

PUBLIC MEETING – August 24, 2005

The Public Meeting was called to order at 1:30 p.m. by Acting Chair Bill Carey. Also present were Commissioner Barbara Evans and Chief Civil Deputy County Attorney Mike Sehestedt. Commission Chair Jean Curtiss arrived at 1:32 p.m. and assumed chairmanship of the meeting.

Pledge of Allegiance

Public Comment

Tom Dunton: My name is Tom Dunton and I'm here representing the Missoula Building Industry Association. We want to weigh in on our proposed County inspections and fees. The main thing that, really, we are concerned about, the first item, is that: 1) we are not opposed to inspections, we're used to them, as contractors, we have them every day. We are concerned about the owner built for owner occupancy exemption. They are probably the largest segment that have the potential to make mistakes unknowingly and if we are to protect those people, as contractors, we feel that if we're not going to inspect the owner occupied built house, we're shooting ourselves in the foot. As far as the fee schedule, yeah, we do believe it needs to be revisited. We feel that if we're going to have people do their own work, it should be like the City, they can pull a permit and have it inspected. There is also a loophole there, to where if I'm a homeowner, if I'm not required to have it inspected, is there anything in the provision that stops me from hiring someone else to do that work for me. We have five major concerns, we'd like you to review them and we'd really like you to get back with us on how you feel about these issues. Thank you.

Chair Curtiss: We did have that discussion last week, about if they were hiring. This means if they are doing the work themselves. So, we did have the discussion on the record and maybe we need to clarify our Resolution to say that if a person was acting as their own general and hiring other folks, they needed a permit. Only if they are building their own and we were kind of gearing toward the folks who maybe are building a small cabin and it takes them 5 years to get it all done, or if you wanted to put new siding on your existing house, kind of work, but not if you're hiring a plumber, a sheet rocker and all of those guys.

Steve Laber: My name is Steve Laber and that just kind of brought to mind something to think about, then at what point does that trigger it, if you hire a person to dig the hole, does that mean you're running as a general? Or something – we just see that there's a huge potential for a lot of confusion and stuff like that if you exempt one, it's going to be real tough to draw that line.

Mike Sehestedt: I think I speak for everybody that's been involved in this. Everything you guys say is well taken and we wound up where we are because we did a series of meetings in all of the various communities and it seemed like we kept getting a recurrent theme. Everybody knew somebody who was building his own house over a period of many years or several years and it has all of the ambiguities you've spoken about and we're going to have to hammer them out in practice and it also has, I think, some of the risk factors that you talked about and trying to draw a line between the Montana way, which is government keeps its nose completely out of your business, and some level of protecting the public. I think the Board labored over where to draw the line and I think we'll be working with it as things develop. The other thing, I think, is the fees are going to need to be monitored really closely here during the startup period because, certainly, if they're too high, we need to get them knocked down and if this program is costing us way more than it looks like it should for the benefits, then we're going to have to look at the whole thing. So I think everything you guys have said is very well taken and I think they're matters that we've talked about and that we'll be watching real closely.

Chair Curtiss: The other thing is Greg Robertson is going to be advertising, we took a few names previously, we could add your names to the list. He's going to be advertising for folks from the industry, from the different trades, architects, engineers, plumbers, electricians, etc., to be an advisory group to help us as we develop this and set up guidelines – does digging a hole count – all those things. So I think you've raised some really good issues and we'll share them with him as we go forward.

Mike Sehestedt: When we get going on this, if there are problems, we'd really appreciate hearing back from you then. I mean, it's an absolutely sincere statement. It's a new venture for us and we recognize there's going to be a lot of impact on builders. Being inspected is one thing, but getting timely inspections is yet another. There's just a ton of things in making this program work that we're going to have to be on top of. So, thank you.

Chair Curtiss: Because the legislature required that we do it County wide and we have such a huge County, we thought this was a good compromise to begin and did state, the day that we adopted it, that we may find that we need to revisit and make them all be inspected.

Steve Laber: This becomes effective?

Chair Curtiss: First we have to hire the staff, because in order for the State to certify, we have to send the staff that we've hired, they resumes, to the State to be certified. So, it's going to be a process, so we hope to be inspecting before the building season starts in the Spring, but we're guessing sometime this fall that we would actually be approved and we can start work on it.

Commissioner Evans: Once it's certified by the State.

Mike Sehestedt: I would bet November 1st at the very earliest and if I was putting a significant amount of money on it and not getting pretty good odds, I'd go for December or January.

Routine Administrative Actions

Commissioner Carey moved that the Board of County Commissioners approve the routine administrative items adopted the past week and approve the weekly claims list in the amount of \$254,191.82. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Hearing: Annexation to Missoula Rural Fire District: Black Fox Trail (Rattlesnake Area)

A petition has been received by the Clerk & Recorder's Office to annex a parcel of land, located in Missoula County, into the Missoula Rural Fire District.

The petition has been checked and verified. It contains signatures of more than 50% of owners of the privately owned land in the area to be annexed and a majority of taxpaying freeholders within the area described, thereby meeting the requirements of 7-33-2125 M.C.A. for annexation of adjacent territory.

The area to be annexed is described as follows:

Those particular parcels of land situated in the northwest one-quarter of Section 2, Township 13 North, Range 19 West, Principal Meridian, County of Missoula, State of Montana, being more particularly described as follows and as shown on Exhibit A attached to the request.

Portion A of Certificate of Survey 4412

TOGETHER WITH

The southeast one-quarter of the northwest one-quarter of said Section 2 EXCEPTING the east one-half of the east one-half of the southeast one-quarter of the northwest one-quarter lying southerly of Portion A of Certificate of Survey 4412, records of the County of Missoula, State of Montana.

AND

That particular parcel of land situated in the southwest one-quarter of Section 2, Township 13 North, Range 19 West, Principal Meridian, County of Missoula, State of Montana, being more particularly described as follows and as shown on Exhibit A attached to the request.

Tract 1 of Certificate of Survey 3576, records of the County of Missoula, State of Montana.

Kim Cox: Hi, I'm Kim Cox from the Clerk and Recorder's Office, and yes, it does meet all the necessary guidelines.

Chair Curtiss: Thank you Kim. Okay, so we have a petition, we have a map, and we have the Assistant Fire Chief here. Would you like to address us on whether or not your department can serve this property as proposed?

Curt Belts: Curt Belts, Assistant Fire Chief, Missoula Rural Fire District. Yes, we can serve this property. It's been through our Board of Commissioners and they have accepted the property into the fire district for your approval.

Chair Curtiss: Okay, thank you. So this is a public hearing, so I'll officially open the hearing. Is there anyone else who would like to make comment on this annexation of property into the Rural Fire District, Missoula Rural Fire? Okay, so I'll close the hearing. So, the petition is to annex the area described as those particular parcels of land situated in the northwest one-quarter of Section 2, Township 13 North, Range 19 West, Principal Meridian, County of Missoula, State of Montana, being more particularly described and shown on attached Exhibit A as Portion A of Certificate of Survey 4412, then there are several others. So, we have the petition as submitted.

Commissioner Evans moved that the Board of County Commissioners approve the request to annex a parcel of land located in Missoula County, as described on the petition, into the Missoula Rural Fire District. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

There being no further business to come before the Board, the Commissioners were in recess at 1:40 p.m.