

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.** However, the time stamps can serve as an approximate counter for the Windows Media Player file.

PUBLIC MEETING
MISSOULA BOARD OF COUNTY COMMISSIONERS
WEDNESDAY, JANUARY 6, 2010 – 1:30 P.M.
ROOM 201 – COURTHOUSE ANNEX
MINUTES

1. CALL TO ORDER

[1:31:42 PM](#) Chair Michele Landquist called the meeting to order at 1:30 p.m.

Commissioners Present: Commissioner Jean Curtiss, Commissioner Bill Carey and Chair Michele Landquist. Absent: None.

Staff Present: Chief Civil Deputy County Attorney Marnie McClain, Office of Planning and Grants Planner Jamie Erbacher, Floodplain Administrator Todd Klietz, Health Department Director of Environmental Health, and Health Department Water Quality Supervisor Peter Nielsen.

2. [1:31:59 PM](#) PLEDGE OF ALLEGIANCE

3. [1:32:23 PM](#) PUBLIC COMMENT

[1:32:39 PM](#) Alex Burkhalter

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

a. Weekly Claims List for **THREE** weeks - \$1,328,849.16

[1:39:31 PM](#) Commissioner Bill Carey made a motion that the Board of County Commissioners approve the weekly claims list in the amount of \$1,328,849.16. Commissioner Jean Curtiss seconded the motion. The motion carried on a vote of 3-0.

b. [1:39:47 PM](#) Public Announcements

5. HEARING (Postponed from [December 9, 2009](#))

a. Zoning District #18 Variance Request (Side-Yard Setback - B. Hazeltine, 4975 Evergreen) ([verbatim transcription](#))

[1:40:10 PM](#) Chair Michele Landquist opened the hearing.

[1:40:37 PM](#) Jamie Erbacher presented the [staff report](#).

[1:49:00 PM](#) Questions from Commission

[1:49:25 PM](#) Applicant, Bruce Hazeltine

[1:55:05 PM](#) Questions from Commission

[2:07:01 PM](#) Commissioner Jean Curtiss comment and Bruce Hazeltine

[2:09:46 PM](#) Commissioner Bill Carey comment

[2:10:01 PM](#) Chair Michele Landquist comment and Bruce Hazeltine

[2:15:09 PM](#) Commissioner Bill Carey and Commissioner Jean Curtiss

[2:15:46 PM](#) Staff comment, Jamie Erbacher

[2:16:02 PM](#) Public Comment

[2:16:16 PM](#) Executive Session

[2:16:26 PM](#) Commissioner Jean Curtiss comments

[2:18:52 PM](#) Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the variance as requested based on the findings of fact and the cols provided in the staff report. Commissioner Bill Carey seconded the motion. [2:19:07 PM](#) Discussion. [2:19:12 PM](#) Commissioner Jean Curtiss amended the motion to add the condition that the carport shall not be enclosed by walls. [2:19:21 PM](#) Commissioner Jean Curtiss comment. [2:19:49 PM](#) Staff comment, Jamie Erbacher. [2:19:53 PM](#) Commissioner Jean Curtiss amended her motion to add the condition that prior to a Zoning Compliance Permit and Building Permit being issued all utility companies must provide a release or a written document permitting this structure within the utility easement described on COS 3926. [2:20:03 PM](#) The motion carried on a vote of 3-0.

6. HEARING

- a. Appeal of Floodplain Permit Denial (Mark Reiling representing Sapphire Ranch) ([verbatim transcription](#))

[2:20:33 PM](#) Chair Michele Landquist opened the hearing.

[2:21:49 PM](#) Todd Klietz presented the [staff report](#). ([Staff presentation 1](#), [2](#), [3](#))

[2:38:24 PM](#) Applicant's representative presentation, Roger Austin

[2:47:59 PM](#) Mark Reiling, Applicant

[2:51:01 PM](#) Questions from Commission

[2:51:16 PM](#) Public Comment

[2:51:26 PM](#) Staff comment, Jim Carlson

[2:53:36 PM](#) Staff comment, Peter Nielsen

[2:55:23 PM](#) Roger Austin

[2:56:05 PM](#) Chair Michele Landquist

[2:56:36 PM](#) Staff comment, Jim Carlson

[2:57:26 PM](#) Chair Michele Landquist and Staff comment, Marnie McClain

[2:58:12 PM](#) Roger Austin

[2:58:40 PM](#) Questions from Commission

[3:02:46 PM](#) Chair Michele Landquist comment

[3:05:04 PM](#) Mark Reiling

[3:05:54 PM](#) Questions from Commission

[3:06:52 PM](#) Staff comment, Jim Carlson

[3:07:16 PM](#) Discussion

[3:07:42 PM](#) Staff comment, Todd Klietz

[3:09:59 PM](#) Staff comment, Peter Nielsen

[3:10:53 PM](#) John Kellogg

[3:11:46 PM](#) Executive Session

[3:11:57 PM](#) Commissioner Bill Carey comment

[3:12:59 PM](#) Commissioner Jean Curtiss comment

[3:16:46 PM](#) Commissioner Jean Curtiss made a motion that the Board of County Commissioners approve the appeal with the conditions that the permit be limited to say that this is an agricultural building not to regularly be used by humans, that the landowner would provide other options for human sanitation needs when necessary, and the permit does not imply the ability to protect the building in the future from flooding. Commissioner Bill Carey seconded the motion. [3:17:39 PM](#) Chair Michele Landquist comment. [3:18:29 PM](#) The motion carried on a vote of 3-0.

7. [3:18:40 PM](#) OTHER BUSINESS

8. [3:18:47 PM](#) RECESS

There being no further business to come before the Board of County Commissioners, the meeting was recessed at 3:18 p.m.