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PUBLIC MEETING
MISSOULA BOARD OF COUNTY COMMISSIONERS
WEDNESDAY, NOVEMBER 12, 2008 – 1:30 P.M.
ROOM 201 – COURTHOUSE ANNEX
MINUTES

1. CALL TO ORDER

[1:31:08 PM](#) 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: Office of Planning & Grants Planner Vlad Kryukov, Deputy County Attorney James McCubbin, Office of Planning & Grants Planner Janet Rhoades, Public Works Director Greg Robertson, Assistant Chief Deputy Clerk & Recorder Kim Cox, Chief Financial Officer Andrew Czorny, Assistant Chief Deputy Clerk & Recorder Kathy Wahl and Assistant Public Works Director Chuck Wright.

2. [1:31:13 PM](#) PLEDGE OF ALLEGIANCE

3. [1:31:34 PM](#) PUBLIC COMMENT

[1:31:40 PM](#) Ab Abramson

[1:33:44 PM](#) Suzanne Mazkillop

[1:38:20 PM](#) Staff comment, Greg Robertson

[1:38:36 PM](#) Staff comment, James McCubbin

[1:39:07 PM](#) County Attorney comment, Fred VanValkenburg

[1:39:56 PM](#) Staff comment, Greg Robertson and Suzanne Mazkillop

[1:41:29 PM](#) Chair Jean Curtiss

[1:42:05 PM](#) County Attorney comment, Fred VanValkenburg

[1:42:38 PM](#) Suzanne Mazkillop

[1:43:06 PM](#) Commissioner Larry Anderson

[1:43:30 PM](#) Staff comment, Greg Robertson

4. ROUTINE ADMINISTRATIVE ACTIONS

a. [1:44:04 PM](#) Weekly Claims List for One Week (\$760,852.52)

[1:44:15 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$760,852.52. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

5. HEARING (Certificate of Survey)

a. Coombes (Alvin) Family Transfer

[1:44:24 PM](#) Chair Jean Curtiss opened the hearing.

[1:44:37 PM](#) James McCubbin presented the [staff report](#).

[1:46:17 PM](#) James McCubbin questioned the applicant's representative, Rose Elliot

[1:49:03 PM](#) Questions from Commission

[1:49:10 PM](#) Public Comment

[1:49:15 PM](#) Executive Session

[1:49:20 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners approve the request by Alvin and Theda Coombes to create three additional parcels 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.

6. HEARING

- a. Seven (7) Petitions to Annex Property into Missoula Rural Fire District
[1:49:52 PM](#) Chair Jean Curtiss opened the hearing and presented the [staff reports](#).
[1:51:49 PM](#) Problem with paperwork submitted
[1:52:28 PM](#) Chair Jean Curtiss recessed the hearing until the problem with the paperwork could be addressed.
[Hearing continued below.]

7. HEARING

- a. Consider Issuance of Healthcare Facilities Revenue Note Payable by Western Montana Mental Health Center under Industrial Development Revenue (IDR) Bonds Statutes
[1:52:57 PM](#) Chair Jean Curtiss opened the hearing. No staff report was submitted.
[1:53:17 PM](#) Andrew Czorny
[1:54:48 PM](#) Public Comment
[1:55:10 PM](#) Teresa Nichols, Western Montana Mental Health Center
[1:56:08 PM](#) County Attorney comment, Fred VanValkenburg and Discussion
[2:01:57 PM](#) Staff comment, James McCubbin
[2:02:25 PM](#) Teresa Nichols, Western Montana Mental Health Center
[2:02:43 PM](#) Deborah Parker, Western Montana Mental Health Center
[2:03:20 PM](#) Staff comment, James McCubbin
[2:03:46 PM](#) Public Comment
[2:03:53 PM](#) Questions from Commission
[2:04:21 PM](#) Leslie Jenson, First Interstate Bank
[2:05:18 PM](#) Staff comment, Andrew Czorny
[2:05:37 PM](#) Teresa Nichols, Western Montana Mental Health Center
[2:05:57 PM](#) Staff comment, James McCubbin
[2:06:21 PM](#) Executive Session
[2:07:14 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners recess the hearing until November 26, 2008 and refer the item to the County's Bond Counsel. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

CONTINUATION OF HEARING #6a -- Seven (7) Petitions to Annex Property into Missoula Rural Fire District

[2:08:20 PM](#) Chair Jean Curtiss

[2:08:25 PM](#) Explanation and correction of paperwork problem.

[2:12:25 PM](#) Chair Jean Curtiss reopened the hearing.

[2:12:34 PM](#) Public Comment

[2:12:54 PM](#) Chair Jean Curtiss read addresses of seven petitions into the record.

[2:13:58 PM](#) Executive Session

[2:14:03 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners approve the seven petitions to annex the following properties into the Missoula Rural Fire District as presented in the staff report: 13352 Wildrose Court in Lolo, 5203 Arnica in Missoula, 7945 Bootlegger Trail in Missoula, 6175 Delarka Drive in Lolo, 13340 Green Tree Court in Lolo, 13342 Green Tree Court in Lolo, and 6170 Delarka Drive in Lolo. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

8. CONSIDERATION

- a. Quiet Pines Lots No. 2 (2 lots on 2.86 acres) - 6600 Highway 10 East
[2:14:30 PM](#) Chair Jean Curtiss opened the consideration.
[2:15:14 PM](#) Vlad Kryukov presented the [staff report](#).
[2:21:19 PM](#) Developer's Representative presentation, Emily Corsi, Eli and Associates ([amendments](#))
[2:22:43 PM](#) Staff comment, James McCubbin
[2:22:50 PM](#) Suggested findings of fact, Emily Corsi, and discussion regarding findings for variance request
[2:25:27 PM](#) Questions from Commission
[2:27:07 PM](#) Developer's representative presentation (continued)
[2:27:16 PM](#) Staff comment, Vlad Kryukov
[2:28:16 PM](#) Emily Corsi
[2:28:34 PM](#) Developer's representative presentation (continued), Condition of Approval #3
[2:30:45 PM](#) Staff comment, Vlad Kryukov and Discussion on Condition of Approval #3
[2:32:36 PM](#) Staff comment, Vlad Kryukov, suggestion of deleting Condition #3 and discussion
[2:33:45 PM](#) Staff comment, James McCubbin
[2:34:48 PM](#) Emily Corsi and James McCubbin
[2:36:02 PM](#) Staff comment, Vlad Kryukov
[2:36:27 PM](#) Continuation of Condition of Approval #3 Discussion
[2:39:12 PM](#) Questions from Commission
[2:39:47 PM](#) Staff comment, Vlad Kryukov
[2:40:04 PM](#) Discussion
[2:41:36 PM](#) Staff comment, Greg Robertson
[2:42:03 PM](#) Staff comment, James McCubbin
[2:42:38 PM](#) Staff comments, Greg Robertson and Discussion
[2:47:43 PM](#) Question from Commission
[2:48:06 PM](#) Staff comment, James McCubbin and Discussion
[2:49:14 PM](#) Public Comment
[2:49:24 PM](#) Executive Session
[2:50:31 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners amend a sentence in the findings of fact and conclusions of law, V.1.A., last sentence to read, "There are land-based hardships associated to widening the road to 24, for example mature pine trees and grading and drainage construction." In addition, change the language in V.1.C. to read, "There are land-based conditions related to this subdivision that would present a hardship to the owner to comply with the letter of these regulations." Commissioner Larry Anderson amended the motion to include amending V.1.B. to read, "There are conditions unique to this property, primarily the prior approval of this subdivision and the granting of variance in this matter." Commissioner Bill Carey accepted the friendly amendment. Suggested amendment to amend V.1.E. to read, "There is no evidence granting this variance would cause an increase in public costs." Commissioner Bill Carey and Commissioner Larry Anderson accepted the friendly amendment. [2:50:56 PM](#) Discussion. [2:54:02 PM](#) The motion carried on a vote of 3-0.

[2:54:46 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners approve the variance request from Missoula County Subdivision Regulations Article 3.2.2.6 Table 1 requiring a 24' paved surface width for Quiet Pines Lane for the portion where 6 or more lots are served, based on the findings of fact and subject to the amended conditions in the staff report. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

[2:55:11 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners amend Condition #8 to read, "The plat shall be revised to show a 25-foot landscaped buffer and a 50-foot building setback on Lot 2 from the edge of the Highway 200 East right of way, subject to review and approval by OPG prior to final plat approval." Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

[2:55:56 PM](#) Discussion on findings of fact

[3:00:15 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners delete Findings of Fact #7 and #8 under Criterion 2: Effects on Local Services, Roads and Driveways. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

[3:00:32 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners amend the Conclusions of Law under Criterion 2: Effects on Local Services, Roads and Driveways, "Access to the subdivision meets the standards of the Missoula County Subdivision Regulations with the conditions of approval as amended." Further, to add another Conclusion of Law to read, "Any adverse impacts to the subdivision will be adequately mitigated through the imposed conditions." Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

[3:01:17 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners delete Condition #1, which reads, "Plans for improving Quiet Pines Lane to a 24' paved surface width from Hwy 200 East to the point where only five lots are served shall be reviewed and approved by County Public Works and Missoula Rural Fire District prior to final plat approval." Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

[3:01:53 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners amend any language in the staff report that makes reference to fire district to read, "Approved by Missoula Rural Fire District or other inspector approved by Missoula County." Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

[3:04:17 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners approve Quiet Pines Lots No. 2 Subdivision, based upon the amended findings of fact in the staff report and subject to the amended conditions of approval. Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.

[3:09:03 PM](#) HEARING: Petition to Abandon a Portion of El Way Road Utility Easement in Alpine Addition (Continued from November 6, 2008)

[3:09:12 PM](#) Chair Jean Curtiss opened the decision on El Way Road and reported on the [viewer's report \(staff report\)](#)

[3:10:04 PM](#) Public Comment

[3:10:10 PM](#) Executive Session

[3:10:12 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners approve the petition to abandon El Way located in the NW ¼ of Section 34, Township 14 N, Range 20W, P.M.M., Missoula County, Montana located in Lot B-1 of Alpine Addition. Commissioner Bill Carey seconded the motion. The motion carried on a vote of 3-0.

9. HEARING

- a. Mace Subdivision (7 lots on 7.73 acres) - 7th Street, west of Clements
[3:06:35 PM](#) Chair Jean Curtiss opened the hearing. [Then moved to Petition to Abandon, item above]
[3:12:54 PM](#) Janet Rhoades presented the [staff report](#), [Planning Board Recommendations](#), [PowerPoint presentation](#)
[3:23:37 PM](#) Developer's Representative presentation ([recommendation](#)), Kristin Smith, WGM Group
[3:29:32 PM](#) Public Comment
[3:29:41 PM](#) Randy Stimple
[3:32:59 PM](#) Staff comment, Janet Rhoades
[3:34:06 PM](#) Paul Hubbard, CFAC
- [3:38:16 PM](#) Executive Session
[3:38:19 PM](#) Staff comment, James McCubbin, pedestrian walkways and interior sidewalks
[3:38:53 PM](#) Chair Jean Curtiss
[3:39:05 PM](#) Staff comment, Janet Rhoades
[3:39:43 PM](#) Staff comment, James McCubbin
[3:40:32 PM](#) Developer's Representative comment, Kristin Smith
[3:40:57 PM](#) Staff comment, Janet Rhoades
[3:41:23 PM](#) Staff comment, James McCubbin, easement connect
[3:42:19 PM](#) Chair Jean Curtiss
[3:42:55 PM](#) Commissioner Bill Carey, Chair Jean Curtiss, Kristin Smith discussion
[3:44:28 PM](#) Staff comment, James McCubbin
[3:44:47 PM](#) Commissioner Larry Anderson
[3:46:46 PM](#) Staff comment, James McCubbin and discussion
[3:47:31 PM](#) Staff comment, Greg Robertson
[3:47:58 PM](#) Chair Jean Curtiss questions
[3:48:14 PM](#) Staff comment, Greg Robertson
[3:49:08 PM](#) Developer's Representative comment, Kristin Smith and discussion.
- [3:50:51 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners delete the Planning Board's recommended Condition #14 and resubmit the language staff proposed, which reads, "A 20'-wide 'public non-motorized access easement' shall be added to the plat, with a note designating the intended use, extending southward from Perkins Ranch Road along the common lot boundary of Lots 3 and 4 to the southern property boundary, and west along the southern border of Lot 3 to line up with Copy Court, subject to review and approval by OPG prior to final plat approval." Commissioner Larry Anderson seconded the motion. The motion carried on a vote of 3-0.
- [3:51:18 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners approve the Mace Subdivision, based on the findings of fact and subject to the recommended conditions of approval as amended. Chair Jean Curtiss seconded the motion. [3:51:45 PM](#) Discussion. [3:52:27 PM](#) The motion carried on a vote of 2-1.

10. [3:52:32 PM](#) OTHER BUSINESS

11. [3:52:36 PM](#) RECESS

There being no further business to come before the Board of County Commissioners, the meeting was recessed at 3:52 p.m.