

PUBLIC MEETING
BOARD OF COUNTY COMMISSIONERS
WEDNESDAY, JULY 9, 2008 – 1:30 P.M.
ROOM 201 –COURTHOUSE ANNEX
MINUTES

The Board of County Commissioners recently approved the format of their meeting minutes as summary minutes. While in the process of moving to audio/summary minutes, the Commissioners' Office will provide summary minutes only online. If you wish to have an audio file sent to you by email, please contact us at 406-258-4877. (A CD version of the recording can also be made.)

A portion of the recording for July 9, 2008 are not available due to operator error, however they are available from MCAT (Montana Community Access Television) as a video file, phone: (406) 542-6228. The staff report for the Family Transfer is verbally transcribed below up to the point where the audio is available from the Commissioners' Office.

1. CALL TO ORDER

Chair Jean Curtiss called the meeting to order at 1:30 p.m.

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

Staff Present: Deputy County Attorney James McCubbin, Rural Initiatives Planner Nancy Heil, Office of Planning & Grants Senior Planner Mary McCrea, Public Works Director Greg Robertson, Assistant Public Works Director Charles Wright, Rural Initiatives Senior Planner Pat O'Herren, and Planner Michele Reinhart.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

4. ROUTINE ADMINISTRATIVE ACTIONS

- a. Approval of Weekly Claims Lists (\$266,109.74)

Commissioner Larry Anderson made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$266,109.74. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

- b. Approval of Final Plat for Ranch Club - Phase 6

Commissioner Bill Carey made a motion that the Board of County Commissioners approve the final plat for Ranch Club, Phase 6. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

5. HEARING (Certificate of Survey)

- a. Moeller (Mel) Family Transfer

Chair Jean Curtiss opened the hearing.

James McCubbin presented the [staff report](#).

This is a little bit of an interesting family transfer, not because I have seen any particular red flags in terms of evasion. More because on review of this family transfer and review of the title history, it appears that the Moellers already own two parcels here, so probably in order to keep the records of the county clear, and probably in the Moellers' better interest anyway, it would be more appropriate to do a boundary line relocation than a family transfer. However, that just came to light this morning, so I'm still reviewing that to make sure it's the case.

Basically, this is a triangular parcel in two parts. Originally how the main part of the parcel was formed as a triangular parcel is through the Milwaukee rail coming through and splitting up sections and quarter sections. This was the corner that was left. Actually the survey that Bill's got out is a good one to look at. You can see where the rail came through and then when the railway shut down, I think it was in 1981, they quit claimed out the right-of-way. I've done the research to find out that the right-of-way at least at this part was owned, it was not an easement. Different parts of this rail line were either owned or held as easements, depending upon where they were and who they got it from. This one was in ownership, so when they quit claimed deeded that out, the ownership transferred out and it is a parcel, or at least at that time was a hundred-foot wide parcel. So that means that the triangle that you see on that survey and the strip that is the railway are two separate legal parcels, or at least I'm fairly certain of that upon first review of the property records. The one additional possible complication that we have on this is after that was deeded out as a hundred foot strip, it subsequently became referenced as two 50-foot strips and there's no subdivision review to have done that and there's no exemption that I'm aware of that was processed, so I'm not sure how that happened and who really owns how much of the hundred-foot strip, whether it's one side or the other or down the middle. So that's another issue that I have to look at.

Anyway what I would suggest we do today is go ahead and process the family transfer exemption request. The Moellers are in from out of state, they intend to build on this parcel and there's an existing home. The existing home is what's going to go to their son, but they came in today for this meeting. In case it turns out that the family transfer is the appropriate way to do it, I would suggest that we go ahead and process the family transfer, ask the questions, but with the understanding that there's a possibility that we may essentially withdraw the family transfer request and change it into a boundary line relocation. If that's the case, we won't charge them an additional review fee or anything like that, it will be the same exemption process, but we may ultimately file it as a boundary line relocation instead.

Chair Jean Curtiss: So therefore, the Commissioner Action Form that we have in front of us states that they have not used the family transfer exemption previously either, right?

James McCubbin: That's my understanding.

Continuation of James McCubbin staff report
James McCubbin questioned the applicant, Mel Moeller.
Public Comment
Executive Session

Commissioner Larry Anderson made a motion that the Board of County Commissioners conditionally approve the request by Mel and Priscila Moeller 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. If upon further review by the County Attorney's Office, a more appropriate means of accomplishing this would be through a boundary line relocation, this request for a family transfer exemption would be withdrawn. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

6. HEARINGS

- a. Petition to Alter a Portion of a County Road (Remount Road in Huson)
Chair Jean Curtiss opened the hearing.
Charles Wright presented the [staff report](#).

Public Comment

Site visit scheduled - item back on agenda for decision on next week.

- b. Petition to Abandon a Portion of a Public Road (Plat Book 1 Road located off Queen Anne Lane in Lolo)

Chair Jean Curtiss opened the hearing.

Charles Wright presented the [staff report](#).

Representative presented his report, Kirk Adkins, WGM Group

Site visit scheduled - item back on agenda for decision July 16, 2008.

7. HEARING

- a. Place the Question to Form West Valley Community Council on November Ballot (Western Portion of the County, including Frenchtown, Huson, Sixmile and Ninemile Areas)

Chair Jean Curtiss opened the hearing.

Nancy Heil presented the [staff report](#).

Harry Kenck, Community representative

Public comment

Ray Winn

Stan Lusher

Ron Ewart

Richard Werst

Ray Winn

Harry Kenck

Executive Session

Commissioner Larry Anderson made a motion that the Board of County Commissioners adopt a Resolution placing the question of forming a Community Council for the western portion of Missoula County covering Precincts 34, 35, 36, 37, and 38 on the November 4, 2008 ballot, and further that the resolution specify the number of members on the proposed council and whether interim members will be appointed by the Commissioners before the next available election date. In addition, the council shall be named the West Valley Community Council.

Discussion

Commissioner Bill Carey seconded the motion.

Discussion

The motion carried on a vote of 3-0.

8. OTHER BUSINESS

9. RECESS

There being no further business to come before the Board, the Commissioners were in recess at 2:30 p.m.