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**PUBLIC MEETING**  
**MISSOULA BOARD OF COUNTY COMMISSIONERS**  
**WEDNESDAY, DECEMBER 10, 2008 – 1:30 P.M.**  
**ROOM 201 – COURTHOUSE ANNEX**  
**MINUTES**

**1. CALL TO ORDER**

[1:30:27 PM](#) Chair Jean Curtiss called the meeting to order at 1:30 p.m.

Commissioners Present: Chair Jean Curtiss, Commissioner Bill Carey and Commissioner Larry Anderson. Absent: None.

Staff Present: Chief Administrative Officer Dale Bickell, Rural Initiatives Planner Nancy Heil, Deputy County Attorney Marnie McClain, Office of Planning & Grants Senior Planner Mary McCrea, Office of Planning and Grants Planner Jennie Dixon, Deputy County Attorney James McCubbin, Rural Initiatives Senior Planner Pat O'Herren, Public Works Director Greg Robertson, Office of Planning and Grants Planner Pat Keiley, and Junk Vehicle Program Coordinator Richard Corrigan.

**2. [1:30:34 PM](#) PLEDGE OF ALLEGIANCE**

**3. [1:30:53 PM](#) PUBLIC COMMENT**

**4. ROUTINE ADMINISTRATIVE ACTIONS**

a. [1:31:02 PM](#) Weekly Claims List for One Week (\$616,708.43)

[1:31:07 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$616,708.43. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

**5. BID AWARD (Public Works)**

a. Backhoe

[1:31:16 PM](#) Chair Jean Curtiss opened the hearing.

[1:31:19 PM](#) Greg Robertson presented the [staff report](#).

[1:32:13 PM](#) Questions from Commission

Executive Session

[1:32:43 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners award the purchase of a backhoe/loader to Western States Equipment in the amount of \$94,889. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

[1:33:01 PM](#) Public Comment

**6. PRESENTATION**

a. Report on Implementation of the Missoula Marijuana Initiative (I-2), Report #2, for the Period January 1, 2008 - June 30, 2008

[1:33:11 PM](#) Chair Jean Curtiss opened the presentation.

[1:33:46 PM](#) John Masterson, Chair, Community Oversight Committee on Implementation of Initiative 2, presented the [report](#).

[1:45:00 PM](#) Questions from Commission

Community Oversight Committee Comment

[1:47:24 PM](#) Angela Goodhope

[1:49:50 PM](#) Public Comment

## 7. HEARINGS

a. Hayes-Evaro Open Space Bond Project

[1:50:19 PM](#) Chair Jean Curtiss opened the hearing.

[1:50:35 PM](#) Nancy Heil presented the [staff report](#).

Comments from Open Lands Committee

[1:54:54 PM](#) Meggen Ryan

[1:56:49 PM](#) Five Valleys presentation, Pelah Hoyt ([PowerPoint](#))

[2:05:12 PM](#) Owner comments, Bob Hayes

[2:08:07 PM](#) Public Comment

[2:08:18 PM](#) Helen Bourdon

[2:12:25 PM](#) Pelah Hoyt, Five Valleys

[2:13:07 PM](#) Meggen Ryan

[2:15:52 PM](#) Executive Session

[2:16:00 PM](#) Commissioner Bill Carey

[2:16:40 PM](#) Commissioner Larry Anderson

[2:17:22 PM](#) Chair Jean Curtiss

[2:18:39 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners approve the expenditure of \$150,000 in Open Space Bond funds via the resolution attached to the staff report (Attachment E) for the purchase of a conservation easement for the Hayes-Evaro project, based on findings that the project qualifies for funding, recommendations of the Open Land Citizen Advisory Committee, public hearing comments, and staff's analysis. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

b. Sunset Hills Open Space Bond Project Reconsideration of Condition

[2:19:28 PM](#) Chair Jean Curtiss opened the hearing.

[2:19:48 PM](#) Nancy Heil presented the [staff report](#).

Comments from Open Lands Committee

[2:22:14 PM](#) Meggen Ryan

[2:22:57 PM](#) Comments from Nature Conservancy

[2:23:10 PM](#) Caroline Byrd

[2:23:31 PM](#) Questions from Commission

[2:24:31 PM](#) Public Comment

[2:24:39 PM](#) Questions from Commission

[2:25:09 PM](#) Hank Goetz, Blackfoot Challenge

[2:26:04 PM](#) Executive Session

[2:26:08 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners approve an amendment to Resolution 2007-093 that deletes the last sentence requiring that funds not be released until the time of ownership transfer to the E Bar L Ranch via the resolution attached to the staff report (Attachment C). Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

## 8. HEARING (Continued from December 3, 2008)

a. Bison Collines Subdivision (129 lots on 274.76 acres) - Fred Lane, 1/4 mile from Waldo Road/Frenchtown Frontage Road

[2:27:48 PM](#) Chair Jean Curtiss opened the hearing.

[2:28:08 PM](#) Jennie Dixon reviewed the hearing held on [December 3, 2008](#), ([Planning Board Recommendation](#)) and [Fire Service Fee Memos](#)

[2:31:10 PM](#) Developer's Representative presentation, Dale McCormick, Professional Consultants, Inc.

[2:35:30 PM](#) Public Comment  
[2:35:35 PM](#) Questions from Commission

[2:37:09 PM](#) Executive Session

MOTION FROM DECEMBER 3, 2008 HEARING: Commissioner Bill Carey made a motion that the Board of County Commissioners approve the amendments to Conditions #14, 20, 32, and 33 as listed in Attachment #1, Planning Board Recommendation. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 2-0.

[2:38:38 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners conditionally approve the request to vary from Section 3.2.3(3) requiring a pedestrian walkway along the perimeter of a subdivision that abuts a public road to require a pedestrian walkway along Fred Lane between the two Gaspard Loop intersections with Fred Lane based on the findings of fact in the staff report. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

[2:41:13 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners amend Condition #11 to read, "The subdivider shall install a 5' wide paved pedestrian walkway and minimum 7' wide boulevard along Fred Lane between the two Gaspard Loop intersections with Fred Lane, subject to review and approval by Public Works and OPG prior to final plat approval for Phase One." Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

[2:41:52 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners amend Condition #21 to read, "The subdivider shall reimburse Missoula County for the cost of subdivision review and inspections regarding fire protection by the County Fire Inspector. The payment shall be \$150 per final plat review and \$200 per lot. Payment of the reimbursement shall be verified prior to final plat approval of each phase." In addition, from the memorandum dated December 5, 2008 from Denise Alexander, Finding of #6 under Criterion 2: Effects on Local Services, Fire Department, should be amended to read, "In order to assure adequacy of installation of fire related improvements and compliance with conditions of approval to mitigate the impacts of the subdivision on public health and safety, the subdivider shall contribute a payment sufficient to reimburse the cost of service of fire related reviews and inspections by a county fire inspector. This is required as a condition of approval." [2:42:59 PM](#) Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

[2:43:07 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners approve the Bison Collinese Subdivision based on the amended findings of fact in the staff report and subject to the recommended conditions of approval as modified. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

## 9. HEARING

- a. Request from Missoula Mavericks to Lease Land and Construct Indoor Baseball Training Facility at Big Sky Park, including Proposed Amendments to Tower Street Park Complex Management and Utilization Plan

[2:44:19 PM](#) Chair Jean Curtiss opened the hearing.

[2:44:49 PM](#) Lisa Moisey presented the [staff report](#).

[2:54:53 PM](#) Questions from Commission

[2:55:28 PM](#) Missoula Mavericks presentation, Matt Cuffe

[3:02:37 PM](#) Questions from Commission

[3:03:57 PM](#) Bill Miller, Missoula Mavericks

[3:06:41 PM](#) Questions from Commission

[3:10:10 PM](#) Public Comment

[3:10:17 PM](#) Bill Dahlgren

[3:14:17 PM](#) Questions from Commission

[3:17:03 PM](#) Matt Cuffe

[3:17:52 PM](#) Staff comment, Lisa Moisey

[3:19:46 PM](#) Executive Session

[3:22:35 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners approve the Plan Amendment to the 1998 Tower Street Park Complex – Management and Utilization Plan to allow a change of use on a portion of the parcel from BMX Track to Indoor Baseball Training Facility. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

[3:22:52 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners approve the Plan Amendment to the 1998 Tower Street Park Complex – Management and Utilization Plan to allow construction of an Indoor Baseball Training Facility. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

[3:23:04 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners approve the request to enter into a lease agreement with Missoula County for a portion of the site, subject to six conditions as presented in the staff report of December 10, 2008. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

## 10. HEARING

- a. Question of Whether to Support or Oppose an Application for a Motor Vehicle Wrecking Facility License (CF Auto Parts-Fedor Chinikaylo) - 10052 Garrymore Lane

[3:23:57 PM](#) Chair Jean Curtiss opened the hearing.

[3:24:33 PM](#) Richard Corrigan presented an overview.

[3:26:10 PM](#) Questions from Commission

[3:26:39 PM](#) Chair Jean Curtiss, additional information

[3:27:16 PM](#) CF Auto Parts Presentation, Vadim Chinikaylo

[3:28:35 PM](#) Chair Jean Curtiss

[3:29:01 PM](#) Vadim Chinikaylo

[3:29:37 PM](#) County Attorney's Office questions, Marnie McClain

[3:30:01 PM](#) Vadim Chinikaylo

[3:30:40 PM](#) Office of Planning and Grants Planner, Pat Keiley, Zoning issues

[3:33:39 PM](#) Questions from Commission

[3:34:09 PM](#) Public Comment

[3:34:19 PM](#) Larry Neilson

[3:36:57 PM](#) Susan Doores

[3:39:48 PM](#) Fedor Chinikaylo

[3:43:47 PM](#) Questions from Commission

[3:47:42 PM](#) Susan Doores

[3:49:05 PM](#) Staff comment, Marnie McLain

[3:51:45 PM](#) Public Comment

[3:51:52 PM](#) Rita Neilson

[3:52:50 PM](#) Vadim Chinikaylo

[3:54:26 PM](#) Questions from Commission

[3:55:05 PM](#) Vadim Chinikaylo

[3:56:21 PM](#) Public Comment

[3:56:31 PM](#) Larry Neilson

[3:58:04 PM](#) Staff comment, Pat Keiley

[3:58:51 PM](#) Questions from Commission

[3:59:01 PM](#) Vadim Chinikaylo

[3:59:39 PM](#) Questions from Commission  
[4:00:01 PM](#) Staff comment, Marnie McLain  
[4:00:39 PM](#) Staff comment, Richard Corrigan  
[4:05:04 PM](#) Staff comment, Marnie McLain  
[4:05:50 PM](#) Staff comment, Richard Corrigan  
[4:06:37 PM](#) Questions from Commission  
[4:08:33 PM](#) Staff comment, Richard Corrigan  
Public Comment  
[4:09:21 PM](#) Susan Doores  
[4:10:53 PM](#) Rex Svoboda  
[4:12:02 PM](#) Vadim Chinikaylo  
[4:16:23 PM](#) Staff comment, Pat Keiley  
Public Comment  
[4:17:53 PM](#) Larry Neilson  
[4:19:19 PM](#) Fedor Chinikaylo  
[4:20:42 PM](#) Executive Session  
[4:20:53 PM](#) Commissioner Larry Anderson  
[4:21:43 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners adopt a resolution in opposition to the location of the proposed facility and revisit the situation again if operation is brought into compliance with existing laws and zoning regulations. [4:22:39 PM](#) Commissioner Bill Carey comments. [4:22:53 PM](#)  
[4:22:52 PM](#) Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

**11. [4:23:20 PM](#) OTHER BUSINESS**

**12. [4:23:23 PM](#) RECESS**

There being no further business to come before the Board of County Commissioners, the meeting was recessed at 4:23 p.m.