

Public Meeting – August 16, 2006 Commissioner Carey called the meeting to order at 1:30 p.m. Also present were Commissioner Evans, Chief Deputy County Attorney Mike Sehestedt, Director of Public Works Greg Robertson and CAO Ann Mary Dussault. Commissioner Curtiss was on vacation.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT - none

ROUTINE ADMINISTRATIVE ACTIONS

Commissioner Evans moved to approve the Weekly Claims Lists in the amount of \$301,220.93. Commissioner Carey seconded. The motion carried on a vote of 2-0.

BID AWARDS

RSID 8487 – Construction of Interstate Place (*Public Works*)

Greg Robertson: Missoula County created the Rural Special Improvement District 8487 last year. Once the design was completed, we put it out for bid and we received two bids - one from JTL Group and the other from LS Jensen. JTL was the low bidder in the amount of \$315,341.00. Our RSID proceeds when this district was created are less than the minimum bid amount. There was a market correction that took place sometime this summer that caused prices to escalate well above our estimates. My recommendation is to reject bids and proceed with reforming the district.

Commissioner Carey: Any questions or comments for Greg?

Commissioner Evans: Have you discussed at all with the folks out there to see if they're interested in doing it again with a little higher...?

Greg Robertson: No I have not discussed that with them.

Mike Sehestedt: This is associated with a subdivision...

Greg Robertson: Yes, it's a subdivision requirement.

Commissioner Evans moved to reject the bids in that there does not appear to be enough money to begin construction of Interstate Place. Commissioner Carey seconded. The motion carried on a vote of 2-0.

RSID 8488 – Construction of Whippoorwill Lane (*Public Works*)

Greg Robertson: Last year we formed, or Missoula County formed Rural Special Improvement District 8488 for paving and constructing Whippoorwill Lane which is at the east end of the airport. Upon completion of design we solicited bids and received two bids – one from LS Jensen, the other from JTL. LS Jensen was the low bidder in the amount of \$147,605.10. We have evaluated their bids, found it acceptable and recommend that you award the bid for this work to LS Jensen and Sons in the amount of \$147,605.10.

Commissioner Evans: Did it come in...is there a difference in...did they have the same problem of the costs had gone up, but we still had enough money?

Greg Robertson: Yes. We have adequate funds within the RSID and contingency to cover the cost of the work.

Commissioner Evans moved to award the bid to LS Jensen and Sons for the construction of Whippoorwill Lane in that they appear to be the lowest and most responsible bidder. Commissioner Carey seconded. The motion carried on a vote of 2-0.

Commissioner Carey: Our next bid award for Epoxy Paint Striping (*Public Works*) has been postponed until August 23, 2006.

Ventilation System in Historic Courthouse (*Facilities Management*)

Ann Mary Dussault: I'm filling in for Larry Farnes, Facilities Management who is on vacation this week. We bid the ventilation project in the historic courthouse which is a project that is designed to bring fresh air into the building as required by the building codes and we are required to complete this project prior to anymore remodeling on the old historic courthouse side. The bid, as you know, came in higher than estimated. We had three qualified bidders – one for \$549,000, one for \$475,000 and one for \$540,000. The low bidder is Garden City Builders in the amount of \$475,000. We have sufficient funds in the capital improvement program to complete this project by delaying some of our remodel projects for a period of six to nine months. Therefore staff recommendation is to award this bid to Garden City Builders as the lowest and best bid in the amount of \$475,000.

Commissioner Evans moved to award the ventilation system in the historic courthouse to Garden City Builders in the amount of \$475,000 in that they appear to be the lowest and best bid. Commissioner Carey seconded. The motion carried on a vote of 2-0.

Commissioner Carey: In case folks think we're moving rather quickly on these matters, we have been briefed on these things beforehand, so it's not as though we're just rubber stamping this. Thank you.

HEARING

Adopt RSID 901 (Lolo Water and Sewer) District Regulations

Commissioner Carey opened the hearing.

Greg Robertson: Before you is the Lolo Rural Special Improvement District 901 operating regulations for both water and sewer activities that we conduct in the district. In 1987 by resolution 87-106 the Commissioners adopted regulations for the district. There have been several amendments that have been proposed by the advisory board and adopted by the advisory board; however they have never been adopted by the County Commissioners. The purposed of this hearing is to correct that and get the amendments that are outlined and italicized in the Commissioner Action form adopted by the Board by resolution. I have included, for your consideration, the draft resolution. If you'd like I'd be happy to answer further questions.

Mike Sehestedt: I would add I'm glad Greg's catching and cleaning up this particular point. I haven't been paying that much attention and I had not realized that advisory board changes were not coming to you for approval and adoption. So, this is a good catch by Greg and a good thing to get cleaned up.

Dave Haverfield Lolo Sewer and Water: Just to say that over the years we find it necessary to upgrade as technology changes and as the need arises. So we ask your consideration for this maybe so we can, on occasion, maybe adopt these a little more often so that we can operate the system more smoothly. Greg and I have been working on this. We've submitted it to the advisory board for their approval and for their recommendations and their input and that's what you have before you. Thank you.

Jackie Cohen: I'm on the RSID advisory board and my comment is more of a question that presumes you will approve the regulations. If indeed they are approved, does that mean that they are retroactive as well? We do have a situation of someone contesting the regulation.

Commissioner Carey: Is that an attorney question?

Mike Sehestedt: The answer is that they're effective according to their terms when approved by you. If someone is currently receiving service that the new regulations require to be upgraded to continue to receive that service then it isn't so much a question of retroactive as a question of effective now. I think the issue is one of grease interceptors on a service line and by your adoption of these regulations you'll make them fully effective and then we'll simply proceed to enforce them in accordance with their terms.

Commissioner Carey: Does that answer your question, ma'am?

Jackie Cohen: Yes.

Seeing no further comment Commissioner Carey closed the hearing.

Commissioner Evans: I would appreciate having a little more time to look at it, unless you can tell me, Greg, are just the underlined areas new?

Greg Robertson: Yes. The italicized areas are the amendments that have been adopted by the advisory board.

Commissioner Evans: And most of them have to do with the grease interceptors, is that correct?

Greg Robertson: Yes, primarily.

Commissioner Evans: Okay, are we ready then?

Commissioner Carey: Yes.

Commissioner Evans moved to adopt the regulations as submitted for the Lolo Water and Sewer District and that they become effective immediately upon passage. Commissioner Carey seconded. The motion carried on a vote of 2-0.

Mike Sehestedt: I think we should thank Dave and the advisory board as well.

Commissioner Carey: Indeed, thank you.

HEARING

Romi Addition (5 lots on 5.63 acres) – Southeast of I-90/Huson Interchange

Commissioner Carey opened the hearing.

Tim Worley w/OPG: I'm here to present Romi Addition which is a proposal for five residential lots in the Huson area. The proposal is by the Montana Development Corporation and Montana Northwest Company is representing them. The five lots range in size from 1.12 to 1.13 acres. This is an unzoned area where the comp plan does recommend one home per five acres, although this area also is within what's called the Huson Activity Circle which recommends increased densities for residential use and commercial activity. Huson Road ends approximately 218 feet west of this property and the proposal is to pave an extension of Huson Road in this 218 foot section plus the road would be extended to a cul-de-sac that would terminate at the common lot boundary of Lots 3 and 4. It would be built to County standard at 24 feet wide. Condition number one is a requirement that Public Works review the road plans. We are recommending just one change to the condition language in condition one – what we would recommend is that it read as follows: Plans for paving Huson Road to a 24 foot road width from the end of the public right-of-way to the cul-de-sac on Lots 3 and 4 shall be reviewed and approved by County Public Works prior to final plat approval. As I said before the road does end in a cul-de-sac between Lots 3 and 4 and a driveway will serve the farthest eastern lot which is Lot 5. Condition two requires the typical section for the section of the driveway that's shared on Lots 4 and 5. Condition three requires a maintenance agreement for the shared portion of driveway and this agreement will outline the scope of maintenance for the shared portion of the driveway. Walkways are not proposed with this subdivision and therefore a variance is required which is supported by Public Works because of the general lack of pedestrian facilities in this area. No park facilities are proposed, but because this is a subdivision of a subdivision, cash in lieu of parkland will be required. That is outlined in condition seven. Residential fire sprinklers were proposed by the developer and will be required per Frenchtown Rural Fire District standards. You'll see that outlined in condition four. The covenants are also required to include this information as detailed in condition eight C. Also per Frenchtown Rural Fire District standards a \$530 per new lot fire service fee will be required to be paid to the district and this is in condition five. The County Weed District recommends a revegetation plan which you'll see outlined in condition six. They also recommend weed control language to be inserted into the covenants which you'll see in condition eight B. Fish, Wildlife and Parks recommends Living with Wildlife information tailored for this location; you'll see that in condition eight E. In summary, staff and Planning

Board both support Romi Addition and Planning Board had no recommended changes from staff recommendations.

Mike Sehestedt: I would like to inject one thing on the residential fire sprinklers – the basic requirement is that a developer provide fire flows to protect the area and the sprinklers are an accepted alternative to that basic requirement and we are essentially waiving the basic requirement for fire flows in return for the developers commitment to require fire sprinklers in each residence constructed. I say that because I'm getting ready to litigate this very issue with a person who has not done it.

Seeing no further comment, Commissioner Carey closed the hearing.

Commissioner Evans: You're not having any comments from the developer's representative?

Commissioner Carey: Oh, no you can come up. I'll re-open the hearing.

Deborah Evison with Montana Northwest Company: I represent the developers, Montana Development and Nancy Miles. I'd like to thank Tim for his hard work. We have no problems with the conditions of approval and we feel this subdivision is a good fit for the land and for the community of Huson. I'll be happy to answer any questions that you have. Thank you.

Seeing no further comment, Commissioner Carey re-closed the hearing.

Commissioner Evans moved to approve the Romi Addition Subdivision with the change to condition one as read by the planner and to approve the variance request based on the findings of fact listed in the staff report. Commissioner Carey seconded. The motion carried on a vote of 2-0.

Commissioner Evans: I have on request of Patty and I'll tell it with Tim here. I had someone come in yesterday and one of the things that they pointed out was that we have the subdivisions on the internet, is that so Tim? We put these things on the web for people to read?

Tim Worley: I don't think the documents are actually on the web. They're on...they're part of a county network – it depends on whether you're talking about the plat or the actual staff reports. These are available on our county network, but beyond that...they can be made available to the public, certainly.

Commissioner Evans: Well, what the lady wanted to know was when we've made a decision, if we could then put that on the internet so that they could see what we voted on, what our conditions were and who voted which way. I think that is an appropriate request, so I'm asking Patty.

Patty Rector (filling in for Season Hollaway, who was on vacation): The minutes from all these meetings are posted on the web.

Commissioner Evans: I didn't know that, so...because I've never looked at 'em.

Patty Rector: Yes, since 2004.

Commissioner Evans: So I'm slow. I wish I had known, I would have told her. Thank you.

Seeing no further business, Commissioner Carey recessed the hearing at 2:10 p.m.