

## **PUBLIC MEETING – November 9, 2005**

The Public Meeting was called to order at 1:30 p.m. by Chair Jean Curtiss. Also present were Commissioner Barbara Evans, Commissioner Bill Carey, Chief Civil Deputy County Attorney Mike Sehestedt, Deputy County Attorney Colleen Dowdall and County Projects Coordinator Barbara Martens.

### **Pledge of Allegiance**

### **Public Comment**

None

### **Routine Administrative Actions**

Commissioner Evans 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 \$303,067.54. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

### **Bid Award: Missoula Development Park, Phase 3C – West Harrier Sewer and Street Extension**

Barbara Martens presented the staff report.

This is a request to award the bid to construct the following:

- Construct approximately 1,000 linear feet of 8 inch diameter sewer main, manholes, sewer service lines, testing and appurtenances.
- Construct approximately 1,850 linear feet of street to include saw cutting, demolition, concrete cove gutter, base gravels, curb and gutter, sidewalk, mass grading, pipe, curb inlets, topsoil, seeding and asphalt concrete pavement at various locations.

The Invitation to Bid was advertised in the Missoulian to construct the extension of West Harrier infrastructure for Phase 3C, Missoula Development Park. Three bids were received, with Nelcon, Inc. having the lowest bid. A pre-construction conference was held on October 14, 2005, The bids were opened on October 20, 2005, with the following results: JTL Group in the amount of \$826,000; Nelcon in the amount of \$719,628.08; and LS Jensen in the amount of \$767,721.08. After reviewing the bids, PCI, the County's engineering consultant on the project, and Greg Robertson, County Public Works Director, have recommended that Nelcon, Inc. be awarded the bid in the amount of \$719,628.08.

Chair Curtiss: The reason there's saw cutting is because they have to cut some streets to connect to pipes or something.

Barbara Martens: It's an extension, so, yes.

Chair Curtiss: Is there anyone who would like to either see the bids, there were three bids, one from JTL for \$826,000, Nelcon as Barbara stated, at \$719,628.08 – there must be something that costs 8 cents – because LS Jensen has \$767,021.08. That doesn't even buy a stamp anymore. No one wants to make comment, apparently.

Commissioner Evans moved that the Board of County Commissioners approve awarding the bid for the extension of the West Harrier Street infrastructure for Phase 3C of the Missoula Development Park, to construct approximately 1,000 linear feet of 8 inch diameter sewer main, manholes, sewer service lines, testing and appurtenances and to construct approximately 1,850 linear feet of street to include saw cutting, demolition, concrete cove gutter, base gravels, curb and gutter, sidewalk, mass grading, pipe, curb inlets, topsoil, seeding and asphalt concrete pavement at various locations to Nelcon, Inc. in the amount of \$719,628.08, as the lowest, most responsive bid. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

### **Hearing (Certificate of Survey): Furniss Family Transfer**

Colleen Dowdall presented the staff report.

This is a consideration of a request to create a family transfer parcel for that parcel described as Tract 2 in the southeast one-quarter of Plat B4 of Section 1, Township 15 North, Range 23 West.

Jeffery L. Furniss has submitted a request to create one parcel using the family transfer exemption to the Montana Subdivision and Platting Act. The current parcel is approximately 10 acres in size located near Huson, Montana. Jeffery proposes to create one approximately 5 acre parcel for transfer to his daughter, Candace Kay Lange, for residential purposes and keep the remaining approximately 5 acre parcel for residential purposes as well.

The history of the parcel is as follows: Raymond and Margaret Felton deeded this ten acre tract to Missoula Management Co. in November, 1970. It has been deeded to four other owners over the last twenty years. Jerry Furniss filed a Warranty Deed in April, 2000, deeding the parcel to the current owners, Jeffery and Laurel Furniss.

According to the records kept by the Missoula County Surveyor, the applicant has not previously used exemptions to the Subdivision and Platting Act.

Chair Curtiss: Okay, thank you Colleen. So is Mr. Furniss or someone from the family here. If you could state your name for the record; and then we have a list of questions that Colleen will ask you.

Laurel Furniss: My name is Laurel Belcher Furniss. We have purchased this land and trying to help our daughter out. She will graduate from college in two years. We're hoping to get a start with maybe a well and a septic over that period of time.

Chair Curtiss: Okay. So we do have a list of questions that we ask you to answer on the record, and we'll have Colleen ask those of you, and then you can share anything else you'd like to with us.

Colleen Dowdall: How long have you owned the property?

Laurel Furniss: We have been there for 5 years. It was first purchased by my brother-in-law because we had a tough time getting financing, through Jerry Furniss, and then we purchased it through him. That's how it came to us.

Colleen Dowdall: Okay, I see. Did you buy the property with the intent of dividing it?

Laurel Furniss: No, did not. Have 8 horses. Been in the Bob Marshall several times.

Colleen Dowdall: Okay. Do you or your daughter intend to transfer either property, lot?

Laurel Furniss: No. I still have three more kids and they're in grade school and I want to keep them in the Frenchtown School District.

Colleen Dowdall: Okay. And so you live on the property?

Laurel Furniss: Yes.

Colleen Dowdall: Okay, and does your daughter intend to live on the property in the future?

Laurel Furniss: Correct, when she's done with college.

Colleen Dowdall: So you have no immediate development plans, except what you just described?

Laurel Furniss: Just described, that's it.

Colleen Dowdall: Alright. Does she live in Missoula now?

Laurel Furniss: She is actually going to Montana State University over in Bozeman.

Colleen Dowdall: Well, that's okay.

Laurel Furniss: She did it herself. She did go here one year, but she's thinking about doing pre-med, so she has two years and then three more years probably over in Washington. So, she's got a ways to go.

Colleen Dowdall: Okay. Have you talked to anyone at Missoula County about going through subdivision review?

Laurel Furniss: My husband has gone and talked with, I guess it's County planning and things like that, to figure out what steps need to be done as far as prec tests, surveying, and everything like that, so we're just trying to figure out which hurdles we do have to go over.

Colleen Dowdall: Okay. Are you in the business of building houses or developing property?

Laurel Furniss: Just improving the one we've got.

Colleen Dowdall: Are you attempting to evade subdivision review?

Laurel Furniss: No. No, not a contractor, so I'm not interested.

Colleen Dowdall: Okay, and you understand that evasion could be a misdemeanor?

Laurel Furniss: Correct.

Colleen Dowdall: Any you understand that we are not reviewing this request for adequate access in all weather for vehicles. Given that you already live there, you probably know what the access is like. And you still have to get the approvals for zoning compliance, floodplain or septic system.

Laurel Furniss: Yeah, correct. I don't know if you guys got – we did check on that as well. One of those maps that I gave when I filled out the paperwork, showed the floodplain, which was really off of there.

Colleen Dowdall: Okay, and I think we checked with zoning now, pursuant to new State law, and there is no zoning in this area, so we aren't concerned about whether they are compliant with zoning. That's all.

Chair Curtiss: Okay. Was there anything else that you'd like to add, Mrs. Furniss?

Laurel Furniss: No, nothing that I can think of. Just trying to help out my daughter to get started. Thanks.

Chair Curtiss: Okay, so this is a public hearing. I'll open it for public comment. Is there anyone else who'd like to make comment on this family transfer? Seeing no one, we'll close the hearing.

Commissioner Evans moved that the Board of County Commissioners approve the request by Jeffery L. Furniss to create one 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 seconded the motion. The motion carried on a vote of 3-0.

### **Hearing: Resolution Regulating Parking, Congregating, etc., on Deer Creek Road Bridge**

This is a request to adopt a "No Parking/Fishing/Diving/Congregating/Climbing" resolution for Deer Creek Road Bridge.

There is a history of individuals parking in the right-of-way, jumping from the bridge and disrupting the flow of traffic. The Commissioners were asked to review the situation. The Commissioners agreed to consider a "No Parking" resolution similar to what is used at Maclay Bridge.

Mike Sehestedt: We have fairly limited tools in the sense that it's a public road and a public road right-of-way and from the high water down, the public does have access to the river and to the channel. The problem is we're getting increasing crowds there, parking is creating congestion, unsafe traffic conditions, pedestrian use and congregation on the bridge is making impeding the use of the bridge as a vehicular way and again, making it less useful as an arterial, plus, and it's kind of beyond our ability, we've had increasing concerns with trespass, littering, general degradation, extending between the low water/high water mark and up on to some of the adjacent property. I don't think this proposed resolution is an entire solution, but it does give the Sheriff's Office some authority to begin to take action to address the more egregious aspects of the nuisance. They can now – we will sign and they'll be able to take action against people congregating on, diving from the bridge. By restricting parking, we may reduce the crowds, we'll certainly eliminate the problem of congestion created by that

parking on Deer Creek Road, hopefully also reduce some of the issues of pedestrians wandering down the road, impeding traffic. Not a perfect solution, but at least a beginning to try to get a handle on this problem.

Chair Curtiss: Thank you Mike. So this is a public hearing. I'll open the public hearing. Is there anyone from the public that would like to comment?

Mike Sehestedt: It does reflect what we've done in the area of Maclay Bridge where this was a problem for many years.

Dick Ainsworth: My name is Dick Ainsworth, I'm with me, representing myself. We live right next door to Deer Creek Bridge. One of the first things you probably ought to do in the resolution is get the bridge going over the right river. It's going over the Black Foot River in the resolution and I think that's the Clark Fork River, unless it's been moved. I guess one thing that concerned me was that – and I probably initiated this or I guess maybe I did initiate this, with the contact originally with Mike McMeekin, the Sheriff, and then we met with Mike and Mike met with the folks from Canyon River and then we ultimately met with you folks on a couple of occasions and met with Tim once and the only way I even knew about this thing was reading the little thing in the newspaper, in the Sunday Missoulian, that said, by the way, on the agenda at the County Commissioners meeting is a hearing on this and I think these folks know about it because I called them up and said, hey did you see about or hear about, and so I think the public notice of this left a little bit to be desired. As you know from our past meetings, we're very concerned about the traffic on the bridge, we're concerned – and Mike addressed a little bit – about the trespass, particularly across the river from us on the Randy Jacobs property. My wife talked to Randy's daughter Julie, who had just gotten back from a trip and was unable to be here today, but – and I know this doesn't address the trespassing in their property and some of that use is on that beach is certainly between the high and the water line, but it's gotten worse and worse and up into their yard and hopefully, if we can control the parking and the use on the bridge, we'll cut down substantially on that and there's probably no other way to do that, other than the owner enforcing it.

Mike Sehestedt: The State criminal law prohibits trespass. The key here is, A) for them to do something to define the boundary of the high water mark and to notify people that beyond that it private property, no trespassing. Whether it's two or three posts with a small notice on it, whatever, or a gigantic fence or big ugly orange. Then we need a complaint from the property owner because just sure as the dickens if we're left to our own devices, the group we'll bust will be the grandkids.

Dick Ainsworth: Bob Brunson, who is Randy's kind of caretaker out there is here and will comment as well, I think, on that particular aspect of it. I guess I – a couple of questions I guess I've got, or concerns, reading this, is it – I know we talked about a – and I thought you referred to it as a No Parking district, or something, out by Maclay Bridge. Is that kind of what this is?

Mike Sehestedt: What this is, is exactly what we've got in place at Maclay Bridge. Essentially, we prohibit parking on or around the approaches, we prohibit loitering on and diving from the bridge. The parking is pretty easy to enforce, the cars you can catch. My suggestion that we coat the bridge structure with roofing tar, which would get soft and sticky when the weather was warm, has been repeatedly rejected, which makes it difficult to catch the kids, I mean the deputies are not going to go swimming after them, but at least it gives us a justification to keep the crowd down somewhat.

Chair Curtiss: And then it's within 500 yards of the bridge, too.

Dick Ainsworth: That's one of the questions I had. I don't know if that's 500 yards down the road or if it's a 500 foot radius. If you go 500 yards down the road – and I've got an aerial photo here if we wanted to look at it – that takes us out about to Highway 200. It goes down Deer Creek Road and back Speedway, down to about Highway 200, and it goes back up Speedway to about Montana, going back in towards East Missoula, and I presume that would mean that those folks that live along there couldn't park on the road in front of the house, or does it? Do they get a permit?

Mike Sehestedt: Actually, what we do at the Maclay Bridge area is the residents have a permit.

Dick Ainsworth: Okay. This would also go across the river to the Canyon River entrance and, in theory, could go out into some of their side streets in the residential area and so they might have the same problem. Would the bridge be – it talks about posting it for No Parking, but the resolution says no parking, loitering, jumping from, diving, climbing – the average kid that goes out there and does all of the above – is there a sign there on the bridge that says none of all of these things – I mean, they're not going even be aware of this, obviously. A No

Parking sign along the road is one thing, but they park more than 500 yards away and then they go down to the bridge and do all of this stuff anyway. How are they going to be made aware of the fact they're not supposed to be doing all of this stuff.

Mike Sehestedt: I think that was covered under the "posting appropriate signs."

Chair Curtiss: I think the one on Maclay Bridge does say, at least, some of those things.

Mike Sehestedt: The problem, of course, is enforcement, and you need to catch the little darlings in the act. The parking, again, is somewhat easier and if they're parked there, we'll tow them. Frankly, word gets out fairly quickly on that.

Dick Ainsworth: I would guess this would take a year or two to take hold.

Mike Sehestedt: I would suspect it will have a significant impact immediately. Our sign replacement costs will begin to drop after the first year or two and probably have it down to what I guess you could describe as a maintenance level of the truly determined thereafter.

Dick Ainsworth: We're all in favor of whatever we can you, you can do, everybody can do, to try to take care of the problem and I'm not familiar with how this works out at Maclay Bridge, but you indicated, I guess, that you thought it worked fairly well.

Mike Sehestedt: Well, it has improved the situation. It doesn't resolve entirely.

Dick Ainsworth: This gives the Sheriff the authority, as I understood it from our conversation before, to actually just come and tow a car away if it's sitting there, they don't have to go and find the driver somewhere down on the beach and –

Mike Sehestedt: That's the plan and that's what makes it so effective. After a few people have had their day ruined by having their car missing, word gets out and people quit parking there. Nothing's perfect – I mean, people still park in handicapped parking spaces, but it gives us a tool.

Chair Curtiss: So, Dick, do you think the 500 is too far.

Dick Ainsworth: Well, my first question is how's the 500 measured. Is it down the road right-of-way or is it like a radius around the bridge – it needs to be clarified.

Chair Curtiss: It says on the road right-of-way leading to the bridge.

Mike Sehestedt: My belief is we're looking at, probably, all of Deer Creek Road, and frankly, it's not a bad issue to take some of the Speedway as well.

Dick Ainsworth: No, we talked about that before, if you just stop them on Deer Creek, they'll go around the corner onto Speedway. It's like when the signs were first put up on the Canyon River side, through the cut, at first, they sort of worked and they didn't park there, but they just went up the road and parked where the signs quit and so, you got to make it far enough away, I guess, that it makes it inconvenient. Somebody said that what they do at Maclay Bridge is somebody drives up in a car and dumps a load of them off at the bridge and then they go back and park 500 yards away.

Mike Sehestedt: Yeah, you only have one walker, but I mean, there are limits to what you can. Frankly, we could have them parking in the lot at Mount Jumbo and walking down there.

Dick Ainsworth: I think if the residents that live on those adjacent streets get a permit, maybe the 500 yards – like I say, I measured just real quick on the photo, it looked like it would go up Deer Creek Road and down about to Highway 200 and the other way it goes down about to Montana, and those probably aren't bad distances. I don't know how the folks at Canyon River think about it going in that direction, but I mean, it sure looks like a – I'm not sure what the wording means, something seems to be missing or something, and the one that's got the 500 yards in it there, down about the third from the bottom – "Now therefore be it resolved that parking on Deer Creek Road Bridge and the road right-of-way leading to it for a distance of 500 yards be, and the same is hereby, prohibited." I'm not sure what the "be" in there means or something, there's something funny in the wording there to me.

Chair Curtiss: It's probably 'legalese.'

Mike Sehestedt: You are insulting my profession!!! I mean, every legal document and every judgment ....

Dick Ainsworth: Well, I'd say a lot worse than that if I was insulting your profession!!!

Mike Sehestedt: The court says – hereby is, or, in this case, it is “be” and it means “be prohibited,” and is.

Dick Ainsworth: Okay, as long as somebody like you can understand what it says, I don't need to. It sounded funny to me!

Mike Sehestedt: It won't confuse defense counsel, but they don't let us appoint engineers to represent them anyhow!

Dick Ainsworth: Okay!! At that, I'll sit down and be quiet and be happy to answer any questions or discuss it with you, if you'd like me to.

Commissioner Evans: Dick, when I visited friends out by the Maclay Bridge and they were having a party and there were a lot of folks, they gave us a little tag to put on our dashboard and the whole time we were there, it was on the dashboard. When we left, we gave it back to them, so if a cop had come around, it would have shown that we were a guest in somebody's house, which worked fine.

Dick Ainsworth: We don't – our house, our driveway is kind of long off the road, we don't park out there anyway, but a lot of people in this stretch do and so I could see that being a problem, but that sounds like a good solution.

Commissioner Evans: So if you have a party, you'll have to give everybody a tag if they want to park clear at the end of your driveway.

Dick Ainsworth: Okay, thanks.

Mike Sehestedt: I want to say the photos of Barbara jumping from Maclay Bridge are a sight to see!!

Commissioner Evans: I assure you they are not accurate, they are computer aided!!

Commissioner Carey: Madam Chair, I apologize for having to leave, but I have a two o'clock appointment I need to get to.

Commissioner Carey left the meeting 1:55 p.m.

Chair Curtiss: Thank you Bill. Is there anyone else who would like to make comment?

Wayne Paffhausen: My name is Wayne Paffhausen, a representative of Canyon River Development. We strongly support this. As Dick, we went out this morning and we measured it and it's about 1,100 feet to our main entrance sign, so this takes it even 400 yards, 400 feet past that, which is good, because then they won't be parking on the culvert that is used for the golfers to go underneath the road and that also. We were concerned, as Dick had said, that possibly that they would come to our entrance and then start parking inside of our entrance on those roads, of course, which we would have to address at a later date. As you know, when we first talked – several times – and we went out and we walked the bridge and we had talked about fencing, you know, the top of the bridge, because I think the liability – I don't know how many thousands of dollars you spent last year looking for the hoax from the fellow that drowned in the river that made newspapers all over the State of Montana, but there had to be a lot of money involved in that situation – and I don't know where your liability stops if somebody dives off there and breaks their neck, seeings how it's a County bridge – is that correct – a County bridge?

Mike Sehestedt: It's a County bridge, but there's very little liability for jumpers.

Wayne Paffhausen: Okay. Well – and that causes a problem for us because if there was liability, then they wouldn't be jumping, you know, as far as even being here today trying to get this.

Chair Curtiss: Montana law has some – for recreating, you're taking your own risks – is that correct?

Mike Sehestedt: Well, they're taking their own risks and the question is, for liability, do we negligently create an unreasonably hazardous condition, and frankly, the bridge is not an unreasonably hazardous condition in that they're not falling off of it, they're climbing up on the rails and jumping. That's their choice, not ours, but there's no more liability there than we have liability for people who speed on our roads.

Wayne Paffhausen: Right. And the other question I had is, is that we had talked originally about – I approached Tom Boone, representing Randy's daughter – again, we had talked about fencing along the river, which would be the back, the high water mark, please it to you – that's we'd fence that high water mark with an 8 foot high fence that would be equivalent to the fence that's originally around his property right now, and then he created the gate to allow the people to go down onto the sandbar that's down there and what he was talking about doing is fencing that across to the creek so that nobody could then protrude and go up into his yard, and we're in the process of getting bids for that for him. And then the other question I had last year is like they've done in the highways is to put up a small fence that we had talked about – maybe, hopefully this becomes approved today so that we can address that at a later situation – and maybe we won't have to address it, but if it does come up where we have to do it, then I think it's something that we have to create. And Mike, what that boiled down to is on the highways, you know, in Butte and around the areas, what they did is they just put up a fence that curled back to the inside about a foot at the top, didn't interfere with any kinds of traffic, but what it did is it went up high enough that the kids couldn't jump off the top of it and we've had people jump off bridges ... seriously, it's not only there, it's everywhere on the freeways, because people were throwing rocks and stuff through.

Mike Sehestedt: That's what it prohibits. The issue here, of course, is that if you don't – anyway we can put that up on this bridge, there's enough of a toe hold, ledge that they can simply work their way out on it and we might be encouraging them to fall while they're over rocks.

Chair Curtiss: Actually, our Public Works Director, and maybe Tim Elsea could address this, but when you looked at the bridge, it's not wide enough to fence, it doesn't work to fence it, is what I understood.

Tim Elsea: Madam Chair, the construction of the bridge is such that it would take, basically, a retro-fit of the guard rail that is there now before we could do anything, and then, as Mike was saying, you would still have a rail there, so you couldn't completely keep them from using it anyway, so for the expense, and it's a very light weight bridge, not like the heavy duty bridges that cross the highways in many cases, it would be very difficult at best to be able to do it and have it function as you would like for it to function, so this is a much cheaper way to go and, like Mike said, it's not going to solve every problem out there, but it does gives us a means towards a solution and people are allowed to use the beach area, people are allowed to use the water, to access the water from there, and we will not stop that.

Wayne Paffhausen: Well, we don't have a problem with that and neither does Randy, at the present time, it sounds like through Tom Boone. Our biggest concern is, is if somebody parks, you know, five blocks away and keeps bringing car loads over and we have 200 people standing on the bridge with not a car on Deer Creek Road, you go the same problem.

Mike Sehestedt: Well, about all we can do is deal with people congregating on the bridge and loitering and if we catch them diving, we can address that as well. The problem is, is that no matter what we do, even in terms of fencing unless we fence with razor wire on the outside, kids are going to work their way out onto that and we'd just make it a little more challenging. I mean, they go up the truss type bridge at Maclay and we can't keep them from climbing that.

Chair Curtiss: Madison Street Bridge too, they jump off of it, and Orange Street.

Mike Sehestedt: None of the bridges around here have that kind of fencing on them. We've got it on railroad overpasses and we've got a section of it on the Scott Street overpass, but you go up and down through the City, I mean, none of the bridges have that except possibly in places where they used to cross the Old Milwaukee.

Wayne Paffhausen: But none of them have an attractive river to jump into either. Anyway, I just wanted to bring that up. You hadn't gotten back to me with a response when we met. I'm just asking. Thank you.

Chair Curtiss: Thank you Mr. Paffhausen. Anyone else?

Bob Brunson: I'm Bob Brunson, I live a couple of blocks away from there, but I'm the one that helps Randy out with his property, you know, daily and what not, with his watering and what not, and I'd like to bolster the fact that we do need way more patrolling out there, maybe more rigorous fines. And to back up Wayne as far as the

parking, right now, I know the wife and I badgered the County to put up those signs and actually, there's only 5 that have been re-put up, there's one missing, it's the mid-way sign that shows arrows both ways, but those signs end at the top of the hill and as it's been, and we've told people right there, there's no parking on this side, you know, and all we could do is tell them that they could only go as far as the signs, but now with the golf course and also the residence on the south side of the river, they're parking right in their driveway, they're parking on the right-of-ways right by the golf course, which is a detriment to the golf course and the homes that they're building out there, but if we could keep the traffic down, it would also keep the trash down. Last year, one day alone, I picked up 217 beer cans off Randy's property, not to mention women's feminine hygiene products, condoms, everything else that you could imagine, broken beer bottles with little kids running around. I think that we need to have more stringent police or sheriff, you know, there's a sheriff that lives right across the river there, even if he drives home and just – his appearance alone is enough to scare people – I mean the appearance of the car, I don't mean him physically. But anyway, just to drive home and just drive up and take three minutes to make that loop or whatever, it would help out. Three months is the main problem. Getting down to the high water mark, I will say this, when Randy put up his chain link fence, he had a gateway there that they could walk down, the sign – I did mean to go on the river where they tore it off and threw it down at the river I was going to find it this morning and bring it here to show you – that it said, you know, access for fisherman only, blah, blah, blah. He put a gate through there so they are trespassing on his property to get down to the beach. None of them will go down on the, well let's call it the right-of-way of the bridge, because it's steeper than the cow's face and what not, to get there, so they are trespassing as we speak, they are above the high water mark to get down there to it. And so patrolling would be a godsend and heavily fined – what might happen is people go down there and they'll carry their cases of beer and what not and drop them off, like they said, they let all the kids off right here and then they'll go up the road and then only one person has to walk back, but you can just bet your sweet bippy that they're not going to come back and pick up the trash – I know that for a fact because I pick it up. I have sacks and sacks of it. Dick and Linda can attest to that, they do too. Also with that bridge, we need some severe patrolling on the Fourth of July. If you ever went out there on the 5th, my grandson and I, that's one of things we do on the 5th, get out there with our brooms and spend about four hours cleaning that bridge, it's like let's celebrate the birth of the country, but let's leave it a trashy mess – that's not the right way to run a railroad. Patrolling I think would be a great thing, heavily fined and I've seen some of the people just come up in tears when the sheriff has written them out a ticket. Tough luck! I'm sure if they can drive, they can read those signs that says No Parking, but we need to extend that parking and the fines and – I don't know what do you mean about educating the people because, you know, I think it starts at home, if you're going to teach your kids to be sloppy and leave trash laying around, they're going to do it out in the public. I think patrolling would be – and fines – but don't fine me when I park there to pick up the trash and put it in my pickup.

Chair Curtiss: We'll have to give you one of those permits.

Bob Brunson: Well, that's another thing, when you talk about those tickets, people come up there and are they going to beat up on Dick and Linda's door and say, well give me a parking pass. I don't think so, I don't think that that's the right way.

Chair Curtiss: No, no, those are for your friends. If you know that you're going to have guests that need to park there, you would just have them to hand out to your friends. You don't have to claim all of them as your friend.

Bob Brunson: Oh!!

Chair Curtiss: Okay, anyone else that wanted to make comment?

Valerie Brunson: My name is Valerie Brunson and I spend a lot of time picking up trash there too, but what I wanted to address is I'm also the clerk of the East Missoula Fire District and with that congregating on the bridge, there was at one time a fire out on the golf course, this was before they had it, and the fire truck had a very difficult time getting through that traffic, so emergency vehicles to try to get through that traffic and those kids or people who are on bridge are very obstinate, they think they own the bridge, they look at you like, what are you doing on our bridge, and they'll almost stop your cars and I've known one person where one of the kids, he was trying to get through, and he actually hit the hood of his car. But I'm real concerned about emergency vehicles getting through there and I think it needs to be addressed. Thank you.

Chair Curtiss: Anyone else?

Julie Star: My name is Julie Star and I live two and a half miles up the road from the bridge and I just want to reiterate what everybody else has said, and it's not just kids, there's a lot of adults, a lot of times there'll be vans from the University come in with a loaded van full of kids, residents or whatever. People are just really, really

obnoxious, they think that bridge is their private beach and they really get obnoxious with you when you want to come through, whether they're parked on the bridge, which was not supposed to be a thing happening this past year, or they're swimming or whatever, we get verbally abused quite a bit and this issue, whether it's the fire department trying to get through, residents trying to get through, the whole thing does need to be addressed. Thank you.

Commissioner Evans: I'd like to ask Bob a question. Since you are the one who look after Randy's property, do we know how Randy feels about doing anything more in keeping people off that land?

Bob Brunson: Well, I talked to Julie yesterday and she said, well, you know, my dad, he's going to be 92 here at the end of this month, and she said, at this stage of the game, he does not want to, you know, I wouldn't say he's going to roll over and play dead, he just doesn't want to make a whole lot of waves, so, I asked Julie, I says, if you didn't mind, I'd speak in his behalf, and, you know, I mean, possibly, they will sell the property, I mean, it's been talked about, he's talked about to me before, but I don't know what else can be done, like, lock off that gateway going down to the bridge and make the people shinny down the side of bridge. I was going to say, actually, I've even seen people take their bath towel, lay on the bridge and sunbathe on the bridge. I would love to give them a run down feeling sometime! I shouldn't have been that crude, but it is, you know, the foul language that they use, I've been swung at, you know, wanted to thump my melon there and I very courteously say, you know, this is a nice place to recreate and what not, but, you know, take care of the place. A few people, kids, have actually helped me clean it up, but more than likely they say, hey, to hell with ya! This is our place to play and we're not going – we don't have to take care of anything. So, it's more than just the parking, you know, I mean, that's the big part, if you could stop all the parking, there wouldn't be any people, I'm sure. We just need to do something that would be instrumental in showing – I know when they start giving out the tickets last year, and the fines, it did slow down considerably. Like I said, I've mentioned to people, well, you can't park here, but, you know, further on down the road where there's no signs, I suppose it's legal or what not, but then again, that's going to infringe on the golf course area and, you know, I don't think that we want that to happen, those are going to be some beautiful places out there. The best golf course in the State of Montana is being built right out there, so.

Commissioner Evans: Now just a minute!

Bob Brunson: Yes it is!! And I think Wayne would attest.

Commissioner Evans: We've got Larchmont! I'm just teasing you, Bob!

Chair Curtiss: So, Mike, I think when we had the – it might have been a discussion with Greg Robertson – that it is legal, unless we have a zone like this, it is legal for folks to park in public right-of-way, is that right or not?

Mike Sehestedt: Yea. I mean, as long as they don't obstruct the traveled way, I mean, that's what all parking is, it's the part of the right-of-way not used for the traveled way, and it's subject to not blocking driveways, certain distance from corners, certain distance from fire hydrants, you know, subject to those sorts of limitations, yeah, parking is legal in all public right-of-ways everywhere. What we're doing here is exercising your authority – a) to regulate parking in unincorporated parts of the County and b) to regulate traffic in the sense of trying to reduce pedestrian recreational use of the bridge.

Dick Ainsworth: I'd like to have Wayne, maybe, get back up and clarify – Barbara asked Bob about Randy being interested in doing anything additional. If I understood Wayne correctly, I think Wayne's been talking to Tom Boone, who's Randy's attorney, about fencing that beach at the high water line, which would help tremendously, I think, but I guess I'd like Wayne to clarify that.

Commissioner Evans: And I'd appreciate that, because that what I was unclear about.

Wayne Paffhausen: Once again, I had called Tom to visit with him, told him the problem that we were having out there, and he said that he had talked to Julie and Julie felt that that was something that could be done and they requested us to get a bid from them to do the high water mark. We felt that by doing that, and then maybe stopping the traffic, parking and that on – just like we said, if the University's going to bring down a bus loaded with 50 kids, you know, the problem's not solved and if somebody's going to park, as they said, drop off all their coolers, all their cases of beer and everything else, down at the bridge and then go park their car over in the fishing access, then the problem's not solved, you know, but still, if we are able to fence that, give them the access to get down the way they have right now, at least you're accommodating the few people that are there and respecting Randy's property on his end of it, but the fact still remains, is we have to create the district, get it done, see what happens here and if we can fence it, do the things, and the biggest thing is going to be the patrolling, if the Sheriffs come

and they patrol it properly, at that time, you know, you don't control it when it's 35 or 40 degrees out, you patrol it when it's 90 or 95 degrees out and you're going to fill buses and if you just come loaded, a bus loaded, just pull it up on the bridge and order everybody in, because that's what you would have, there's at times 200 people on that bridge and I'm not exaggerating, 200 people. You cannot get through. We've had them stop cars, we've had people come out to look out there, and I'm sure the residents, the people that live out there, it's got to be a nightmare for them. But, we've had them stop the people, the older people, driving up there, scares the hell out of them, and that's one of the first things that they say to us before they ever consider building or buying out there, is that you've got to do something about the bridge.

Commissioner Evans: And I intend to make a motion to approve this, but I do want to point out to everybody here, the Sheriff's Office does not have enough personnel to do everything that needs to be done and so, if you call and the bridge is full of 200 people and we've got a homicide going down somewhere else, they're not going to get to your bridge. So, as long as you understand that, our shortage of personnel isn't likely to be fixed for awhile, if ever, so, just wanted to say that.

Chair Curtiss: Even if we were fully stocked, I don't think we could handle this whole County. Okay, anyone else that wants to make comment?

Commissioner Evans: I guess I'd like to hear if Tim has anything he'd like to say.

Tim Elsea: No, Commissioner. I have spoken with several residents out there and the residents in East Missoula do seem to support this ban.

Chair Curtiss: Mike, does this give the Sheriff's Department, or the County, any additional fine mechanism. There's already fines established for those kinds of things and they just have more ability to write them out.

Mike Sehestedt: Basically, I forget what the – Failure to Heed a Traffic Control Device – and I forget what the range is – this just authorizing us to establish some traffic control devices, to wit – No Parking. It's not a huge fine, couple hundred bucks top end. Towing the car is what really bites.

Chair Curtiss: And getting it out of impound.

Mike Sehestedt: Yep, because then you get to pay to redeem it.

Chair Curtiss: So this today is the hearing, so we'll finish the hearing, then we can adopt this today, or is there a time period.

Mike Sehestedt: No, we can go ahead and adopt it today. It will be awhile before the signs are manufactured and in place.

Chair Curtiss: I don't think there's probably anybody jumping today, it's a little chilly.

Wayne Paffhausen: We had some signs made, if you remember us telling you that – No Parking signs. Basically, all it does is say No Parking in the Area. The ones that you're talking about for the bridge, loitering on the bridge, that's something we haven't done, but we do have the signs made and we decided to hold off on putting them up until, hopefully, this resolution would occur, so that would save the County.

Mike Sehestedt: I want them to say – No Parking – Tow Away Zone, just so they're fully – but that's not to say yours can't be used as well.

Chair Curtiss: Intermittently or something.

Mike Sehestedt: More signage, the better.

Wayne Paffhausen: Right, because Clint told us what to put on them, so I think we've got them and if we had to add something below it that said – Tow Away Zone – No Parking – with a little one on the bottom.

Commissioner Evans: I would suggest you just work with the Public Works Department.

Mike Sehestedt: Yea, with Tim – like I say, the real bite here is when we've towed a few cars.

Commissioner Evans: And that will not go unnoticed. Is the hearing over?

Chair Curtiss: Anyone else that wants to make comment, before we close the hearing? Seeing no one, I'll close the hearing.

Commissioner Evans moved that the Board of County Commissioners adopt a Resolution Regulating Parking, Congregating, etc., on Deer Creek Road Bridge. Chair Curtiss seconded the motion. The motion carried on a vote of 2-0.

Chair Curtiss: Any other business to come before the Commission? Seeing none, we're in recess.

There being no further business to come before the Board, the Commissioners were in recess at 2:25 p.m.