

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
July 21, 2014	July 17, 2014	JC, BC	\$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
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 Klietz/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

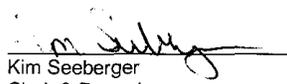
## THURSDAY, JULY 3, 2014

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.

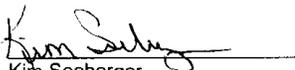
Publish dates for Notices: July 13 and July 20, 2014.

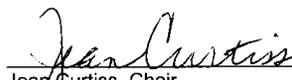
Additional discussion item(s): None.

**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

<b>MONDAY, JULY 14, 2014</b>
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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.

<b>TUESDAY, JULY 15, 2014</b>
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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.

<b>WEDNESDAY, JULY 16, 2014</b>
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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

<b>THURSDAY, JULY 17, 2014</b>
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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.

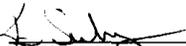
Letter – BCC signed, dated July 23, 2014 to Mike Tooley, MT DOT, Helena, requesting a corridor study on Highway 200 – Easy Street to Speedway Boulevard. Safety/geometric/operational conditions exist to support the need for a study.

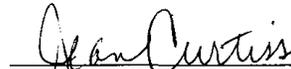
Larchmont Claims – BCC signed one (1) Signature Page for A/P Invoice Register dated July 24, 2014. Amount/\$57,136.99. To County Auditor.

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.

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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.