

MISSOULA BOARD OF COUNTY COMMISSIONERS PUBLIC MEETING – MAY 21, 2008, 1:30 P.M. IN ROOM 374 OF HISTORIC COURTHOUSE

The Public Meeting was called to order at 1:30 p.m. by Chair Jean Curtiss. Also present were Commissioner Bill Carey, Chief Civil Deputy County Attorney Mike Sehestedt, Deputy County Attorney James McCubbin, Assistant Director of Public Works Tim Elsea, County Parks Coordinator Lisa Moisey. Commissioner Larry Anderson was out of town.

Pledge of Allegiance

Public Comment

Routine Administrative Actions

Commissioner Bill Carey moved that the Board of County Commissioners approve the weekly claims list in the amount of \$264,432.60. Chair Jean Curtiss seconded the motion. The motion carried on a vote of 2-0.

Bid Award (Public Works): Kona Bridge Fishing Access Site

Chair Curtiss opened the bid award.

Western Excavating	\$115,868.00
LS Jensen	\$ 93,087.00
Knife River	\$101,845.00
Green Diamond	\$ 96,690.34

Tim Elsea presented the staff report.

[Inaudible] went out to bid for this. We did receive pretty good [inaudible]; we had four bidders. The low bid was LS Jensen. We've had a meeting on site with him and have determined that they are a responsive bid and we would recommend awarding to LS Jensen.

Chair Jean Curtiss: We have this money in the budget. Is that correct? Lisa, do you want to answer that?

Lisa Moisey: This is a 50/50 partnership with Fish, Wildlife, & Parks, so we do have the money budgeted for FY 08 and carry-over into FY 09 when [inaudible] we pay the bills.

Chair Jean Curtiss: Thank you. Do we know when we would start on this thing?

Tim Elsea: Looking at the [inaudible] of July at this point. We want the water to get down before we get started too much. They think they could be done in about three or four weeks.

Chair Jean Curtiss: But the folks wouldn't be able to use the access point while they're in there doing construction.

Tim Elsea: That's correct, we will shut it down and we probably won't get--we won't keep it closed on weekends [inaudible].

Commissioner Bill Carey made a motion that the Board of County Commissioners award the contract to LS Jensen Construction in the amount of \$93,087.00 for the Kona Bridge Fishing Access Site. Chair Jean Curtiss seconded the motion.

Chair Jean Curtiss: Is there any public comment?

The motion carried on a vote of 2-0.

Hearing (Certificate of Survey): Lester Family Transfer

Chair Curtiss opened the hearing.

James McCubbin presented the staff report.

This is consideration of a request to create a family transfer parcel on property described as Tract 1, COS #4111 in the Northwest ¼ of Section 8, Township 17 North, Range 15 West. This is property on Highway 83 about four miles north of Seeley Lake. Background on this is that Joan F. Lester 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 five acres in size located. Ms. Lester proposes to create an approximately two-acre parcel for transfer to her daughter, Colleen A. Widhalm, for residential purposes and to keep the remaining three acres or so for residential purposes as well.

The history of the parcel is that COS #4111 was filed in 1992 for the purpose of a single division of a parcel outside of a platted subdivision based on the occasional sale exemption. According to records of the County Surveyor, the applicant has not previously used exemptions to the Subdivision and Platting Act. I'd also note the application reflects that Ms. Lester has four other children and that she does not intend to family transfers to any of the other children.

That will close the staff report; I leave it to your discretion. I have questions for the applicant if you'd like.

Chair Curtiss: Mrs. Lester, if you could come up to the microphone. We have a list of questions that we like to ask on the record. I'll ask James to ask those for us. We do have a list, so we remember to ask the same questions. If you could state your name for the record please.

Joan Lester: Okay, Joan Lester.

James McCubbin: Ms. Lester, I'm going to ask you a few questions. The purpose here is to give the County Commissioners enough information to determine whether you have a purpose to evade the Subdivision and Platting Act. That's not an accusation against you, but it's a legal standard that we have to evaluate to determine whether the exemption's appropriate. How long have you owned this property?

Joan Lester: Four years.

James McCubbin: Did you buy the property with the intent of dividing it?

Joan Lester: Not exactly at that time, the reason I was even interested in the property was my daughter spends a lot of time at Holland Lake. I had gone there a few times with her and just one Fourth of July I saw this property was for sale and I did a contract for deed for it, just to have the property mainly for myself. Then she expressed to me that she would like to build a house on one section of it. She has a younger family than the rest of them. The rest of them have older children. She has a very young family and she wanted to build and spend her time there and possibly retire there, who knows down the road, but she wants it now for her family.

James McCubbin: Okay, so from that you may have implied it, but do you or your daughter intend to transfer the property anytime in the future?

Joan Lester: No. No, we were lucky, we thought, to get it, so we don't want to give it away.

James McCubbin: I take it your daughter is over the age of 18.

Joan Lester: Oh, yes.

James McCubbin: Will anybody be residing on this property or is this more kind of vacation-type use?

Joan Lester: Vacation to start with and then I think to reside in. I plan on probably living on the other acres when I retire.

James McCubbin: Where does your daughter live now?

Joan Lester: Valier.

James McCubbin: Have you had any discussions with planning staff or anyone else about going through subdivision review?

Joan Lester: Subdivision review? No.

James McCubbin: Are you in the business of building or developing property?

Joan Lester: No.

James McCubbin: Are you attempting to evade subdivision review?

Joan Lester: No.

James McCubbin: These are important to make sure you understand the scope of our review or rather lack of review for this transfer. Do you understand that this request is not being reviewed for adequate access in all weather for all vehicles, including emergency services?

Joan Lester: Right, but that's not a problem there.

James McCubbin: Do you understand that this approval, if approved, does not mean that the property is approved for zoning compliance, floodplain, septic systems, or any other permits that may be required, including building permits?

Joan Lester: Right.

James McCubbin: That's all the questions I have.

Chair Curtiss: The only other question I would have is there currently a home on the property or is it just bare land right now?

Joan Lester: The part I wanted to give to her is actually bare. I have, at the moment, a motor home and a travel trailer on it and I'll probably build where that is. That's on the other three-acre part.

Chair Curtiss: Any other questions for Ms. Lester? Thank you. This is a public hearing, does anyone else like to make comment on this proposed family transfer? I'll close the hearing.

Commissioner Bill Carey made a motion that the Board of County Commissioners approve the request by Joan F. Lester to create one additional 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. Chair Jean Curtiss seconded the motion. The motion carried on a vote of 2-0.

Chair Curtiss: Mrs. Lester, you'll get a letter from the Commissioners within the next few weeks, but it's been approved, so you can go forward with any surveying if you would like to. Thank you.

Consideration (Continued from May 14, 2008): Bear Creek Lots Proposed Amendment to Condition 13 (Regarding Shared Driveway) - Bear Creek Road & Bull Pines Road in Potomac

POSTPONED TO JUNE 4, 2008

Chair Curtiss: On our agenda today was listed a consideration for Bear Creek Lots proposed amendments to Condition 13, that's been postponed to June the 4th because the proponent had requested that all three Commissioners be here and Mr. Anderson is out of town this week.

Other Business

Mike Sehestedt: You might announce the fact that the Wednesday, May 28 meeting has been cancelled

Chair Curtiss: That's true. The Wednesday, May 28 has been cancelled because this room will be needed by the Elections Office so there will be no public meeting that week. Our next public meeting will be June 4.

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

[After the meeting adjourned, Brent Campbell, an engineer from WGM Group arrived and talked with the Commissioners at length about possible flooding at Monrock at the edge of the Clark Fork.]