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PUBLIC MEETING
BOARD OF COUNTY COMMISSIONERS
WEDNESDAY, DECEMBER 17, 2008 – 1:30 P.M.
ROOM 201 – COURTHOUSE ANNEX
MINUTES

1. CALL TO ORDER

[1:30:21 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: Deputy County Attorney Marnie McClain, Deputy County Attorney James McCubbin, Chief Financial Officer Andrew Czorny, Office of Planning and Grants Planner Jennie Dixon, Office of Planning & Grants Planner Janet Rhoades, Public Works Director Greg Robertson and Office of Planning and Grants Planner Michele Reinhart.

2. [1:30:27 PM](#) PLEDGE OF ALLEGIANCE

3. [1:30:47 PM](#) PUBLIC COMMENT

4. ROUTINE ADMINISTRATIVE ACTIONS

a. Weekly Claims List for One Week (\$963,208.84)

[1:31:06 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$963,208.84. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

5. BID AWARD (Public Works)

a. Construction Roller

[1:31:18 PM](#) Chair Jean Curtiss opened the hearing.

[1:31:22 PM](#) Greg Robertson presented the [staff report](#).

[1:32:12 PM](#) Questions from Commission

[1:32:35 PM](#) Public Comment

[1:32:46 PM](#) Questions from Commission

Executive Session

[1:33:01 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners award the purchase of a vibratory roller to Western States Equipment in the amount of \$52,899 as the lowest and most responsive bidder. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

6. HEARINGS (Certificates of Survey)

a. Nelsen (Cris) Family Transfer

[1:33:16 PM](#) Chair Jean Curtiss opened the hearing.

[1:33:32 PM](#) James McCubbin presented the [staff report](#).

[1:34:53 PM](#) James McCubbin questioned the applicant, Chris Nelsen

[1:37:15 PM](#) Questions from Commission

[1:37:27 PM](#) Public Comment

[1:37:34 PM](#) Executive Session

[1:37:37 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners approve the request by Chris Nelson 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. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

b. Flower (Arla) Family Transfer

[1:38:08 PM](#) Chair Jean Curtiss opened the hearing.

[1:38:28 PM](#) James McCubbin presented the [staff report](#).

[1:40:15 PM](#) James McCubbin questioned the applicant, Arla Flower and Applicant's Representative, Greg Martinsen

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

[1:45:05 PM](#) Public Comment

[1:45:09 PM](#) Executive Session

[1:45:12 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners approve the request by Arla Flower 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. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

7. HEARING

a. Consider Policy Regarding Payment of Cash-in-Lieu of Parkland

[1:45:41 PM](#) Chair Jean Curtiss opened the hearing.

[1:46:29 PM](#) Marnie McLain presented the [staff report](#).

[1:48:33 PM](#) Public Comment

[1:48:42 PM](#) Ron Ewart

[1:50:06 PM](#) Don Calder

[1:51:34 PM](#) Chair Jean Curtiss

[1:53:21 PM](#) Ryan Morton

[1:54:55 PM](#) Pat Erickson

[1:56:57 PM](#) Ken Jenkins

[1:59:19 PM](#) Staff comment Andrew Czorny

[2:00:47 PM](#) Staff comment Marnie McLain

Public Comment

[2:01:57 PM](#) Greg Martinsen

[2:02:39 PM](#) Chair Jean Curtiss

[2:03:12 PM](#) Don Calder

[2:04:57 PM](#) Ryan Morton

[2:05:44 PM](#) Chair Jean Curtiss

[2:06:42 PM](#) Staff comment, James McCubbin

[2:07:24 PM](#) Ken Jenkins

[2:08:07 PM](#) Chair Jean Curtiss and Ken Jenkins

[2:09:34 PM](#) Commissioner Larry Anderson

[2:10:07 PM](#) Commissioner Bill Carey

[2:10:38 PM](#) Commissioner Larry Anderson

[2:11:07 PM](#) Questions from Commission

[2:11:24 PM](#) Staff comment, Marnie McLain

[2:11:34 PM](#) Chair Jean Curtiss

[2:12:16 PM](#) Staff comment, Marnie McLain

[2:12:55 PM](#) Staff comment, James McCubbin

[2:13:55 PM](#) Dollar amount limit discussion

[2:14:26 PM](#) Public Comment

[2:14:31 PM](#) Executive Session

[2:14:54 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners adopt the policy regarding payment of cash-in-lieu of parkland as presented in the staff report. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

8. HEARING (Continued from December 3, 2008)

- a. Mill Creek Meadows (39 lots on 33.75 acres) - Mill Creek Road in Frenchtown
[2:15:14 PM](#) Chair Jean Curtiss opened the hearing.
[2:16:06 PM](#) Michele Reinhart reviewed the [December 3, 2008](#) hearing ([staff report](#), [Planning Board recommendations](#)) and presented [recommended amendments](#) to conditions of approval and a [fire service fee](#) memo ([PowerPoint](#)).
[2:23:32 PM](#) Developer's Representative presentation, Emily Corsi, Eli & Associates
[2:24:58 PM](#) Questions from Commission
[2:25:16 PM](#) Public Comment
[2:25:30 PM](#) Fred Deschamps, Owner
[2:27:18 PM](#) Emily Corsi
[2:27:44 PM](#) Questions from Commission
[2:28:46 PM](#) Public Comment
[2:28:53 PM](#) Questions from Commission
[2:29:03 PM](#) Staff comment, Michele Reinhart
[2:29:46 PM](#) Executive Session
[2:29:58 PM](#) Walkway discussion

[2:31:59 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners approve the Mill Creek Subdivision subject to the conditions as amended by the Planning Board and by the OPG memo dated December 12, 2008. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

9. CONSIDERATION

- a. Opsand Subdivision (5 lots on 5.21 acres) - 20550 Mullan Road in Frenchtown
[2:32:38 PM](#) Chair Jean Curtiss opened the hearing.
[2:33:41 PM](#) Jennie Dixon presented the [staff report](#).
[2:38:07 PM](#) Staff comment, James McCubbin, Condition #4 amendment
[2:41:37 PM](#) Developer's Representative presentation, Larry Popp, PCI
[3:01:54 PM](#) Questions from Commission
[3:02:52 PM](#) Staff comment, James McCubbin
[3:03:35 PM](#) Larry Popp
[3:04:28 PM](#) Public Comment
[3:04:49 PM](#) Executive Session
[3:15:33 PM](#) Chair Jean Curtiss recessed consideration for developer's representative to confer with owner.
[3:23:12 PM](#) Chair Jean Curtiss called meeting back to order.
[3:23:18 PM](#) Larry Popp, granting of easement approval and discussion
[3:23:54 PM](#) Staff comment, Jennie Dixon and [3:24:24 PM](#) language suggestion for Condition #3; discussion; [3:26:18 PM](#) language suggestion for variance motion;
[3:28:36 PM](#) Findings of fact discussion

[3:36:28 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners amend Condition #3 to read, "The plat shall be revised to show a 10' public pedestrian access easement along the entire subdivision frontage adjacent to the Mullan Road right-of-way." Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

3:36:41 PM Commissioner Bill Carey made a motion that the Board of County Commissioners delete reference to "(a), (b), (c), or (d)" after Article 3.7.(1) in Condition #4. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

3:37:03 PM Commissioner Bill Carey made a motion that the Board of County Commissioners delete Finding of Fact #6 from Pedestrian Access section of the staff report, Page 8, which reads, "The County Public Works Director recommends installation of the walkway on Mullan Road concurrent with this subdivision. He commented that it will be several years before funding becomes available for trail construction, and because of the length and cost it will be at least a few years in implementation. Thus, there has been no engineering work started and no decisions made on alignment, etc. He commented that existing trails could be incorporated into the design for future trails in the area." Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

3:37:17 PM Commissioner Bill Carey made a motion that the Board of County Commissioners amend Finding of Fact #10 under Pedestrian Access, Page 8 to read, "A condition of approval requires the dedication of a 10' wide public pedestrian access easement along the north side of Mullan Road on the frontage of this subdivision." Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

3:37:52 PM Commissioner Bill Carey made a motion that the Board of County Commissioners amend Finding of Fact #3 under Pedestrian Access, Page 3 to add the statement, "The Missoula Board of County Commissioners conditionally approves this variance request." Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

3:38:22 PM Commissioner Bill Carey made a motion that the Board of County Commissioners delete reference to "(a), (b), (c), or (d)" after Article 3.7.(1) in Finding of Fact #7 under Fire Department, Page 9 . Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

3:39:09 PM Commissioner Bill Carey made a motion that the Board of County Commissioners amend Finding A, paragraph 5, under VARIANCE REQUESTS, Page 14 to read, "Approval of this variance is *not* a threat to the public safety, health, or welfare, *nor* is it injurious to other persons or property, with the imposition of Condition #3." Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

3:39:25 PM Commissioner made a motion that the Board of County Commissioners amend Finding E under VARIANCE REQUESTS, Page 14, adding the following sentence, "Imposition of Condition #3 reduces the anticipated public cost." Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

3:39:57 PM Commissioner Bill Carey made a motion that the Board of County Commissioners conditionally approve the variance request from Article 3.2.3(3) requiring installation of pedestrian walkways along Mullan Road, subject to revised Condition #3, to require dedication of a 10' wide public pedestrian walkway easement on the north side of Mullan Road adjacent to the subdivision, based on the findings of fact contained in the staff report." Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

[3:40:22 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners approve the variance request from Article 3.2.3(3) requiring installation of pedestrian walkways along one side of both private access roads, based on the findings of fact contained in the staff report. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

[3:40:38 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners approve the Opsand Subdivision based on the amended findings of fact and subject to the recommended amended conditions of approval contained in the staff report as revised. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

10. HEARING

- a. Wye Commercial Subdivision (10 lots on 20.11 acres) - The Wye at I-90 & Highway 93

[3:41:11 PM](#) Chair Jean Curtiss opened the hearing.

[3:42:40 PM](#) Janet Rhoades presented the [staff report](#), [staff memo](#), [Planning Board Recommendations](#) ([PowerPoint](#))

[3:48:28 PM](#) Developer's Representative presentation, Kristin Smith, WGM Group

[3:52:09 PM](#) Questions from Commission and language suggestion

[3:54:43 PM](#) Staff comment, James McCubbin

[3:57:44 PM](#) Public Comment

[3:57:50 PM](#) Executive Session

[3:57:59 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners amend Finding of Fact #2 under Criterion 2: Effects on Local Services, Fire Department to read, "According to the application packet, water supply for fire protection will be provided by the Williams Water Company system. The Department of Environmental Quality has approved a Public Water Supply System (E.Q. #08-2521), and for which a set of rules and fees will be established and regulated by the Public Service Commission." Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

[3:58:57 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners approve the Wye Commercial Subdivision based on the findings of fact and subject to the recommended conditions of approval as amended in the December 17, 2008 staff memo. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

11. [3:59:24 PM](#) OTHER BUSINESS

12. [3:59:28 PM](#) RECESS

There being no further business to come before the Board of County Commissioners, the meeting was recessed at 3:59 p.m.