, when it gets to us we do have the option of...while there's a reason for all of those, we still judge each one on its own merits. But sometime staff brings us what seems to be the recommendation from the regulations and there may be things that we think differently. For example, the one on the (---), the 60 foot easement, to me when you look at it in reality, it does look next to a 60 foot easement that's part of a subdivision, looks like it could go on and make another subdivision but if you look at the aerial and where the road lays and the fact that it's on a hill, to me it makes sense to cap a 60 foot easement because it means less excavation, you don't have to move that road because of the (inaudible) within that 60 foot easement, which is why it was presented in the first place. In some ways it's better than a 2 tract but we end up someday, somebody lives here and here and here and then there's just a crappy road. So in my mind we can take that one off the radar. The other – we ask if it's going to be used as a home site, we were trying to figure out, while the law doesn't say that this isn't meant to divide land up so that somebody could have a house, we kind of think that's the intention of it but it doesn't say that. We ask those questions legitimately.

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I have a question that I'd like to ask Mr. Hart, one of our County Attorneys. This property has haunted Missoula County for 30 some years and I'm sorry, Mr. Gentry, that you got sucked into it and this bankruptcy and all this stuff. But my question is; what Mr. Gentry is trying to achieve is a way to pay his parents back for making a bad investment with him, couldn't that be achieved through a court order? Wouldn't we end up with the same thing? The court can divide a property. If his parents decided to say; dog-gone-it you ripped us off of all this money, couldn't it be achieved that way too? I'm not recommending that you do that, I'm just saying, why make them go through that when we could (in audible).

So my question is; if somebody owes you money, then someone could go to court and say I want this property? And the court could divide the property.

**John Hart:** Well if somebody owes you money then yeah, take them to court and you can ask for a judgement of the court saying that person owes you money, pay the money back. I'm not sure Commissioner, if you could ask the court to say instead of having them pay the money back, why don't you have them give me some land? They got some land as part of granting the land, let's go ahead and do a court ordered division of it. Now nothing would prevent you from asking that.

**Commissioner Curtiss:** We see that through divorces mainly.

**John Hart:** Yes, we do see it through divorces but also through other actions too. But in terms of good payment, I'm not sure the court would feel that's within their jurisdiction as part of Title 76.

**Commissioner Curtiss:** One other one is the dividing the three (3) parcels. If somebody has five (5) kids, then you divide it in five (5). It's kind of a measurable tool.

**Commissioner Rowley:** And my point too, although it's creating three (3) parcels out of one (1) lot, it was two (2) lots and it's only going to four (4). So if they were being divided differently, it wouldn't have met these criteria. It's just the way that it's arranged.

**Commissioner Curtiss:** I appreciate staff going through regulations and bringing this with interpretations but I don't see reason to deny this one.

**Commissioner Rowley:** I guess I have one more question on Number 1; to divide is created through the use of an exemption, is that ever or by that person?

**Commissioner Curtiss:** There's a whole subdivision west of town, the whole thing is created this way. That's kind of what it is, is to have us look at whether this is just a pattern that he's going to do this and then his parents are going to divide it again.

**Kirk Gentry:** Thank you very much Commissioners for hearing this proposal. Like you said, I got sucked into a deal, bad investment, but now that both my folks are 83 years old, I'd like to at least be able to parcel off some of this to them so they can do with this what they want. At least it cleans things up a little bit. I just hope you'll take into consideration something that was a mess and trying to clean it up. It's been a lengthy process.

**Chair Carey:** I have a question for John. Have you reviewed this?

**John Hart:** Yes, but I have to be honest, this is the first family transfer that I've reviewed in my position at the County Attorney's Office.

**Chair Carey:** I'd like you to take a step back and give us your read on whether or not we undermine these criteria. They're factual matters so do we enter into a realm of capriciousness and start applying this to someone else if it didn't work?

**John Hart:** I'm not sure...each one of these is unique; like Commissioner Curtiss said that you can review each one of these on their own merit. I don't really want to suggest or say right out that you're bound by what you've done in the past and that you have to do everything each time, like you've done in the past. But, by the same token, you also want to be fair with everybody; to the extent you can apply these criteria as evenly as possible. I would recommend that you do that.

#### **Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners approve the Boundary Line Relocation Subdivision Exemption request between tracts 1 and 3 of COS 5928 to create a 20 acre tract and a 38.33 tract, based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

Commissioner Curtiss made motion that the Board of County Commissioners approve the Gentry Family Transfer Subdivision Exemption request to create two additional parcels for transfer to Father, J. Cleveland Gentry, and Mother, Anne F. Gentry, based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

**Chair Carey:** I just want to remark that this is a close one and I appreciate staffs position; they have to play by the rules. I don't want staff to think we ignore their work.

**Commissioner Curtiss:** I do too. I think they probably could of done the 30 foot easement, they probably said that but we didn't look at this. It doesn't make sense in this particular case to me to make somebody move a bunch of dirt.

**7. HEARINGS (Petitions to Annex Property into Missoula Rural Fire District)****a. 7945 Bootlegger Trail**

**Shyra Scott gave update.** A petition has been received by the Clerk and Recorders Office to annex to the Missoula Rural Fire District an area of land described as follows: Lots 1 and 8 of Certificate of Survey 4135, located in the NW ¼ of Section 8, Township 12 North, Range 18 West, P.M.M., Missoula County, Montana. Parcels #3148701 and #3149203, 7945 Bootlegger Trail, Missoula, Montana records of Missoula County. All signatures have been received.

**Public Comment**

None

**Executive Session**

Commissioner Rowley made motion that the Board of County Commissioners approve the annex request for Lots 1 and 8 of Certificate of Survey 4135, 7945 Bootlegger Trail, Missoula, Montana into the Missoula Rural Fire District. Commissioner Curtiss second. Motion carried a vote of 3-0.

**b. 28225 Highway 12 West**

**Shyra Scott gave update.** A petition has been received by the Clerk and Recorder's Office to annex to the Missoula Rural Fire District an area of land described as follows: A tract of land being a portion of the W1/2 SW1/4 SE1/4 in Section 20, Township 12 North, Range 22 West, P.M.M., Missoula County, Montana, being more particularly described in Certificate of Survey No. 183. Parcel #3148701 #5837007, 28225 Hwy 12 W, Lolo, Montana 59847, Montana, record of Missoula County.

**Public Comment**

None

**Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners approve the annex request for Certificate of Survey No. 183, Parcel #3148701 at 28225 Hwy 12 W, Lolo, Montana into the Missoula Rural Fire District. Commissioner Rowley second. The motion carried a vote of 3-0.

**c. 11162 LaValle Creek Road**

**Shyra Scott gave update.** A petition has been received by the Clerk and Recorder's Office to annex to the Missoula Rural Fire District an area of land described as follows: Tract 1 of Dougherty Tract No. 1, located in Missoula County, Montana, according to the official recorded plat thereof. Parcel #3386603, 11162 LaValle Creek Road, Missoula, Montana, records of Missoula County.

**Public Comment**

None

**Executive Session**

Commissioner Rowley made motion that the Board of County Commissioners approve the annex request for Tract 1 of Dougherty Tract No. 1, Parcel #3386603 at 11162 LaValle Creek Road, Missoula, Montana into the Missoula Rural Fire District. Commissioner Curtiss second. The motion carried a vote of 3-0.

**8. OTHER BUSINESS**

None

**9. RECESS**

Being no further business to come before the Board, the County Commissioners are in recess at 2:17.

<b>THURSDAY, MAY 28, 2015</b>
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BCC met in regular session; quorum present. Late morning: JC gave introductory remarks at *State of the Young Child*, held at St. Patrick Hospital. Afternoon: BC attended Regional Trails Summit, held at Double Arrow Resort, Seeley.

**ADMINISTRATIVE MEETING**

Missoula County DUI Task Force Program Plan – BCC signed. Annual work plan, budget and membership for FY2016, with estimated budget of \$92,000. Originals to C&R and Lonie Hutchison/Health Promotion.

Grant Documents – BCC signed following contracts between County (BREDD) and MT DOC for the BSTF Category 1 Job Creation Grant with Rivertop Renewables, awarded December 10, 2014:

- 1) Management Plan (#MT-BSTF-1-15-03 MP) between County, Bitterroot Economic Development District (BREDD), and Rivertop Renewables. BREDD to receive \$65 per hour, plus documented expenses.
- 2) Sub-Recipient Agreement (#MT-BSTF-1-15-03 SR) between County and BREDD for grant management activities.
- 3) Business Assistance Agreement (#MT-BSTF-1-15-03 AB) between County and Rivertop Renewables (RR). Amount/up to \$256,500 in grant funds; \$7,125 to RR per eligible net new job created.

Originals to C&R.

Task Order – BC signed. #15-07-1-01-132-0 to contract between MCCHD and MT DPHHS for Office of Public Health System Improvement for period July 1, 2012-June 30, 2019. Task Order is in amount of \$40,000 (over two years) to supplement funding for *Let's Move! Missoula* program for period April 1, 2015-February 15, 2017. Original to Cindy Hotchkiss/MCCHD..

Additional discussion item(s): None.

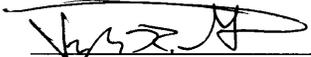
Tax Abatement Request – At meeting with Clerk & Recorder, BCC approved following letter dated May 29, 2015:

- Approving request from Montana Maintenance & Services, LLC, Lolo, to refund taxes, penalties, interest, and costs for taxpayer id's #90212730, #90022770, #90062189, and #9024900.. However, request for a refund of the moving permit fees cannot be acted up by the BCC, as they are imposed by the State of Montana.

**FRIDAY, MAY 29, 2015**

BCC did not meet in regular session. CR out all day at University of Utah Training, held at City Council Chambers. BC out most of day at Regional Trails Summit, held at Double Arrow Resort, Seeley.

Indemnity Bond – JC signed. Brady Rauh, Missoula, Principal for A/P Claims Warrant #60041414, issued May 2, 2015 on County 2308 fund. Amount/\$20.85 (for account balance upon release). Warrant lost.

  
Tyler Gernant  
Clerk & Recorder

  
Bill Carey, Chair  
BCC

MISSOULA COUNTY COMMISSIONERS' JOURNAL: JUNE, 2015

BCC = BOARD OF COUNTY COMMISSIONERS

- BC = Commissioner Bill Carey, Chair
- CR = Commissioner Nicole ("Cola") Rowley
- JC = Commissioner Jean Curtiss

The following Claims Lists were signed during the month of JUNE 2015:

Date Signed	Claims List Date	Who signed	Amount
June 3, 2015	June 1, 2015	BCC	\$41,451.16
			\$747.95
			\$136.83
			\$450.39
June 3, 2015	June 2, 2015	BCC	\$10,298.95
			\$13,339.70
			\$7,259.40
			\$444.20
			\$79,480.33
			\$278.58
			\$50.00
			\$3,266.00
			\$45.83
			\$150.00
			\$42,789.80
			\$3,295.05
			\$447.76
			\$32,965.55
June 3, 2015	June 3, 2015	BCC	\$1,800.39
			\$720.00
			\$1,994.69
			\$100.00
			\$64.56
			\$3,255.56
			\$49.99
			\$65.00
			\$66,742.04
			\$12,894.30
June 4, 2015	May 28, 2015	BC, NR	\$79,014.59
June 3, 2015		PHC Smartfill ACH	\$30,251.37
June 5, 2015		PHC Amerisource ACH	\$44,831.80
June 5, 2015	June 1, 2015	BC, CR	\$27.25
			\$94,064.97
			\$10,109.57
June 5, 2015	June 4, 2015	BCC	\$5,359.13
			\$1,569.50
			\$129.59
			\$1,202.39
			\$1,649.89
June 10, 2015	June 4, 2015	BCC	\$4,743.84
			\$250.00
			\$1,412.39
			\$1,225.00
June 10, 2015	June 8, 2015	BCC	\$26,285.28
			\$2,687.69
			\$104,563.89
			\$8,159.71
			\$3,676.12

201523891 B: 955 P: 774 Pages: 25 Fee: \$0.00  
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 Tyler R. Gernant, Missoula County Clerk & Recorder



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(June 10, cont'd)			\$18,422.03
			\$6,502.70
			\$2,665.08
			\$1,361.69
			\$7,082.41
June 10, 2015	June 4, 2015	BCC	\$3,051.68
June 10, 2015	June 9, 2015	BCC	\$72,777.12
			\$1,957.04
			\$9,096.73
			\$5,918.63
			\$6,645.00
			\$2,824.48
			\$12,000.00
			\$448,156.98
			\$1,331.25
			June 10, 2015
June 12, 2015	PHC Amerisource ACH		\$55,763.17
June 12, 2015	June 9, 2015	BCC	\$68.59
			\$4,975.96
			\$48,698.95
			\$1,100.09
			\$1,367.00
June 12, 2015	June 10, 2015	BCC	\$27,415.37
			\$8,296.39
			\$3,994.62
			\$34,583.94
			\$1,750.00
			\$867.60
			\$240.00
			\$1,093.64
			\$80,926.11
			June 12, 2015
			\$40,734.38
			\$18,446.66
			\$4,344.38
			\$7,220.19
			\$23,028.91
			\$7,393.01
			\$1,752.18
			\$2,250.09
			\$13.67
			\$116.83
			\$169.97
			\$3,976.54
			\$77.61
			\$372.87
			\$1,284,197.39
June 17, 2015	June 15, 2015	BC, JC	\$9,232.74
			\$3,537.46
			\$3,587.27
			\$4,379.62
			\$1,312.95
			\$1,568.08
			\$125.91
			\$31,749.68
			\$4,516.99
			\$261.55
			\$179.95
			\$24.00

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June 17, 2015	June 16, 2015	BC, JC	\$83.74
			\$6,430.19
			\$5,207.86
			\$1,236.09
			\$6,950.19
June 18, 2015	June 15, 2015	BCC	\$38,922.67
June 18, 2015	June 17, 2015	BCC	\$4,148.26
			\$10,261.00
			\$11,753.24
			\$558.24
			\$36,489.79
			\$428.54
			\$122.00
			\$300,461.93
			\$707.63
			\$1,250.00
June 22, 2015	June 17, 2015	BCC	\$861.24
June 22, 2015	June 18, 2015	BCC	\$8,387.31
			\$1,048.99
			\$13,106.96
			\$6,459.16
			\$18,692.20
			\$1,259.72
			\$72,917.85
			\$2,488.09
June 22, 2015	June 19, 2015	BCC	\$26,088.01
			\$5,588.24
			\$4,453.31
			\$3,271.15
			\$11,707.78
			\$895.68
			\$122.50
			\$130.43
			\$464.95
\$28,782.68			
June 24, 2015	June 19, 2015	BCC	\$56,942.99
June 24, 2015	June 23, 2015	BCC	\$2,303.97
			\$301.59
			\$28,429.94
			\$90.50
			\$369.92
			\$2,650.34
			\$11,552.50
			\$1,212.92
			\$5,590.62
			\$27,938.01
			\$448.70
			\$5,007.72
			\$1,982.75
June 25, 2015	June 23, 2015	BCC	\$227,189.34
			\$20,935.85
			\$14,479.53
			\$1,573.32
June 25, 2015	June 24, 2015	BCC	\$7,791.87
			\$13,224.73
			\$184.25
			\$14,959.79
			\$2,755.38
			\$375.00
			\$9,227.30

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(June 25, cont'd)			\$4,237.26
			\$44,200.28
			\$51,362.69
			\$2,910.45
			\$2,044.00
			\$7,827.50
			\$17,923.05
June 17, 2015	PHC Smartfill ACH		\$33,803.00
June 19, 2015	PHC Amerisource ACH		\$22,159.91
June 24, 2015	PHC Smartfill ACH		\$30,630.47
June 26, 2015	PHC Amerisource ACH		\$54,576.39
June 26, 2015	June 24, 2015	BCC	\$7,014.66
June 26, 2015	June 25, 2015	BCC	\$7,871.05
			\$12,027.78
			\$24,563.07
			\$149.95
			\$35,003.76
			\$52,845.95
			\$791.44
			\$281.08
			\$45.83
			\$1,250.00
			\$213.52
			\$248.27
June 29, 2015	June 25, 2015	CR, BC	\$70.77
			\$3,889.78
			\$7,125.00
			\$193,421.39
June 29, 2015	June 26, 2015	CR, BC	\$250.00
June 29, 2015	June 29, 2015	CR, BC	\$26,104.63
June 30, 2015	June 29, 2015	CR, BC	\$1,200.00

All Claims Lists returned to Accounting.

**MONDAY, JUNE 1, 2015**

BCC met in regular session; all three present. Late morning: BCC met with EPA Regional Administrator Shawn McGrath at Frenchtown Fire Station #1.

Indemnity Bond – BC signed. All American Trophy, Missoula, Principal for MCPS Warrant #27119704, issued December 4, 2014 on County Student Funds Claims fund. Amount \$178.50 (for trophies). Warrant lost.

Indemnity Bond – BC signed. Abigail Avis Hoerning, Missoula, Principal for Target Range School Warrant #16014291, issued May 8, 2015 on County Payroll (186) fund. Amount \$124.29 (for substitute wages). Warrant lost.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Community Food/Agriculture Coalition (*info*); 4) E. Missoula Land Use and Transportation Planning update (*info*); 5) Director's update.

**TUESDAY, JUNE 2, 2015**

BCC met in regular session; all three present. Noon: BCC met for lunch with Missoulian staff. Afternoon: BCC met with Pat O'Herron and Seeley Lake Ranger Rachel Feigley.

**ADMINISTRATIVE MEETING**

Resolution No. 2015-066 – BCC signed, dated June 2, 2015. Granting petition for inclusion into RSID No. 901 property known as DMK Development for the purpose of obtaining access to sanitary sewer/water improvements. Recorded PDF to Greg Robertson/Public Works.

Renewal Contract – BCC signed. Between County and Vannoy Enterprises, LLC for mowing/trimming services for County-owned lands within the MDP (not including County parkland). Amount/not to exceed \$15,168 per year. Term/June 2–September 15, 2015. PDF to C&R for recording.

Request – BCC approved payment from Missoula Industrial District Tax Increment Funds for Airport East GAS Apron Rehabilitation and Expansion Project in amount of \$227,646.77 (from TIF funds of \$400,000 authorized in June, 2013) Original to Dori Brownlow/BCC's attorney for further handling.

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Continuation Contract – BC signed. Between County and ESRI (Environmental Systems Research Institute, Inc.) for ESRI GIS Software Enterprise License Agreement (ELA) for period July 1, 2015-June 30, 2018. Software is used by multiple departments throughout county. Amount/\$55,805.50 (increased from \$54,500) per year. PDF to C&R for recording.

Resolution No. 2015-061 – BC signed, dated June 2, 2015. Authorizing execution of previously approved State Inter-cap Program loan documents supporting construction of Seeley Swan Search and Rescue Operations Center. Amount/not to exceed \$200,000. Project term/November 12, 2014-august 2015. Recorded PDF to Julie Flynn.

Board Appointment – BCC appointed current Alternate Nathan Lucke as a Regular Member to fulfill an unexpired term to December 31, 2015 on the Missoula Consolidated Planning Board (at which time he will be eligible for reappointment to a new 2-year term).

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated June 2, 2015. Amount/\$41,824.14. To County Auditor.

Additional discussion item(s): 1) BCC will postpone reappointing or appointing any new members to the Missoula Development Authority until the Industrial Land Survey is completed; 2) Review of recently-held ad hoc boards/commissions meetings BCC attend.

**WEDNESDAY, JUNE 3, 2015**

BCC met in regular session; all three present.

Monthly Report –BC examined/approved/ordered filed the Monthly Reconciliation Report for Clerk of District Court, Shirley Faust, for month ending May 2015.

Monthly Report – CR examined/approved/ordered filed the Monthly Reconciliation Report for Justice Courts 1 & 2 (Karen A. Orzech and Marie A. Andersen) for month ending May 2015.

**ADMINISTRATIVE MEETING**

Board Appointment – BCC reappointed Stacy Rye to a new 3-year term on the Missoula Development Authority, which will run July 1, 2015 – June 30, 2018.

Closeout Letter – -BCC signed, dated June 3, 2015 to K. Shamberger, Office on Violence Against Women, Washington, D.C. Closeout letter for Encourage Arrest Grant #2008-WE-AX-0018, stating Missoula County was not in compliance of HIV special condition that was added in the 2010 funding cycle. 5% of funding (totaling \$33,221) withheld because County has no law/regulation to test victim for HIV within 48 hours of a sexual assault. Project term/September 1, 2008-August 31, 2014. Original to Jenny/GCP.

Resolution No. 2015-065 and Application – BCC signed, dated June 3, 2015. Authorizing submittal of application to MT Dept. of Commerce for Treasure State Endowment Program Planning Grant to complete a Preliminary Engineering Report for RSID 8925 - Sunset West Water System Disinfection Improvements Project. PDF to C&R for recording.

Request – BCC approved request to authorize Jim Carlson to sign/send a "Notice of Bid Award" letter to J&J Excavating & Trucking to construct a garage for Junk Vehicle Program for \$235,000. Project term/ June-November 2015. Original RCA to Jim Carlson/Health Dept.

Resolutions – BCC signed, dated June 3, 2015. Resolutions annexing to Missoula Rural Fire District following areas of land in Missoula County:

- 1) Resolution No. 2015-062 – Parcel #3386603 – 11162 LaVelle Creek Road, Missoula.
- 2) Resolution No. 2015-063 – Parcels #3148701 & #3149203- 7945 Bootlegger Trail, Missoula.
- 3) Resolution No. 2015-064 – Parcel #5837007- 28225 Hwy 12 W., Lolo.

Public Hearings held on May 27, 2015. PDFs to C&R for recording.

Additional discussion item(s): JC/BC will attend Grant Creek Trail Grand Opening on July 9, 2015, 5:30 pm, at parking lot of Rocky Mountain Elk Foundation's Visitor Center.

**NO PUBLIC MEETING HELD THIS DATE**

**THURSDAY, JUNE 4, 2015**

BCC did not meet in regular session. JC at MACo District 10 & 11 Spring Meeting, held in Polson. CR attended interviews for Pay for Success position.

**ADMINISTRATIVE MEETING - Canceled**

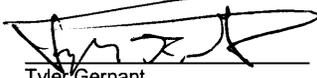
**FRIDAY, JUNE 5, 2015**

BCC met in regular session; all three present. Early evening: BCC attended VIP Preview of Anaconda Cooper Mining Company Lumbermen's Library Car at Historical Museum at Fort Missoula.

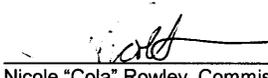
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Replacement Warrant - BC signed. Lawrence James Daniels, Missoula, Principal for Sheriff/Detention Warrant #60040403, issued May 21, 2015 on County 2308 fund. Amount/\$60 (for inmate funds - personal). Warrant not received in mail.

Indemnity Bond - BC signed. Jean Dixon, Lolo, Principal for Woodman Elementary Warrant #5697 (or 63020337), issued March 4, 2013 on Woodman Elementary Claims fund. Amount \$133.17 (for classroom supplies). Warrant lost.



Tyler Gernant  
Clerk & Recorder



Nicole "Cola" Rowley, Commissioner  
BCC

**MONDAY, JUNE 8, 2015**

BCC met in regular session; all three present. Morning: JC attended Substance Abuse Prevention Mill Levy Review, held at Grants Office.

Community and Planning Services Update - BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Missoula in Motion/Request for Finding Match; 4) Invermere Subdivision Phasing Plan Extension; 5) O'Keefe Ranch Estates Subdivision Phasing Extension; 6) Swan River Flood Study (action); 7) 2015 Floodplain Regs update; 8) 2015 Land Stewardship Award; 9) Sawpit and Ninemile Creek Mine Reclamation Project; 10) Director's update.

Request - BCC reviewed/approved request from Todd Kletz, Floodplain Administrator, for County to provide \$17,000 as match for a FEMA grant so that DNRC can complete the Swan Flood Study.

County Payroll Transmittal Sheet - BCC signed. Pay Period: 11/CY2015 - Pay Date/May 29, 2015. Total Payroll/\$1,483,762.05. To County Auditor.

**TUESDAY, JUNE 9, 2015**

BCC met in regular session; quorum present. Most of day: JC gave opening remarks and attended Sequential Intercept Mapping Workshop, held at UofM. Early evening: JC attended meeting of Resource Advisory Council, held in Admin. Building Room B14.

Indemnity Bond - BC signed. Jacqueline Harris, Frenchtown, Principal for Claims Warrant #25061421, issued April 10, 2015 on Frenchtown School Dist. #40 fund. Amount/\$93. Warrant lost.

Replacement Warrant - BC signed. Art & Ray's Lock and Safe LLC, Missoula, Principal for Historical Museum at Fort Missoula Warrant #259088, issued October 14, 2014. Amount/\$105 (for keys, trip charge). Warrant not received in mail.

ADMINISTRATIVE MEETING

Contract - BC signed. Between County and J&J Excavating & Trucking to construct a garage for Junk Vehicle Program. Amount/\$235,000. Project term/June-November 2015. Recorded PDF to Jim Carlson/Health Dept.

Change Order - BCC signed. #3 to contract between County and Jackson Construction Group & A&E Architects for Phase 3B remodel (annex stairs and 3<sup>rd</sup> floor office) at County Courthouse. Change Order adds \$96,423.10 to project cost for misc. items as set forth therein. Base contract time remains unchanged. New contract sum/\$2,221,775.62. PDF to C&R for recording.

Change Order - BCC signed. #4 to contract between County and Jackson Construction Group & A&E Architects for Phase 3B remodel (annex stairs and 3<sup>rd</sup> floor office) at County Courthouse. Change Order adds \$17,470.22 to project cost for additional items as set forth therein. Base contract time remains unchanged. New contract sum/\$2,239,245.84. PDF to C&R for recording.

Grant Closeout Certification - BC signed. For MT DOC Big Sky Economic Development Trust Fund (BSTF) Grant with County (BREDD) on behalf of Nutritional Laboratories International (#MT-BSTF-01-14-04). Grant term/August 21, 2013-June 9, 2015. BSTF Grant funds expended/\$202,500; BSTF eligible net new jobs created/27; matching funds expended/\$101,250. Recorded PDF to Kelly Yarns/BREDD.

Request - BCC approved CAPS request for use of \$17,000 as match for a FEMA grant to complete the Swan Flood Study, as the floodplain mapping recently completed by FEMA for the Swan River is significantly inadequate. Project term/Summer 2015-Spring 2016. PDF to Todd Kletz/CAPS for further handling.

Letter - BC signed, dated June 9, 2015. From Commissioner Bill Carey to Tyler Gernant, Clerk & Recorder/Treasurer, formally resigning/retiring as Missoula County Commissioner effective September 17, 2015 at 5:00 pm. Since Mr. Carey's current term does not end until the General Election in November of 2016, the Office of County Commissioners will await a list of nominees from the Democratic Central Committee and follow the processes outlined in the MT Code.

Additional discussion item(s): Review of recently-held ad hoc boards/commissions meetings BCC attend.

<b>WEDNESDAY, JUNE 10, 2015</b>
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BCC met in regular session; all three present. Late morning: BC attended Downtown Master Plan Update, held at City Council Chambers.

**ADMINISTRATIVE MEETING**

**Request** – Per request from John Hart, County Attorney's Office, BCC authorized filing of written comments on partition and division of real property (located in Nine Mile Valley on Lone Wolf Road) in matter of The Estate of Robert E. Richardson, Deceased ("the Estate"), which is). Personal Representative of the Estate has asked for exemption from subdivision review. CAPS submitted comments on May 29, 2015. Document to John Hart for further handling.

**Letter of Agreement ("LOA")** – BC signed on behalf of Missoula County Office of Emergency Management, MT re: April 2013 Standard Software Maintenance Agreement ("SSMA") with New World Systems for provision of a law enforcement, fire and computer-aided dispatch solution. New LOA sets forth a credit to County in amount of \$54,953.90 towards SSMA payment for period 7/1/2014-6/30/2015. New total amount due from County is \$117,439.10, payable upon execution of LOA. All other terms/conditions in original SSMA remain unchanged.

**Request** – BCC approved payment of \$9,900 in Congestion Mitigation Air Quality matching funds (FY15) for Transportation in Demand Management (TDM) for Missoula in Motion. Original to Jessica Morriss/Missoula MPO.

**Contract** – BCC signed. Between County and Jerald Dewey to conduct monitoring work for three separate biological weed control systems within Missoula County (spotted knapweed, leafy spurge and dalmation toadflax). Funding provided by partnering land management agencies including MT FWP and MT DNRC. Amount/\$3,610. Term/July 1–October 31, 2015. Recorded PDF to Bryce/Weed Dept.

Additional discussion item(s): None.

**PUBLIC MEETING – June 10, 2015****1. CALL TO ORDER**

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

**Staff Present:** Shyra Scott, Clerk & Records Office, Todd Klietz, CAPS Floodplain Coordinator, Matt Jennings, County Attorney's Office

**2. PLEDGE OF ALLEGIANCE****3. PUBLIC ANNOUNCEMENTS:** None**4. PUBLIC COMMENT**

Mike Harrison: Requesting to shut-down the Testicle Festival. This has become a porn show and not good for the community or something that you can take your family to anymore.

**Commissioner Curtiss:** We can look into it but I don't think there's anything we can do. We can put it on our agenda when we talk to the Sheriff Department.

**Commissioner Rowley:** At one point, the Health Department thought if they didn't sign the large group event permit they could stop it that way, but statutorily the fire department and Sheriff's department don't have to sign off on the large group event permit. So we can try looking at it differently.

**5. CURRENT CLAIMS LIST**

\$956,321.96 (May 29, 2015 – June 10, 2015)

**6. HEARING (Petition to abandon or alter a Public Road)****Homestead Estates, Lot 4**

**Shyra Scott** gave update. Our office received a petition to abandon a public right-of-way, located in Missoula County. The area to be abandoned is described as 0.57 acres; 415' (approx.) GLO road Ovando to Lion Creek located in Homestead Estates Lot 4, Section 14, Township 21N, Range 17W, Missoula County, Montana. Our office received the petition fee and I certify that the petition has been signed by at least 10 of the free holders of the Missoula County road district. I don't believe that all land owners affected have signed the petition. I feel all the affected land owners have been notified by our office. I believe there's been some disagreement on who the effected land owners are for this road. I determined it's the land owners that lived within falls creek road, the county road on one end – in Missoula County until it went to the Lake County line. Lake County has been notified as well. I did receive a letter from the Swan Creek District Ranger, as the notice went out.

**Lori Paige, Realtor in Swan Valley:** I have been working on this project for almost a year and a half now. I spoke individually to five (5) of the representatives. We have had three (3) different offers on this property. It was a subdivision of four parcels; three of them have been sold and the fourth one continues, with three offers, can't go through because of the problems with the GLO easement road. I feel like I have done more at trying to reach these people, not only did I speak to them, but I also sent

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emails that included the petition as it was recorded and I sent them a thank you for even a consideration, and also the first page where they could sign-off, to make it easier for them. I didn't get any cross-wire at all but I also haven't received any back either. So I think all the attempts by the home owners/sellers are well represented. This continues to be an issue for this parcel. It's not abandoning the road all the way across, it's abandoning 415' that nips this parcel.

**Commissioner Curtiss:** This road isn't even drivable right now, correct?

**Lori Paige:** It's not even acknowledgeable. A survey crew is going to have to tell us where that road is. This is on the plat map, this is a recorded easement, we can get it removed if the vote is to abandon.

**Commissioner Rowley:** I do have a question about MCA 7-14-26.01 what statutorily this petition may fail to meet within the statutes, as far as consent with all the owners.

**Shyra Scott:** The owners don't necessarily have to give consent; but they're names need to be listed on the petition. I'm required to notify them. They don't necessarily have to sign on the petition, but I do have to determine who they are and notify them.

**Commissioner Curtiss:** So you did notify them all?

**Shyra Scott:** Yes, I did notify them all. Outside Lake County and USDA Forest Service there were five additional private land owners that were sent certified mailings with the petition and the maps.

**Commissioner Rowley:** I guess I'm just curious because it says here in the RCA that this request fails to meet the requirements of 7-14-26.01 and 7-14-26.02.

**Shyra Scott:** I think just in the fact that they weren't listed in the petition.

**Matt Jennings:** I think what Shyra's referring to first is just the efficiency of the petition. That's almost a notice provision making sure that the land owners are aware that this action is before you today. I think that you need to make a factual determination that they have met those requirements before you today were received. If you do choose to accept the petition then there are a couple other things that need to be met. First, if this road is used for recreational purposes there needs to be another access point, this is something I'm sure some of you have extensive experience with. So there's the matter of recreational and whether forest service land and public land can be accessed by other roads. The second matter is the way the statute reads is whether other land owners are basically using this road. And using isn't further defined in statute; I think common sense might tell you that a road is meant to access a property. However, this road in particular does come basically from Hwy 83 south of Condon, or the south of this map that you have before you and goes north of that. There are a couple other roads that weave in and out. As far as that factual determination of whether after the petition is sufficient and whether the use and recreational access has been met, I think that's another thing that you probably need to inquiry into. At least from our offices review, the map didn't have any sort of identifying mark of who made the map. I'm not sure that's its sufficiency, you can't sort of go on google earth and there might be some other things you can see on other mapping software that's as easily accessible. It isn't completely consistent with that map and that does cause some concern.

**Commissioner Rowley:** What's the acceptable way for determining recreational use? What process do we have to go through to determine that?

**Matt Jennings:** That's within your discretion largely and what constitutes recreation. It's not explicitly defined in Montana statutes for what that means. I think you first need to look at that map though and look at look at those roads. The first question you have to ask is whether this road is actually being used for any type of recreational use? There's a chance that it's not but if it is, whether any of the other access points in those roads are providing something they can access the same general area.

**Lori Paige:** One point that I wanted to make is that we don't have any determination of where that road actually is. It has not been used for 60 years and so we can't see where it goes other than what's platted on our maps. The area that we're discussing, this GLO road ~ there aren't even trails, there's not walking. So in order for anybody to use this trail would be very, very expensive to go back and man that. It would be much smarter for them to use some of the roads that are existing and are very navigable. Also, on the forest service side of this, I think on your maps, you have right on the corner of the property showing how they feel that access should be; from May to December snowmobiles only, no authorized vehicles beyond this point and so that is another issue that we're seeing, that they're not wanting to pass through that but other avenues. I just wanted to make sure how obscured that area is.

**Commissioner Curtiss:** So the process is that we recess this hearing and one commissioner goes up with staff from the surveyor department for a site visit. We need to see if there's access through Lake County. Commissioner Curtiss and Steve Smith along with Lori will visit the site, as schedules allow. We'll look at this Friday.

## 7. PRESENTATION

### Amended Floodplain Regulations

**Todd Klietz** gave update and PPT Presentation. Todd showed the FEMA Digital Flood Insurance Rate Map (DFIRM) Conversion Process Chart. Todd also read a letter received by FEMA ~ an official reminder that Missoula County has until July 6, 2015 to adopt and add Floodplain management that meet or exceed the FIP minimum, by July 6, 2015, to avoid suspension. In the event that your community does not meet the policy all will be canceled and existing policies cannot be renewed.

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If we do get suspended; flood insurance will not be available, existing flood insurance policies will not be renewed, no Federal grants or loans, no Federal disaster assistance may be provided to repair insurable buildings in the flood hazard areas, no federal mortgage insurance or loan guarantees may be provided in flood hazard areas, Federally insured or regulated lending institutions, such as banks and credit unions, must notify applicants seeking loans for insurable buildings in flood hazard areas. You don't have to be in a shaded-x or floodplain area to purchase floodplain insurance, anyone can purchase it.

Todd showed the proposed floodplain residential construction with the two foot fill stem wall. Garages should have flood venting.

**Commissioner Curtiss:** Do we have any properties that we could consider to be 13/16's that would not be insurable?

**Todd Klietz:** No, we have a few that have outstanding violations that we haven't been able to get compliance on that are still within our Attorneys discretions. We have some that could.

**Commissioner Curtiss:** Do we know how many homes in Missoula County have flood insurance?

**Todd Klietz:** We do. It's a couple hundred.

**Commissioner Curtiss:** I noticed on the last page it has the reference to letters of map revision, so if there are properties that go through that process and get a letter of map revision do the regulations, as proposed, allow those to be automatically added? So we might have ten (10) now and we have twelve (12) in a couple years.

**Todd Klietz:** I think I'd like to defer some of that to DNRC.

**Commissioner Curtiss:** So my question is...let's say a private party, we have the one we did on Grant Creek, the one in Milltown but what if someone goes through the process how does it get...do we automatically get it covered? For example, Ms. Paige might have a property she wants to sell, that someone has gone through a letter of map revision, but if it's not referred to in our regulations, how would the bank say whether or not it's been recorded? Would she have a piece of paper?

**Todd Klietz:** For an individual letter of map revision, like a letter of map revision based on fill, someone got a floodplain permit and built there house on fill, the individual home owner gets that. We maintain all those here at the county too.

**Commissioner Curtiss:** So, we do get a copy?

**Todd Klietz:** Yes.

**Lawrence Siroky, Department of Natural Resources, Montana DNRC Water Division:** I work in our floodplain program. The role of the floodplain program is to provide technical assistance to the local floodplain administrators. The other role that we have is that we work with FEMA to put together the science and information that's compiled to make the regulatory maps that you guys utilize. Those maps have two purposes; for FEMA therefore determining what the flood insurance premiums are based on what risk area you're in, Zone-X is a lower risk than a Zone-A. Our agency role is we work with FEMA on establishing the science information and the adoption of those maps. We were before you several times during that adoption process; we had hearings, we took those appeals, did field work, worked with Todd on various improvements to those draft maps. So they've become your regulatory areas. Then you have six (6) months to adopt regulations that manage development in those flood hazard areas. So our agency's role really is technical advisory, or the science side of the maps, we also provide technical assistance for Todd. We've gone several rounds with Todd in putting your model regulations together. We developed a 2014 model ordinance that's on our website. We recommend counties to utilize that, adopt that, but you're probably use to yours, having to administer them for several years. We provided comments to Todd and Todd made a lot of those comments, so that's why you see four (4) different versions, I guess, on the website now.

One comment I'd like to make; Todd pointed out the FEMA web. The other thing is that the State legislature passed a law in 1971 that said; we're gonna make sure our citizens are aware that they're living in a flood hazard zone by doing these flood hazard maps. And it turns out the legislature didn't appropriate any money to do that since 1971, very little. So we kind of tag on what FEMA does, when they do their mapping, to be sure the State standards are met as well. So people need to be aware of the hazard and we need to not be building buildings where they're subject to damage later and will be collecting federal disaster payments or some other disaster assistance in the future. So both legislator and congress have approached this flood problem in a way that we're addressing today with making sure that buildings are properly built, if you are going to be in the floodplain. And that you're aware that you're in a flood hazard area. So that's where we're coming from.

What I wanted to say about the FEMA letter, FEMA says if you don't participate in the National flood insurance program, people with flood insurance is gonna get withdrawn. That's a voluntary program. There are some counties and cities in the state that don't participate in the National flood insurance program and the way to make yourself whole in that case of a disaster is through flood insurance. There are other means but that's kind of a way that the federal government set up to make individuals help themselves. So you're making annual payments for a future disaster that's gonna happen through insurance.

So on the attached garage specifically what we recommended in our model ordinances was because we see attached garages converted into bedrooms or different rooms, the higher standard that we're

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recommending is that you require those attached garages to be built the same level as the living space, that's the two (2) foot above the base flood elevation. Now you could adopt a lesser standard that has if it doesn't have flood event incident then they're gonna be paying higher flood insurance if they weren't. So there are some insurance ramifications in a policy. The FEMA minimum is --- at the BFE but when they look at the house for rating, they're going to rate the lowest floor and the attached garage is at BFE or houses built at above the 2 foot the BFE, your insurance is gonna be based on that level of the attached garage.

On the LOMA, that's the letter of map revisions. That's the term that FEMA says if you're gonna change these areas that we've identified as certain risks that we understand and that risk changes with where you're at in those zones. If you're gonna change that, you have to let us know and we want to make sure that the science is sufficient to make those changes. So that's often referred to as map revision. Under the state statute it's called an alteration. So the area that's identified on your maps is a specific regulatory area. If somebody or something changes those regulatory areas then there's a process through the State of Montana as well as FEMA to do that. There's really two (2) purposes for that; one is it effects who you regulate and who you don't regulate. The other is it protects property rights. So if you want to raise flood elevation and it changes the flood elevation, changes the natural 100-year flood elevation and puts water on somebody else, you're affecting their rights, their land rights. And so you need to go through that process if you wish to change your regulatory area to make sure adjacent land owners are notified what the new impact will be. That's the process, that's the LOMA process and that's the alteration process. DNRC and FEMA do that together during that LOMA/KOMAR process. A KOMAR is a proposed provisional change, we're gonna make this change as a result of this construction so we'll look at that change before its made and then once it's made then the map revision will reflect the actual changes

**Commissioner Curtiss:** So Todd, DNRC's the one we'll partner with on the Swan River, right?

**Todd Klietz:** Correct.

**Commissioner Curtiss:** I just want to thank you for being partners. Unfortunately, it sounds like it's going to cost more than we thought but that's the one where we know that the water is not where we know the floodplain is drawn.

**Lawrence Siroky:** We appreciate the partnership with Swan and Clearwater? Those are our next priorities based on your...

**Commissioner Curtiss:** And if you have other money in your pocket...We're also working with our Public Works Director on the Clark Fork so downstream from Reserve, it gets down to the Tower Street area where the flooding was in 2011. Just to have a GLR fellow come in and help us figure it out...to see if there's anything we can do to protect it.

**Lawrence Siroky:** I guess. If I may address that a little bit. That floodplain mapping has been funded by FEMA. The State of Montana, we've experienced over ten million dollars from FEMA since 2005, updating floodplain maps. The effort here is probably ¼ of a million dollars. So it's no small matter to get these maps updated. But we've gotten our share from FEMA. What we need to do...we have a meeting here soon in Bozeman with home owners and others there and they have the same issue that the maps don't appear to be adequate. But the State of Montana needs to put money into that project; communities need to put money into that project DNRC needs to put money into that project. I'm just be brutally honest that if we're gonna get those maps updated to the satisfaction of the people that we live with, I'm from Montana, then we all need to put a little money in that pocket and I think FEMA has been more than generous for a low populated state. There are a lot of areas on the coast that have terrible, stinky maps and they want money just as bad as we do.

**Commissioner Curtiss:** We appreciate the partnership. I have a couple questions; I know that this meeting has been considered just a meeting because we need to do some more notice, later in the month we'll actually take action.

**Commissioner Curtiss:** Which recommendation will you be making for the garage? Or are you giving options?

**Todd Klietz:** At this point and time, the regulations state 2 feet above the flood elevation. That's in the draft that is before you.

**Commissioner Curtiss:** But a detached garage could have other options.

**Todd Klietz:** It could be flood vented.

**Commissioner Curtiss:** Okay. And then I know that we did receive some comments from WGM and I forgot to bring them with me today. I think you incorporated some of them.

**Todd Klietz:** We incorporated quite a few. This is our county floodplain page; I'd like to show the TV audience our online floodplain tool. It doesn't show properties within the city limits because we don't have floodplain jurisdiction in the city limits. But for anybody outside of the city, they can plug in their address and this will zoom right to wherever their particular property is and if it's in the floodplain that's what the colors show and there's a tool bar on the side. We did get comments from two (2) agencies and one (1) consulting firm, WGM. Those are on our site also. We considered them all but we incorporated 60-70% of their comments into the fourth draft before you.

**Eric Anderson, WGM:** I appreciate Todd working with us and we've had several conversations about the comments, he integrated a lot of them. I have a handful of them here with me. In the existing

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regulations, any structure...rip-rap isn't allowed to protect anything unless the structure was built before the year 2000 and it's in imminent danger. We do a lot of stream restoration; we do bank civilizations and that's something that we frequently design. We find ourselves sometimes backed into a corner by this clause because there is personal property and sometimes even structures that are threatened and really the best design method is to use some rock. What this is doing round-about, this clause and regulation, I think, is to try to make designers use a softer method, use more vegetation, use large wood in the project instead of rock. This doesn't always make sense to do in a bank civilization project, especially on larger rivers like the Clark Fork. It is very risky sometimes to do those soft bank civilizations and honestly it's a big judgement call to determine whether or not a house is in imminent danger. Is it 100 feet or I think it defines it as the 10-year flood, if the rivers gonna get there in the 10-year flood. Of course, that's a really, really hard prediction to make in the first place because that erosion isn't really constant over time, it takes big chunks at a time. So this is something that we would like to see more flexibility on ~ honestly to us, it really doesn't make a lot of sense for these regulations to be regulating this, because the type of bank stabilization is looked at very closely by other regulating agencies such as the Clark Fork Coalition or the Conservation District and the US Fish & Wildlife, which you have to get approval from for a project like this. That's one of our big points.

**Commissioner Curtiss:** That was in your comments, right?

**Eric Anderson:** Correct. I think another comment we'd like to make, or at least hit on, is also another existing issue in the regulations. Basically, if you get a LOMA or a LOMR-F in the floodplain, which is basically due to a map error in the floodplain...well, a LOMA is due to a map error in the floodplain or a LOMR-F, taking yourself out of the floodplain due to a fill.

The floodplain regulations now state that basically they still have some jurisdiction over that piece of property. And the idea, I think and correct me if I'm wrong, is that they want to look at those properties to make sure they have an island and that does make sense. However, there are also incidents where you have floodplain islands that are mapped islands that are on the map that may have structures on them. Where there is basically no jurisdiction of the floodplain jurisdictions. We see these situations basically the same, you LOMA yourself out or you show yourself on a floodplain island, but yet they're treated differently by the floodplain regulations. Now the floodplain regulations are really only looking at emergency exits and erosion issues, in that incident. It seems to us there's a little discrepancy there, how those two incidents are treated. Granted there are probably not a lot of those situations but it seems like we're always the ones that are dealing with it...the odd situations like that. So it's just something that we picked up in our review, that's also in our comments. The third and final one that I wanted to hit on, that we've had several dozen comments on is taking in the shaded zone-x are into the regulatory floodplain is something that should be, we think, considered hard and long. The reason we say that, is although the maps don't differentiate because it's pretty obvious that most of the areas that are shaded zone-x are likely the 500 year floodplain. Todd showed you that the shaded zone-x can mean 500 year floodplain, it can mean shallow flooding areas and levy protected. Those are the main ones. The biggest areas of shaded zone-x are west of Missoula and basically the out skirts of the Clark Fork floodplain. These are generally undeveloped areas and there's a really good chance, I think there's equal chance that they're in or out and actually more chance that they're out because of a 500 year floodplain. The idea is that there could be some errors in the map and some of those areas could be below the 100 year floodplain but, there's also possibility that they're out of the floodplain. So I guess what I'm saying is that there's sort of a burden placed on these properties to prove it to the county and that's expensive honestly. We do that on a regular basis and just having a surveyor come out and shoot elevations on your property is not cheap. You're talking about \$1,000's of dollars depending on the size of the project. It does place some burden on those properties and I think that should be considered very carefully and we go into a little bit more detail in our comments.

I think those are the main things. Todd and Lawrence talked about the attached garage issue, I guess I'll just say that we've had a couple issues come up that involve that. One was a subdivision but is actually in the City, Stoney Brook Subdivision, if that subdivision were to have happen in the county, it would be a completely different subdivision because those lots would have difficulty building those ramps up to the garage. So I think that should just be considered. It is a site problem and we try to do the grading for these sites or we do the grading on these sites on a regular basis. Sometimes the fill can be quite large, of course there's always the option to do a detached garage, but you're talking about two different kinds of structures. I appreciate the opportunity and I hope I summarized the regulations correctly. We look forward to working with Todd to get some of these implemented.

**Commissioner Rowley:** To lower our classification we would have to adopt the entire suite of asterisk items?

**Todd Klietz:** No. In addition to these regulations, to lower our classification regulations, there are other things that need to happen too. The main thing, the number one thing that we can do to lower our classification is really not floodplain related, as much as it is building code regulated. We are limited to being the lowest, which is the best; the lowest that we could possible get would be a class 7. And implementing these regulations and going through the process with CRS will help get us there, along with what we're proposing in the subdivision regulations. All these things ~ the FEMA CRS book is bigger than a phone book for the state of Montana, it's huge! Of all the different things that we can do but the number one thing that we could do, as a county in large, is to put the burden on a different department, it's easy for me to say this, but if our building department would become BCES, Building Code Efficiency Rating System. If they'd agree to do that in the county, like the city has done, then we could go far and lower than a class 7. But right now we're limited, we're at a class A with these regulations implemented we'll be able to get a class 7.

**Commissioner Curtiss:** What does that building code rating require?

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**Todd Klietz:** It's similar to what we do with floodplain regulations, where it requires them to go out and adopt regulations that are more stringent than what the minimums are. The CRS program for floodplain actually came from the fire rating system from years ago, where communities would be able to get cheaper insurance based on having a better fire department and having better fire standards. The same thing holds true for floodplain and for building. We can make our floodplain regulation as strict or as protective as we can, but we're still limited to a class 7 because we're not BCES compliant. The Building Codes Efficiency Rating System hasn't been implemented in Missoula County.

**Commissioner Curtiss:** So it has nothing to do with whether or not they're building or how they're building in the floodplain, it has to do with energy or something?

**Todd Klietz:** Right, everything, everything that has to do with building code.

**Commissioner Curtiss:** Because FEMA thinks it's cheaper to replace a house that's built better than a house that was a shack?

**Todd Klietz:** I think FEMA thinks it's a structure that's built compliantly with the best building codes will suffer less damages that they will have to replace after a flood.

**Commissioner Rowley:** Would those be significant alterations for us to make as a county?

**Todd Klietz:** That's something that has been approached to the building department a couple times by FEMA and by those folks. I think it's a lot of work to do that, just like it would be a significant effort for us to do the CRS program, it would be significant for them to do that. The City has it but, again, they have quite a bit more staff too.

**Commissioner Rowley:** Again, to lower us to a class 7 we would have to adopt all of the asterisk items? Bridesmaid

**Todd Klietz:** We would have to adopt many of those as well as additions to our subdivision regulations.

**Commissioner Rowley:** So if we chose that we didn't like one asterisk item, would that take us out of lowering to a class 7?

**Todd Klietz:** Each one of those things, in addition to what's being proposed in the subdivision regulations, because gives us a certain lowering of classification in a certain point system. So if you take one from here, then we have to take something different someplace else to get to that rate.

**Lawrence Siroky:** You're required by the statute to adopt minimal standards within our State Standards and ARMs. FEMA has a minimum standard if you want to participate in the national flood insurance program. The state law says you can adopt standards that are higher than the minimum then the state has described. There's some regulations, you can't do that, you're restricted by the legislature from doing that but the floodplain regulations you are allowed to adopt stringent standards, that's one point I want to make. The other is FEMA and DNRC are both required to find your regulations that you finally arrive at acceptable. Our review is that it meets the minimums, the State minimums and FEMA does their own determination for the minimums for the national flood insurance. So within your review and approval process make sure that you have a point for us and FEMA that gets approved or accepted.

**Commissioner Curtiss:** So we would adopt and then send it to them to be accepted?

**Lawrence Siroky:** Technically, what we would like to see is to keep us in the loop all along so that when you finally adopt it we know where you're at.

**Commissioner Curtiss:** And we have done that so far, I hope?

**Lawrence Siroky:** Yes. And we have suggested comments, I haven't gone back to see if they've all been accepted. But we'll do one more final review once you've incorporated your comments and suggestions as a result of your hearings. So when you get done with your hearings and done with your revisions and that's about what you're going to adopt make sure that we see it and give our approval before it's formally adopted.

**Todd Klietz:** I was just going to suggest that perhaps when we get to the hearing on the 24th that if the regulations are to be adopted, that they have a caveat in the resolution to say; for final approval from DNRC, would that be acceptable from your end?

**Lawrence Siroky:** If we don't see any changes. If we see changes, we'd have to go through an amendment.

**Chair Carey:** We have a deadline to meet too.

**Lawrence Siroky:** Yes, you have a deadline to meet to stay current with FEMA requirements. The other things we didn't explain that's in the statutes is that if you don't opt it DNRC is the permitting agency.

**Commissioner Rowley:** DNRC has to adopt it as well by July 6th?

**Lawrence Siroky:** No, you don't adopt your own regulations; DNRC is the one that is actually the permitting agency, rather than the county.

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**Commissioner Rowley:** Right. I'm just wondering for our approval process. Only we have to approve it by July 6th and then refer it to you?

**Todd Klietz:** It has to be approved by FEMA by July 6th. And for the record, Lawrence and DNRC have been very communitive with us quite regularly. FEMA has been included in all those conversations but they have made zero comments to us on our proposed regulations.

**Commissioner Curtiss:** So draft 4 though has been sent to DNRC and to FEMA?

**Todd Klietz:** Yes.

**Lawrence Siroky:** Yes, I think I saw that this morning of yesterday afternoon.

**Commissioner Curtiss:** So this will be on our agenda for the 24th for adoption.

**Public Comment**

**Chris Brick, Clark Fork Coalition:** We'll have longer comments on the 24th but it just occurred to me right now that I'd like to support the shaded x revision to the floodplain regulation. What really caught my ear was Todd's statement that 30% of the claims in Missoula County have come from shaded x areas. Was that right?

**Todd Klietz:** Nationally it's 30%.

**Chris Brick:** Nationally it's 30%, okay sorry. And those are some of the cheapest rates even though we've had floodplain insurance reform through the --- waters act of 2013. Still a lot of floodplain insurance is subsidies and ultimately it's the tax payer who ends up paying. So even though there may be some initially burden to the land owner as Mr. Anderson was talking about ~ it's either them or the tax payers, I think there is some personal responsibility to wanting to build in a flood plain area. So including the shaded x in the floodplain regulations I think recognizes that.

**8. OTHER BUSINESS:** None.

**9. RECESS**

Being no further business to come before the Board, the Commissioners are in recess at 3:03 pm.

Tax Abatement Request – At meeting with Clerk & Recorder, BCC approved following letter dated June 10, 2015:

- Approving request from John M. Bennett, Missoula, to refund registration fees paid for VIN 2FFPA16B000058331, due to timeliness of request. The exception placed on the vehicle record will remain in place.

**THURSDAY, JUNE 11, 2015**

BCC met in regular session; all three present. Noon: JC attended emergency detention meeting, held at Grants Office.

ADMINISTRATIVE MEETING

Task Order – BC signed. #16-07-5-01-076-0 to contract between MCCHD and MT DPHHS for period July 1, 2012-June 30, 2019 (Healthy MT Families Project). Task Order is in amount of \$85,100.50 for Nurse-Family Partnership of MT Home Visiting Services to administer the Project. Term/July 1, 2015-June 30, 2016. Original to Kate Siegrist/Health Dept. for further signatures and handling.

Task Order – BC signed. #16-07-5-01-105-0 to contract between MCCHD and MT DPHHS for period July 1, 2012-June 30, 2019 (Maternal, Infant and Early Childhood Home Visiting). Task Order is in amount of \$158,271.30 in conjunction with SafeCare Augmented Home Visiting Program. Term/July 1, 2015-June 30, 2016. Original to Vicki Dundas/Health Dept. for further signatures and handling.

Task Order – BC signed. #16-07-5-01-032-0 to contract between MCCHD and MT DPHHS for period July 1, 2012-June 30, 2019 (Maternal and Child Health Block Grant Program). Task Order is in amount of \$120,101 to deliver maternal/child health home visiting services. Term/July 1, 2015-June 30, 2016. Original to Vicki Dundas/Health Dept. for further signatures and handling.

Certificate of Compliance – BC signed, dated June 11, 2015. For the County-sponsored Sawpit and Ninemile Creek Mine Reclamation Project, stating project is in full compliance with all covenants/conditions set forth in grant agreement #RIT-14-8763 between County, Trout Unlimited and MT DNRC. Grant amount/\$300,000. Project term/ 2013-2015. Original to Kali Becher/CAPS.

Board Appointments – BCC made the following board appointments:

- 1) Aging Services Governing Board - Re-appointed Larry Riley and Karl Jones to new 3-year terms; and appointed Keith Anderson and Larry White as new members for 3-year terms (July 1, 2015-June 30, 2018). All will serve terms as Regular Members.
- 2) Parks and Trails Advisory Committee - Re-appointed Anne Rupkalvis as Regular Member and Sue Stanley as 2<sup>nd</sup> Alternate to new 3-year terms (July 1, 2015-June 30, 2018).

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Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated June 11, 2015. Amount/\$21,349.16. To County Auditor.

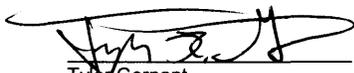
Additional discussion item(s): "Dogtown" easements. Petition.

**FRIDAY, JUNE 12, 2015**

BCC met in regular session; all three present.

Indemnity Bond – BC signed. Greenfield Mobile Court, Missoula, Principal for Sheriff/Civil Process Warrant #20337 (or 63020337), issued March 2, 2011 on County Sheriff's Civil fund. Amount/\$2,490.54 (for garnishment from MT Rail Link re: Greenfield Mobile Court s Allen & Dana Baese). Warrant lost.

Replacement Warrant - BC signed. Shelby Midboe, Missoula, Principal for Target Range School Warrant #15055571, issued July 31, 2014 on County claims fund. Amount/\$60.00 (for testing materials). Warrant not received in mail.



Tyler Gernant  
Clerk & Recorder



Nicole "Cola" Rowley, Commissioner  
BCC

**MONDAY, JUNE 15, 2015**

BCC met in regular session; quorum present. Most of day: CR attended Halvorson Deposition, held at Jeffries Court Reporting. Morning: JC participated in site visit with Steve Smith to Homestead Estates. Early afternoon: BC attended Regional Juvenile Detention Meeting, held at Detention Center.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Chilly James Restoration Project (*info*); 4) Director's update.

**TUESDAY, JUNE 16, 2015**

BCC met in regular session; all three present.

ADMINISTRATIVE MEETING

Grant Authorization – BCC signed authorization form, dated June 16, 2015 for Public Work's application for a watershed study grant through DNRC in the amount of \$50,000 to address flooding concerns in the Orchard Homes area (Clark Fork River Flood Project). Original to Greg Robertson for further handling.

Interlocal Agreement – BCC signed, dated June 16, 2015. Between County and Montana Tax Appeal Board ("TAB") to cooperate in the employment of a secretary to the TAB. Secretary transfers from State to County status (in the non-union pay plan). Salary/\$13.26 per hr. Term begins July 6, 2015 (with no end date). Recorded PDF to Chris Lounsbury/COO.

Letter – BCC signed, dated June 16, 2015. To DPHHS, Helena, in support of Medicaid funding for all credentialed peer programs across the state, in particular Peer Recovery Coaching Program, through "Winds of Change MHC" and "Consumer Direct". Funding would allow supporting consumers to stay in their community and out of higher levels of care.

Additional discussion item(s): Review of recently held ad hoc boards/commission meetings BCC attended.

**WEDNESDAY, JUNE 17, 2015**

BCC met in regular session; all three present. Morning: CR spoke at a Missoula Senior Forum, held at the Country Club.

ADMINISTRATIVE MEETING

Task Order – BC signed. #16-07-5-21-085-0 to contract between MCCHD and MT DPHHS for period July 1, 2012-June 30, 2019 (Missoula County WIC Program). Task Order is in amount of \$1,850 to administer the WIC Farmers Market Nutrition Program in SFY2016. Term/July 1, 2015-June 30, 2016. Original to Kate Devino/Health Dept. for further signatures and handling.

Resolution No. 2015-067 – BCC signed, dated June 17, 2015. Budget Amendment for Public Works showing revenue adjustments of \$151,110 (MAACI Reimbursement for EQ) and \$441,460 (from Forest Reserve Act) and expenditures in amount of \$285,970 for rent, construction machinery/equipment, vehicle repairs, welding supplies, interest, and clothing. For total disclosure, expenditures included in formal 2015 Operating Budget/Revenue Estimates for County. Recorded PDF to Amy Rose/Public Works.

Resolution No. 2015-068 – BCC signed, dated June 23, 2015. Authorizing submittal of an application to MT DOC for a Big Sky Trust Fund (BSTF) Grant on behalf of Columbia Pacific Finance, LLC. Recorded PDF to Kelly Yarns/BREDD.

Request – BCC approved, BC/CR signed; dated June 17, 2015. MT DOC Big Sky Economic Development Trust Fund (BSTF) Request for Payment Form for FilmSpur BSTF Job Creation Grant Contract #MT-BSTF-1-15-02. Amount requested/\$7,500; grant balance/\$90,000. Grant awarded August 20, 2014; project end/August 20, 2016. Original to Kelly Yarns/BREDD for further handling.

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Grant Award Agreement – BC signed. Between County and University of Utah's David Eccles School of Business and its Policy Innovation Lab, Salt Lake City to explore innovative funding for outcomes to reduce jail overcrowding at County's Detention Center (*Pay for Success* Project). Term/April 1, 2015-March 31, 2016. Amount/not to exceed \$80,109. Original to UofU for signatures; returned/recorded in July.

Contract Amendment – BC signed. To contract #15-07-3-01-010-0 between County (PHC) and MT DPHHS for period July 1, 2014-September 30, 2015 (MT Cancer Control Program). Contract increased by \$15,000 to offset unanticipated patient navigation work, etc. New contract amount/\$50,000 (for term defined above). Original to Andrea Laine/PHC for further handling.

Additional discussion item(s): Attendance at Community Council meetings in July.

**NO PUBLIC MEETING HELD THIS DATE**

**THURSDAY, JUNE 18, 2015**

BCC met in regular session; all three present. Afternoon: BC attended meeting of Urban Growth Commission, held at City Council Chambers.

ADMINISTRATIVE MEETING

Request – BCC approved Open Land Committee's recommendation to award 2015 Missoula County Land Stewardship Award to Chuck and Mary Erickson of Bonner. Original to Kali Becher/CAPS.

Contract – BCC signed. Between County (PHC) and UofM Biomedical/Pharmaceutical Sciences Employee Dr. John Miller to purchase .30 FTE for professional services. Amount/\$70,891. Term/July 1, 2015-June 30, 2016. Three originals to Andrea Laine/PHC for further handling.

Additional discussion item(s): 1) Jail Diversion Project (Pete Snyder/Providence/St. Patrick Hospital in attendance); 2) BCC attendance at community council meetings in July 2015.

**FRIDAY, JUNE 19, 2015**

BCC met in regular session; quorum present. Morning: BCC met with Linda Stoll for a Legislative Wrap-up discussion. JC out most of day at Mental Health/CDC meeting.



Tyler Gernant  
Clerk & Recorder



Nicole "Cola" Rowley, Commissioner  
BCC

**MONDAY, JUNE 22, 2015**

BCC met in regular session; all three present. Morning: JC attended *Let's Move! Missoula* Leadership Team meeting, held at Currents.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Invermere Subdivision Phasing Plan Extension (*info*); 4) O'Keefe Ranch Estates Subdivision Phasing Extension (*info*); 5) Floodplain Regs update; 6) Subdivision Regs Rewrite update; 7) Director's update.

Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated June 16, 2015. Amount/\$27,274.02. To County Auditor.

**TUESDAY, JUNE 23, 2015**

BCC met in regular session; quorum present. JC out of office most of day for family health issue.

Indemnity Bond – BC signed. John Vincent Swan, Missoula, Principal for Sheriff/Detention Warrant #60041479, issued May 13, 2015 on County Inmate Commissary Fund. Amount \$216.70 (for account balance on release). Warrant lost.

Indemnity Bond – BC signed. Julie Evans, Missoula, Principal for Frenchtown School Dist. #40 Warrant #26079977, issued June 10, 2015 on County Payroll (186) fund. Amount \$304.30 (for vacation buy out). Warrant lost.

ADMINISTRATIVE MEETING

Standard Research Agreement – BCC signed. Between County (Weed District) and Montana State University (Jeffrey Mosley/MSU Animal & Ranger Sciences Dept.) to research/ answer question "Can targeted cattle grazing and bio-control insects work together to suppress spotted knapweed? Amount/\$9,997 from Weed District; \$28,723 from MT Noxious Weed Trust Fund grant. Term/June 1, 2015– June 30, 2017. Originals to C&R/MSU.

Letter – -BCC signed, dated June 24, 2015 to Nick Kaufman/WGM Group, Missoula, approving the Invermere Subdivision Phasing Plan Amendment. Extended are final plat approval expiration dates for: Phase 2A to August 4, 2020; and Phase 3A to August 4, 2022;

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Letter -- BCC signed, dated June 24, 2015 to Nick Kaufman/WGM Group, Missoula, approving the O'Keefe Ranch Estates Subdivision Phasing Plan Amendment. Extended are final plat approval expiration dates for: Phase 1 to October 19, 2020; Phase 2 to October 19, 2022; Phase 3 to October 19, 2024; Phase 4 to October 19, 2026; Phase 5 to October 19, 2028; Phase 6 to October 19, 2030; Phase 7 to October 19, 2031; Phase 8 to October 19, 2031; and Phase 9 to October 19, 2031.

Confidentiality and Non-Disclosure Agreement -- BCC signed. Between County and Columbia Pacific Finance to protect information needed for County's applications for the BSTF Job Creation grant funds on their behalf Agreement provides notification if request is made and gives company 10 days to take action necessary to protect documents or info from disclosure. Recorded PDF and signed original to BREDD.

Resolution No. 2015-069 -- BCC signed, dated June 23, 2015. Stating fire danger in Missoula County has been increasing and was rated at very high as of this date, and declaring an emergency exists. Recorded PDF/signed original to Adriane Beck/OEM.

Additional discussion item(s): 1) Grievance response; 2) Review of recently held ad hoc boards/commissions meetings which BCC attend.

**WEDNESDAY, JUNE 24, 2015**

BCC met in regular session; all three present. Late afternoon: JC attended meeting of Resource Advisory Council, held in Admin. Building Room B14. CR attended meeting of MOR/MBIA/CAPS, held at CAPS Office.

ADMINISTRATIVE MEETING

County Payroll Transmittal Sheet -- BCC signed. Pay Period: 12/CY2015 - Pay Date/June 12, 2015. Total Payroll/\$1,498,550.93. To County Auditor.

Letter -- BCC signed, dated June 24, 2015. To Dave Kendall, Chair, Missoula County Democratic Party, stating that Commissioner Bill Carey has notified Tyler Gernant, County Clerk & Recorder, that he will resign effective September 17, 2015. Commissioner Carey's term expires at the end of 2016. Per MCA, the remaining commissioners will fill the vacancy, and the appointee will hold office until the next general election. The Democratic Party is to submit three names for BCC's consideration by August 3, 2015. The BCC will hold public forums prior to their making an appointment.

Memo -- BCC signed, dated June 26, 2015. To Heather Diehl, Field Consultant, MEA-MFT, denying the advancement to Level 3 of a grievance with a county employee/FMCE because contract language is clear re: termination of a probationary employee. Original to Patty Baumgart/HR for further handling.

Additional discussion item(s): Road items.

PUBLIC MEETING -- June 24, 2015

**1. CALL TO ORDER**

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

**Staff Present:** Steve Smith, Public Works Surveyor, John Hart, Attorneys Office, Adriane Beck, OEM, Todd Kliez, CAPS, Tim Worley, CAPS

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC ANNOUNCEMENTS**

Proclamation: ADA 25<sup>th</sup> Anniversary  
Commissioner Rowley read the Proclamation.

**Chris Clasby from Summit Independent Living:** Thank you for reading the Proclamation today. We will have a celebration July 4<sup>th</sup> at Caras Park, 10:00-2:00.

**Commissioner Curtiss:** Robin, would you please send the Proclamation to Matt at the Historical Museum? They have a July 4<sup>th</sup> celebration and may want to acknowledge this.

**Robin Moore:** Yes.

**4. PUBLIC COMMENT**

None

**5. CURRENT CLAIMS LIST**

**\$3,272,095.99** (June 10, 2015 -- June 24, 2015)

**6. HEARING AND DECISION (from 6/10/15)**

**Petition to Abandon or Alter a Public Road (Homestead Estates, Lot 4)**

**Commissioner Curtiss:** We have a viewer's report; Steve Smith and I were the viewers

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**Steve Smith:** Yes, last week Commissioner Curtiss and I were the appointed viewers to go on site. We were met by a representative of the petitioner's, Laurie Page, we did a site view and discussed some issues. I prepared a report for you to consider the abandonment. We made a comment that we recommend granting the abandonment as petitioned by the petitioners.

**Commissioner Curtiss:** As you know when we had this hearing a couple weeks ago, when we opened the hearing, there was some discussion about sometimes these old GLO roads often meandered through the countryside from homestead to homestead, or wherever it was easiest to get along before the days of structured roads. Therefore, when the Clerk & Records Office reviewed the petition to abandon this portion of the right-of-way there was question about whether or not all of the effective land owners have been notified because as I said, it wanders around. The majority of the road is on forest service land, some of it used to be Plum Creek land until the legacy project transferred it over. This morning in our Administrative Meeting with discussed this with the Deputy County Attorneys about what does this really mean because the law talks about who the land owners are and whose effected. I think that I'm comfortable in saying that the Commissioners have declared that the petition does address the concerns about whether or not the effected land owners were notified. The benefit is the access to the property and to this portion of the road, which is about 400 feet cutting through the corner of this private property. In this case, the effected folks, if we use that, would be the petitioner and the forest service. Any of the other effected folks would be a couple miles, at least, down the road to the SE and they have lots of access from that way, and it won't affect their access to the forest service land, this access is actually better from that end. I think that we can do two (2) things; one is to declare that the petition is adequate, is sufficient. The second would be to say, that in this case, the benefit is the access and the petitioners and forest service are the only effective parties. If we agree with that and adopt the road viewers report, there will be a Resolution that could outline those two (2) discussion points so that it's clear. Seeing how the road was, how the road is used now, I'm comfortable with the fact that we are not cutting off any of the publics access to forest service land by abandoning this small portion that really doesn't cumber this property unfairly because the property has also been encumbered having to place all its building in a building envelope and this happens to be where that is. If you're on site, you can see that the building envelope makes sense because it too protects the resources in the area, which are wetlands and such.

If that's the way we want to go, we could have a new request for Commissioners Action that reflects clearing the petition adequate but then based on the onsite visit. We have Attorneys in the room, I don't know if we need to, I guess we can make our decision on the Road Viewers Report and then address the Commissioners Action and then the meeting maybe, so that it reflects things properly?

**John Hart:** Yes. I think just in discussing this, this morning, perhaps you don't have to do another request for Commissioner Action, you can incorporate it all into the Resolution. Declare that you found the petition to be adequate and you address the other statutory requirements for abandonment here. Including all of the things that you mentioned Commissioner Curtiss, that there is adequate access, substantially similar access for the public to reach this forest service land and then all of the effected land owners, as best as we can determine who those effected land owners are and they have been given notice and consent to the action.

**Commissioner Curtiss:** How detailed does our motion need to be?

**John Hart:** I think you can move to make the recommendation of the viewers report.

**Public Comment**  
None

**Commissioner Curtiss:** I think Shyra probably brought us the right recommendation for us to consider, based on the fact that the law is a little bit vague on that portion. I think we just need to look at things on the ground and decide whether or not we believe that the abandonment, that's part of the reason we have to do the in-person viewing, gave people enough of the right information.

**Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners accept the Road Viewers Report for the petition to abandon this portion of the GLO Road to Lion Creek Road as request based on the discussion and the Resolution will reflect the items we talked about. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

**7. RESOLUTION**

**Title III Fuel Mitigation Requests**

**Adriane Beck:** On May 5<sup>th</sup> a proposal was brought before the County Commissioners to allocate our share of Title III money for fuel mitigation, consistent with Title III Regulations. That recommendation needed to be out for 45 days for public comment. So public comment started on May 5<sup>th</sup>, we ran two ads in the Missoulian and received no public comment on the proposal to allocate funds to Missoula Rural Fire District in the amount of \$26,800.00, Frenchtown Rural Fire District \$37,000, Greenough Potomac Fire and the Blackfoot Challenge \$8,700, Clearwater Resource Council \$13,300, Clinton Rural Fire \$8,700.

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**Commissioner Curtiss:** All of these will be used to help private land owners for fuel mitigation, correct?

**Adriane Beck:** Yes. Thank you Commissioner Curtiss. The proposal is for these local fire districts and land management agencies to utilize these funding mechanisms to promote fire wise communities and do fuel mitigation on private properties.

**Public Comment**

None

**Commissioner Curtiss:** I would speak in favor of adopting this Resolution. This is what Missoula County has been doing for a few years and I think it's been a successful model to help land owners do some of this fuel mitigation. I think in about two weeks we'll...we're way ahead of ourselves even now on where we are with fire danger. So the more we can do to help folks protect their own property, which protects public property too is always good.

**Executive Session**

Commissioner Curtiss made motion that the Board of County Commissioners adopt a Resolution to allocate the Title III Fund Mitigation Funds as proposed. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

**8. HEARING**

**Subdivision Regulations REWRITE - Article 5: Procedures for Subdivision Review, Variance and Appeals**

Tim Worley gave update and PPT Presentation.

I want to talk about how the article fits into the big picture and how article 5 its self is important. The effective date that we're proposing for these changes is July 1st, which you'll see on you proposed Resolution in your packet.

I want to go over a little bit of history with article 5, which hopefully along with infrastructure was launched last summer. We went public with some drafts in late August. Those two projects took on different lives at that point where Article 5 went back for a review at the county attorney's office. We got some really good comment from the county attorney's office that we incorporated into the clean draft that you see today.

Why is article 5 important within the larger subdivision regulations? Article 5 chronicles the live of subdivision and chronic to ... It offers opportunity for the public to review and comment on subdivisions and it really dictates how a subdivision navigates through reviews for completeness. It includes the criteria used by both the Planning Board and the County Commissioners to review subdivisions. It contains regulations for noticing and – with state law. And it dictates how and why subdivision approvals can be extended. Article 5 also includes the variance standards. And it includes a brand new section that we're proposing, that's on Administrative Appeals to the Board of County Commissioners.

So what all is included in Article 5 – is what we talked about; minor and major subdivisions and how those are processed per application meetings, neighborhood meetings, reviews for completeness including efficiency review and element review, agency reviews and then public notice is also included. Extensions and phasing plans are included in Article 5, as well as what to do when new information about a subdivision or relevant to a subdivision is introduced in the middle of a process, as well as when an application is omitted after being deemed sufficient for governing body review. As I mentioned before variances are also addressed in Article 5, as well as a brand new section near the end of the chapter, appeals of administrative decisions.

I'd like to talk about Article 5 in terms of what's remaining the same with this chapter versus what is changing since this since so many pieces – come straight out of state law, I'd like to highlight the changes more than anything else. With minor and major subdivisions, obviously we're taking those straight out of state law but we feel that we really – come up with a review procedure, sort of, in 14 or 15 steps that really steers the development community along the path that they need to go as far as giving them an idea what to expect in their review procedures. We have a similar step by step process outlined for major subdivisions, nothings essentially changed in these steps, we're just putting them right up front in the regs so people know what path they're going to travel. So with pre-application you have a state mandated meeting between staff and the development community before an application is submitted. What we're adding to this process is the requirement for an electronic submittal. This allows for the electronic information to be disseminated to different agencies as early as possible, with staff being required to reconcile potentially conflicting comments between agencies.

I'm calling it an electronic submittal but it's more when we compile their material against our material, we'll make sure things are in electronic form so it can be sent to Fish, Wildlife & Parks, Public Works and the Health Department.

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Public agency review is something that has gone on for some time; again we're encouraging electronic submittals, which is something we've done for 3 or 4 years. It allows staff to assemble comments electronically, essentially saving from sending it through the US Mail, which costs money. It allows staff to comment electronically and the regs actually require the posting of the comments from different agencies on a website. So the regs as drafted encourage staff to assemble the comments on a website and work to potentially resolve potentially conflicting comments.

This is the basic review criteria out of state law and they're contained with Article 5 and summarized. Our consultant team felt we should probably simplify these criteria further and maybe go back a little bit closer to how they appear in the subdivision and platting act, where you're required to look at impacts of the subdivision on agriculture, agriculture water use on facilities, local services, the natural environment, wildlife, wildlife habitat and public health and safety.

You'll notice in Article 5 per our recommendation, we're really slimming down the reference to the state recommendation criteria. Planning Board asked; are we losing anything essential by doing that? We are slimming down the criteria significantly. Our answer to that is; we feel Article 5 is really about procedures and that review criteria bellows elsewhere within the regulations. We also feel that criteria summaries could create the impression of being wholly inclusive. However, we feel, this is something Planning Board brought up is that if you want to recapture those concepts but maybe not in the regulations themselves, maybe do it in an appendix. That's one thing I put together for the Commissioners consideration; it's part of your short stack, review criteria consideration is what I entitled it. Really I took the state review criteria.

#### **Executive Session**

Commissioner Rowley made motion that the Board of County Commissioners adopt the attachment 1 as amended by staff. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.

Commissioner Rowley made motion that the Board of County Commissioners approve the preliminary plat deadline 5.7.16.1. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.

Commissioner Rowley made motion that the Board of County Commissioners amend 5.7.7 page 11, so that it includes reviewing agencies and interested parties. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.

Commissioner Rowley made motion that the Board of County Commissioners alter the title to include preliminary plats. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.

Commissioner Curtiss made motion that the Board of County Commissioners amend 5.7.7.2 the last sentence to read (in auditable) associations to include community councils (in auditable) posted new comments to reflect other comments they have submitted. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

Commissioner Curtiss made motion that the Board of County Commissioners include the memo received today as a new appendix. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

Commissioner Rowley made motion that the Board of County Commissioners approve the Resolution to amend the Missoula County Subdivision Regulations be adopted as amended by the Missoula Consolidated Planning Board and the Board of County Commissioners. Commissioner Curtiss second the motion. The motion carried a vote of 3-0.

## **9. HEARING**

### **Amended Floodplain Regulations**

Todd Klietz gave update with PPT Presentation.  
Link to Presentation ~ [Floodplain Regulations PPT.pdf](#)

**Todd Klietz:** There is no definition of garage in state statute for floodplain or state administrative rule for floodplain.

**Commissioner Curtiss:** Is there in FEMAs?

**Todd Klietz:** There is but again garages can be well below ...they don't have to be at the 2 feet above.

**Commissioner Rowley:** Where are they getting that the garage has to be 2 feet above?

**Todd Klietz:** I think it would be best to refer that to the State, Stacy is prepared to address that.

**Commissioner Curtiss:** So, should we have a definition of a garage? To clarify that is not a place for people to live?

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**Todd Klietz:** Whenever we issue a floodplain permit for a building permit, typically we'll have disclaimers that go right on the permits and sometimes written on the place saying that those structures cannot be converted to that. But it's not just the conversion to living areas its other things that the state has concerns with.

**Stacy Sears, State of Montana:** We spent quite a bit of time on this issue when we were working on the model ordinance. Where we really looked at this definition of how does this apply to an attached garage, a residential structure. We went back to the administrative rules that support MCAs. Essentially, the Administrative rule was very clear that prior to 2009 you had to use fill for the residential structure and that fill had to extend 15 feet out from the structure. It never distinguished a portion of the structure, it never said 15 feet out except for an attached garage. It goes back to the whole essence of this program and that's to reduce risk and so we went over it and back and forth on this information, in 2009 it's was great, it's a wonderful proposal to have an alternative to just using fill, but it did come back to the intent back from when from the ARMS was supporting the MCAs and it was pretty clear there was not a distinction on residential structures, on a portion of a residential structure, whether it be an attached garage or if they were going to do additions. All that had to be elevated based on fill and we believed that carried forward even with the additional change of allowing stem well construction as well.

**Commissioner Rowley:** That's having the legal assumption that residential structure includes a garage?

**Stacey Sears:** Attached garage, correct.

**Commissioner Rowley:** Do we have a legal opinion on that?

**John Hart:** I don't.

**Commissioner Curtiss:** So I guess my question though is – it doesn't apply if it's a detached garage?

**Stacy Sears:** Correct.

**Commissioner Curtiss:** Those are both in the State ARMS/Administrative Rules?

**Stacy Sears:** Well, detached garages are listed as accessory structures. So the only reference on attached garage would be as a whole component of the residential structure.

**Commissioner Rowley:** Is there a definition of a residential structure in the ARMS that includes attached garages?

**Stacy Sears:** They do not address garages at all, attached to the structure.

**Public Comment**  
None

**Commissioner Curtiss:** Seems to me we have the three issues that have been pointed out so far; the garage, attached/detached. Do we have structures or accessory buildings defined? Even if we threw garages out, can people still do that stem wall fill? I just think it would be best not to have water flowing through that garage while the house is sitting there.

**Todd Klietz:** There are a couple structures built like this in Missoula.

**Commissioner Curtiss:** With the vented garages?

**Todd Klietz:** Not on an attached home, as of yet. We have them on detached garages and detached shops, where instead of bringing in the fill, they just build it at grade and put the flood venting in. During the floods in 2011, down on Tower Street, there's a detached garage that has garage vents like this and during the flood, the flood waters go in and out so it doesn't provide a substantial blockage of the flood waters, nor does it cause the structure to suffer significant damage because there's no pressure on the walls because the water just flows through.

**Commissioner Curtiss:** So are there any studies on what the water damage can be with mildew and that kind of thing? Now you have a house sitting on a (inaudible).

**Todd Klietz:** Sure. In order to build a garage like this, the stem walls would continue two feet up, the concrete walls would be the same height as the wall that faces the house and there wouldn't be anything installed underneath that two (2) foot area that would be damage to reflect. It's just solid concrete that would be there.

**Commissioner Rowley:** So you don't foresee any structural issues or anything to a building like this that would cause a deterrent to the structure?

**Todd Klietz:** Again, that's where it goes back to these construction types that FEMA has studied all these years they've had insurance, since 1968. FEMA doesn't have – that you have to construct your house any particular way, they don't mandate a specific construction style. Like the State of Montana, specifically mandated fill, but FEMA doesn't do that. Throughout the county what they were able to do was to go back and look at the significant flood events and see the homes that had the damage, see the homes that were built with floodplain permits that met the minimum standards, that had damage and ones that were built with permits in a different style and compare the two. What they determined was that through all these flood events was that filling on fill was a good method, it's not the same as

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what we've been building for the last 40 years, it's not incredibly bad, but it's not the safest one out there. And that's how the legislature agreed to say that we shouldn't be mandating that anymore, we should not mandate that they build to a lesser standard.

**Commissioner Curtiss:** I guess my problem is how...trying to figure out...we have to meet FEMA and we have to meet State floodplain, but we don't have to meet ARMS?

**Todd Klietz:** I think that just depends on the county's willingness to pursue its goals. I think there are differences of opinion of what's being required at the State level and when it doesn't specifically have the word 'garage' in state law or state ARM requiring it to be constructed a certain way. With the goal of floodplain management to allow structures to be build, it also minimizes the effect of floodplain construction on others this requirement to have garage slabs 2 feet above.

**Commissioner Curtiss:** But they're only doing it for attached?

**Todd Klietz:** Correct.

**Commissioner Rowley:** So I guess it's just based on their interpretation of a residential structure includes an attached garage and that's not specified, so they're playing on the side that if it's omitted, it's included. Where we could have the interpretation, if it's omitted, it's not included. I guess the question that arises from that is if we decide that we think residential structure omitting garages, does not include garages, are we going to be sued by the state for adopting regs that they disagree with the interpretation?

**Todd Klietz:** We wouldn't be sued by the state. The state has the potential to formally deny our regulations. They do have ultimate authority on that and I think if that happen, if the commission was so inclined, we're John would have to give his two-bit on the garage situation.

**Larry Shack, State Civil Engineer:** This can be a little confusing but when we go back to what Tracy was saying. (Looking at slides) If we go back to this same structure, except there was a garage underneath it and we were elevating on fill, that fill would have to extend 15 feet around all sides. Larry continued through the slides explaining the various structures with attached garages. FEMAs minimum standards are not the state minimum standards. FEMAs minimum standards would allow you to build a house at the base flood elevation; it would allow a developer within the floodplain to raise that base flood elevation by a foot. The state doesn't like that idea, from a safety stand point. That's why the state says you have to elevate two foot above the base flood elevation. FEMAs definition that Todd is showing you doesn't take into account that extra two foot the state has. The portion of the interpretation that is out there is what effect does our two foot of elevation for freeboard and safety have on FEMAs definition? We're not trying to change FEMAs definition but we have that two foot of higher standard.

**Commissioner Rowley:** So I suppose the real question is; is there a point to have this argument because ultimately if we adopt a regulation a certain way, you could just reject it. So would you reject if we choose not to go with the interpretation, would our regulations be rejected?

**Larry Shack:** I can't speak to that; I'm just a field engineer. But I guess my point is once you attach something to part of the residence, it's part of the residence.

**Stacy Sears:** FEMA right now is trying to gather as much information as possible, especially with what happen with hurricane Sandy, to start figuring out what are the costs with different types of construction. So we can only pull from the experiences that we have seen and Louisiana and other areas where they are requiring elevation contrary to what people think, those structures are being completely elevated. Even though FEMAs regulations allow it to be built to PFE, we are seeing higher standards because they will see these areas that are attached to their entire units; their structure does suffer damage after time and time again in certain areas.

**Commissioner Rowley:** Any data and/or letters of fact would certainly be appreciated in making our decision.

**Stacy Sears:** I certainly understand that and I appreciate Larry getting up here discussing this issue. Right now we're talking regulations, there's a whole other component to FEMA with insurance. Most of the time regulations and insurance don't match up. We have seen structures here in Montana for whatever reason, the community...we have one community that just followed the FEMA regulations against the state; they have since come back into compliance. But it was a long time ago, they have since allowed structures to be built and they did a similar situation where an attached garage was lower than the actual living floor. Two years ago they got hit with insurance in the tune of about \$3,000-\$4,000, that's before all this other insurance that's increasing now. So you have to be very, very careful too when you're talking about anything attached to that residential structure. If it's below and the flood elevations are not correct, it will have potential impact on those homeowners and insurance, that's not something we talk about because we deal with regulations but, they go hand in hand. But really, when we're looking at these attached garages and you ask the question, could we at the state not approve the ordinance, this would be something that we would flag - we wouldn't move forward until this has been addressed legally and in the situation that you're in right now, your maps are going effective July 6<sup>th</sup>. If this discussion started a year ago, that might've given more time, now it puts us in a very particular situation.

**Commissioner Rowley:** And I'm certainly interested in the safety of our citizens. I just want to have the most reasonable design standards that we can and balancing that with insurance.

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**Commissioner Curtiss:** Tracey, the insurance is only for the house, so when the insurance agent is writing a policy they have to waive the effect of what that garage means to that house. But the garage portion isn't insured, right?

**Tracy Sears:** Well no, the garage portion is, it's part of that residential unit.

**Commissioner Curtiss:** Because it's part of the house?

**Stacy Sears:** Correct. Detached garages can be insured but when they are looking at a residential unit, they will look at a detached garage. And as Larry mentioned, they will also look at that deck because that is now considered part of that residential structure, as well.

**Commissioner Rowley:** Are there any other issues that DNRC would have with any of our thoughts about changes on this, like the water right thing? Is there a certain way that's not going to pass the state? It's kind of controversial as well.

**Stacy Sears:** This is a difficult one too. With the proposed changes that Todd mentioned earlier, sealing out a water rights permit, the regulation that this is attached to is a federal regulation. We couldn't make that decision at the state; all regulations have to be approved by FEMA. If you add in that exclusion to the water right you could get in a situation where now that particular portion of your regulation have to be sent to FEMA headquarters and they would have to make that determination that they would agree to move forward with it or not.

**Commissioner Rowley:** So we really don't have a choice on that on either?

**Stacy Sears:** Not with the time frame that you have.

**Todd Klietz:** If we exclude water rights from being something that we review...right now it's in the current 2004 floodplain regulations that are currently in effect that we check in the water rights. DNRC initially said take that out, so if we take that out then it leaves the county in a little bit of a limbo as to already review these or are we not because by Federal law we're supposed to all other permits are supposed to be reviewed and approved prior to floodplain permits being issued. So, on the one hand if DNRC is requiring us to take it out, then at the county level we don't want to take that liability on for saying, okay DNRC is making us not review water rights so fine, we're not going to review water rights but we say up front in our regulations that we don't review them. DNRC is saying – then that will have to go through FEMA review because technically we are supposed to reviewing all other permits before we issue floodplain permits. So I think what you just said a few moments ago, we should leave it in, that's correct, that's what Stacy was saying.

**Commissioner Rowley:** So put it back in?

**Todd Klietz:** Yes, put it back in as it is in the 2004 regs.

**Public Comment**  
None

#### Executive Session

##### Motion #1:

Commissioner Curtiss made motion that the Board of County Commissioners amend the floodplain regulations on page 10, section B to add a new number for the effects on water rights. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

##### Motion #2:

Commissioner Curtiss made motion that the Board of County Commissioners amend page 23, #7 to add at the beginning of the sentence detached garages. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

##### Motion #3:

Commissioner Curtiss made motion that the Board of County Commissioners adopt the Missoula County Floodplain Resolution as amended. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

#### 10. OTHER BUSINESS

None

#### 11. RECESS

Being no further business to come before the Board, the County Commissioners are in recess at 2:20.

Following Public Meeting - BCC signed following resolutions, dated June 24, 2015:

- 1) Resolution No. 2015-070 – Amending effective floodplain regulations for floodplains within Missoula County in accordance with Section 76-5-201(3) and Section 76-5-301 in part, MCA. Amended are: a) reinsert "The effect of the project on water rights;" into section 4.01D; and b) Add "Detached garages" to the beginning of 5.03(B)7.
- 2) Resolution No. 2015-071 – Approving/authorizing use of \$94,500 in Title III Funds for use in reimbursing local fire service agencies for Firewise Communities Program projects to assist homeowners with mitigation for protection from wildfires, distributed as follows: a) Missoula RFD (\$26,800); b) Frenchtown RFD (\$37,000); c) Greenough-Potomac Fire/Blackfoot Challenge (\$8,700);

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d) Clearwater Resource Council (\$13,300); and e) Clinton RFD (\$8,700). Funds must be used by September 30, 2015.

3) Resolution No. 2015-075 – Adopting amendments to the subdivision regulations as recommended by the Planning Board, effective July 1, 2015 (per Exhibit A).

Public Hearings held June 24, 2015. PDFs to C&R for recording.

**THURSDAY, JUNE 25, 2015**

ADMINISTRATIVE MEETING

Resolution No. 2015-072 – BCC signed, dated June 25, 2015. Budget Amendment for Health Dept. showing revenue from DPHHS Task Order 15-07-1-01-132-0 from Office of Public Health System Improvement (MT Health Care Foundation) in amount of \$10,000 and expenditures in same amount for salaries and fringe benefits. Recorded PDF to Amy Rose/Public Works.

Agreement – BCC signed, dated June 25, 2015. Between Missoula City-County Health Dept. and City of Missoula for delivery of the “Be Your Best Diabetes Prevention Program” to enrolled, qualified adult members of the City of Missoula Medical Benefits Plan. City will reimburse MCCHD for services at \$500 per participant. Term/July 1, 2014–June 30, 2016. Original to Julie Mohr/MCCHD.

Resolution No. 2015-073 – BCC signed, dated June 25, 2015. Committing fund balance resources for Special Revenue Funds (as set forth therein) per Government Accounting Standards Board Statement 54. Statement requires all state/local governments to adopt this policy. Original resolution adopted in 2011; new resolution needed due to new funds committed to additional purposes. PDF to C&R for recording.

Grant Agreement – BC signed. Between County and Dept. of Housing and Urban Development for 2014 Continuum of Care Program Grant for the Western MT Mental Health Center's SHARE House Program. Amount/\$130,093; \$4,575.50 to County for administering grant. Term/January 3, 2015–January 2, 2016. Recorded PDF and originals to Melissa Gordon/GCP.

Grant Agreement – BC signed. Between County and DPHHS (#16047031511) for MT Children's Trust Fund grant for provision of services by Parenting Place and Missoula Forum for Children and Youth to reduce child abuse/neglect. Amount/\$25,000. Term/July 1, 2015–June 30, 2016. Originals to Melissa Gordon/GCP for further handling.

Request – BCC approved request from GCP to expend \$400 from CDBG Program Income Account for an ADA-eligible expenditure for Wildhorse! (therapeutic horse riding program) to help purchase a saddle for a special needs client. RCA to Cindy Wulfekuhle/GPC for further handling.

Maintenance Service Agreement – BC signed. Between Missoula County and Cerium Networks for support services for County's telephone system. Contract will replace services provided by Black Box Network Services; both voice mail and phone network support will be under one vendor (Cerium). Amount/\$20,437. Term/July 1, 2015–June 30, 2016. Recorded PDF to Teresa Emery/IS.

Request – BCC approved request from CAPS and County Parks and Trails Advisory Board to commit up to \$677 in matching Weed Grant funds for noxious weed mitigation at DeSmet Baseball Complex at Momont Park in Missoula Development Park. Project term/Fall 2015–Spring 2016. RCA to John Stegmaier/CAPS for further handling.

Request & Budget Transfer – BCC approved recommendation from County Parks and Trails Advisory Board to award up to \$22,350 in Spring 2015 Matching Grant funds to design/develop new fields at the Desmet Ballfields Complex in the MDP. Grant will expire Spring 2017. [Agreement signed at a later date].

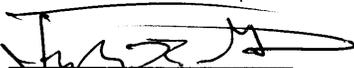
Budget Transfer – BCC signed, dated June 25, 2015. Control #15-012 for CAPS/Parks in amount of \$22,350 to create unique budget codes for Spring 2015 Matching Grant (as set forth above).

Letter – BCC discussed/approved and signed, dated June 29, 2015 to Montana's US Senators Tester and Daines and Congressman Zinke, expressing sincere concern for suggested reductions to FY2016 HUD programs, especially the Home Investment Partnerships Program and the CDBG Program. This action would seriously impact small and rural communities. BCC asks our delegation to sustain or increase the levels of funding for 2016. Letters mailed June 29<sup>th</sup>.

Additional discussion item(s): 1) Apply for CDBG Grant on behalf of Garden City Harvest; 2) HB334 Resolution for Public Notice Posting Location.

**FRIDAY, JUNE 26, 2015**

BCC met in regular session; all three present. Morning: BCC met with CFO Czorny, Corey Aldridge, et al for MUTD/Mountain Line update.

  
Tyler Gernant  
Clerk & Recorder

  
Nicole "Cola" Rowley, Commissioner  
BCC

**MONDAY, JUNE 29, 2015**

BCC met in regular session; all three present.

Community and Planning Services Update – BCC/CAPS Staff. Agenda: 1) Public Comment; 2) Communications; 3) Subdivision Regs rewrite update; 4) Flood Plain Regs update; 5) Director's update.

**TUESDAY, JUNE 30, 2015**

BCC met in regular session; all three present. Afternoon: BCC met with CFO Czorny and Jessica Morriss for Missoula in Motion update. BCC also met with CFO Czorny, Michael Moore, et al for Homelessness Project update.

**ADMINISTRATIVE MEETING**

Resolution No. 2015-077 – BCC signed, dated effective as of June 27, 2015. Canceling delinquent personal property taxes and directing County Clerk & Recorder to write off personal property taxes for tax year 2009 (pursuant to MCA 15-16-702). Original signed resolution to C&R.

Employee Agreements – BCC signed Agreements between County (PHC) and following for professional services at PHC for term Term/July 1, 2015–June 30, 2016:

- 1) Peggy Lowney, DMD. \$128,000 yearly/1.0 FTE.
- 2) Liz Rolle, Lead Dental Hygienist. \$32.45 per hr/32 hrs per wk.
- 3) Brent Dehring, Pharm D. \$117,500 yearly/1.0 FTE.
- 4) Raina White, RPH, as Pharmacy Manager. \$117,500 yearly/1.0 FTE.
- 5) John Honsky, Advanced Practice RN – Psychiatry. \$107,000 yearly/1.0 FTE.
- 6) Winslow Lewis, PA-C. \$94,000 yearly/1.0 FTE.
- 7) Danielle Chapin, PA-C. \$94,000 yearly/1.0 FTE.
- 8) Andrea Wirshing, Behavioral Health Director. \$71,760 yearly/1.0 FTE.
- 9) Bernadette Roy, Director of Clinical Operations. \$78,500 yearly/1.0 FTE.
- 10) Douglas Marbarger, PA-C. \$94,000 yearly/1.0 FTE.
- 11) Susan Taylor. \$37,315 yearly/.50 FTE.
- 12) Lynda Fisher, RN, as Director of Nursing. \$62,504 yearly/1.0 FTE.
- 13) Moses Lemeza, Pharmacist. \$98,000 yearly/1.0 FTE.

PDFs of recorded agreements and two originals to Andrea Laine/PHC.

Annual Services Agreement – BC signed. Between County (PHC) and University of Montana for purchase of 3.923571 FTE Family Medicine Residency of Western Montana primary care physician services from the university. Amount/\$729,784. Term/June 29, 2015–June 30, 2016. Three originals to Andrea Laine/PHC for further handling.

Missoula County Policies – BCC adopted following policies, dated June 30, 2015:

- 1) Policy #2015-04: Conflict of Interest Policy. MCA 2-2-1 reworked for the local government environment.
- 2) Policy #2015-05: Whistleblower Policy. Provides protection for employees who raise concerns about inappropriate behaviors variously defined.
- 3) Policy #2015-06: Civil Litigation Policy. Establishes guidelines for BCC to respond to suits filed against Missoula County. In part, defines "suit" and "entity" applicable to all County Departments and entities.

Policies returned to Barbara Berens/Auditor for further handling.

Contract – BCC signed. Between County and Lee Enterprises, Inc. d/b/a *Missoulian* for legal printing/advertising with option to renew for one additional year. Amounts set forth therein. Term/July 1, 2015–June 30, 2016. Signed originals to Barbara Berens/Auditor.

Request – BCC pre-approved FY 2016 budget Seeley Lake Refuse District ("SLRD") Option 2. Greg Robertson/Public Works will proceed with Request for Proposals to privatize operation of SLRD transfer station.

Request for FY2016 Budget Enhancements – BCC pre-approved following enhancements, dated June 30, 2015. BCC will sign when drafted/signed by Christi Page, Finance Director.

- 1) For Elections: #2 of 12: In order to promote lead clerk to office supervisor; current lead clerk is leaving county. Amount/\$4,841.55.
- 2) For Finance: To increase wage rate for Controller (as approved in FY2015 budget). Amount/\$21,649.
- 3) For Public Works: #2 of 2: In order to hire a Public Works Permit Specialist. Amount/\$24,383.

Resolution No. 2015-074 – BCC signed, dated June 30, 2015. Imposing Stage I Fire Restrictions for all private land, effective 00.01 a.m. Friday, July 3, 2015. Restrictions include 1) building/maintaining/attending/using a fire or campfire (with certain exceptions); 2) smoking; 3) fireworks. Effective up to 90 days. Recorded; original to Adriane Beck/OEM.

Additional discussion item(s): Review of recently held ad hoc boards/commissions meetings which BCC attend.