

The Board of County Commissioners approved the format of their meeting minutes as summary minutes. While in the process of moving to audio/summary minutes with time stamps, the Commissioners' Office will provide summary minutes and a Windows Media Player audio file online. **The time stamps noted on the document will not work.** They can, however, serve as an approximate counter for the Windows Media Player file (convert the time stamp to a counter by subtraction). For example, the time stamp may read 1:29:38 PM, which would be 0 minutes on the Windows Media Player counter. The time stamp next to the item you want to listen to may read 2:53:56, which would be about 1:24 on the counter (2:53 minus 1:29). You can then pull the "seek" button on the Windows Media Player to the approximate time).

PUBLIC MEETING
MISSOULA BOARD OF COUNTY COMMISSIONERS
WEDNESDAY, OCTOBER 1, 2008 – 1:30 P.M.
ROOM 374 – HISTORIC COURTHOUSE
MINUTES

1. CALL TO ORDER

[1:29:47 PM](#) Chair Jean Curtiss called the meeting to order at 1:29 p.m.

Commissioners Present: Chairman Jean Curtiss and Commissioner Larry Anderson.

Absent: Commissioner Bill Carey.

Staff Present: Deputy County Attorney James McCubbin, Public Works Director Greg Robertson, and Deputy County Attorney Mike Sehestedt, Office of Planning and Grants Planner Jennie Dixon, and Rural Initiatives Rural Landscape Scientist Mel Waggy.

2. [1:29:52 PM](#) PLEDGE OF ALLEGIANCE

3. [1:30:13 PM](#) PUBLIC COMMENT

4. ROUTINE ADMINISTRATIVE ACTIONS

a. [1:30:40 PM](#) Weekly Claims Lists for **Two Weeks** (\$1,587,541.77)

[1:30:43 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners approve the weekly claims list for two weeks in the amount of \$1,587,541.77. Chair Jean Curtiss seconded the motion. The motion carried on a vote of 2-0.

5. PROCLAMATION

a. [1:30:57 PM](#) Relationship Violence Awareness Month

[1:31:05 PM](#) Commissioner Larry Anderson read the [proclamation](#).

6. BID AWARDS (Public Works)

a. Lorraine South Water District RSID

[1:33:12 PM](#) Chair Jean Curtiss opened the hearing.

[1:33:19 PM](#) Greg Robertson presented the [staff report](#).

[1:34:18 PM](#) Executive Session

[1:35:36 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners award the contractor agreement for Lorraine South water district RSID 8495 to L.S. Jensen in the amount of \$104,939 contingent upon the successful sale of bonds and concurrent of a Department of Environmental Quality award, as presented in the staff report. Chair Jean Curtiss seconded the motion. [1:35:44 PM](#) Public Comment. The motion carried on a vote of 2-0.

b. Crushed Aggregate

[1:35:51 PM](#) Chair Jean Curtiss opened the hearing.
[1:35:54 PM](#) Greg Robertson presented the [staff report](#).
[1:36:32 PM](#) Executive Session
[1:37:49 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners award the contract to Knife River to supply crushed aggregate for maintenance activities in the amount of \$141,500 as presented in the staff report. Chair Jean Curtiss seconded the motion. [1:37:59 PM](#) Public Comment. The motion carried on a vote of 2-0.

7. HEARINGS

- a. Purchase of County Shop Land from Frey Family
[1:38:06 PM](#) Chair Jean Curtiss opened the hearing.
[1:38:21 PM](#) Greg Robertson presented the [staff report](#).
[1:39:55 PM](#) Executive Session
[1:40:17 PM](#) Public Comment
[1:40:23 PM](#) Executive Session
[1:42:26 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners authorize the purchase of property known as the Nine Mile Storage Facility from Charles and Barbara Frey and sign the agreement as presented in the staff report. Chair Jean Curtiss seconded the motion. The motion carried on a vote of 2-0.
- b. Proposal to Sell Building Setback Easement at 438 West Spruce (Kosena)
[1:43:24 PM](#) Chair Jean Curtiss opened the hearing.
[1:43:36 PM](#) Mike Sehestedt presented the [staff report](#).
[1:46:58 PM](#) Public Comment
[1:47:06 PM](#) Executive Session
[1:47:30 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners sell the easement for \$5.00 per square foot at 438 West Spruce as presented in the staff report. Chair Jean Curtiss seconded the motion. The motion carried on a vote of 2-0.

8. HEARING (continued from September 17, 2008)

- a. Trout Meadows River Ranch (69 lots on 317 acres) - North side of Clark Fork River at the end of Mallard Way
[1:48:11 PM](#) Chair Jean Curtiss opened the hearing.
[1:48:33 PM](#) Jennie Dixon presented [additional conditions](#) from Floodplain Administrator.
[1:49:05 PM](#) (5-minute recess, developer or developer's representative not present.)
[1:57:54 PM](#) Chair Jean Curtiss reconvened the meeting.
[1:59:18 PM](#) Ron Ewart, Eli and Associates, Developer's Representative presentation ([recommended conditions of approval](#))
Public Comment
[2:09:49 PM](#) Jim Cuskar, CFAC
[2:14:57 PM](#) Jim Brown, Five Valley Audubon Society [testimony](#)
[2:17:52 PM](#) Jim Edwards, Developer
[2:31:20 PM](#) Executive Session
[2:31:47 PM](#) Staff comment, James McCubbin
[2:32:35 PM](#) Staff comment, Mike Sehestedt
[2:35:49 PM](#) Staff comment, James McCubbin
[2:36:48 PM](#) Staff comment, Jennie Dixon
[2:37:16 PM](#) Jim Edwards, Developer
[2:42:32 PM](#) Executive Session
[2:42:58 PM](#) Staff comment, Jennie Dixon
[2:43:24 PM](#) Developer's Representative, Ron Ewart

[2:43:55 PM](#) Commissioner Larry Anderson comment and suggestion of extension

[2:45:21 PM](#) Developer's Representative, Ron Ewart, suggests October 22

[2:46:28 PM](#) Executive Session, Planning Board re-review discussion

[2:46:49 PM](#) Staff comment, Mike Sehestedt

[2:48:38 PM](#) Executive Session

[2:48:49 PM](#) Staff comment, Mike Sehestedt

[2:50:15 PM](#) Staff comment, Greg Robertson

[2:52:17 PM](#) Staff comment, Mike Sehestedt

[2:53:22 PM](#) Unidentified Speaker, Jim Edwards?

[2:55:35 PM](#) Jennifer Shamp

[2:56:34 PM](#) Staff comment, Mike Sehestedt

[2:56:54 PM](#) Unidentified Speaker, Jim Edwards?

[2:57:37 PM](#) Unidentified Speaker

[2:58:41 PM](#) Staff comment, Greg Robertson

[2:59:01 PM](#) Executive Session, Conditions

[3:02:39 PM](#) Condition #2 okay

[3:02:42 PM](#) Condition #3 okay

[3:04:06 PM](#) Condition #4 okay

[3:04:32 PM](#) Staff comment, Jennie Dixon, Condition #4 may need review later.

[3:04:58 PM](#) Condition #5 okay

[3:05:09 PM](#) Condition #6 okay

[3:05:18 PM](#) Condition #7 okay

[3:05:28 PM](#) Pedestrian facilities

[3:06:43 PM](#) Staff comment, Jennie Dixon

[3:07:20 PM](#) Jim Edwards, Developer

[3:09:40 PM](#) Condition #8 and #9, discuss later

[3:09:47 PM](#) Condition #10, discuss later

[3:10:11 PM](#) Conditions #11, #12, and #13, discuss later

[3:10:22 PM](#) Condition#14 okay

[3:10:32 PM](#) Condition #15, Staff comment, James McCubbin, proposed language changes, add in words after "...provide for fire protection by some alternative system..." provided for in the Missoula County Subdivision Regulations. Also, "Plans for fire hydrant locations..." mark as a subparagraph, (a), Begin paragraph with, "If water supplies to be from hydrants, (a) Plans for fire hydrant locations...." Strike the second sentence, which reads, "Fire hydrants providing a minimum 1000 GPM water supply with hydrants with two hours of storage shall be installed and operational prior to combustible construction." Put sub (b) prior to language about residential fire sprinklers and replace "where" with "if."

[3:13:27 PM](#) Staff comment, Mike Sehestedt

[3:15:08 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners amend Condition of Approval #15 to read, "The subdivider shall install a water supply system meeting the requirements of the Uniform Fire Code, or the subdivider may, if agreed to by the Missoula Rural Fire District, provide for fire protection by some alternative system provided for in the Missoula County Subdivision Regulations, which may include requiring residential fire sprinklers that meet NFPA 13D standards in each new home. Plans for a water supply for fire protection shall be reviewed and approved by Missoula Rural Fire District, and the covenants shall be amended to include the approved plan for fire suppression which may not be changed or deleted without governing body approval, prior to final plat approval of Phase One. (a) If water supply is to be from hydrants, plans for fire hydrant locations, flow capability and installation timing and cost shall be required, subject to review and approval by Public Works and Missoula Rural Fire District prior to final plat approval of Phase One. (b) If residential sprinklers are installed as the water supply for fire suppression, the subdivider shall provide verification from Missoula Rural Fire District of approval to install interior residential fire

sprinklers that meet NFPA 13D standards in each new home for the purposes of fire protection prior to final plat approval of Phase One. Plans for the installation of interior residential fire sprinklers shall be approved by the Missoula Rural Fire District prior to each building permit approval, and the development covenants shall be amended to include the following prior to final plat approval – which may not be changed or deleted without governing body approval: Residential Fire Sprinklers: Installation of interior residential fire sprinklers that meet NFPA 13D standards are required in each new home for the purpose of fire protection. Plans for installation of interior residential fire sprinklers shall be approved by the Missoula Rural Fire District prior to Building Permit approval. Failure to install residential fire sprinklers in any new home may subject the entire subdivision to the cost of installation of a shared water source for fire fighting purposes.” Chair Jean Curtiss seconded the motion. The motion carried on a vote of 2-0.

[3:16:55 PM](#) Condition #16

[3:17:09 PM](#) Developer's Representative, Ron Ewart

[3:17:50 PM](#) Staff comment, Mike Sehestedt

[3:18:02 PM](#) Staff comment, James McCubbin

[3:18:18 PM](#) Developer's Representative, Ron Ewart

[3:18:45 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners amend Condition of Approval #16 to read, “Preliminary road plans, including turnarounds / emergency vehicle turnouts for fire apparatus in all weather conditions and road widths and grades, shall be reviewed and approved by the Missoula Rural Fire District prior to final plat approval of Phase One. To ensure compliance with the approved preliminary road plans, the Missoula Rural Fire District shall review and approve final road plans prior to building permit approval. Road, driveways, and all turnarounds shall be inspected and approved by the Missoula Rural Fire District prior to occupancy of each dwelling.” Chair Jean Curtiss seconded the motion. The motion carried on a vote of 2-0.

[3:19:48 PM](#) Condition #17

[3:20:01 PM](#) Staff comment, Mike Sehestedt

[3:20:56 PM](#) Condition okay

[3:21:03 PM](#) Condition #18 okay

[3:21:23 PM](#) Condition #19

[3:21:39 PM](#) Staff comment, Jennie Dixon

[3:22:04 PM](#) Jim Edwards, Developer

[3:22:24 PM](#) Developer's Representative, Ron Ewart

[3:23:32 PM](#) Condition #19 discuss later

[3:23:36 PM](#) Jim Edwards, Developer

[3:23:44 PM](#) Commissioner Larry Anderson made a motion that the Board of County Commissioners amend Condition #19 by striking, City Parks and Recreation from the reviewed and approved list. Chair Jean Curtiss seconded the motion. The motion carried on a vote of 2-0.

[3:24:01 PM](#) Extension request to October 22

[3:24:31 PM](#) Developer's Representative, Ron Ewart, agree to extension request

[3:24:49 PM](#) Direction Commissioners would like to go on subdivision proposal

[3:28:47 PM](#) Public Comment

[3:28:54 PM](#) Developer's Representative, Ron Ewart

[3:30:52 PM](#) Developer, Jim Edwards

9. [3:32:09 PM](#) **OTHER BUSINESS**

10. [3:32:14 PM](#) **RECESS**

There being no further business to come before the Board, the Commissioners were in recess at 3:32 p.m.