



PUBLIC MEETING
MISSOULA BOARD OF COUNTY COMMISSIONERS

WEDNESDAY, NOVEMBER 10, 2010 – 1:30 P.M.

ROOM 201 – COURTHOUSE ANNEX

MINUTES



1. CALL TO ORDER

Chair Landquist called the meeting to order at 1:30pm.

Commissioners Present: Commissioner (Chair) Michele Landquist, Commissioner Jean Curtiss, Commissioner Bill Carey,

Staff Present: James McCubbin, Deputy County Attorney, Steve Smith, Public Works, Kim Cox, Deputy Clerk & Recorder.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

Phyllis Jamison: Deputy County Attorney James McCubbin handed over a complete packet regarding the petition to abandon a portion of 4th Street to Ms Jamison. Ms Jamison stated that a Missoula County Sheriffs Deputy illegally obtained her unlisted phone number and unlisted address property and without her calling him to her property he proceeded to park at her gate and harassed her by phone at her gate for a better part of an hour before finally leaving her property after asking rude questions. She will write a letter to the Attorney, as she feels it appropriate under the circumstances.

Ms Jamison addressed hazardous endangerments in back of Lorenzo's property. She referenced a letter from the electric company; they were out there two days ago and had to work in dog poo, huge amounts in the back of the Lorenzo's property. The workers were warning each other to watch it and don't step in the poo. She continued to read a letter from Cliff Naui with the Missoula Electric Company, it says; debris should not be in alley right-of-way as it encumbers our work area. The alley in question is behind the Lorenzo's home. Miss Jamison offered to make copies. Chair Landquist was concerned that if it was a hazard the utility company would be contacting the Commissioners directly to inform them if there was a problem, she was questioning Ms Jamison as to why she brought it to the meeting if it's not applicable to the hearing.

Exhibit one: it shows the extent of one of the hazards of what they had to walk through. The electric company came out the day before yesterday and wrote this letter. They had three big work trucks out there for several hours, most of the day, they had a cherry picker and she didn't know the name of the other trucks. They were trying to work in this mess; David & Debbie Lorenzo in their Clinton Farm Greenhouses have created hazardous conditions all around there property, on every side. Miss Jamison has talked to them about it they said they built their fence so they don't have to look it so we don't care. Ms Jamison commented that the problem with that is that the rest of the community does care. The Lorenzo's dump their rubbish and garbage from their greenhouses into

the street and into the alley. They had to move everything with a scooper before they could work (Electric Company) it looks horrible out there now because of all of the stuff they moved is piled up. This is just part of the problem, it covers a huge area. With all due respect, Chair Landquist suggested that what Ms Jamison is trying to point out would be more appropriate to have that information together in the record under the hearing because it still seems to be implement some reasoning, seems to connect to this abandonment that they have been asked to look at today, because it has to deal with the same people that have requested the abandonment. Miss Jamison claims it's a different issue; one is an abandonment issue, those are not necessarily hazards in the road, these are hazardous issues that are not part of the abandonment property area, it's on the other side of their house. Ms Jamison commented that her back is starting to hurt from standing. Chair Landquist stated that when they look at roads they look at all other accesses, all other access and approaches and that's where the connection comes from. For what you're trying to convey to us your comments would be better served with the hearing portion of the meeting. Ms Jamison agreed and is happy to accommodate that. Chair Landquist didn't want Ms Jamison to feel like she has to rehash what she's saying now...later on, to make it more applicable, especially since her back is hurting. Chair Landquist reminded her that at the end of the agenda, 'item #7, is there any other business' would be more time for public comment if she felt there was more to cover. Ms Jamison proceeded to go back to the opposition but Commissioner Curtis reminded her that there are four more things to cover before they cover that and asked her to wait until then, they would hand her the microphone so she didn't have to stand, Ms Jamison appreciated the suggestion.

No other comments.

4. ROUTINE ADMINISTRATIVE ACTIONS AND PUBLIC ANNOUNCEMENTS

- a. Weekly Claims List (\$1,151,889.40)
Commissioner Carey made a motion that the Board of County Commissioners approved the weekly claims list in the amount of \$1,151,889.40. Commissioner Curtiss seconded the motion. The motion carried on a vote of 3-0.
- b. Commissioner Curtiss announced that there will be a Veterans Day Ceremony on the Courthouse lawn tomorrow at 11:00.
- c. Chair Landquist reminded everyone that they can call 2-1-1 for 'other' emergency issues; such as housing, food, heating, daycare, support groups, health care options, etc. If you call 2-1-1 you will speak to an Informational Referral Specialist who is trained to analyze your problem or question and has a current and comprehensive listing of community resources and can refer you to the agencies and organization that may be able to help. She urges everyone to use this during the tough economic times and don't wait till it's too late, don't let your pride get in the way. Missoula County is a wonderful place to live and we've actually just been awarded one of 100 best places for youth to live because of all the programs that we offer, which also include all the programs we have for adults. Please don't hesitate to call 2-1-1 if you need help and talk to a referral specialist.

5. HEARINGS (Certificates of Survey)

- a. DeAlba (Sharon) Family Transfer (postponed from August 11, 2010).

Staff Report.

20 acres in size near the Ninemile in the River Run Subdivision. Sharon DeAlba proposes to create approximately one five acre parcel to transfer to Sam DeAlba, her son, for residential

purposes and keep the remaining approximately 15 acre parcel for residential purposes as well. That information that the 15 and the 5 acre parcels, that's based on the original application that we received. Subsequent to receiving that application we received a number of public comments in writing, should be included in your record, commenting that there are confidences applicable to this property that required minimum lot size of 10 acres. In response to that we received the day before from Ken Jenkins on behalf of Ms DeAlba an alternate proposal that would split this parcel into two-10 acre tracks instead of a 15 and a 5 acre track. That would comply with the confidence but still create a parcel for transfer to do this. This is an update since he submitted a Request for Commission Action. History of the parcel is that there was boundary line relocation by prior owner in 2006. As far as the record show the application has not previously used exemptions in the Subdivision and Platting Act. This matter is here for consideration as to whether it qualifies both in terms of technically and what do you perceive (in audible). No intent

James McCubbin asked Ms DeAlba the standard set of questions.

Current proposal is the 10 and 10, did receive a color aerial with print out. Property is COS 5845 (solid line outlining the property), Lot 1 and Lot 2A. There is currently one home on the property. OPG noted that there are floodplain issues with the property, excess the scope of review there's nothing that can be done in terms of conditions but wanted to make aware of that and it could affect the availability of building permits, septic systems. Commissioner Curtis commented that it is marked on the map, flood prone area.

Public Comment:

Christine Johnson, president of the HOA River Run Ranches stated that because it meets confidence they fully support the decision.

Executive Session

Commissioner Curtiss made a motion that the Board of County Commissioners approve the request by Sharon DeAlba to create one additional parcel by use of family transfer exemption based on the fact that there does not appear to be any attempt to invade subdivision review. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

b. Blasé (Richard) Family Transfer Reconfiguration.

Family Transfer previously approved in July 2010, following that approval the final parcel configuration that was submitted as a proposed COS to Surveyors' Office varied from the diagram that was reviewed as a family transfer in July. That COS was denied, wouldn't allow them to record that because it didn't conform to the approval and so now they have come to ask for approval for a different family transfer, effectively it's the same family transfer just in a slightly different configuration. It was enough of a different configuration that we felt that it could potential effect your evaluation of the matter so we asked to come back for Commissioners review, so we have a new application. Given the confusion in the process we actually waived the processing fee to come back again and we have Mr Short here in behalf of the Blasé Family for these proceedings today. I told him that I thought that would be sufficient for the reconfiguration issue but I also let him know that if the Commissioners wanted further testimony from the family there was the possibility to continuing this for more information. You have a Commission Action Form that describes a little more the details of the background of the family transfer but basically it the same transfer, the same number of lots, but in a little bit of a different configuration which is most easily shown by looking at the exhibits. The standard questions for family transfer do not apply. Commissioner Curtis asked Mr Short representing Territorial Landworks to explain why the family changed the configuration, that's the easiest thing to do. Mr Short explained it basically came down to there's a driveway that accesses the property and initially they just thought they would have an easement but then when the surveyor crew came

out they did some rough calculations and said it's the same acreage as you wanted and instead of having that road in the easement we'll just put the property line against the road. The previous testament from Richard is still the same.

Executive Session

Commissioner Carey made a motion that the Board of County Commissioners approved the request by Mr Richard Blasé 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 invade subdivision review. Commissioner Curtiss seconded the motion. The motion carried on a vote of 3-0.

c. Braach (Rob) Family Transfer Reconfiguration.

Agenda should reflect this is actually a boundary line relocation. This was a previously approved boundary line relocation but now the applicant has decided to do things a little bit differently. Because this has come to you before I thought the changes should come to you as well. This is for your consideration to determine whether you think there's an attempt to invade subdivision review. Commissioner Curtiss stated this was the review that required colored maps to clarify what had happen when. The packet today has existing proposal from April and the modified proposed. This is a modified review from the April 6, 2010 review. Steven from Eli & Associates spoke on behalf of the family. Rob was out fencing and he had some new ideas on how he would like to reconfigure his property. They had already prepared the records set but we could make some adjustments. This was a large adjustment. This follows the intent we're still with trying to use the road as a boundary and keep the existing lots and the development below the road. They're managed to make it where they're reduce the numbers of building sites and lots that are on the uphill side of that road. So they feel like they are staying with the intent of the approved that the Commissioners granted in April. Commissioner Curtiss said it looks like what you are proposing Tract 2A & Tract 1A will not be split by a road which is one of our goals. The new Tract 2A-2-A-1 would be accessed by that road that goes above tract 5A-1A so they all have access.

Public Comment:

Susan Doores, neighbor below property. Concerned about how it's going to look, safety as far as fire protection. Looking from her property across the hwy there are some housing places that are not as attractive so she has those kinds of concerns. She has one basic question which is there are lots of lots up there and she just now heard about lots and development, so why isn't that a subdivision? Commissioner Curtiss answered by saying; When we do boundary relocations if you had five lots when you start and you reconfigure and you still have five lots it's not a subdivision. So when they bought this property it had lots already. Commissioner Curtiss asked Ms Doores if she feels like this configuration will affect public health safety or any of that. Ms Doores said she does not.

Commissioner Curtiss said when you look back at the original property that they bought that had lots of square lots which is how we usually property used to be divided by section, quarter section. Because of the typography these lots are more appealing to the eye and eventually if there will be a home put on each of these lots which some of them are for agriculture use right now, they will still be something that Ms Doores will still be happy to live next door to rather than just a bunch of houses dotting across the horizons.

Executive Session

Commissioner Curtiss made motion that the Board of County Commissioners accept the new configuration of parcels as presented today. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

6. HEARING

Petition to Abandon a Portion of Fourth Street from Mullan Road to the Alley between Block 3, Lot 7 and Block 4, Lot 1, East Clinton Addition

Chair Landquist opened the hearing.

Kim Cox, Clerk & Records Office received this petition and did verify that the necessary signatures are there for property owners.

Steve Smith, Public Works Land Surveyor map on wall which is a copy of the exhibit that is attached with the petition, just enlarged so others can visually see what you are seeing today. Same map as in the packets prepared by the County Surveyor Office now Public Works in 2001. There's an area on the exhibit that's highlighted right around the words 4th Street with handwritten notations 'abandoned' that's all new notations for purposes of this petition. That is the request for abandonment.

Petitioners:

David Lorenzo: Basically what we are trying to accomplish is to take control, if you will, of that area of 4th Street. 'Control' means to make improvements at our expense. The area listed along the dirt driveway, that portion we have no intention of closing, not fencing nor doing anything with that area. Possible landscaping and making improvements, wants to make it a better street. Drop from Mullan Road to 4th Street. I would like to bring in more road and make it a more gradual transition, over time the road has sunk and needs more work there. We own both sides of the street, our home is located on the Southside and the Clinton farm greenhouse is on the Northside. We own five lots - 6 & 7 and lots 1, 2 & 3.

Public Comment:

Phyllis Jamison: 10 years ago David Lorenzo's was sitting in the same seat asking for the same thing but he didn't have a petition then. She wanted to ask Mr Lorenzo a question but was asked to direct all questions to the Commissioners. Ms Jamison was upset and needed more time to gather her thoughts.

Debbie Lorenzo: Ms Jamison was referring to the first abandonment that was put through for the benefit of Phyllis's house which sits in what's 4th Street plotted and drainfield went right through their barn. We got notified just like you do in the normal thing that there's going to be a hearing on this, Mr Lorenzo attended to say 'that's great, we're all in favor can we do this?' And they were told no it's a separate issue, has to be done. Okay, that was the issue, the Lorenzo's let it lay, it was back in 2000 and just haven't done anything now until we've had some harassment from Phyllis about a Costco tent that sits on the grass that's been there since 2000 and is on the survey. We now have two more greenhouses that are within there and there's a small pile of top soil that we bought that we put in the end of the alley to fill in some holes that Phyllis has an issue with.

Phyllis Jamison: I have a lot of issues to cover. There's a lot of false documents there presented by the Lorenzo's that the County would not necessarily know that are false. Debra Lorenzo has just stood here and said that's all that was and that nothing more to it, not quite. They have turned in quite a number of names, a lot of names for signatures but they eventually (Ms Jamison isn't sure where she's listed as an interested party) I did get the notice. The person they tried to ram this through this before has the neighbor on the other side with the yellow house, please look at this when you come, has at least at least as much of an interest then I do. Ms Jamison wanted to ask them if that person is George Helsey? He's the only that has even the slightest; it doesn't look like his address. The Lorenzo's stated that yes, it is George Helsey. I wonder if he is aware of what's going on. Connie & Jim Heath built a yellow RV house, huge, they were snow birds, the biggest RV I could imagine, right next door to the Lorenzo's and I'm not sure he's aware. The RV house is built to house any size RV and is specially angled to the alley, such that when any vehicle of any size RV

drives in from the proposed area to be abandoned, it angles perfectly after it drives in off Mullan Rd into that RV house. That RV house is larger than many small houses because it even has a double size and a loft up above. I wonder if he was fully aware of what's happening here, with that road closed here, oh I know they said they were going to leave the little dirt road open. Reasonable for seeable and good note, good ideas and when this happens, we'll take a look at this in a moment. Not only is there a huge double RV house there, but they built...attached is a garage as well. Attached to that area is a patio area and everything is angled, that's all attached together...is huge unit and as I said, it's all angled. Looks like an odd angle, unless you know the reason for it. Please look at that RV house and make sure he understands that that house was built specially for an RV and very much effect the resale value of his home, if nothing else. He uses that little stretch for motorcycling all the time.

There are a lot of false documents here. The survey map is false, it's outdated. I don't know why you would bring something here and also she's falsely stated that it's the same, first of all they have a lot more greenhouses, you'll see that once you get out there. That little Costco tent is not what was there on the survey she says it's the same one, I guess she's trying to establish that it's a long term encroachment but it's not, it's very recent, there's nothing in it, it's flapping in the breeze, I have a picture of it at home. I asked her why they have an empty tent sitting in the middle of the street, that's where their other little greenhouse next to is that they have replaced numerous times, they had another little one wood framed which was on the survey, they took that down and dismantled it. They put in another series of little canvas tents that they changed over to the one that has been recently changed over to this canvas tent, there's nothing in it, it's sitting there. I asked why it's sitting in the middle of the street, we're dibsing the place, what are you dibsing it for? We're gonna build a big greenhouse, all wood frame and it's going to be there on a foundation. Where's parking? They don't know or don't care. Parking is a huge probably. Their customers bang and bust my gates up so much, the last time it was fixed I was told if they bust it one more time, they will have to buy you a new fence.

First I want to go into some of the exhibits and then go more into the abandonment part. This letter that Cliff Naui...he and his partner worked there for several hours the day before yesterday with their cherry picker doing work in several houses, along the street in the alley – this is in the alley, not in the proposed area to be abandoned.

Exhibit one shows the way the Lorenzo's keep their property surrounding their home.

Chair Landquist: Could you submit a copy for the record or could we make a copy?

Ms Jamison: I have five exhibits to share today.

These mounds that they dump, they drive across the street to dump them on Mullan Road, as well, this is their garbage dumps. This is around the utility pole the electric man is trying to work around, as you can see they couldn't. They had to use their big equipment thing just to move all this stuff out of the way before they could begin to work and while they were working. All the weeds grow under around and in, this is year after year, this can not be mowed, can not be weed whacked, it can't be driven on. They drove a huge cherry picker over it but now it's all smashed down so much it's gonna have to be dug out and moved. Anyway, this is just part of what they had to walk through and deal with. Off further away toward down the end of the alley they throw their dog poo and they throw it in profusion and in this wet weather it all turns into a sea of a cesspool. The electric company, the linemen are absolutely first right and to see them having to walk around in their nice boots and shoes and the good work they do and always so friendly, they shouldn't have to walk around in 4 and 6-8 inches of dog poo in order to do your job; they said that's right. They wrote the letter and just as one is trying to finish it off and go someplace out the other says watch out for the dog poo, just cautioning him because he was getting ready to step into a whole big mound of it. That, I understand, is against the law for good reason, also with this weather, it's been warm up to this recently, it stinks to high heaven as well so they had to work in a lot of smell.

Exhibit two shows why it couldn't be mowed or weed whacked. What they do with all their garbage and I mean, all their garbage, because they have lots of garbage dumps all around; this is just the end of 4th Street. This garbage dumped from their Clinton Farms Greenhouse...all of their old potted dirt. What happens is the roots are bound tightly so again it can't be mowed, it can't be weed whacked, it's permanent.

Exhibit three is the same as exhibit two from the same area, Mullan Road, Lorenzo garbage dump. They drive their garbage from their house and their Clinton Farm Greenhouse across the street and dump it in Mullan Road, all up and down Mullan Road and I would ask you to look at this Mullan Trail of garbage, please. The linemen were concerned about utility poles, their garbage follows the utility poles all around.

I would mention that Clinton was the #2...#1 fire hazard in the county for two weeks, a couple years ago when we were having those big fires because of all the major utility lines that go through that area...for that reason. The Lorenzo's happen to like utility poles, they follow them around and they especially like to dump their stuff, you'll see when you go there. When you see, please, that utility pole in the back of their house, you'll notice the mound is about 5 feet high or more...that the utility people had to push out of the way of filth. These do gather all kinds of bugs...The smiling and laughing is disrupting.

Next exhibit is also in the middle of the street and it's where children play. This time what they have done is remove the blue cover from it; this is the pile of dirt that you mentioned, that is an encroachment in her little talk. When the dump truck came he asked 'where do you want me to put this, over there?' No, that was on her own property; just dump it in the street. So it's been sitting there for a long, long time. What happens, they take the tarp off and still leaves the hose there. This is rude to me. I see children play in there after this in the dirt and they use the hose or wherever they get their water - they spray in and hook it up and make mud pies, kids do that. Only this, when they make this, they forget they are in the street, most people driving through are pretty courteous, in fact, they all are (inaudible) where they park. When the children are playing and they forget what they are doing, I saw one of them jump up and a vehicle was coming by, it's a good thing the child jumped up and ran the other direction instead of in front of the car.

Commissioner Curtiss asked if this was in the section of 4th street they are talking about abandoning? Ms. Jamison replied it is. It's in the intersection of 4th street and the alley and that's why kids are at danger there...the cars coming by, if a kid just happens to be playing in back of the pile, the driver does not see the child.

Chair Landquist: I find it refreshing that kids are making mud pies; it was my favorite thing to do as a child. Kids now spend too much time inside.

Opposition to the abandonment. I did oppose it when David sat here and tried to push it through before without any paperwork and I oppose it now and always will oppose it...In the future. I need to put in context of that neighbor which they mention before I zero in on all the other Lorenzo problems with their false papers here. I want to say as you know there's quite a few abandonment's in that immediate neighborhood, surrounding my home already. There's more considered. I live in a dead end of Woodville Avenue, just trying to let you see all the difficulties I have, vehicles getting in and out as all the little connector roads are closed down. There are about fifteen reasons, or more significant reasons why this road should never be closed. Mullan Road as you know, I'm not sure if it goes across western Montana or where it goes but it's a major thoroughway in western Montana, it's one block away from where I live, my home. Since I have no other connecting roads that are real good at all, if this 4th street were abandoned...would turn not only the street that I'm on into a dead end, it would turn that alley into a dead end, as well right next to me because 4th Street is the only way out at that end of the alley. Where they dump their garbage, there's a cliff at the end of that. It would make a dead end of that road as well.

Addressing the false documents: The map is way outdated, as I mentioned there are other large greenhouses. They're planning to build another huge one in the street where they have that little sign and that's just a tent, a little canvas tent that replaced the frame thing.

Commissioner Curtiss asked Ms Jamison: "So you're saying the map does reflect where the roads are, it just doesn't show all the buildings?"

Ms Jamison: "yes, that's correct. They already have a huge big business here that is more than the traffic can handle. As I mentioned they have a lot of traffic problems already and including against my fence. When they fill this up, the right-a-way...here with the little flappin tent that's empty, if they would remove that...I'm asking the Commissioners to remove that, please, to order that be moved. It would be a huge advantage to removing that for the public."

Commissioner Curtiss asked Ms Jamison, "So you're saying on the side of the existing 4th Street, that's now just all grass?"

Ms Jamison: "It's a road, a nice road. One side is the road, the other side is grassy. Right now everything is on the road, you could drive around it. You will see it when you visit the site."

Ms. Jamison has requested to be notified when the meeting will be and the starting time. Commissioner Curtiss assured her they will set the time at the end of the meeting today. If there is a time change Ms Jamison has requested to be notified.

Looking at the map this is a major connecting road, straight onto Mullan Road which is the main throughway. There are so many of the little roads that are cut off now and abandoned, just chop them off and give them away...that there are not very many sections of road in Clinton anymore that are 60 feet wide, like this, that are essentially cleared out of any substantial encroachments, it's essentially cleared out. The empty canvas tent is not stacked in the ground at all, it's sitting on little rubber mats, I'm asking that they all be removed. I won't take everyone's time today but there are five other encroachments there, I will show them rather than mention them today, if you prefer. I'll go ahead and mention them today;

1. The dirt pile needs to be removed immediately...to their own property.

2. The tent.

3. A large log used for parking that is in the street but it's on their grassy area, it needs to be moved back toward the edge of the Street. I have solutions, not trying to make it look like everything can't work but there are some solutions here. As far as parking, so they don't keep banging in peoples neighbors and crowding people too much. They crowd the alley sometimes, you can't even get through, it blocks it off. This is what I mean, when businesses get too big and too many little side streets get cutoff and abandoned and given away then you'll end up with a fire situation like their creating in back of their house and the side of their house and the fire hazards that they are creating all down Mullan Road along these utility poles. When service vehicles want to come down there...just aren't going to be many places for them to come in to help people out unless that road is kept cleaned, in fact, cleared out.

4. There's a rubber pad that's sunken into the ground that is sitting in between some things in the middle of the road, it needs to be taken out and removed, I'm asking for that, please, removed and that land leveled so that this can be established as a right-of-way.

This is a road worth preserving and it needs to be preserved as a road. There really isn't much major to take away but really needs to be removed.

I would like to suggest taking that big log and moving it up against...this is just as a suggestion, there are other ideas, but putting that log up against their main big wood framed greenhouse that they now have. That's where their property line is and putting it up somewhere near there - where their customers can park up closer to that greenhouse but not up next to it. But, you know, leave a space but right up in there and clear that street out, so that vehicles really do need to come by. We need to

have plenty of room for all the ones that have been taken away. I do use that road myself all the time and then also, many of the neighbors do as well.

Commissioner Curtiss: “Ms Jamison, Is that how you get to your house, is on that street or do you come in on Woodville?”

Ms Jamison: “Generally I come in on Woodville with a vehicle; right now the vehicle isn’t working so I do a lot of walking and I also have plans for the future. I have built – when you come out the back of my fence...has an especially...a large space in between two of the fence posts where I have a lot of reflectors put up. I plan to put a gate up but couldn’t afford to when I moved in and did tons of stuff, but that was always the plan so that I would be able to drive in an out.”
Also, I need emergency vehicle access back there desperately. When I was taking down a lot of trees in the back, one of the gentlemen fell down and was unconscious, I didn’t know if he had a heart attack or what, he was unconscious for a long time.

I’m going to combine this with #1...moving ahead a little bit.

Ms Jamison addressed the Notice of Public Hearing; it says the abandonment of this county road is necessary and advantageous for the following reasons. None of these reasons are necessary, that the Lorenzo’s have given. All of the reasons...necessary for either the Lorenzo’s or the public, no need to abandon – quite the opposite, for the public. There’s no advantages. It states here – ‘the abandonment of this county road is necessary and adventitious’; this is on the middle of your form here that was #1. Excuse me, lets just go... #1 – they only have advantages to the Lorenzo’s, not to the public.

#1 is false; Lorenzo’s state 4th Street has no signage and is not maintained by the county. Now, I’ve taken pictures of the only streets I know that are numbered in Clinton, I may be wrong but I know there’s a group that’s all by themselves. 1st Street, 2nd Street, 3rd Street, 4th Street, 5th Street, 6th Street & 7th Street – all have signage. And only funny thing is...I’ve taken pictures of it, I’m making exhibits of all this stuff but the point is...and please look at those signs if you would, 1st Street when your coming down Mullan Road, 1st Street is on...just as you approach the post office. Then, in order 4th Street is where Lorenzo’s have placed their...have stolen, evidently stolen the street sign, that’s why they call it no signage. Only on 4th Street – you’ll see 1st Street, 2nd Street, beautiful big signs up – 3rd...all of them 1st, 2nd, 3rd skip 4th with the ‘joke’ sign and the stolen road sign. 5th, 6th, 7th are all up.

Commissioner Curtiss: Ms Jamison you may want to be careful about making liable statements –

Ms Jamison interrupted by saying I said ‘evidently’...

Commissioner Curtis said kids could have stolen the signs, the sign is missing, and that’s a fact.

Ms Jamison asked “which sign?” She asked Commissioner Curtiss to ask them (the Lorenzo’s) which sign they purchased.

Commissioner Curtiss: “It really doesn’t matter; the sign is missing, that’s all that matters”.

Chair Landquist asked if she wants to continue (was interrupted)....

Ms Jamison: “It kind of does matter and I was getting to my point and I was weaving this together. The ambulance couldn’t find my property because they had a ‘joke’ sign up, it matters.”

Chair Landquist: “a sign?”

Ms Jamison: “a joke sign, that’s why I was asking them to say what the sign says and I was

interrupted”.

Commissioner Curtiss: “The ambulance wouldn’t come that way, they can’t get through, you don’t have a gate. They would come down Woodville to get to you.”

Ms Jamison: “Now you’re telling me instead of asking me and you’re interrupting me, well I don’t mind being interrupted with questions, so I appreciate that and welcome it, that’s not my point. You’re speaking at me, you’re telling me what it is, better than asking a question.”

Commissioner Curtiss: “You just told us you didn’t have a gate”.

Ms Jamison: “There wasn’t...it was...they were loggers, they had cut the wire down and pulled it far apart so that they could log the tree”.

Now I’ll get back to what I was saying. This worker was lying on the ground; blue and cold and I went back into the house, of course, and called the ambulance – called 9-1-1. And, waited and waited and waited...and waited. And I...well let me tell you after I went back out and threw more blankets on him because he was getting cold, he was blue, he had been down on the ground over 20 minutes at this point. I was frantic in my mind; do I go call 9-1-1 again? Do I go run back to the front of my house to try to find the ambulance, physically? What do I do? 40 minutes went by with their ‘joke’ sign up and the ambulance, I’m looking down Woodville Ave – finally went back to the front of my house and I saw a horror site – the ambulance was going back and forth...like this...with a man laying blue on the ground...back and forth...like this...up and down the street, zipping up and down. 1st Street, 2nd Street, 3rd back and forth, back and forth, back and forth...like that. And I couldn’t chase it! I, I was frantic. Well, finally it showed up. The alley...that alley...and this is why we need that... one of the reason that I mentioned we needed that big space open. The alley was completely clogged, they tried to come down the 4th Street alley, and I told him...he was the one in the back, so you know how they come down 4th. They knew how they had to come to the back of my property and we certainly couldn’t bring him to the front, he was a big man and he was...um...so anyway. Finally, finally they came, they decided that he...realized that he had an epileptic fit and that – I thought that he had a heart attack and was half dead, but he had an epileptic fit. I never found out how – that the late ambulance affected him but that’s a serious concern and if this street is blocked off...there will not be...that will be a dead end and it will be even harder for emergency vehicles to get through.

Alright, so I would like you to look at the ‘joke’ sign, please when you’re there, if you would – it’s as well as the regular street signs that it has replaced and the ‘joke’ sign says – “Positively 4th Street” and that was like, I guess, their way of saying; well we tried to get it run through without paperwork so here we are and we’re going to resign ourselves to now, this is always going to be 4th Street, I guess that’s what they mean – “Positively 4th Street” anyway that’s the ‘joke’ sign. But, all’s you see is it’s on a different, different signage, it’s a different colored sign, it’s...um... hard to read it because it’s farther in off the street, it’s...um...little tiny words and I...it’s a smaller sign, it’s substandard, it really does need to be changed because it serves that whole community.

Now, I’m looking at this petition, they got a lot of names here but they don’t have...

Commissioner Curtiss: “Maybe we could explain this to you. So, the very front of the petition has the names of the land owners that live next to them, which your name is on there.”

Ms Jamison: ‘I’m sorry, my name is where?’

Commissioner Curtiss: ‘The very front; James took it apart so if you look at the one that says – ‘Request for Commissioner Action’ - that page, I’ll show you.

Ms Jamison now sees her name.

Commissioner Curtiss: “These are the neighbors that were notified. Ms Cox got up at the

beginning and said she checked the petition but the law doesn't require everybody who lives next door to be the one that signs. The Law says 10 people who own property in Missoula County".

Ms Jamison asked "don't the interested parties have to sign it? No sorry, not sign it but I mean don't they have to be notified; your point is the notified page."

Commissioner Curtiss: "So you were sent notification of this meeting today, right? You didn't get the whole packet but you were notified."

Ms Jamison: "just that, correct".

Commissioner Curtiss: "That's what the Law requires".

Ms Jamison asked if they could ask them (the Lorenzo's) if George Helmsley was aware of the way his house is angled, his garage was built that way. He doesn't have an RV, he's apparently the one that is...the one that.

Commissioner Curtiss: "He was notified of the meeting today and I think he probably knows how his house sits. Right?"

Ms Jamison: "I did ask a question though but... (It was clarified that he did sign the petition) I noticed that but I was asking a specific question."

Commissioner Curtiss: "I don't know, he signed it so I guess he felt he knew what he wanted to know..."

Ms Jamison: "yeah, ok, fine. Oh, I imagine that he may have signed it with keeping in mind what Debbie Lorenzo just said, that she plans to keep the dirt road open".

Commissioner Curtiss: "He signed this petition which says they're requesting to abandon the right-a-way and the reasons why. So, he understood what was being asked or he wouldn't have signed it."

Ms Jamison: "fine, but I have serious objections to it however."

Chair Landquist: "You made that clear, ma'am."

Ms Jamison: "I'm just saying that...ok...that it...what the Lorenzo's have said, sometimes they would do...if you'd notice with the garbage and various things, is not necessarily what happens and that might have been something that may or may not happen, if they put a fence across that road. But as you say, would be a matter between private property owners, I guess, at that point. But if he signed it, he should know what he's signing."

Commissioner Curtiss: "If you've shown us all of your exhibits, I can make copies so we make sure we have them in our record."

Chair Landquist asked if there were any other public comments. She also reminded everyone that there will be a site visit and mostly then reschedule, continuing this hearing for another date.

Ms Jamison stated that it will be very difficult for her to come back so she would like to finish hers today, please.

Ms Jamison: I am asking for the joke sign to be taken down and put the other regular sign back up, please.

Then #3 – no #2, improvements have been made and paid for by the Lorenzo's, well they're improvements that benefits the Lorenzo's, you know, so if they wanted to make them, fine. The only

problem with that is it goes against the Missoula County Policy, Road Construction Policy. My understanding is that you have to have permission before you make construction on a Road...of any kind. Is that Correct? That's the policy that was told to me by someone faxed it me from the Road Dept, Public Works Dept.

Chair Landquist: "We can certainly check on that."

Ms Jamison: "You don't have an answer to that?" "Okay" "You don't necessarily know if that's policy?"

Chair Landquist: "On an un-maintained county road I think it's fairly common for some people to make improvements or changes that they think are beneficial but often times permitted as granted if they request it or stuff."

Ms Jamison: "If they request".

Chair Landquist: "I can't give you an answer to that but you made your statement and posed your question and we can certainly follow-up on that."

Ms Jamison: "ok good, because if they request it...you know, my point is that I was told by the Road Dept – instructed with a hand written note; 'no construction is to be put on a road without permission'. So, I'm just saying if you would check that out I would appreciate it."

Chair Landquist: "I'm not sure if we're comparing Apples to Apples or not, maybe you were maybe making changes or trying to make changes that is a maintained road vs. an un-maintained road, but we'll certainly check on the question you posed here today."

Ms Jamison: "Thank you".

Ms Jamison: The third one on there is the Lorenzo's wish to make further improvements at their expense, that's not something that's advantageous to the public. They're planning on crowding the area more; taking up the space, taking up the parking space they badly need now...desperately need now for the greenhouse. They will need even more parking spaces. Crowd the alley. And have trouble having the emergency vehicles come through and fire suppression vehicles come through.

Now one of the other garbage dumps that the Lorenzo's maintain are, or adds to, on a daily basis is the one that's directly in back of their property, across the alley. And into this garbage dump David Lorenzo takes tree branches and throws them...big ones, little ones...over they go.

Chair Landquist: "takes what?"

Ms Jamison: "Tree branches, his debris, his garbage. And, he throws them over into his neighbors' back yard. Now, his neighbor lives on the floodplain down below, can't see really what's happening to the back of his yard...back of his garbage dump because David Lorenzo's hidden by trees in between. There's trees here, in between the neighbors house, down the floodplain, so over it goes to all these...he's creating another fire hazard with that and it may come back on him to bite him because fire does go up hill and if it...that starts down there in that floodplain with that big bonfire that he's building, that if it does start, it gonna race up the hill...fire does."

James McCubbin: "Ms Jamison to explain how her comments tie into the issue here which is the proposed abandonment of this road. Can you tie this back to the abandonment petition?"

Ms Jamison: "Yes I will, but what I'm doing here is meeting your request to put the issues that were not part of the road here in this part, so that the others could leave."

James McCubbin: “Okay, fair enough.”

Ms Jamison: “I have to collect my thoughts again...I will combine it, make the point together by saying that, first of all, I’m asking that all these encroachments that are in the road to be taken out...that they’re...like the dirt thing, but you know, the part that...I need to collect my thoughts. There are some very significant reasons why that road should not be closed as far as the public is concerned. Garbage delivery or garbage service comes right down that alley and when I have my new gate, when I can afford to do that, I’m gonna put my garbage right there by that gate, where I can put it out. And I’m gonna be using that gate a lot but the garbage truck does come down there and it would take him 450 feet if he had to back up. He comes in from 3rd Street and when he served me down there before, he comes down and he turns and goes down the 4th Street - out. Just like Governor Sweitzer said you know we need to have...he says it every summer, he gets on TV and says it numerous times...we need to have two ways in, a way in and a way out for fire suppression access. That’s why we need to have on that alley to have fire suppression access or any other vehicles, especially with the crowding of the parking situation. We need to have the entry from 3rd Street, the alley to be cleared all the way down through the alley and the OUT on that very important connective road that one that’s proposed to be abandoned. So, it needs to keep...it’s a way in and out for all the people on that alley because closing that alley off is going to make that a dead end alley, next to my dead end street.”

James McCubbin: “Ms Jamison, have you had garbage service on that side before?”

Ms Jamison: “The people who lived there before me did and I take mine out...I save mine and take it down at one time.” But, like I said a minute ago, my plan for the future is when I can afford to put a gate in there, that’s what I’m gonna do.

Commissioner Curtiss: “didn’t you previously state that the alley is pretty blocked up and not easy to drive down now? It’s not really used as an alley is it much?”

Ms Jamison: “It’s used everyday, its used everyday”. “You mean the alley itself?”

Commissioner Curtis: “Yes”

Ms Jamison: “The gentleman who has the motorcycle in that yellow house, he’s back and forth there all the time.” “And I go down that alley all the time with my car. I go down for various reasons; Mullan Rd is a major road.”

Commissioner Curtis: “Okay”.

Chair Landquist: “I guess we’ll determine that when we do the site visit. Somebody else raised their hand but I know you were about to rap it up a little bit.”

Ms Jamison: “Go ahead”.

Debbie Lorenzo: “This is a letter from Phyllis’ neighbor to the North on the back side of the alley thanking us for keeping the property maintained and clean. The power pole, she hasn’t really pointed it out here, that Phyllis is talking about is back here at the edge of our property. The alley goes over a cliff and the alley was actually abandoned probably five years ago by the county commissioners on 5th Street. The issue with the sign is, we’ve purchased that sign because the Street Dept said it needs to be in on your own property and can’t have a legal sign because it’s not a legal street and it’s confused – ‘positively 4th Street’ is an old Bob Dylan Song, we’re Dylan fans but it did clearly mark it. We purchased that sign and it’s on our property.”

Ms Jamison: “What happen to the original sign, it’s the only one missing out of the series?”

Debbie Lorenzo: "There's never been a sign; I've been there for 30 years."

Chair Landquist: "Thank you Ms Lorenzo".

Ms Jamison: "I'd still like the joke sign taken down".

Chair Landquist: "Ms Jamison, you've given us a list of things and you continue to give us a list of things to be (inaudible) of when we go out there and check and we will do our job. But our job here is not to put people against one another, I would ask you to be careful what you say and don't set yourself up for bad mouthing people that could come back and cause them to come back at you. Sometimes we tend to be our own worst enemies."

Ms Jamison: "I'm concerned about the man that laying blue on the ground".

Chair Landquist: "Yes ma'am".

Ms Jamison: "and I'm not bad mouthing people, I'm trying to solve problems".

Chair Landquist: "Yes ma'am".

Commissioner Curtiss: Ms Jamison "Did you have anything new to add because you've given us quite a list of things to check when we go out there?" "Is there anything that you haven't got to on your list yet?"

Ms Jamison: "I'll look it over and see I think I've covered just about everything let me see if there's something else here."

David Lorenzo: "I think that 5th encroachment that she can't remember is that hundred plus year old pine tree that sits in the street."

Ms Jamison: "No, that wasn't the one I was talking about, I was thinking about leaving that maybe...even though it's in the street, for your front yard."

Chair Landquist: "You already said that you want to be present. Can we, I guess, I've already been kind of told that I guess I'll be the reviewer on this. So, we're not going to make a decision today we have to go out and do a site visit, so I'm it I guess with Steve Smith or who?"

Steve Smith: "Yes, I'll be traveling with ya".

Chair Landquist: "Steve, do you have good tires on the rig this time?"

Steve Smith: "If we're driving I'll make sure".

Chair Landquist: "Okay".

Steve Smith: "At your convenience, let me know what time you would like to leave the courthouse".

Chair Landquist: "Well, 1:30 – usually that's what the time that meeting is, isn't it?"

Steve Smith: "So we can the courthouse at 1:30 and it's approximately 15-20 minute 30 minute drive?"

Chair Landquist: "I'm seeing head shakes yes, so yep". 19 miles.

Commissioner Curtiss: "So sometime between 1:50 and 2:00 - we should be on site" (Steve

Smith)

Chair Landquist: "Okay, Next Tuesday the 16th", November 16th."

James McCubbin: "Does this work for all the property owners? Ms Jamison does this work for you?"

Ms Jamison: "I'm sorry, what?"

James McCubbin repeated "Does Tuesday the 16th in the afternoon work for you?"

Ms Jamison: "Tuesday the 16th in the afternoon, yes I think that will be fine, if not I'll let you know but I....Tuesday, what day?"

James McCubbin repeated "next Tuesday November 16th starting at 1:50pm"

Ms Jamison: "Tuesday the 16th - 1:50"

James McCubbin: "Specifically what location are you going to start out at? Maybe the intersection of Mullan and 4th?"

Steve Smith: "I think that sounds like a great idea."

Chair Landquist: "yea."

Ms Jamison: "okay."

Chair Landquist: "And then the question is; do we have enough time to write up the reviewers report for the next date which would be Wednesday or do we want to put it off for a week?" "What were you looking at?"

Commission Curtiss: "Are we having a meeting on the 17th though?"

James McCubbin: "I'd recommend against trying to squish it in one day."
Chair Landquist and Commissioner Curtiss both agreed.

Chair Landquist: "Does this work for everyone?" ...Head nodes from everyone.

Ms Jamison: "I'm on the last little tiny bit here of what I'm reviewing to see that I...I think I've covered everything just about, if I may? Is that what you're asking me?"

Chair Landquist: "Well, no I wanted to make sure..."

James McCubbin: "You can make further comments at the site visit, at the continuation of the Hearing or you can submit something in writing."

Ms Jamison: "Yea, I'd like to finish it up though, to summarize it or finish it up here. I've kind of almost finished, I'd like to finish it."

Chair Landquist: "Okay – this hearing date will be continued, aside from the site visit, which is next Tuesday, and then we'll continue this December 1st here at 1:30."

Ms Jamison: "And that's the time that you will make you're decision, is that correct?"

Chair Landquist: "Most likely, yes."

Ms Jamison: "Okay."

Chair Landquist: "Kim, you had your hand up a little while ago, did you still want to say something, on the record?"

Kim Cox: "At another time."

Ms Jamison: "Okay, if I have more...then I'll just cover it another time when you come out or at the next meeting that will be fine. I'm opposed to this abandonment now and any time in the future."

Chair Landquist: "Thank you"

Chair Landquist: "Are there any other comments regarding this petition to abandon a portion of 4th Street?"

Commissioner Curtiss: "Mr Lorenzo, do you currently have your garbage picked up and do they come down the alley to get it?"

Mr. Lorenzo: "Yes, I have it picked up by BFI; I don't know why I'm spending so much money with them if I'm dumping my garbage everywhere. And no, they do not come down the alley; they pick it up on Mullan Road."

Commissioner Curtiss: "Okay, do they pick up any of your neighbors' on the alley, do you know?"

Mr Lorenzo: "They picked up George's for a while but I think since the alley at times is impassable, especially in the wintertime, he puts it out on Mullan Road too. I'm not positive on that, Jean."

Commissioner Curtiss: "Okay, thank you."

Ms Jamison: "I would like to make one final comment; regarding something that Mr Lorenzo, David Lorenzo said here, when he was talking about the abandonment, why he wanted it. He repeated it over and over again, the reason he wanted it was so that he could control that road. I don't know if that's a necessary reason to abandon a road. That would cause so many problems for it to be closed off when it's such an essential connecting road to the homes, and service vehicles."

Chair Landquist: "Thank you ma'am". "Is there any other business?"

None.

Executive Session

Well we've already established that we'll close this hearing and reopen it again...recess it because we've got the site visit to do and then in a couple weeks we'll come back with a full blown report and can take further comments, so without further a due, we'll recess this hearing at this time."

8. Other Business
None

9. RECESS

there being no further business to come before the Board, the Commissioners were in recess at 3:23pm.