

**Public Meeting – August 9, 2006** Commissioner Carey called the meeting to order at 1:32 p.m. Also present were Commissioner Curtiss, Commissioner Evans and Chief Deputy County Attorney Mike Sehestedt.

## **PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT** - none

## **ROUTINE ADMINISTRATIVE ACTIONS**

Commissioner Evans moved to approve the Weekly Claims Lists in the amount of \$463,914.11.  
Commissioner Curtiss seconded. The motion carried on a vote of 3-0.

## **HEARING**

### **Quiggle Family Transfer**

Commissioner Carey opened the hearing.

Mike Sehestedt: This is consideration of a request to create a family transfer parcel for that parcel described as Tract 2-A of COS #5137 in the NE ¼ SW ¼ of Section 26, Township 11 North, Range 20 West. Kenya Quiggle has submitted a request to create three additional parcels using the family transfer exemption to the Montana Subdivision and Platting Act. The current parcel is approximately seven plus (7.21) acres in size located in the southern part of Missoula County near Woodchuck Creek. Kenya proposes to create three approximately one (1) acre parcels for transfer to her mother Sanch Mulkey, her son Desmond Howard (15 years old) and her daughter Ashley Lotton (8 years old) for residential purposes and keep the remaining approximately four plus (4.21) acre parcel for residential purposes. The history of the parcel is as follows: in 1990 it was created originally as Tract 2, COS #3836 was transferred from Delyla Dishman to Ronald Dishman through family transfer exemption. Subsequently it was divided into Tract 2-B and Tract 2-A by COS 5137 in 2000 through family transfer exemption to Wendy Dishman from Ronald Dishman. In 2001 Ronald Dishman transferred the parcel to Randal and Teresa Terry with a Warranty Deed and then in 2006 the Terry's did the same for transfer to Kenya K. Quiggle. According to records kept by the Missoula County Surveyor, the applicant has not previously used exemptions to the Subdivision and Platting Act.

I am Kenya K. Quiggle.

Commissioner Carey: We ask that folks requesting family transfer exemptions answer a set of questions from our attorney. This is on the record and this to help assure us that this is not an attempt to evade the subdivision review process which would be a misdemeanor.

Kenya Quiggle: Okay.

Mike Sehestedt: The realty transfer or our application indicates you acquired the property in 2006, is that correct?

Kenya Quiggle: Yes.

Mike Sehestedt: About when of this year?

Kenya Quiggle: June.

Mike Sehestedt: June? Did you acquire it with the intention of dividing it?

Kenya Quiggle: No.

Mike Sehestedt: So between the June acquisition date and today you decided to divide it?

Kenya Quiggle: Yes, because we really don't....

Mike Sehestedt: What was your motivation, or why did you decide so abruptly to divide it?

Kenya Quiggle: Because we really don't have a need for seven acres. The house with four acres is plenty for us and my mom came and looked at the property and she feel in love with it and she wants to live there when she retires in a couple years.

Mike Sehestedt: Okay. Do you or any of your transferees intend to transfer the property within the next year?

Kenya Quiggle: No.

Mike Sehestedt: With regard to the parcels that are going to your two children, have you established a trust for the children to hold the property?

Kenya Quiggle: I am going to establish one.

Mike Sehestedt: Who will control that trust?

Kenya Quiggle: Um, a guy named Thad at Datsopoulos.

Mike Sehestedt: And he will be the trustee?

Kenya Quiggle: I will be the trustee.

Mike Sehestedt: You will be the trustee, so you will control this possession of the property?

Kenya Quiggle: Yes.

Mike Sehestedt: You understand if the property is sold the money has to be held in trust?

Kenya Quiggle: Yes.

Mike Sehestedt: Do your children, or you as their trustee, have any intention to develop the property?

Kenya Quiggle: No, my son will be 16 and my daughter is eight, so I really doubt that will happen anytime soon.

Mike Sehestedt: Okay. Have you talked to anyone at the County about going through subdivision review on this particular parcel?

Kenya Quiggle: Yes, Tim at Territorial.

Mike Sehestedt: But nobody at the County?

Kenya Quiggle: Oh, no.

Mike Sehestedt: Are you in the business of building or developing property?

Kenya Quiggle: No.

Mike Sehestedt: Are you attempting to evade subdivision review?

Kenya Quiggle: no.

Mike Sehestedt: Now you're aware that the Commissioners are reviewing only your request to divide the property. They are not reviewing whether or not the parcels created will have adequate access in all weather for all vehicles including emergency vehicles.

Kenya Quiggle: Right.

Mike Sehestedt: And do you also understand that should the Commissioners approve this division, it does not mean the property is approved for zoning compliance, floodplain, septic system or for any particular use?

Kenya Quiggle: Correct.

Mike Sehestedt: And that anyone wishing to develop the property, and in fact even to file a certificate of survey is going to have get at least the septic approval.

Kenya Quiggle: Right.

Commissioner Curtiss: I have one question for Ms. Quiggle. So, in looking at the survey that shows the proposed lot division, it looks like you access your property through a private access easement through someone else's property?

Kenya Quiggle: Yes. There's a church there and we share the same easement.

Commissioner Curtiss: One thing I would recommend that you do is make sure that easement allows you to have...sometimes they're real restrictive and say that only access one lot and they don't like divisions, so that might be something you want to check out.

Kenya Quiggle: Actually, I heard there's another subdivision going in out there and there's supposed to be an easement that's going right by that property back there, so that's something we'll have to look in to. They may not even have to go into the same one.

Commissioner Curtiss: Okay.

Seeing no further comment Commissioner Carey closed the hearing.

Commissioner Evans moved to approve the request for Family Transfer for Kenya K. Quiggle in that there does not appear to be an attempt to evade subdivision review. Commissioner Curtiss seconded. The motion carried on a vote of 3-0.

## **HEARING**

### **Change of Ownership: Motor Vehicle Wrecking Facility License (Insurance Auto Auctions, 10132 Garry More Lane)**

Commissioner Carey opened the hearing.

Mike Sehestedt: We're here today because the DEQ has received an application for change of ownership of what's been the existing Gardner's Wrecking motor vehicle wrecking facility it's being purchased by Insurance Auto Auctions, Inc. as I understand it. Under the law regarding the licensing of motor vehicle wrecking facilities, DEQ is required to notify the Board of County Commissioners who, based upon whether or not the use of the particular property is an auto wrecking facility will have a serious impact on quality of life of people in the area, opportunity to say either yes or no on the proposed auto motor vehicle wrecking facility license. My recommendation, although not explicitly required, was that you give public notice and deal with this as a public hearing. Given the fact that it's a transfer and given the fact that it's located in an area where several other salvage yards probably was an access of caution, but I still believe it's good practice to give the public the opportunity to speak.

Commissioner Carey: Thank you Michael, I agree with you. Does anyone wish to speak to this?

Kevin Gardener: I'm the owner of the property that we're talking about on Garry More. I've sold the insurance auto auction part of my business to Insurance Auto Auction. We have entered into a long lease on the property. I have had a wrecking facility license on the property for approximately four years with no violations. The property is kept clean. Paid parking in front and it has all recommended shielding from the street for the vehicles that are inside. I need to comment that it's a little more different than your basic wrecking facility. This Insurance Auction sells insurance automobiles that are involved in accidents so there's no parting out of parts on the vehicle. So it's a little bit different from your basic wrecker facility, but anyway we have been very diligent in keeping the property clean and abiding by all laws. I have worked with Insurance Auto Auction for about 10 years and I feel very confident that they will continue on taking care of the property as I did. The location of a wrecker facility fits in quite well with other neighbors in that area, it seems like that is the area where if you're in the wrecking facility business, that's where they're all located. So therefore I do not believe that it will affect the quality of life or any of the surrounding areas or the community of Missoula. Thank you.

Commissioner Carey: Mr. Gardner, when you say there's no parting out, does that mean when somebody buys a vehicle there, they take the whole vehicle?

Kevin Gardner: Correct. Correct.

Commissioner Carey: Thank you.

Commissioner Evans: I'd like to hear from Richard. I assume there was a reason you came.

Richard Corrigan Junk Vehicle Program Coordinator: I'm just here in case you had any questions. Like Mr. Gardner said, he's always run a clean business and I can't see where it would adversely impact the area or any of the neighbors out there if the transfer is taking place.

Seeing no further public comment, Commissioner Carey closed the hearing.

Commissioner Evans: Now Michael, do we...is this a decision we make? Or is this something we approve and recommend to somebody else?

Mike Sehestedt: Basically what you would do is take action saying we will adopt a resolution supporting the issuance of license on the grounds there appears to be no adverse impact. I will admit that sometimes I engage in an excess of caution with this public hearing stuff and given the shortage of crowd, this may have been one of those times.

Commissioner Evans: So who issues the license, the state?

Mike Sehestedt: The license will be issued by DEQ. We're simply in essence consenting. The way the statute is set up, essentially the County Commissioners, or governing body, has got a veto over the establishment of new licensees, but there appears to be no reason in this case to exercise that, so you'd simply advise DEQ that you approve the issuance of the license.

Commissioner Carey: Would we make a motion to that effect then?

Mike Sehestedt: I would say a motion to that effect and...

Commissioner Curtiss: It's for a transfer of ownership because they're not starting a new facility.

Mike Sehestedt: Right.

Commissioner Curtiss: Okay.

Commissioner Evans: Then I so move.

Commissioner Evans moved to adopt a resolution supporting the issuance of license on the grounds there appears to be no adverse impact. Commissioner Curtiss seconded. The motion carried on a vote of 3-0.

Commissioner Carey: So we'll get to that resolution next week then?

Mike Sehestedt: Well, resolution or just generate a letter forwarded to DEQ saying resolve at your August 9<sup>th</sup> public meeting – conducted a public hearing, at the close of it the Board resolved to approve the issuance of the license.

Commissioner Carey: Okay.

Mike Sehestedt: The minutes will cover it and the letter will let DEQ know what you did. It will save a small portion of one tree.

Commissioner Carey: Okay. Thank you.

Seeing no further business, Commissioner Carey recessed the hearing at 2:15 p.m.